

MONDAY, MARCH 20, 1978



highlights

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

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
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	HEW/NIH			HEW/NIH
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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

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

federal register

Phone 523-5240

Area Code 202



Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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123	11229
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116	8561
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130	8561
161	8561
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285	10592

presidential documents

[3195-01]

Title 3—The President

PROCLAMATION 4553

Small Business Week, 1978

By the President of the United States of America

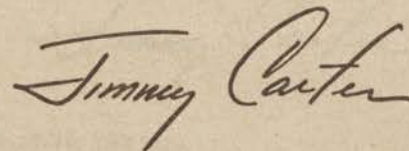
A Proclamation

Small business has been the economic backbone of American life since the earliest colonial days. Traders, craftsmen and merchants spurred the economy and played a vital role in the Nation's westward movement and growth. They helped create the multitude of opportunities that distinguish our free enterprise system—the system which has made American progress the envy of the world.

Of the 14 million businesses in the United States today, more than 13 million of them are small, including some three million farms. Together, they provide employment for over half the business labor force and account for more than 48 percent of the gross business product. America's prestige in the world today could never have been achieved without this outstanding productivity.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the week beginning April 30, 1978, as Small Business Week, and I urgently call on every American to join me in this very special tribute.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of March, in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred and second.



[FR Doc. 78-7429 Filed 3-16-78; 3:44 pm]

Presidential documents

Table 1-100-1

Small Business Week 1978

At the President's request, the following documents are being made available to the public.

1. Introduction

Small business is a vital part of our nation's economy. It provides the majority of new jobs and is the source of many of our nation's innovations. It is the backbone of our economy and the lifeblood of our communities. Small business is the engine of growth and the source of opportunity for all Americans.

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[3195-01]

PROCLAMATION 4554

World Trade Week, 1978

By the President of the United States of America

A Proclamation

From the days of its founding, the United States has always been a trading nation. Commercial relations with the rest of the world enabled our country to develop, prosper, and grow strong. Today, more than ever, international trade is essential to our national well-being.

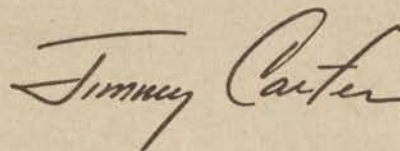
For the American consumer, expanded trade means broader choices in the marketplace. For American business, it means more opportunities to sell the products of American ingenuity in the world's markets. For the American worker, it means more jobs at home.

International trade encourages the exchange of ideas as well as knowledge and experience among nations. It helps make better use of global resources and nurtures trust among the world's nations.

The United States is firmly committed to fair and open trade. To that end, we and our trading partners are pledged to eliminate impediments to trade, bring about sound and liberal trade rules, and keep the world's economy moving ahead.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States, do hereby proclaim the week beginning May 21, 1978, as World Trade Week, and I urge that all the people of the United States participate during this week in activities that will promote continuing awareness of the importance of world trade to our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of March, in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred and second.



[FR Doc. 78-7430 Filed 3-16-78; 3:45 pm]

[3195-01]

PROCLAMATION 4555

National Maritime Day, 1978

By the President of the United States of America

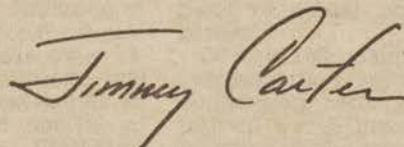
A Proclamation

The American Merchant Marine is the lifeline that links America with its overseas trading partners. In times of peace, it builds our economy; in times of national emergency, it provides logistic support to our armed forces.

In recognition of the importance of the American Merchant Marine, the Congress, by joint resolution of May 20, 1933 (48 Stat. 73; 36 U.S.C. 145), designated May 22 of each year as National Maritime Day in commemoration of the departure from Savannah, Georgia, on that date in 1819 of the SS SAVANNAH on the first transatlantic voyage by any steamship, and requested the President to issue annually a proclamation calling for its appropriate observance.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby urge the people of the United States to honor our American Merchant Marine on May 22, 1978, by displaying the flag of the United States at their homes and other suitable places, and I request that all ships sailing under the American flag dress ship on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of March, in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred and second.



[FR Doc. 78-7431 Filed 3-16-78; 3:46 pm]

rules and regulations

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

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

[6714-01]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

PART 338—FAIR HOUSING

Fair Housing Advertising, Poster, and Recordkeeping Requirements

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rules.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) adopts a new Part 338 to its rules and regulations which: (1) Incorporates an amended version of the advertising and poster requirements contained in the FDIC's policy statement on fair housing entitled "Nondiscrimination in Real Estate Loan Activities," and (2) establishes recordkeeping requirements for monitoring insured State nonmember bank compliance with the Federal fair housing laws. The regulations are intended to provide a basis for a more effective FDIC fair housing enforcement program.

EFFECTIVE DATE: May 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Jerry L. Langley, Attorney, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429, telephone 202-389-4237.

SUPPLEMENTARY INFORMATION: On October 7, 1977, the FDIC published proposed fair housing regulations (42 FR 54566) pertaining to the home loan practices of insured State nonmember banks. The regulations were proposed by the FDIC under its responsibility to require and enforce insured State nonmember bank compliance with the Fair Housing Act (42 U.S.C. 3601, et seq.) and the Equal Credit Opportunity Act (15 U.S.C. 1691, et seq.). Comments on the proposed regulations were solicited from the public. After a careful review of all comments received, the Board of Directors has decided to adopt the regulations as originally proposed, with the following modifications:

(1) Minor changes were made with respect to the terms defined in § 338.1. The terms "Applicant," "Application,"

"Dwelling," and "Inquirer" were modified for purposes of clarification. The definitions of the terms "Home Mortgage Loan" and "Home Improvement Loan" were incorporated in the definition of the term "Home Loan." The language of the home improvement loan portion of the definition was changed to exclude unsecured home improvement loans. Also, a definition of the term "Inquiry" was added.

(2) Section 338.2 concerning nondiscriminatory advertising was changed to state more completely the manner in which a bank may satisfy the Equal Housing Lender notice requirement specified in the section.

(3) Minor editorial changes were made in section 338.3 entitled "Equal Housing Lender Poster" for purposes of clarification. Also, a paragraph was added to indicate that the fair housing poster specified in the section replaces the existing poster now being used by insured State nonmember banks.

(4) Substantial changes were made in the recordkeeping requirements of § 338.4, with the most significant being listed below:

(a) To facilitate the identification of recordkeeping requirements for a particular bank, the recordkeeping requirements were reorganized and listed according to two categories of banks: (i) Those located outside of Standard Metropolitan Statistical Areas ("SMSAs") or having \$10 million or less in total assets and (ii) those located within SMSAs and having total assets exceeding \$10 million.

(b) The recordkeeping requirements were changed for rural banks (i.e., banks located outside of SMSAs) and banks with \$10 million or less in total assets. These banks are not required to request the extensive credit-related information outlined in the proposed regulations with respect to applications; nor are they required to keep log-sheets on applicant and inquirer information. However, the banks located within SMSAs and with total assets exceeding \$10 million will be required to request the credit-related information from home loan applicants and to maintain log-sheets on applicant and inquirer information.

(c) Except for census tract information, the credit-related information which is to be requested for home loan applications was changed to conform with that listed on the Residential

Loan Application form contained in Appendix B of Regulation B of the Board of Governors of the Federal Reserve System (12 CFR Part 202, Appendix B). The information may be recorded by a bank on one or more forms which it is presently using.

(d) The separate recordkeeping requirements and sample loan forms for home mortgage loans and home improvement loans were eliminated. One set of requirements was established for both types of loans.

(e) New Collection of Data paragraphs (§§ 338.4(a)(1)(ii) and 338.4(a)(2)(iii)) were added to provide guidance to the banks concerning when the information is to be collected and what the bank is required to do in the event the requested information is not provided by an applicant or inquirer.

(f) A new requirement was added to the Disclosure paragraph (§ 338.4(b)(3)) which requires a bank to advise an applicant or an inquirer that if the applicant or inquirer refuses to provide the information concerning race/national origin or sex, the bank is required to note the information on the basis of visual observation or surnames.

Of the 188 comments received, the vast majority were from insured State nonmember banks (or their representatives) which generally opposed the issuance of the recordkeeping portion of the regulations on the ground that it would impose an unwarranted burden on their institutions. Accordingly, they suggested that this part of the regulations should not be adopted. The FDIC believes that the recordkeeping component of the regulations is essential for an effective fair housing enforcement program because it requires the compilation of records necessary for monitoring compliance with the fair housing laws. While it recognizes that the provisions will place some additional burden on the banks, it does not believe that the burden is so significant as to warrant the elimination of those provisions. As was noted by the American Bankers Association in its comments, virtually all of the information required to be requested by the proposed regulations is already maintained by most banks. The FDIC has made every effort to impose the minimum administrative burden on the banks consistent with its need to carry out its monitoring and enforcement responsibilities.

under the Fair Housing Act and the Equal Credit Opportunity Act. The FDIC will review the recordkeeping requirements periodically for the purpose of assessing their effectiveness.

Among the other suggestions which were not adopted are the following:

(1) It was suggested that the recordkeeping requirements on inquirers be eliminated because inquirers are not likely to provide the requested information and may be discouraged from pursuing questions related to the lending activities of a bank. FDIC has concluded that the information on the inquirers is needed for monitoring discriminatory prescreening activity by banks in their home loan programs. It believes that, with the appropriate disclosures to the inquirer as specified in the regulations, insured State nonmember banks should be able to obtain the information in most cases without the difficulties mentioned above.

(2) It was suggested that the provision directing banks to make race and sex notations about inquirers and applicants on the basis of visual observations should be eliminated because it requires an unwarranted invasion of personal privacy. The FDIC does not believe that the requirement involves a question of invasion of personal privacy since it merely requires a bank officer to record for FDIC's enforcement program that information which the bank officer has observed and will generally possess in any event. The observation requirement has been included in order to maximize the amount of information collected for monitoring purposes.

(3) It was suggested that the footnote in § 338.4(a) concerning a bank's use of the collected information be expanded to include guidance regarding actions by banks which could have illegal discriminatory effects. In view of the complexity of the subject and the unsettled state of the law in this area, the FDIC has concluded that the subject should be given additional consideration.

(4) It was suggested that the recordkeeping requirements should include a provision which would permit States to substitute their own fair housing recordkeeping requirements for those required by FDIC. The FDIC is not aware of any present State requirements which are comparable to those contained in its regulations. In any event, it has concluded that in order to retain data uniformity, such a provision should not be included.

In consideration of the foregoing, the regulations are adopted as set forth below, effective sixty (60) days from the date of publication in the FEDERAL REGISTER. In 12 CFR a new Part 338 is added as follows:

Sec.

338.1 Definitions.

338.2 Nondiscriminatory advertising.

338.3 Equal housing lender poster.

338.4 Recordkeeping requirements.

338.5 Mortgage lending of a controlled entity.

AUTHORITY: Sec. 2, Pub. L. 86-671, 74 Stat. 547 (12 U.S.C. 1817); sec. 8, Pub. L. 797, 64 Stat. 879, as amended by sec. 202, 204, Pub. L. 89-695, 80 Stat. 1046, 1054, and sec. 110, Pub. L. 93-495, 88 Stat. 1506 (12 U.S.C. 1818); sec. 9, Pub. L. 797, 64 Stat. 881, as amended by sec. 205, Pub. L. 89-695, 80 Stat. 1055 (12 U.S.C. 1819); sec. 203, Pub. L. 89-695, 80 Stat. 1053 (12 U.S.C. 1920(b)); sec. 805, Pub. L. 90-284, 82 Stat. 83, 84, as amended by sec. 808, Pub. L. 93-383, 88 Stat. 729 (42 U.S.C. 3605, 3608); sec. 501, Pub. L. 93-495, 88 Stat. 1521, as amended by sec. 2, Pub. L. 94-239, 90 Stat. 251 (15 U.S.C. 1691, et seq.); 40 FR 49306, 12 CFR Part 202; 37 FR 3429, 24 CFR Part 110.

§ 338.1 Definitions.

(a) "Applicant" means a natural person, including a coapplicant, who makes an application.

(b) "Application" means a written, or an oral in-person,* request for a home loan by a natural person which is received on a bank's premises by any person at the bank who customarily receives or is authorized to receive such requests.

(c) "Bank" means an insured State nonmember bank as defined in section 3 of the Federal Deposit Insurance Act.

(d) "Controlled entity" means a corporation, partnership, association, or other business entity with respect to which a bank possesses, directly or indirectly, the power to direct or cause the direction of management and policies, whether through the ownership of voting securities, by contract or otherwise.

(e) "Dwelling" means any building, structure (including a mobile home), or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more natural persons and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

(f) "Home loan" means any extension of credit relating to:

(1) The purchase or construction of or the refinancing for a dwelling which is or will be comprised of one to four residential units, at least one of which the applicant intends to occupy as a principal residence, and which secures or will secure the extension of credit; or

(2) The improvement, repair or maintenance of a dwelling which is comprised of one to four residential units, at least one of which the appli-

*Telephone communications are excluded.

cant intends to occupy as a principal residence, and which secures or will secure the extension of credit.

(g) "Inquirer" means a natural person who makes an inquiry.

(h) "Inquiry" means a written, or an oral in-person,* request for information about the terms of a home loan by a natural person on his behalf which is received on a bank's premises by any person at the bank who customarily receives or is authorized to receive such requests.

§ 338.2 Nondiscriminatory advertising.

(a) Any bank which directly or through third parties engages in any form of advertising of loans for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling shall prominently indicate in such advertisement, in a manner appropriate to the advertising medium and format utilized, that the bank makes such loans without regard to race, color, religion, sex, or national origin.

(1) With respect to written and visual advertisement, this requirement may be satisfied by including in the advertisement a facsimile of the logo-type with the Equal Housing Lender legend contained in the Equal Housing Lender Poster prescribed in § 338.3(b).

(2) With respect to oral advertisement, this requirement may be satisfied by a statement, in the spoken text of the advertisement, that the bank is an "Equal Housing Lender."

(3) When an oral advertisement is used in conjunction with a written or visual advertisement, the use of either of the methods specified in subparagraphs (1) and (2) will satisfy the requirements of this paragraph (a).

(b) No advertisement shall contain any words, symbols, models or other forms of communication which express, imply, or suggest a discriminatory preference or policy of exclusion in violation of the provisions of the Fair Housing Act or the Equal Credit Opportunity Act.

§ 338.3 Equal housing lender poster.

(a) Each bank engaged in extending loans for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling shall conspicuously display an Equal Housing Lender Poster in any public lobby and area within the bank where deposits are received or where such loans are made in a manner clearly visible to the general public entering such areas.

(b) The Equal Housing Lender Poster shall be at least 11 by 14 inches in size and have the following text:

*Telephone communications are excluded.



EQUAL HOUSING
LENDER

We Do Business in Accordance With the
Federal Fair Housing Law

IT IS ILLEGAL, BECAUSE OF RACE, COLOR
RELIGION, SEX, OR NATIONAL ORIGIN TO:

- [] Deny a loan for the purpose of purchasing, constructing,
improving, repairing, or maintaining a dwelling or
- [] Discriminate in fixing the amount, interest rate,
duration, application procedures, or other terms or
conditions of such a loan.

IF YOU BELIEVE YOU HAVE BEEN DISCRIMINATED AGAINST
UNDER THIS LAW, YOU MAY SEND A COMPLAINT TO:

Assistant Secretary for Fair Housing and Equal Opportunity
Department of Housing & Urban Development
Washington, D.C. 20410

or

The Office of Consumer Affairs and Civil Rights
Federal Deposit Insurance Corporation
Washington, D.C. 20429

IT IS ALSO ILLEGAL UNDER THE EQUAL CREDIT
OPPORTUNITY ACT TO DISCRIMINATE IN EXTENDING CREDIT:

- [] On the basis of race, color, religion, national origin,
sex, marital status, or age (providing the applicant
has the legal capacity to enter a binding contract),
- [] Because income is from public assistance,
- [] Because a right was exercised under the Consumer Credit
Protection Act.

IF YOU BELIEVE YOU HAVE BEEN DISCRIMINATED AGAINST
UNDER THIS LAW, YOU MAY SEND A COMPLAINT TO THE
FEDERAL DEPOSIT INSURANCE CORPORATION AT THE ABOVE ADDRESS
OR ANY FDIC REGIONAL OFFICE

(c) The Equal Housing Lender Poster specified in this section was adopted under §110.25(b) of the United States Department of Housing and Urban Development's rules and regulations as an authorized substitution for the poster required in §110.25(a) of those rules and regulations. It replaces the poster required by FDIC's 1972 policy statement on fair housing entitled "Nondiscrimination in Real Estate Loan Activities."

§338.4 Recordkeeping requirements.

(a) *Records to be retained.*¹ (1) A bank which has no office located in a Standard Metropolitan Statistical Area ("SMSA"), as defined by the Federal Office of Management and Budget, or which had total assets as of December 31 of the preceding calendar year of \$10 million or less shall request and retain the following information:

(i) *Data on home loan inquirers and applicants.*

(A) Name.

(B) Address.

(C) Race/national origin, using the categories American Indian or Alaskan Native; Asian or Pacific Islander; Black; Hispanic; White; or Other (Specify).

(D) Sex.

(E) Marital status, using the categories married, unmarried, and separated.

(F) Age.

(G) Location (street address, city, state, and zip code) of property being purchased, constructed, improved, repaired, or maintained.

(ii) *Collection of data.* No bank shall engage in any activity which discourages an applicant or inquirer from providing the information in paragraph (a)(1)(i) of this section. Each bank shall attempt to collect the information in the subparagraph during the initial contact with the inquirer or applicant. If the applicant or inquirer refuses to furnish all or part of this information, the bank shall note the fact or have the applicant or inquirer note the fact on the form used for recording the information. If the information regarding the race and sex is not voluntarily furnished, the bank shall, on the basis of visual observations or surnames, separately note the information on the form or an attached document.

(2) A bank which has an office in an SMSA and which had total assets exceeding \$10 million as of December 31 of the preceding calendar year shall

¹These records are to be retained for the purpose of monitoring compliance and may not be used for the purpose of extending or denying credit or fixing credit terms where prohibited by law.

request and retain the following information:²

(i) *Data on home loan inquirers and applicants.*

(A) Name.

(B) Address.

(C) Race/national origin, using the categories American Indian or Alaskan Native; Asian or Pacific Islander; Black; Hispanic; White; or Other (Specify).

(D) Sex.

(E) Marital status, using the categories married, unmarried, and separated.

(F) Age.

(G) Location (street address, city, State, and zip code) of property being purchased, constructed, improved, repaired, or maintained.

(ii) *Additional data on applications for home loans.*

(A) Other characteristics of applicants.

(1) *Employment.* (i) Number of years employed in present line of work or profession.

(ii) Self-employed—Yes or No.

(iii) Years on Present Job—(Number of continuous years employed by the current employer. For self-employed persons, the number of continuous years self-employed. If a person is not employed, record as zero years.)

(2) *Income.* (i) Base Employment Income. (Enter only normal monthly base salary, wages and retirement income. For self-employed persons, enter average or normal monthly income.)

(ii) Other Income. (Average per month. If received on a regular basis include, by so stating, overtime pay bonuses, commissions, dividends, interest, rental income, and income from part-time employment. Include alimony, separate maintenance and child-support payment information only if the applicant has been advised that such information need not be provided and elects to have it considered.)

(3) *Number of dependents.* (Each dependent should be counted only once. The applicant and any co-applicant(s) should be excluded.)

(4) *Total assets.* (i) Liquid assets. (Include all cash and other items which are readily convertible to cash (e.g., checking, savings, and time deposit accounts at banks, savings and loan associations, credit unions, or similar institutions; stocks and bonds for which

²Except for census tract information in paragraph (a)(2)(ii)(B)(5), all information is listed on the Residential Loan Application Form contained in Appendix B of Regulation B of the Board of Governors of the Federal Reserve System (12 CFR Part 202, Appendix B). The information may be recorded on the Regulation B model Residential Loan Application Form or on one or more existing form or forms used by the bank.

there is a ready market; and the cash surrender value of any life insurance policies.)

(ii) All other assets.

(5) *Total liabilities.* Exclude any liabilities which will result from the approval of the application and list the following:

(i) Liabilities which will be satisfied upon sale of real estate owned, or upon refinancing of property, associated with this application.

(ii) All other outstanding liabilities.

(6) *Total monthly payments on liabilities.* Exclude any payments on liabilities which will result from the approval of the application and list the following:

(i) Payments on liabilities which will be satisfied upon sale of real estate owned, or upon refinancing of property, associated with this application.

(ii) All other payments on outstanding liabilities.

(7) *Customer(s) of Bank—Yes or No.*

(B) Characteristics of subject property.

(1) Year Built.

(2) Purchase Price or Approximate Current Market Value.

(3) Value of Land (Construction Loan Only).

(4) Street Address, City, County, State, Zip Code.

(5) Census Tract.

(6) Number of Residential Units.

(C) Characteristics of loan request.

(1) Purpose of loan. (i) Purchase of existing dwelling. (ii) Refinancing of existing home loan. (iii) Construction loan only. (iv) Construction-Permanent. (v) Other, including loan for improvement, repair, or maintenance (specify).

(2) Type mortgage. (i) Conventional.

(ii) VA. (iii) FHA. (iv) Other (specify).

(3) Amount of Loan.

(4) Interest Rate.

(5) Months to Maturity. (For short-term, renewable mortgages or those with some other provision for varying rates, a brief explanation of the provisions should be appended to the application form.)

(6) Monthly Payment, Principal and Interest.

(7) Estimated Total Closing Costs. (Excluding downpayment.)

(8) Estimated Closing Costs Paid by Seller.

(9) Estimated Real Estate Taxes and Insurance. (Indicate annual or monthly.)

(iii) *Collection of data.*

(A) Each bank shall attempt to collect that information in paragraph (a)(2)(i) of this section during the initial contact with the inquirer or applicant. If the applicant or inquirer refuses to furnish all or part of this information, the bank shall note the fact or have the applicant or inquirer note the fact on the form used for recording the information. If the infor-

mation regarding race and sex is not voluntarily furnished, the bank shall, on the basis of visual observations or surnames, separately note the information on the form or an attached document.

(B) No bank shall engage in any activity which discourages an applicant or inquirer from providing the information in paragraphs (a)(2)(i) and (a)(2)(ii) of this section. If the bank is unable to obtain any part of the information requested of the applicant under paragraph (a)(2)(ii) of this section, it shall note the reason in the application file. Also, if the bank rejects an application before it has had the opportunity to collect all of the information under paragraph (a)(2)(ii) of this section, it shall note the reason for the rejection in the application file and need not obtain the remaining information.

(iv) *Log-sheet.* In addition to the other recordkeeping requirements specified in this paragraph (a)(2) of this section, each bank covered by the provision shall keep a log-sheet on its home loan inquiries and applications by bank office. The log-sheet shall contain the information reflected on the sample form in Appendix A. The bank shall be able to trace each entry on the log-sheet to the relevant inquiry or application file, using the name of the inquirer or applicant or a unique case number assigned by the bank.

(b) *Disclosure to applicant or inquirer.* The bank shall advise an applicant or inquirer that:

(1) the information regarding race/national origin, marital status, age and sex in paragraphs (a)(1) and (a)(2) of this section is being requested to enable the Federal Deposit Insurance Corporation to monitor compliance with the Federal Fair Housing and Equal Credit Opportunity Acts which prohibit creditors from discriminating against applicants or inquirers on these bases;

(2) the Federal Deposit Insurance Corporation encourages the applicant or inquirer to provide the information requested;

(3) if the applicant or inquirer refuses to provide the information concerning race/national origin or sex, the bank is required, where possible, to note the information on the basis of visual observations or surnames.

(c) *Record retention.* Each bank shall retain the records required by §338.4 for 25 months after the bank notifies an applicant of action taken on an application or after the date of receipt of an inquiry. This requirement applies to records of home loans which are originated by the bank and subsequently sold. The Federal Deposit Insurance Corporation may by written notice extend the retention period.

(d) *Substitute system.* The recordkeeping provisions of §338.4 constitute a substitute monitoring program adopted under §202.13(d) of Regulation B of the Board of Governors of the Federal Reserve System (12 CFR 202.13(d)). A bank collecting the data in compliance with §338.4 will be in

compliance with the recordkeeping requirements of §202.13 of Regulation B.

(e) *Review of records.* Each bank shall make all information collected under paragraph (a) of this section available to FDIC examiners for review upon request.

§338.5 Mortgage lending of a controlled entity.

Any bank which refers any applicants or inquirers to a controlled entity and which purchases any home loans originated by the controlled entity, as a condition to transacting any business with the controlled entity, shall require the controlled entity to enter into a written agreement with the bank. The written agreement shall provide that the controlled entity (a) shall comply with the requirements of §§338.2, 338.3, and 338.4, (b) shall open its books and records to examination by the Federal Deposit Insurance Corporation, and (c) shall comply with all instructions and orders issued by the Federal Deposit Insurance Corporation with respect to its home loan practices.

By order of the Board of Directors,
March 14, 1978.

FEDERAL DEPOSIT INSURANCE
CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-NW-6-AD; Amdt. 39-3160]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: An airworthiness directive (AD) was issued February 13, 1978, to require inspection of Boeing Model 747 cabin floor support beams in the vicinity of the body gear wheel well for cracks and repair as required. Since issuance of that AD, it has been determined that clarification of paragraph C of the AD is necessary. This amendment is issued to amend paragraph C of the AD.

DATE: Effective date March 22, 1978.

ADDRESSES: Boeing service bulletins specified in this directive may be obtained upon request to Boeing Commercial Airplane Co., P.O. Box 3707, Seattle, Wash. 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.

FOR FURTHER INFORMATION, CONTACT:

Iven Connally, Airframe Section, ANW-212, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108, telephone 206-767-2516.

SUPPLEMENTARY INFORMATION: Need has been shown for clarification of paragraph C of the AD relative to the location of cracks which are allowed to go unrepaired provided the cracks are reinspected at an interval not to exceed 50 landings.

DRAFTING INFORMATION

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

Since this amendment provides a clarification only and imposes no additional burden on any person, it is found that notice and public procedure hereon are unnecessary and good cause exists for making this amendment effective in less than 30 days.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) Amendment 39-3144 (43 FR 7424), AD 78-04-04, is amended by revising paragraph C to read as follows:

BOEING: Applies to Model 747 series airplanes certificated in all categories listed in Boeing Service Bulletin 747-53-2176 with more than 6,000 landings. Compliance required as indicated.

(C) The airplane may be returned to service prior to repair, provided the following are met:

1. There must be no more than one crack on each side of BLO.
2. No crack may exceed 3 inches in length.
3. All such cracks must be in the web and confined to fastener lines, and must show no evidence of turning away from fastener lines.

Aircraft returned to service under this paragraph must be reinspected at intervals not to exceed 50 landings for evidence of crack progression, and must be repaired in accordance with D or E within 1,200 landings after cracks are first discovered.

The manufacturer's specification and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Co., P.O. Box 3707, Seattle, Wash. 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.

This amendment becomes effective March 22, 1978.

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

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

Issued in Seattle, Wash., on March 9, 1978.

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

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

[FR Doc. 78-7275 Filed 3-17-78; 8:45 am]

[4910-13]

[Docket No. 78-SO-8, Amdt. 39-3156]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Model 382 Series

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) applicable to Lockheed Model 382 series airplanes by decreasing the total time on the airplanes at which the initial inspection will be performed. The amendment is needed because the FAA has determined that the initial inspection time is inadequate to detect cracks at outer wing station (OWS) 35.

DATES: Effective March 20, 1978. Compliance within the next 100 hours after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable Hercules Airfreighter Inspection Procedure may be obtained from the Lockheed-Georgia Co., Marietta, Ga. 30063. A copy of the inspection procedure is contained in Room 275, FAA, Southern Regional Office Building, 3400 Whipple Avenue, East Point, Ga.

FOR FURTHER INFORMATION CONTACT:

Jack Bentley, Aerospace Engineer, Engineering and Manufacturing Branch, P.O. Box 20636, Atlanta, Ga. 30320, telephone 404-763-7407.

SUPPLEMENTARY INFORMATION: This notice further amends Amendment 39-2343, AD 75-18-04, as amended by Amendment 39-2514, which currently requires inspection of the outer wing lower panels at OWS 35 on Lockheed Model 382 series airplane serial numbers 4299 through 4541 with 12,600 hours or more total time in service. After issuing Amendment 39-2514, the FAA has determined that the initial inspection is not soon enough to detect the first signs of cracks in the wing panels. Therefore, the FAA is further amending 39-2343 by requiring inspection of the wing panels at 9450 hours time in service on Lockheed Model 382 series airplanes.

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

DRAFTING INFORMATION

The principal authors of this document are Jack Bentley, Aerospace Engineer, Engineering and Manufacturing Branch; and Keith May, Office of

Regional Counsel; FAA Southern Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulation (14 CFR 39.13) is amended by further amending Amendment 39-2343, 40 FR 34585, AD 75-18-04, as amended by Amendment 39-2514, by revising the third sentence of the first paragraph to read as follows:

On airplane serial numbers 3946 and 4101 through 4298 with 6300 hours or more total time in service, and on airplane serial numbers 4299 through 4541 with 9450 hours or more total time in service on the effective date of Amendment 39-3156, within the next 100 hours in service, unless already accomplished, ultrasonically inspect the outer wing lower panels at OWS 35 in accordance with Hercules Airfreighter Inspection Procedures SMP 515-A Card No. SP-61, revised August 5, 1975. * * *

This amendment becomes effective March 20, 1978.

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

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

Issued in East Point, Ga., on March 3, 1978.

GEORGE R. LA CAILLE,
Acting Director,
Southern Region.

[FR Doc. 78-7276 Filed 3-17-78; 8:45 am]

[4910-13]

[Docket No. 78-SO-9; Amdt. 39-3157]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Model 382 Series

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) applicable to Lockheed Model 382 series airplanes by decreasing the total time on the airplanes at which the initial inspection will be performed. The amendment is needed because the FAA has determined that the initial inspection time is inadequate to detect cracks at outer wing stations (OWS) 54 and 108.

DATES: Effective March 20, 1978. Compliance within the next 50 hours after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable Hercules Airfreighter Inspection Procedure

may be obtained from the Lockheed-Georgia Co., Marietta, Ga. 30063. A copy of the inspection procedure is contained in Room 275, Federal Aviation Administration, Southern Regional Office Building, 3400 Whipple Avenue, East Point, Ga.

FOR FURTHER INFORMATION CONTACT:

Jack Bentley, Aerospace Engineer, Engineering and Manufacturing Branch, P.O. Box 20636, Atlanta, Ga. 30320, telephone 404-763-7407.

SUPPLEMENTARY INFORMATION: This notice further amends Amendment 39-2342, AD 75-18-03, as amended by Amendment 39-2511, which currently requires inspection of the outer wing lower forward spar caps at OWS 54 and 108 on Lockheed Model 382 series airplanes serial numbers 4299 through 4541 with 12,600 hours or more total time in service. After issuing Amendment 39-2511, the FAA has determined that the initial inspection is not soon enough to detect the first stages of cracks in the wing spar caps. Therefore, the FAA is further amending 39-2342 by requiring inspection of the spar caps at 9,450 hours time in service on Lockheed Model 382 series airplanes.

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

DRAFTING INFORMATION

The principal authors of this document are Jack Bentley, Aerospace Engineer, Engineering and Manufacturing Branch; and Keith May, Office of Regional Counsel; FAA Southern Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by further amending Amendment 39-2342, AD 75-18-03, as amended by Amendment 39-2511 by revising the second paragraph to read as follows:

Compliance required within the next 50 hours time in service after the effective date of this Airworthiness Directive unless already accomplished, on airplane serial numbers 3946 and 4101 through 4298, with 6,300 hours or more total time in service, and serial numbers 4299 through 4541 with 9,450 hours or more total time in service on the effective date of Amendment 39-3157 and at intervals not to exceed 3,400 hours time in service from the last inspection until 20,000 hours (without ECP 954) or 24,000 hours (with ECP 954) at which time the interval is not to exceed 1,700 hours from the last inspection.

This amendment becomes effective March 20, 1978.

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

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

Issued in East Point, Ga., on March 3, 1978.

GEORGE LA CAILLE,
Acting Director,
Southern Region.

[FR Doc. 78-7277 Filed 3-17-78; 8:45 am]

[4910-13]

[Docket No. 78-SO-10; Amdt. 39-3158]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Model 382 Series

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) applicable to Lockheed Model 382 series airplanes by decreasing the total time on the airplanes at which the initial inspection will be performed. The amendment is needed because the FAA has determined that the initial inspection time is inadequate to detect cracks at outer wing stations (OWS) 54 and 108.

DATES: Effective March 20, 1978. Compliance within the next 50 hours after the effective date of this AD unless already accomplished.

ADDRESSES: The applicable Hercules Airfreighter Inspection Procedure may be obtained from the Lockheed-Georgia Co., Marietta, Ga. 30063. A copy of the inspection procedure is contained in Room 275, FAA, Southern Region Office Building, 3400 Whipple Avenue, East Point, Ga.

FOR FURTHER INFORMATION CONTACT:

Jack Bentley, Aerospace Engineer, Engineering and Manufacturing Branch, P.O. Box 20636, Atlanta, Ga. 30320, telephone 404-763-7407.

SUPPLEMENTARY INFORMATION: This notice further amends 39-2362, AD 75-19-02, as amended by amendments 39-2513 and 39-2625, which currently requires inspection of the outer wing lower aft beam caps at OWS 54 and 108 on Lockheed Model 382 series airplanes serial numbers 4299 through 4541 with 12,600 hours or more total time in service. After issuing Amendment 39-2625, the FAA has determined that the initial inspection is not

soon enough to detect the first stages of cracks in the wing beam caps. Therefore, the FAA is further amending 39-2362 by requiring inspection of the wing beam caps at 9,450 hours time in service on Lockheed Model 382 series airplanes.

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

DRAFTING INFORMATION

The principal authors of this document are: Jack Bentley, Aerospace Engineer, Engineering and Manufacturing Branch; and Keith May, Office of Regional Counsel; FAA Southern Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by further amending Amendment 39-2362, AD 75-19-02, as amended by Amendments 39-2513 and 39-2625 by revising the third sentence of the first paragraph to read as follows:

On airplane serial numbers 3946 and 4101 through 4298 with 6,300 hours or more total time in service, and on airplane serial numbers 4299 through 4541 with 9,450 hours or more total time in service on the effective date of Amendment 39-3158 unless already accomplished, eddy current inspect the outer wing lower aft beam caps at OWS 54 and 108 in accordance with Hercules Airfreighter Inspection Procedures SMP 515-A Card No. SP-88, revised August 11, 1975.

This amendment becomes effective March 20, 1978.

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

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

Issued in East Point, Ga., on March 3, 1978.

GEORGE LA CAILLE,
Acting Director,
Southern Region.

[FR Doc. 78-7278 Filed 3-17-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-GL-281]

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

Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate additional controlled airspace near Wexford County, Cadillac, Mich., to accommodate a new (NDB) instrument approach procedure into the Wexford County Airport established pursuant to a request for such procedure by the Wexford County Airport officials. The effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions, and other aircraft operating under visual conditions.

EFFECTIVE DATE: May 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Ill., 60018, telephone 312-694-4500, extension 456.

SUPPLEMENTARY INFORMATION: This action will lower the floor of the controlled airspace in this area from 1,200 feet above ground to 700 feet above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

DRAFTING INFORMATION

The principal authors of this document are Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, and Joseph T. Brennan, Office of the Regional Counsel.

DISCUSSION OF COMMENTS

On page 60160 of the FEDERAL REGISTER dated November 25, 1977, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Cadillac, Mich. Interested per-

sons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective May 18, 1978, as follows:

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

CADILLAC, MICH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Wexford County Airport (latitude 44°16'30" N., longitude 85°25'30" W.); and within 5 miles SE and 8 miles NW of the 238° bearing from Cadillac Airport, extending from the airport to 12 miles SW of the airport, excluding that portion which overlies the Reed City, Mich., transition area; and within 2.5 miles either side of 081° bearing of the Cadillac NDB extending from the 5 mile radius to 7 miles east of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. § 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

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

Issued in Des Plaines, Ill., on March 9, 1978.

JOHN TRUHAN,
Acting Director,
Great Lakes Region.

[FR Doc. 78-7077 Filed 3-17-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-GL-291]

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

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to alter the controlled airspace at St. Cloud Municipal Airport, St. Cloud, Minn., because the final approach course was amended by six degrees by the FAA. The effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions, and other aircraft operating under visual conditions.

EFFECTIVE DATE: May 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Ill. 60018, telephone 312-694-4500, extension 456.

SUPPLEMENTARY INFORMATION: The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. Aeronautical maps and charts well reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

DRAFTING INFORMATION

The principal authors of this document are Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, and Joseph T. Brennan, Office of the Regional Counsel.

DISCUSSION OF COMMENTS

On page 60161 of the FEDERAL REGISTER dated November 25, 1977, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alternate the transition area at St. Cloud, Minnesota. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective May 18, 1978, as follows:

In § 71.181 (43 FR 440), the following transition area is amended:

ST. CLOUD, MINNESOTA

That airspace extending upward from 700 feet above the surface within a 7 mile radius of the St. Cloud Municipal Airport (latitude 45°32'43" N., longitude 94°03'42" W.); and within 3 miles each side of the 123° radial from the airport, extending from the 7 mile radius area to 8.5 miles southeast of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

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

Issued in Des Plaines, Ill. on March 9, 1978.

JOHN TRUHAN,
Acting Director,
Great Lakes Region.

[FR Doc. 78-7078 Filed 3-17-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-GL-30]

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

Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near Napoleon, Ohio, to accommodate a new (VOR) instrument approach procedure into the Henry County Airport established pursuant to a request from the Henry County Airport officials. The effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions, and other aircraft operating under visual conditions.

EFFECTIVE DATE: May 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Ill. 60018, telephone 312-694-4500, extension 456.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

DRAFTING INFORMATION

The principal authors of this document are Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, and Joseph T. Brennan, Office of the Regional Counsel.

DISCUSSION OF COMMENTS

On page 62016 of the FEDERAL REGISTER dated December 8, 1977, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Napoleon, Ohio. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective May 18, 1978, as follows:

In § 71.181 (43 F.R. 440), the following transition area is added:

NAPOLEON, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Henry County Airport (latitude 41°22'27" N., longitude 84°04'05" W.) excluding that portion within the Toledo, Ohio, transition area.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

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

Issued in Des Plaines, Ill. on March 9, 1978.

JOHN TRUHAN,
Acting Director,
Great Lakes Region.

[FR Doc. 78-7079 Filed 3-17-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-RM-17]

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

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Alamosa, Colo. 700 foot and 1,200 foot transition areas. The alternation was necessary to provide controlled airspace for aircraft executing the new VOR/DME-C standard instrument approach procedure developed for the

San Luis Valley Airport, Monte Vista, Colo.

EFFECTIVE DATE: 0901 G.m.t., May 18, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

On January 23, 1978, the FAA published for comment, a proposal to alter the Alamosa, Colo. transition areas (43 FR 3134). The only comment received expressed no objections. Subsequent to the issuance of the NPRM, it was noted that the mileage description on line 27 was 1.3 miles rather than 13 miles. This was considered a minor error and would be corrected in the Final Rule.

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (FARs) redefines the 700 foot and 1,200 foot transition areas at Alamosa, Colo. The amended transition areas will provide adequate controlled airspace to contain the new VOR/DME-C approach to San Luis Valley Airport, Monte Vista, Colo.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective May 18, 1978 as follows:

By amending Subpart G, § 71.181 so as to alter the following transition areas to read:

ALAMOSA, COLO.

That airspace extending upward from 700 feet above the surface with 10 miles northeast and 12 miles southwest of the Alamosa VORTAC 335° and 155° radials extending from 23 miles northwest to 12 miles southeast of the VORTAC; and within 2 miles northwest and 6 miles southeast of the Alamosa VORTAC 200° radial extending from the VORTAC to 16 miles southwest of the VORTAC, and that airspace extending upward from 1,200 feet above the surface within 13 miles northeast of the Alamosa VORTAC 335° radial extending from the VORTAC to 31 miles northwest of the

VORTAC; within 12 miles southwest of the Alamosa VORTAC 335° radial extending from the VORTAC to 38 miles northwest of the VORTAC; within 5 miles each side of the Alamosa VORTAC 018° radial extending from the VORTAC to 45 miles northeast of the VORTAC; within 5 miles each side of the Alamosa VORTAC 065° radial extending from the VORTAC to 37 miles northeast of the VORTAC; within 5 miles each side of the Alamosa VORTAC 080° radial extending from the VORTAC to 56 miles east of the VORTAC; within 13 miles northeast and 9.5 miles southwest of the Alamosa VORTAC 127° radial extending from the VORTAC to 19 miles southeast of the VORTAC; and within 5 miles each side of the Alamosa VORTAC 200° radial extending from the VORTAC to 37 miles southwest of the VORTAC. That airspace extending upward from 12,000 feet MSL within 5 miles each side of the Alamosa VORTAC 200° radial extending from 37 to 54 miles southwest of the VORTAC.

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

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

Issued in Aurora, Colo., on March 7, 1978.

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

[FR Doc. 78-7087 Filed 3-17-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-WA-15]

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

PART 73—SPECIAL USE AIRSPACE

Alteration of a Restricted Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments increase the size of Restricted Area R-6904 and subdivide it into R-6904A and R-6904B. This will provide adequate additional protected airspace for high performance fighters using the restricted airspace. These amendments are required because of increased activity by United States Air Force and National Guard Bureau aircraft operating out of Volk Field Permanent Field Training Site, Wis.

EFFECTIVE DATE: May 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Lewis W. Still, Airspace Regula-

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

SUPPLEMENTARY INFORMATION:

HISTORY

On October 20, 1977, the FAA proposed to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to increase the size of Restricted Area R-6904 (Hardwood Range, Volk Field, Wis.), and to subdivide the airspace into R-6904A and R-6904B (42 FR 55900). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. Four public comments were received and due consideration has been given to all matters presented. Except for editorial changes, these amendments are those proposed in the notice. Sections 71.151 and 73.69 were republished in the FEDERAL REGISTER on January 3, 1978, (43 FR 344 and 710, respectively).

THE RULE

These amendments to Parts 71 and 73 of the Federal Aviation Regulations (FARs) increase the size of restricted area airspace in R-6904, subdivide the area into R-6904A and R-6904B, delete R-6904 from § 71.151, and add R-6904A and R-6904B to § 71.151. These actions will provide sufficient restricted airspace for military aircraft engaged in air-to-ground ordnance delivery at the Hardwood Range, Volk Field, Wis. Subdivision of the area will simplify callup procedures and permit use of only that airspace actually required for the mission. Restricted area airspace is excluded from the continental control area unless included in § 71.151. The inclusion of the two restricted areas in § 71.151 provides controlled airspace and permits joint use of the restricted areas.

DISCUSSION OF COMMENTS

The FAA received four letters of comments to the Notice of Proposed Rule Making (NPRM). Two of the responses indicated objections to the proposal. Midstates Airlines, Inc., of Marshfield, Wis., stated that the expansion of Restricted Area R-6904 would interfere with proposed and/or existing approaches to Alexander Field, Wisconsin Rapids, Wis. Study by FAA indicates the existing restricted area has prohibited the installation of an ILS to Runway 2 at Alexander Field. At this time, alternate procedures are being explored by the State Division of Aeronautics, the City of Alexander, and the FAA to improve instrument approach procedures at that airport. Therefore, the expansion

of Restricted Area R-6904 has no greater impact on that airport's instrument approach problems than exist there now.

Gottschalk Cranberry, Inc., Wisconsin Rapids, Wis., stated an objection to the expansion of the restricted area. They believe the expansion would interfere with the use of aerial applicators on cranberry bogs, and would restrict the use of a private airstrip. They also objected to the noise and distraction that would be created by low-level jet aircraft. Military authorities indicate that they have in the past and will continue to work and cooperate with agricultural aerial spraying units. The military also indicated they would work with the Gottschalk Cranberry Co., when they have operations to and from their private landing strips. Finally, noise complaints will be processed by military authorities.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart D of Part 71 and Subpart B of Part 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as republished (43 FR 344 and 710) are amended, effective 0901 G.m.t., May 18, 1978, as follows:

In Part 71, §71.151 "R-6904 Volk Field, Wis." is deleted and "R-6904A Volk Field, Wis." and "R-6904B Volk Field, Wis." are added.

In Part 73, §73.69 "R-6904 Volk Field, Wis." title and text are deleted and amended to read as follows:

R-6904A VOLK FIELD, WIS.

Boundaries. Beginning at Lat. 44°18'00" N., Long. 89°59'00" W.; to Lat. 44°10'00" N., Long. 89°59'00" W.; to Lat. 44°10'00" N., Long. 90°11'00" W.; to Lat. 44°18'00" N., Long. 90°11'00" W.; thence to point of beginning excluding that airspace within R-6904B.

Designated altitudes. 150 feet AGL to 17,000 feet MSL.

Time of designation. Continuous, sunrise to sunset.

Controlling agency. Federal Aviation Administration, Chicago ARTC Center.

Using agency. Commander, Volk Field, Wis.

R-6904B VOLK FIELD, WIS.

Boundaries. Beginning at Lat. 44°15'00" N., Long. 89°59'00" W.; to Lat. 44°13'00" N., Long. 89°59'00" W.; to Lat. 44°13'00" N., Long. 90°07'00" W.; to Lat. 44°15'00" N., Long. 90°07'00" W.; thence to point of beginning.

Designated altitudes. Surface to 17,000 feet MSL.

Time of designation. Continuous, sunrise to sunset.

Controlling agency. Federal Aviation Administration, Chicago ARTC Center.

Using agency. Commander, Volk Field, Wis.

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

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

Issued in Washington, D.C., on March 13, 1978.

B. KEITH POTTS,
Acting Chief, Airspace and Air
Traffic Rules Division.

[FR Doc. 78-7080 Filed 3-17-78; 8:45 am]

[4810-13]

[Airspace Docket No. 78-EA-10]

PART 73—SPECIAL USE AIRSPACE

Using Agency Name Change

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The name of the Naval Weapons Laboratory at Dahlgren, Va., has been changed to the Naval Surface Weapons Center. The name of the using agency for Restricted Areas R-6611A, R-6611B, R-6612, R-6613A, and R-6613B is therefore changed to the Commander, Naval Surface Weapons Center by this action.

EFFECTIVE DATE: May 18, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is to change the name of the using agency for all of the Dahlgren Complex Restricted Areas to reflect the current name of the command at that Navy facility to be the Naval Surface Weapons Center. Because this action merely renames an existing command without changing the designation of any airspace or its use, it is a minor matter on which the public would have no particular desire to comment; therefore, notice and public procedure thereon are unnecessary.

DRAFTING INFORMATION

The principal authors of this document are Mr. Everett L. McKisson, Air Traffic Service, and Mr. Richard W. Danforth, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, §73.66 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (43 FR 706) is amended, effective 0901 G.m.t., May 18, 1978, as follows:

In R-6611 Sub-area A, R-6611 Subarea B, R-6612, R-6613 Subarea A and R-6613 Subarea B "Naval Weapons Laboratory" is deleted and "Naval Surface Weapons Center" is substituted therefor.

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

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

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

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

[FR Doc. 78-7086 Filed 3-17-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-WA-17]

PART 73—SPECIAL USE AIRSPACE

Designation of Prohibited Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates a prohibited area in the vicinity of Amarillo, Tex. This action is necessary to provide protected airspace over a U.S. Department of Energy nuclear weapons facility and is required in the interest of national security.

EFFECTIVE DATE: April 19, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is to designate a Prohibited Area (P-47) over the U.S. Department of Energy (DOE) Pantex installation located near Amarillo, Tex. Because this installation is a unique nuclear weapons facility, there is a critical need to provide airspace protection from low flying aircraft

that could pose a threat to the facility from a security standpoint. The DOE has undertaken an extensive safeguard and security program to detect unauthorized entry to the installation as a precaution against terrorist attack, sabotage, theft, etc. The prohibited area will augment security measures that would be used in the event of an air intrusion. Restrictions to flight at low altitudes over the facility should also reduce false alerts that could otherwise result from low altitude overflights. Since the FAA has determined that there is an immediate requirement in the interest of national security for adoption of this amendment, the FAA deems that notice and public procedure thereon are impractical.

DRAFTING INFORMATION

The principal authors of this document are Mr. John Watterson, Air Traffic Service, and Mr. Richard W. Danforth, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (43 FR 712) is amended, effective April 19, 1978, by adding a new § 73.89 as follows:

P-47 AMARILLO, TEX.

Boundaries. Beginning at Lat. 35°21'09" N., Long. 101°37'03" W., to Lat. 35°21'11" N., Long. 101°32'27" W., to Lat. 35°18'09" N., Long. 101°32'27" W., to Lat. 35°18'09" N., Long. 101°34'48" W., to Lat. 35°17'55" N., Long. 101°35'08" W., to Lat. 35°17'55" N., Long. 101°35'37" W., to Lat. 35°19'05" N., Long. 101°35'40" W., to Lat. 35°19'05" N., Long. 101°36'04" W., to Lat. 35°18'02" N., Long. 101°36'27" W., to Lat. 35°18'02" N., Long. 101°37'03" W., to point of beginning. Designated Altitudes. Surface to 4,800 feet MSL. (1,200 feet AGL).

Time of designation. Continuous.
Using agency. Manager, Pantex Field Office, Department of Energy, Amarillo, Tex.

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

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

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

RAYMOND G. BELANGER,
Director, Air Traffic Service.

[FR Doc. 78-7085 Filed 3-17-78; 8:45 am]

[4910-13]

[Docket No. 16987; Amdt. No. 91-150]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Taxi Clearances at Airports With Operating Control Towers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment make it clear that an air traffic control (ATC) clearance to "taxi to" an assigned runway prior to taking off on that runway does not authorize the aircraft to cross that same runway where it intersects the taxi route, and that an ATC clearance to a point on an airport other than the takeoff runway is a clearance to cross all intersecting runways. The rule is revised to apply to "persons" rather than "pilots." This amendment is intended to reduce the possibility of misinterpretation of the limits of a taxi clearance.

EFFECTIVE DATE: April 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Maurice E. Taylor, Air Traffic Rules Branch, AAT-220, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-3128.

SUPPLEMENTARY INFORMATION:

HISTORY

This amendment is based on a Notice of Proposed Rulemaking (Notice No. 77-10) published in the FEDERAL REGISTER on June 30, 1977 (42 FR 33344). Interested persons have been afforded an opportunity to participate in the making of this amendment. Twenty-three comments were received in response to the notice, and due consideration has been given all matter presented.

ANALYSIS OF COMMENTS

One comment opposed adoption of the proposal. It stated that the proposal is unneeded because it is clearly impossible to taxi across or along a runway without taxiing on the runway's surface and the rule clearly prohibits such taxiing. While the FAA agrees that this was the intent of the rule, enough instances of misunderstanding have occurred to show that a safety problem may exist.

Twenty-two commenters either approved the proposal in its entirety or suggested modifications that, in their opinion, would promote safety.

Over half of the comments suggesting changes to the proposed amendment stated that a clearance should be obtained to cross any active runway, or, as in one comment, any runway.

The FAA believes that this would impose too great a burden upon persons to ascertain which runways are in use. If ATC wants a taxiing aircraft to hold clear of a runway in use, that limitation should be stated in the taxi clearance. Also, such suggested changes would result in additional radio transmissions.

One commenter indicated that a taxi clearance to any point other than an assigned takeoff runway is an unrestricted clearance to taxi, unlike the clearance to taxi to the assigned takeoff runway, and that this creates two different kinds of clearance limit. While this is true, the FAA believes that the limit applicable to the assigned takeoff runway is necessary for safety and is not a great burden to place upon persons operating aircraft. A clearance to taxi to any point other than an assigned takeoff runway is literally an unrestricted clearance to taxi over the route assigned to arrive at that point. This difference between the two kinds of taxi clearance is intended.

One commenter, while concurring with the proposal, suggested that the phrase "issued by ATC" should be inserted between the words "the taxi route" and "to the assigned takeoff runway" in the second sentence of proposed § 91.87(h). The FAA does not believe that this is necessary since the rule applies to operations at airports with operating control towers and, therefore, any taxi route issued would be issued by ATC.

This commenter also suggested that the word "assigned" be inserted between "intersect the" and "taxi route" in the last sentence of the proposal to indicate that a specific taxi route has been issued by ATC. The FAA believes that the phrase "the taxi route" has the same meaning and that no further definition is required.

One commenter assumed that the last sentence of the proposal was intended "to conform with the intent of entire paragraph" by not allowing a person to cross any runway en route to any point on the airport other than the assigned takeoff runway, but that this meaning was not clearly stated. This was not the intended effect. The intent of that sentence is to allow a person to taxi an aircraft to any point on the airport except when the clearance limit is the takeoff runway assigned to that aircraft, in which case the clearance does not authorize taxiing on the assigned takeoff runway.

Several commenters addressed what they felt was a problem with the proposal in that it does not cover aircraft taxiing after landing. The first sentence of § 91.87(h) continues, under this amendment, to provide that no person may operate on an airport with an operating control tower unless an appropriate clearance has been re-

ceived. This continues to apply to aircraft taxiing after landing as well as to other taxiing aircraft.

The FAA has determined, after evaluating the comments received, that this amendment mitigates a potential safety problem and that its adoption will clarify certain taxi clearances at airports with operating control towers.

DRAFTING INFORMATION

The principal authors of this document are Maurice E. Taylor, Air Traffic Service, and Jack P. Zimmerman, Office of the Chief Counsel.

THE AMENDMENT

Accordingly, § 91.87(h) of Part 91 of the Federal Aviation Regulations (14 CFR Part 91) is amended, effective April 19, 1978, as follows:

§ 91.87 Operation at airports with operating control towers.

* * * * *

(h) *Clearances required.* No person may, at any airport with an operating control tower, operate an aircraft on a runway or taxiway, or takeoff or land an aircraft, unless an appropriate clearance is received from ATC. A clearance to "taxi to" the takeoff runway assigned to the aircraft is not a clearance to cross that assigned takeoff runway, or to taxi on that runway at any point, but is a clearance to cross other runways that intersect the taxi route to that assigned takeoff runway. A clearance to "taxi to" any point other than an assigned takeoff runway is a clearance to cross all runways that intersect the taxi route to that point.

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

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

Issued in Washington, D.C., on March 10, 1978.

LANGHORNE BOND,
Administrator.

[FR Doc. 78-7084 Filed 3-17-78; 8:45 am]

[78-7332]

Title 15—Commerce and Foreign Trade

CHAPTER III—INDUSTRY AND TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 369—RESTRICTIVE TRADE PRACTICES OR BOYCOTTS

Clarification and Amendments to Final Rules

AGENCY: Industry and Trade Administration (formerly Domestic and International Business Administration), Department of Commerce.

ACTION: Clarification and amendments to final rules.

SUMMARY: This document clarifies the application of § 369.2(d) of the final regulations on restrictive trade practices or boycotts, which were published on January 25, 1978, at 43 FR 3508, to a restrictive trade practice or boycott request made of United States persons. In addition, it makes a corresponding correction of one of the illustrative examples that appeared in § 369.2(d) of those final regulations, and adds a new example illustrative of that section. See supplementary information.

DATE: See supplementary information.

FOR ADDITIONAL INFORMATION CONTACT:

Vincent J. Rocque, telephone 202-377-3775, or Kent N. Knowles, telephone 202-377-2512.

SUPPLEMENTARY INFORMATION: The Department of Commerce issued final regulations on restrictive trade practices or boycotts, Title 15, CFR, Chapter III, Part 369, on January 18, 1978. Those regulations were published in the FEDERAL REGISTER on January 25, 1978 (43 FR 3508). The Department has determined that there is confusion on the part of the public concerning the permissibility of a United States person furnishing a certification about its affiliation with any person who may be blacklisted. The Department has also determined that an example illustrative of § 369.2(d) requires modification and that a new example illustrative of that section is appropriate.

CLARIFICATION

Section 369.2(d) of the regulations prohibits a United States person from furnishing or knowingly agreeing:

to furnish information concerning his or any other person's past, present, or proposed business relationships:

(iv) With any other person who is known or believed to be restricted from having any

business relationship with or in a boycotting country.

It has come to the Department's attention that United States persons are being asked pursuant to the requirements of several boycotting countries to furnish a certification to the effect that they are not the mother company, sister company, subsidiary, branch, or affiliate of any blacklisted company. It is and has been the Department's interpretation that this certification falls within the prohibition set forth in § 369.2(d), and the Department, when asked, has so informed the public. However, example (xvi) in § 369.2(d) could be construed and has been construed by some members of the public as permitting a contrary conclusion. Accordingly, example (xvi) is being amended and new example (xviii) is being added. However, because of the confusion evident on the part of the public over the permissibility of this certification, this interpretation will become effective on June 22, 1978, rather than on January 18, 1978, the date the final regulations were issued and became effective. Accordingly, after June 21, 1978, a United States person may not furnish a certification about his affiliation with any other person who may be blacklisted.

FINAL RULES; AMENDMENTS

In FR Doc. 78-1921 appearing at page 3508 in the FEDERAL REGISTER of January 25, 1978, § 369.2(d), example (xvi), appearing on page 3522, column two, is deleted, and a new example (xvi) is inserted as follows:

(xvi) U.S. company A is asked by boycotting country Y to certify that it is not owned by subjects or nationals of boycotted country X and that it is not resident in boycotted country X.

A may not furnish the certification, because it is information about A's business relationships with or in a boycotted country, or with nationals of a boycotted country.

In FR Doc. 78-1921 appearing at page 3508 in the FEDERAL REGISTER of January 25, 1978, a new example (xviii) illustrative of § 369.2(d) is inserted following example (xvii) appearing on page 3522, column two, as follows:

(xviii) U.S. company A is asked by boycotting country Y to certify that it is not the mother company, sister company, subsidiary, or branch of any blacklisted company, and that it is not in any way affiliated with any blacklisted company.

A may not furnish the certification, because it is information about whether A has a business relationship with another person who is known or believed to be restricted from having any business relationship with or in a boycotting country.

NOTE.—This interpretation becomes effective on June 22, 1978.

Dated: March 15, 1978.

STANLEY J. MARCUSS,
Deputy Assistant Secretary
for Trade Regulation.

[FR Doc. 78-7332 Filed 3-15-78; 4:41 pm]

[3640-01]

Title 35—Panama Canal

**CHAPTER I—CANAL ZONE
REGULATIONS**

**PART 10—ACCESS TO INFORMATION
CONCERNING INDIVIDUALS**

**Exemption From Access of System of
Records**

AGENCY: Canal Zone Government
and Panama Canal Company.

ACTION: Final rule.

SUMMARY: On September 12, 1977, the Canal Zone Government and Panama Canal Company published a proposed rule in the FEDERAL REGISTER (42 FR 45693). No comments on the proposed rule were received, and the rule is now adopted without change. It exempts a system of records, called "Canal Protection Division Activity Report Files, PCC-CZG/CACP-2," from certain provisions of the Privacy Act of 1974. The general effect of the exemption is to make information in the system inaccessible to the subjects of the records. The exemption is needed because the system consists of information maintained by a component of the Canal Zone Government the principal function of which is the maintenance of the security of the Panama Canal and its vital installations and the prevention and detection of crime. Divulging the information in the system to the subjects of the records could render the efforts of the Division ineffective.

EFFECTIVE DATE: March 16, 1978.

ADDRESS: Panama Canal Company
(Administrative Services Division),
Box M, Balboa Heights, C.Z.

**FOR FURTHER INFORMATION
CONTACT:**

Mrs. Hazel M. Murdock, Assistant to
the Secretary, Panama Canal Com-
pany, Room 312, Pennsylvania
Building, 425 13th Street NW.,
Washington, D.C. 20004, telephone
202-724-0104.

Accordingly, Part 10 of 35 CFR is
amended as follows:

1. By adding a new paragraph (30) to
35 CFR 10.13(a), reading as follows:

§ 10.13 General exemptions.

(a) * * *

(30) Canal Protection Division Activ-
ity Report Files, PCC-CZG/CACP-2.

2. By adding a new paragraph (xli)
to 35 CFR 10.14(a)(2), reading as fol-
lowings:

§ 10.14 Specific exemptions.

(a) * * *

(2) * * *

(xli) Canal Protection Division Activ-
ity Report Files, PCC-CZG/CACP-2.

AUTHORITY.—(5 U.S.C. 552a).

Dated: March 6, 1978.

H. R. PARFITT,
Governor of the Canal Zone,
President, Panama Canal
Company.

[FR Doc. 78-7241 Filed 3-17-78; 8:45 am]

[4310-10]

**Title 41—Public Contracts and
Property Management**

**CHAPTER 114—DEPARTMENT OF THE
INTERIOR**

**Utilization and Disposal of Personal
Property**

AGENCY: Office of the Secretary, In-
terior.

ACTION: Final regulations.

SUMMARY: This final rule amends
certain Department of Interior regula-
tions concerning utilization and dis-
posal of personal property. The
changes are necessary to conform with
the General Services Administration's
recently issued federal property man-
agement regulations published at 42
FR 56000, October 20, 1977.

DATE: This revision is effective imme-
diately.

**FOR FURTHER INFORMATION
CONTACT:**

James O. Wyatt, Chief, Division of
Property Management, Office of Ad-
ministrative and Management
Policy, Department of the Interior,
Washington, D.C. 20240, telephone
202-343-3185.

SUPPLEMENTARY INFORMATION:
This document revises and reissues
parts 114-43, 114-44, 114-45, and 114-
46 to reflect changes implemented by
FPMR Amendment H-108 published in
the FEDERAL REGISTER on October
20, 1977, (42 FR 56000).

Because this amendment relates
only to internal Departmental proce-
dures, the proposed rulemaking proce-
dures are inapplicable. The primary
author of this document is Charles H.

Young, Property Management Officer,
Office of Administrative and Manage-
ment Policy, telephone 202-343-3185.

NOTE.—The Department of the Interior
has determined that this document does not
contain a major proposal requiring prepara-
tion of an Inflation Impact Statement
under Executive Order 11821 and OMB Cir-
cular A-107.

Dated: March 8, 1978.

RICHARD R. HITE,
Deputy Assistant Secretary
of the Interior.

Pursuant to the authority of the
Secretary of the Interior contained in
5 U.S.C. 301 and 40 U.S.C. 486(c),
Chapter 114 of the Code of Federal
Regulations is amended as set forth
below.

**PART 114-43—UTILIZATION OF
PERSONAL PROPERTY**

Sec.

114-43.000 Scope of part.

114-43.001 Definitions.

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able property.

114-43.102-53 Documentation of transfers.

§ 114-43.000 Scope of part.

The provisions of this part are appli-
cable to all personal property except:

- (a) Automatic data processing equip-
ment and supplies, and
- (b) Books, periodicals, other publica-
tions, and related material.

§ 114-43.001 Definitions.

§ 114-43.001-50 Available personal prop-
erty.

"Available personal property" means
any personal property that is no
longer needed by the holding activity,
and is available for use by other Interi-
or activities.

§ 114-43.001-51 Reportable personal prop-
erty.

"Reportable personal property"
means any personal property that has
been determined to be excess to the
needs of the Department of the Interi-
or and is required to be reported to
the General Services Administration.

§ 114-43.001-52 Nonreportable personal
property.

"Nonreportable personal property"
means any personal property that has

been determined to be excess to the needs of the Department of the Interior and is not required to be reported to the General Services Administration except for sale purposes.

Subpart 114-43.1—General Provisions

§ 114-43.101 Surveys.

The head of each Bureau and Office shall ensure that all personal property held by each Accountable Officer under his jurisdiction is continuously examined to determine that which is "available" and shall promptly facilitate the transfer of property so identified as provided in this part. Although the system which will best serve as a means of identifying unneeded property may vary between bureaus, or between offices within a bureau, it should include provisions for:

(a) Periodically reviewing stores and equipment records to identify items which may be on hand in excess of program requirements.

(b) Periodically reviewing and evaluating equipment utilization reports and physical inventories of nonexpandable property to identify idle or unneeded property.

§ 114-43.102 Reassignment of property within executive agencies.

Available personal property shall be screened against Department of the Interior needs in accordance with this section before it is determined to be excess. The authority to reassign or to transfer available personal property has been delegated to heads of bureaus and offices in 205 DM 9.

§ 114-43.102-50 Holding bureau utilization.

Each Bureau and Office holding available personal property (see definition in IPMR 114-43.001-50) shall ensure that its own offices are afforded an opportunity to utilize such property either prior to or simultaneously with circularization to other Bureaus and Offices of the Department.

§ 114-43.102-51 Screening nonreportable available property.

(a) Nonreportable available property should not be routinely circularized within the Department except in those instances where the holding office has reason to believe there may be general interest in the property. Instead, the holding office should make the availability of nonreportable property known to other Interior offices, and other Federal agencies in the area, to the extent the nature, amount, and condition of such property warrants. Often a telephone call to Federal agencies in the area may be all that is required to support a finding of excess and surplus.

(b) When no further Federal utilization is found for nonreportable per-

sonal property, a determination of surplus shall be made in writing and made a part of the disposal file. Surplus nonreportable property shall be processed for disposal in accordance with applicable provisions of FPMR 101-44 and 101-45.

§ 114-43.102-52 Screening reportable available property.

Reportable available personal property shall be circularized to other Interior offices within a reasonable transport distance unless its nature, condition, or location virtually precludes economical utilization by such offices. Copies of available personal property listings shall also be sent to other Interior offices in accordance with listings provided by the Office of Administrative and Management Policy. Property not utilized by other Interior activities shall then be determined to be excess to the needs of the Department of the Interior and promptly reported to the appropriate GSA regional office in accordance with FPMR 101-43.311. The excess determination should be evidenced in writing and made a part of the disposal file.

§ 114-43.102-53 Documentation of transfers.

Property disposed of by transfer to another Accountable Officer within the holding bureau, to other bureaus of the Department of the Interior, and to other Federal agencies shall be recorded on Transfer of Property Form DI-104, or a modification thereof, to provide a document of entry to property records and accounts. Sufficient copies of the transfer document should be prepared, signed, and distributed to satisfy the property and accounting requirements of both the transferor and the transferee offices.

Subpart 114-43.3—Utilization of Excess

Sec.

- 114-43.301 Federal Government procedure.
- 114-43.301-50 Economic considerations.
- 114-43.302 Agency responsibility.
- 114-43.306 Property not required to be reported.
- 114-43.311 Reporting requirements.
- 114-43.311-1 Reporting.
- 114-43.315 Transfers of excess property.
- 114-43.315-2 Information of availability.
- 114-43.315-3 Fair value reimbursement.
- 114-43.315-5 Procedure for effecting transfers.
- 114-43.316 Contractor inventory.
- 114-43.317 Costs and proceeds.
- 114-43.317-1 Costs of care and handling.
- 114-43.319 Use of excess property on cost-reimbursement type contracts.
- 114-43.320 Use of excess property on grants.

Subpart 114-43.3—Utilization of Excess

§ 114-43.301 Federal Government procedure.

The objective of the policy that excess property is the first source of

supply is to obtain effective and economical utilization of property already owned by the Federal Government. Effective and economical utilization can be determined only through evaluation of use and costs, and excess property may be acquired only when there is such an evaluation and:

(a) The property is needed to meet the known requirements of an authorized planned program; and

(b) Funds are available for the costs of acquisition and for the costs of repair or modification needed to comply with the minimum standards established by the Occupational Safety and Health Act of 1970 (84 Stat. 1590), as amended.

§ 114-43.301-50 Economic considerations.

The head of each bureau and office is responsible for establishing procedures to ensure that excess property is not acquired unless there has been a determination that such acquisition is practicable and economically feasible. Such a determination requires consideration of the costs involved, including the costs of transportation, handling, and storage. When the proposed acquisition involves any type of machinery or equipment, consideration shall also be given to the following factors:

(a) The duration of the program and the frequency of use to determine any economic advantage of ownership versus loan or rental; and

(b) The nature of any repairs, modifications, and additional accessorial equipment required to bring the item up to the minimum standards of the Occupational Health and Safety Act, and the total costs involved.

§ 114-43.302 Agency responsibility.

(a) When excess personal property is acquired and made available for use on cost-reimbursement type contracts (as defined in FPR 1-3.405), title remains vested in the Government. The office administering the contract is responsible for ensuring that appropriate accounting and property accountability records are established and maintained. When such property is no longer needed for the contract, it shall be reassigned or disposed of in accordance with FPMR 101-43.319.

§ 114-43.306 Property not required to be reported.

Personal property that is not reportable to GSA as excess (see 114-43.001-52) shall be reported to the appropriate GSA regional office for donation or sale.

§ 114-43.311 Reporting requirements.

§ 114-43.311-1 Reporting.

In accordance with 205 DM 9, the head of each bureau and office is authorized to report to the General Services Administration any personal property that has been determined to

be excess to the needs of the Department. Prior to any such determination of excess:

(a) Available ADP equipment will be referred to the Office of ADP Management in accordance with 306 DM 5;

(b) Available aircraft will be referred to the Office of Aircraft Services in accordance with procedures established by that office;

(c) All types of books, periodicals, other publications, and related material will be referred to the Office of Library and Information Services in accordance with procedures established by that office;

(d) All other available personal property will be screened against Departmental needs in accordance with 114-43.102.

§ 114-43.315 Transfers of excess property.

The authority to transfer excess personal property to and from other Federal agencies has been delegated to the Heads of Bureaus and Offices in 205 DM 9.

§ 114-43.315-2 Information of availability.

Bureaus and Offices are encouraged to use GSA Form 1539 to make their needs for major or large equipment items known to GSA. Consideration of the use of excess property should not be limited to that which has been circularized by GSA as available for transfer. For example, the need for equipment items should be made known to GSA well in advance to provide the greatest opportunity to locate equipment which (a) is currently available from excess sources or (b) may be available, but has not been declared excess or circularized as available for utilization.

§ 114-43.315-3 Fair value reimbursement.

Transfers of available property within the Department of the Interior shall be made without exchange of funds, except that:

(a) The disposing Bureau or Office may elect to receive reimbursement at the GSA fair value where the property involved is reimbursable by law, unless such requirement for reimbursement can be satisfied or equitably avoided through appropriate accounting procedures.

(b) The receiving Bureau or Office shall pay the GSA fair value in all instances where the property being acquired will be carried in accounts, disposals from which are reimbursable.

§ 114-43.315-5 Procedure for effecting transfers.

In accordance with FPMR 101-43.315-5, certain categories of any excess personal property may be transferred to other Federal agencies without prior GSA approval; however, such property may not be transferred until Departmental screening requirements

have been met and no other Interior activity has indicated a need for the property.

§ 114-43.316 Contractor inventory.

(a) Before a contractor or subcontractor is authorized to retain or dispose of contractor inventory:

(1) The property must first be determined excess to Department of the Interior needs in accordance with IPMR 114-43.102.

(2) The types of property covered by FPMR 101-43.316-1(a) (1) through (8) must be determined surplus to all Federal agency needs.

(b) An equitable settlement must be made for any property retained by a contractor.

(c) When a contractor is authorized to dispose of contractor inventory by sale, such sale shall be by the competitive bid method, the bid price shall be approved by the contracting officer or his representative prior to award, and the proceeds shall be credited to the United States.

(d) Transfers of contractor inventory within the Department shall be without exchange of funds in all instances where any proceeds would be for deposit in miscellaneous receipts. Where the proceeds would be deposited otherwise, the extent of reimbursement will be determined by the disposing office, but in no case will it exceed the estimated fair market value of the property.

§ 114-43.317 Costs and proceeds.

§ 114-43.317-1 Costs of care and handling.

The acquiring office should not be billed for direct costs of transfers between Department of the Interior activities unless such costs are in excess of \$100.00, and then only when the regional or finance office of the holding activity determines that reimbursement is necessary.

§ 114-43.319 Use of excess property on cost-reimbursement type contracts.

Bureaus and Offices are responsible for determining the use of excess personal property in their cost-reimbursement type contracts in accordance with FPMR 101-43.302, for establishing a system of accountability for such property, and for the ultimate reassignment or disposition of the property.

§ 114-43.320 Use of excess property on grants.

Pub. L. 94-519 amended the Federal Property and Administrative Services Act of 1949 to prohibit Federal agencies from furnishing excess personal property for the use of grantees except under the terms and conditions set forth in FPMR 101-43.320. When it is determined that it will be advantageous to meet these terms and condi-

tions, the sponsoring bureau/office shall establish written procedures that will insure full compliance with FPMR 101-43.320. The Office of Administrative and Management Policy shall be furnished a copy of these written procedures, and shall also be sent a copy of each transfer order submitted to GSA for excess personal property to be made available to a project grantee.

Subpart 114-43.4—Utilization of Abandoned and Forfeited Personal Property

§ 114-43.402 Forfeited or voluntarily abandoned property.

§ 114-43.402-4 Retention by holding agency.

(c) A passenger automobile larger than a compact may be retained only with the prior approval of the Assistant Secretary—Policy, Budget, and Administration.

Subpart 114-43.47—Reports

§ 114-43.4701 Performance reports.

(a) The following supplemental instructions shall be followed in the preparation and submission of the annual report of the utilization of domestic excess personal property.

(1) *Property excepted from reporting.* The following transactions should not be included in the Standard Form 121 report:

(i) Transfers and sales of personal property made pursuant to the Exchange/Sale authority in section 201(c) of the Federal Property and Administrative Services Act of 1949, as amended.

(ii) Destruction, abandonment, or reduction to scrap of property as a result of board of survey action if such property was not, in fact, first determined to be excess or surplus. However, the proceeds from sales of all scrap should be reported on Line 11.

(2) *Preparation of Standard Form 121.*

Line 1. Reassigned within reporting agency. For the purposes of this report, the major organizational components of this Department are its Bureaus and Offices and it would not be feasible to report reassignments within these major components. Only transfers to other Bureaus and Offices should be reported.

Line 2. Include, as property not reported to GSA on Standard Form 120, all non-reportable items made available to GSA and State Surplus Property Agencies. Do not include property previously declared excess which was withdrawn for use within the reporting bureau or office.

Line 3. Do not include transfers to another Bureau or Office in the Department of the Interior.

Lines 4 and 5. Property expended to scrap and abandoned or destroyed. Property re-

ported on these lines shall have been processed in accordance with Board of Survey procedures in § 114-60.9 of this chapter.

Line 6. Donated to public bodies. Report only property donated under the provisions of § 101-44.5 of this title, and include property donated to any Indian tribe as a public body.

Line 7. Other donations. Any entry on this line must be fully explained and justified.

(3) *Submission of Standard Form 121.* A consolidated report for each bureau and office shall be submitted, in duplicate, to the Director, Office of Administrative and Management Policy (PM), within 45 calendar days after the close of each fiscal year. Negative reports are required.

(b) The annual report of the utilization of foreign excess property shall be submitted to the Director, Office of Administrative and Management Policy (PM), within 60 calendar days after the close of each fiscal year. Negative reports are required and may be submitted in memorandum form in lieu of Standard Form 365.

(c) The annual report of personal property furnished to non-Federal recipients shall be submitted to the Director, Office of Administrative and Management Policy (PM), within 60 calendar days after the close of each fiscal year. Negative reports are required.

PART 114-44—DONATION OF PERSONAL PROPERTY

Subpart 114-44.7—Donations of Property to Public Bodies

Sec.

114-44.701 Findings justifying donation to public bodies.

114-44.701-1 General.

114-44.701-2 Reviewing authority.

114-44.701-50 Removal of identification markings.

Subpart 114-44.7—Donation of Property to Public Bodies

§ 114-44.701 Findings justifying donation to public bodies.

§ 114-44.701-1 General.

(a) The findings specified in FPMR 101-44.501-1(a) shall be documented in the form of an approved Report of Survey (see IPMR 114-60.9). The term "public body" includes Indian tribes.

§ 114-44.701-2 Reviewing authority.

All disposals under FPMR 114-44.7 are subject to approval by a reviewing authority in accordance with IPMR 114-60.9.

§ 114-44.701-50 Removal of identification markings.

When property is donated to a non-Federal public body, all identification markings which indicate that the property was previously owned by the Federal Government shall be removed prior to release to the donee.

Subpart 114-44.47—Reports

§ 114-44.4701 Reports.

(a) The annual report of the donation of surplus personal property shall be prepared and submitted in the same manner as the annual report of the utilization of domestic excess personal property (see § 114-43.4701(a)). The reports shall be combined.

(b) The annual report of the donation of foreign excess property shall be prepared and submitted in the same manner as the annual report of the utilization of foreign excess property (see § 114-43.4701(b)). The reports shall be combined whenever practicable.

PART 114-45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

§ 114-45.000 Scope of part.

(a) This part applies to disposal by public sale, abandonment, or destruction of personal property under the jurisdiction of Bureaus and Offices of the Department of the Interior (including scrap, salvage, and waste material) when such property is no longer needed for use in authorized Federal agency programs or is replaced with a similar type of property. It applies to personal property located in the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(b) This part does not apply to:

(1) Foreign excess personal property or,

(2) Properties which are sold or otherwise disposed of pursuant to special statutes authorizing, directing, or requiring the Department of the Interior to dispose of specific properties such as helium, maps, electrical power, irrigation and municipal water, trust properties of the Bureau of Indian Affairs, and other properties which are disposed of in furtherance of Interior programs, except as provided in IPMR 114-45.316 and 114-45.317.

Subpart 114-45.1—General

§ 114-45.105-3 Exemptions.

(a) Any requests seeking an exemption from the provisions of FPMR Part 101-45 in accordance with FPMR 101-45.105-3(a), shall be prepared for the signature of the Assistant Secretary—Policy, Budget, and Administration, and include full particulars which tend to justify the exemption.

Subpart 114-45.3—Sale of Personal Property

Sec.

114-45.302 Sale to Government employees.

114-45.303 Reporting property for sale.

114-45.303-3 Delivery.

114-45.304 Sales methods and procedures.

114-45.304-2 Negotiated sales and negotiated sales at fixed prices.

Sec.

114-45.304-6 Reviewing authority.

114-45.304-9 Credit.

114-45.316 Report on identical bids.

114-45.316-2 Reporting requirements and procedures.

114-45.317 Noncollusive bids and proposals.

114-45.317-50 Compliance review.

Subpart 114-45.3—Sale of Personal Property

§ 114-45.302 Sale to Government employees.

While not unlawful, sales of personal property to Federal employees tend to give rise to the question in the public mind as to whether all prospective bidders are really on equal footing. What is feared is not so much collusion or overtly dishonest practices, as that the Federal employee, through his prior use of the property, or close associations with those familiar with the property, is in a somewhat more advantageous position than the member of the general public in making his bid. In this regard, therefore, all sales of personal property within the Department will be subject to the following requirements:

(a) Subject to the provisions of IPMR 114-45.302(b) and 114-45.302(c), Federal employees will be eligible to bid only on:

(1) Such surplus personal property as was reported to the General Services Administration as excess and found to be surplus by that agency without regard to whether the sale is conducted by GSA or by the holding Bureau. However, except as otherwise provided in IPMR 114-45.302(d), Federal employees will always be permitted to bid on such surplus personal property.

(2) Motor vehicles and other personal property being sold for replacement purposes pursuant to the Exchange/Sale authority found in section 201(c) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 481(c)); *Provided*, That such property meets prescribed replacement standards.

(b) Personal property may be sold to Federal employees only by the publicly advertised sealed bid or public auction sales methods.

(c) Notices of Public Auction and Invitation to Bid will state the extent to which Federal employees are eligible to bid, and provide that any Federal employee submitting a bid identify himself, his organization and position.

(d) Awards shall not be made to:

(1) Any employee of the holding Bureau or Office who served on a Board of Survey with regard to property being sold, determined that it was no longer needed, or is connected directly with any aspect of the sale, or

(2) Any Federal employee whose past association with the property being sold has been such that he

might reasonably be considered to be bidding from an advantageous position.

(e) The provisions of IPMR 114-45.302 are applicable to Federal employees and to members of their immediate families, specifically the spouses and children of such employees.

§ 114-45.303 Reporting property for sale.

§ 114-45.303-3 Delivery.

(a) All identification markings which indicate that the property was previously owned by the Government shall be removed prior to release to the purchaser. U.S. Government tags shall be removed from motor vehicles, trailers, or other equipment bearing such tags prior to release to purchasers.

(b) Standard Form 97, the U.S. Government Certificate of Release of a Motor Vehicle, will be executed by the agency conducting the sale of the vehicle. When executed by an office of the Department of the Interior, the certificate will be numbered prior to release to the individual purchasing the vehicle, otherwise it will not be honored by the State motor vehicle agency. Such number may be assigned by the issuing office at the time of preparation, or the forms may be prenumbered at the bureau, regional, or area office level at the discretion of the head of each Bureau and Office. Stocks of Standard Form 97 must be controlled so as to ensure against blank copies being obtained by unauthorized personnel.

§ 114-45.304 Sales methods and procedures.

§ 114-45.304-2 Negotiated sales and negotiated sales at fixed prices.

(a) Should any Bureau or Office propose to negotiate a sale of surplus personal property which, if disposed of by advertising, might cause such an impact on industry as to adversely affect the national economy, a statement of the circumstances justifying sale by negotiation shall be submitted to the Assistant Secretary—Policy, Budget and Administration, for consideration and transmittal to the General Services Administration.

(b) Explanatory statements required to be submitted to the General Services Administration for transmittal to the committees of the Senate and House of Representatives pursuant to FPMR 101-45.304-2(c) shall be prepared following the outline shown in FPMR 101-45.4919. Such statements shall be submitted as attachments to a transmittal letter addressed to the Administrator, General Services Administration, Washington, D.C. 20405, prepared for the signature of the Assistant Secretary—Policy, Budget, and Administration.

§ 114-45.304-6 Reviewing authority.

For purposes of this section, a reviewing authority may not be lower than the regional, area, or State Director.

§ 114-45.304-9 Credit.

Requests for approval to offer to sell personal property on credit shall be addressed to the Administrator, General Services Administration, Washington, D.C. 20405, and be prepared for the signature of the Assistant Secretary—Policy, Budget and Administration. Each request should include a brief explanation of the proposed terms and conditions of sale.

§ 114-45.316 Report on identical bids.

§ 114-45.316-2 Reporting requirements and procedures.

(a) The reporting requirements specified in 41 CFR 101-45.316-2 are applicable to all sales of Government-owned personal property made on a competitive basis, including program sales made pursuant to special statutes authorizing the Secretary of the Interior to sell specific items of personal property.

(b) Reports on identical bids required by 41 CFR 101-45.316-2 shall be submitted by the head of Bureaus and Offices directly to the Attorney General. A copy of the transmittal letter and a copy of the abstract of bids shall be furnished to the Director of Administrative and Management Policy (PM).

§ 114-45.317 Noncollusive bids and proposals.

(a) Certificate of independent price determination. A certificate of independent price determination shall be required with each bid or offer for the purchase of personal property, except where the price is fixed in advance of sale pursuant to law or regulation.

(1) The certificate of independent price determination clause contained in Condition No. 20 of the General Sale Terms and Conditions, Standard Form 114C, shall be included in all invitations for bids and requests for quotations on Government sales of personal property and shall be submitted with sealed bids and written quotations submitted in response thereto.

(2) Auction and Spot Bid Sales. Bureaus and Offices conducting sales of Government property by the auction or spot bid methods shall include an appropriate provision in the sales notice which will put the successful bidder on notice that he will be required, as a condition of award, to sign a certificate to the effect that "the bid was arrived at by the bidder or offeror independently, and was tendered without collusion with any other bidder or offeror."

(3) The requirement for a certificate of independent price determination

applies to sales of surplus personal property and to program sales made pursuant to special statutes as referred to in IPMR 114-45.316-2(a).

(b) The authority to make the determinations referred to in 41 CFR 101-45.317(b) is vested in the heads of Bureaus and Offices and may not be redelegated.

(c) Reporting suspected antitrust violations: Whenever any Bureau or Office has factual information leading it to believe or suspect that bids received in response to a sales offering evidence collusion on the part of two or more bidders designed to eliminate competition, full particulars shall be submitted to the Solicitor for consideration and possible referral to the Attorney General. This submission should include a summary of the pertinent facts concerning the reported case and in the case of a formally advertised sale, a copy of the Invitation for Bids, the Abstract of Bids, and the Bid of the bidder(s) suspected of irregular practices; the name of the successful bidder and reason why the award was made to him; and any other information available which might tend to establish possible violation of the antitrust laws. Reports required by this paragraph are in addition to and not in lieu of the identical bid reports required by IPMR 114-45.316-2(b).

(1) Reporting procedure: Reports of suspected antitrust violations should be transmitted to the Solicitor in the following format:

ASSISTANT ATTORNEY GENERAL,
Antitrust Division, Department of Justice,
Washington, D.C. 20530.

DEAR SIR: We transmit to you a case where bids received in response to invitation No. — for (item(s) description), to be sold (sale date), were opened by (selling bureau or office and location) on —, 19—. Evidence of collusion or other conduct in violation of antitrust laws is herewith reported as follows:

Award was made to —. (In the next sentence explain the method by which the successful bidder was selected, i.e., high bidder, etc., unless all bids were rejected and the sale effected by readvertisement or negotiation, in which case, furnish details.)

Sincerely yours,

Solicitor.

Enclosure:

(2) The following copies are required:

- (i) Original on "Office of the Solicitor" stationery;
- (ii) Shadow copy to accompany the original on letterhead tissue;
- (iii) White surname box copy on letterhead tissue;
- (iv) White letterhead tissue copy to be marked "Docket Copy";
- (v) White letterhead tissue copy to be marked "Director of Administrative and Management Policy"; and
- (vi) Other information copies as may be required by the Bureau or Office.

§ 114-45.317-50 Compliance review.

The head of each Bureau and Office engaged in programs which involve the conduct of sales of Government property shall install an appropriate monitoring system at the headquarters office level to insure compliance with these reporting requirements and procedures.

Subpart 114-45.5—Abandonment or Destruction of Surplus Property

Sec.

114-45.501 Findings justifying abandonment or destruction.

114-45.501-1 General.

114-45.501-2 Reviewing authority.

114-45.504 Abandonment of destruction without notice.

114-45.506 Abandonment of destruction of expendable property.

Subpart 114-45.5—Abandonment or Destruction of Surplus Property

§ 114-45.501 Findings justifying abandonment or destruction.

§ 114-45.501-1 General.

The findings specified in FPMR 101-45.501-1 shall be documented in the form of an approved Report of Survey.

§ 114-45.501-2 Reviewing authority.

For purposes of FPMR 101-45.501-2, a reviewing authority shall be the same as specified in IPMR 114-44.701-2.

§ 114-45.504 Abandonment or destruction without notice.

(a) Findings justifying abandonment or destruction of personal property without public notice shall be made by a Board of Survey or Survey Officer and approved by an appropriate reviewing authority. (See IPMR 114-60.9)

§ 114-45.506 Abandonment or destruction of expendable property.

Destruction of expendable property will be governed by the following:

(a) *Serviceable property.* Serviceable items of expendable property may be destroyed only when the requirements of IPMR 114-60.9 have been met.

(b) *Unserviceable property.* Expendable items of property which have been rendered unserviceable through normal use may be destroyed without survey action and without public notice provided the items clearly have no scrap or salvage value.

(c) *Scrap and salvage.* Scrap and salvaged items of expendable property may be destroyed only when the requirements of IPMR 114-60.9 have been met.

Subpart 114-45.6—Debarred and Suspended Bidders

§ 114-45.603 Notice of debarment or suspension.

Determination to debar or suspend a firm or individual for a cause or condi-

tion for a specified period of time as provided in FPMR 101-45.6 shall be made by the Assistant Secretary—Policy, Budget, and Administration. Whenever cause for debarment or suspension becomes known to the head of a Bureau or Office, or a sales or contracting officer thereof, the matter shall be submitted with the recommendations of the head of the Bureau or Office, to the Assistant Secretary—Policy, Budget and Administration, who will take all actions required by FPMR 101-45.603.

Subpart 114-45.8—Mistakes in Bids

Sec.

114-45.803 Other mistakes disclosed before award.

114-45.804 Mistakes disclosed after award.

Subpart 114-45.8—Mistakes in Bids

§ 114-45.803 Other mistakes disclosed before award.

(a) The Director, Office of Administrative and Management Policy, is authorized to make the determinations contemplated by 41 CFR 101-45.803. This authority may not be redelegated.

(b) Each proposed determination shall be approved by the Solicitor, an Associate Solicitor, or comparable legal officer of the Department before it becomes effective.

(c) Where a bidder furnished evidence in support of an alleged mistake in bid, the case shall be referred to the Director, Office of Administrative and Management Policy (PM) for determination. The referral shall include the documents and data specified in 41 CFR 101-45.803(d)(3).

(d) The Office of Administrative and Management Policy shall maintain case file records of all administrative determinations made in accordance with 41 CFR 101-45.803. A copy of the determination shall be attached to each copy of any contract rescission or reformation resulting therefrom.

§ 114-45.804 Mistakes disclosed after award.

(a) The Director, Office of Administrative and Management Policy, is authorized to make the determination contemplated by 41 CFR 101-45.804. This authority may not be redelegated.

(b) Each proposed determination shall be approved by the Solicitor, an Associate Solicitor, or comparable legal officer of the Department before it becomes effective.

(c) Where a bidder furnishes evidence in support of an alleged mistake in bid, the case shall be referred to the Director of Administrative and Management Policy (PM) for determination. The referral shall include the documents and data specified in 41 CFR 101-45.804(f)(2).

(d) The Office of Administrative and Management Policy shall maintain

case file records of all administrative determinations made in accordance with CFR 101-45.804. A copy of the determination shall be attached to each copy of any contract rescission or reformation resulting therefrom.

Subpart 114-45.47—Reports

§ 114-45.4701 Performance reports.

(a) The annual report of the sale or other disposition of surplus personal property shall be prepared and submitted in the same manner as the annual report of the utilization of domestic excess personal property (see § 114-43.4701(a)). The reports shall be combined whenever practicable.

(b) The annual report of the sale or other disposition of foreign excess property shall be prepared and submitted in the same manner as the annual report of the utilization of foreign excess property (see § 114-43.4701(b)). The reports shall be combined whenever practicable.

PART 114-46—UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY PURSUANT TO EXCHANGE/SALE AUTHORITY

Subpart 114-46.2—Authorization

§ 114-46.202 Restrictions and limitations.

(a) Basic responsibility for compliance with 41 CFR Part 101-46 rests with Bureaus and Offices. Consistent with Departmental financial management practices, Bureaus and Offices should establish procedures to provide adequate management control and documentation of exchange/sale transactions.

Subpart 114-46.3—Transfer and Exchange Between Federal Agencies

§ 114-46.301 Agency responsibility.

Property available for exchange or sale pursuant to section 201(c) of the Federal Property and Administrative Services Act of 1949, as amended, is not "available" property as defined in IPMR 114-43.104-50, nor does it become excess or surplus. For purposes of Departmental screening, however, the holding office of such property should apply within the Department the same utilization and transfer requirements as FPMR 101-46.3 requires be applied with other Federal agencies.

Subpart 114-46.4—Disposal

Sec.

114-46.400 Scope of subpart.

114-46.407 Reports.

114-46.4902 Exchange/sale category list.

Subpart 114-46.4—Disposal

§ 114-46.400 Scope of subpart.

Personal property being replaced pursuant to the exchange/sale authority found in 40 U.S.C. 481(c), shall be reported to the appropriate regional office of the General Services Admin-

istration for sale purposes in accordance with this FPMR 101-46.400 in the following instances:

(a) The Bureau or Office has determined that disposal by outright sale is in the best interest of the Government in accordance with FPMR 101-46.402, or

(b) When the General Services Administration is handling the procurement of the replacement property.

§ 114-46.407 Reports.

The report on exchange/sale transactions shall be prepared in accordance with FPMR 101-46.407 and submitted to the Office of Administrative and Management Policy (PM) within 60 calendar days after the close of each fiscal year. The report, consolidated for the Bureau or Office, should be submitted in the form of a memorandum and include, without distinction, transactions handled by the General Services Administration and those handled by the reporting Bureau or Office. In the event a report includes property in Federal Supply Classification Groups 32, 34, 68, or 75 (only certain items in each of these Groups are eligible for handling under the provisions of Part 101-46), it should also include a brief description of the items exchanged or sold.

§ 114-46.4902 Exchange/sale category list.

The exchange/sale category list in this section does not represent an all-inclusive listing of items eligible for disposal under the exchange/sale authority. Other items or categories of items (except those listed in FPMR 101-46.4901) may be disposed of pursuant to the authority provided that the requirements of FPMR 101-46.2 are met. It should be noted that the items listed in this section are numbered in sequence and not by Federal Supply Classification Group numbers.

[FR Doc. 78-7208 Filed 3-17-78; 8:45 am]

[4910-14]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 76-198]

PART 148—CARRIAGE OF SOLID HAZARDOUS MATERIALS IN BULK

Permitted Cargoes; correction

AGENCY: Coast Guard, DOT.

ACTION: Correction.

SUMMARY: This document corrects FR Doc 78-5307, appearing on page 8760 in the March 2, 1978, issue of the FEDERAL REGISTER.

FOR FURTHER INFORMATION CONTACT:

Capt. George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 7th Street SW., Washington, D.C. 20590, 202-426-1477.

SUPPLEMENTARY INFORMATION:

The following correction is made on page 8760, the table in § 148.01-7 Permitted Cargoes, column 1 fourth item should read:

"Ammonium nitrate fertilizer, formulation or mixture containing less than 60 pct ammonium nitrate with no organic filler."

Dated: March 14, 1978.

O. W. SILER,
Admiral,

U.S. Coast Guard Commandant.

[FR Doc. 78-7307 Filed 3-17-78; 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.

[6210-01]

FEDERAL RESERVE SYSTEM

[12 CFR Part 225]

[Reg. Y; Docket No. R-0145]

NONBANKING ACTIVITIES

Extension of Comment Period

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Extension of comment period.

NOTICE: In conjunction with notice of an application by Citicorp, New York, N.Y., the Board on February 16, 1978, published for comment a proposed rule that would permit bank holding companies to engage, directly or indirectly, in the sale of money orders and similar instruments, traveler checks, U.S. savings bonds, and consumer-oriented financial management courses and instructional material, subject to Board approval of specific proposals (43 FR 7440). The Secretary of the Board, pursuant to delegated authority, by this notice extends for 30 days the comment period on that rulemaking proposal and on the related application by Citicorp, at the request of Independent Bankers Association of America, Washington, D.C., and other interested persons.

DATE: Comments must be received by April 13, 1978.

ADDRESS: Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. All material submitted should include the docket number R-0145.

FOR FURTHER INFORMATION CONTACT:

Robert E. Mannion, Associate General Counsel, 202-452-3274, or James McAfee, Senior Attorney, 202-452-3707, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Board of Governors of the Federal Reserve System, through its Secretary, acting pursuant to delegated authority (12 CFR 265.2(a)(15)), March 14, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-7349 Filed 3-17-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for the Purpose of SBA Loans for Firms Primarily Engaged in the Manufacture of Women's and/or Children's Nightwear

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: This is a proposal to establish a size standard for firms which are primarily engaged in the manufacture of women's and/or children's nightwear to receive SBA financial assistance. This rule is necessary because of the difference in the distribution of firm sizes in the nightwear segment of the "Women's, Children's, and Infants' Underwear and Nightwear Industry" (SIC-2341) as opposed to the industry as a whole. It is intended to result in the increased eligibility of firms engaged in the nightwear product line (SIC-23413) for SBA assistance.

DATE: Comments must be received by April 19, 1978.

ADDRESS: Submit comments to: Director, Size Standards Division, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT:

Harvey D. Bronstein, 202-653-6373.

SUPPLEMENTARY INFORMATION: We have for consideration a request from an ad hoc group called the Independent Cutters and Sewers of Children's Sleepwear (ICSCS) for an increase in the size standard applicable to SIC 2341 "Women's, Children's and Infants' Underwear and Nightwear", to 500 employees. ICSCS represents certain manufacturers of children's nightwear.

The Consumer Product Safety Commission banned the flame retardant chemical TRIS in children's nightwear. The manufacturers of such garments were required to make refunds in their sales of TRIS treated nightwear. This has caused these manufacturers severe financial difficulties.

SBA determined that this was a substantial economic injury which made the concerns eligible for section 7(b)(5) assistance.

The definition of annual receipts in 13 CFR 121.3-2(b) previous to this problem provided in part that for size determination purposes, where a shortage of energy or materials caused a concern's receipts for at least 3 months of the current fiscal year to be at least 25 percent lower than its receipts during the corresponding months of its most recently completed fiscal year, its annual receipts for the most recently completed fiscal year are reduced by the determined percentage. SBA determined that the injury making for 7(b)(5) eligibility was comparable to that caused by a shortage of energy or materials. Accordingly, on July 12, 1977, it added 7(b)(5) eligible concerns to those qualified for the special receipts calculation rule. 42 FR 35855. In the same ruling it also provided that a reduction in a concern's receipts by 25 percent or more also could reduce its employment for computation purposes by the determined percentage.

However, ICSCS contends that even with this rule, many manufacturers are still ineligible for SBA financial assistance using the 250 employee size standard as the starting point. Thus they have requested an increase in the size standard for the 4 digit SIC 2341 to 500 employees.

SIC 2341 is in Major Group 23 "Apparel and other finished products made from fabrics and similar materials". All SICs in that major group are subject to the general manufacturing size standard of 250 employees, except 2321. That SIC has a size standard of 500 employees, which covers 27.3 percent of the sales in that industry, based on 1972 Census data. In SIC 2341, based on 1972 Census data, the current 250 employee size standard already covers 30.8 percent of the sales, but a 500 employee size standard would increase the percent of sales covered to 39.6 percent. Accordingly, we believe that an increase in the size standard for SIC 2341 from 250 to 500 employees is not warranted.

The concerns here involved manufacture only children's nightwear, which is only a portion of the products classified under 2341. ICSCS contends that there should be a definition more directly applicable to its industry than that at a 4 digit SIC level, and that a higher size standard would be war-

ranted at that more precise level. We decided to consider the problem further.

SIC 2341 has 5 digit product line classification codes, the most applicable of which is 23413 "Women's and Children's Nightwear, made from woven or purchased knit fabrics." We requested a special retabulation of the Census of Manufacturers for product line SIC 23413. We find that a 250 employee size standard covers only 24 percent of sales, but that a 500 employee size standard would cover 30 percent of sales. Since this latter percentage is comparable to the percent of sales covered by the 250 employee size standard for 2341 and the 500 employee size standard for 2321, there is some ground for adopting the 500 employee size standard for SIC 23413.¹

However, the agency normally does not establish detailed definitions below the 4 digit SIC level. The problem here presented is a temporary one, and only a temporary standard is needed to enable eligibility for the financial assistance here involved. Accordingly, it appears appropriate to establish the 500 employee size standard for the 5 digit SIC number involved only for a temporary period. We believe that the concerns can file application for financial assistance within 6 months of the effective date of regulation.

Since the purpose of the standard is to help concerns affected by the TRIS ban, it is appropriate to retain the eligibility criterion previously established, namely that the concern suffer substantial economic injury which makes it eligible for section 7(b)(5) assistance.

In view of the foregoing, we propose to amend 13 CFR 121.3-10(b) by adding a new subparagraph (4), which would read as follows:

§ 121.3-10 Definition of small business for SBA loans.

* * *

(b) * * *

(4) As small if it is primarily engaged in manufacturing products in SIC Code 23413 ('Women's and Children's Nightwear, made from woven or purchased knit fabrics') has suffered substantial economic injury which makes it eligible for section 7(b)(5) assistance, files an application for such assistance by (insert date 6 months from the effective date of the regulation), and has an average number of employees not to exceed 500.

¹We note that comparability of percentage of sales covered in the relevant SICs is what is significant. The actual percentage figure, here about 30 percent, would not necessarily be appropriate in other circumstances.

Dated: March 13, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-7301 Filed 3-17-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR part 71]

[Airspace Docket No. 78-EA-11]

VICTOR AIRWAYS

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to increase exclusions currently made to several airways near Tidioute, Pa. The portions of these airways which are within the Youngstown, Ohio, Military Operations Area (MOA) are currently excluded when the MOA is activated so that Air Force jets may operate off airways within the MOA. It is proposed to increase the airway exclusions to coincide with a proposed increase in the size of the MOA.

DATE: Comments must be received on or before April 19, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 78-EA-1, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern

Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before April 19, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

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

THE PROPOSAL

The FAA is considering an amendment to subpart C of part 71 of the Federal Aviation Regulations (14 CFR part 71) to increase exclusions currently made to several airways near Tidioute, Pa. The portions of these airways which are within the Youngstown MOA are currently excluded when the MOA is activated so that Air Force jet aircraft may operate off airways within the MOA. The Youngstown MOA is currently established within a 15 miles radius of the Tidioute VORTAC and extends from 10,000 feet MSL to and including 15,000 feet MWL. Air Force jet operations are scheduled to increase, and the vertical extent of the MOA is being altered through nonrulemaking procedures to include the airspace from 10,000 feet MWL to and including 17,000 feet MSL. Simultaneously the name of the MOA will be changed from Youngstown MOA to Tidioute MOA. Victor Airways Nos. 72, 115, 116, 126, 170, 184, and 188 penetrate the MOA, and each airway description includes the following exclusion: "The airspace within a 15 NM radius of Tidioute, Pa., at and above 10,000 feet MSL to and including 15,000 feet MSL is excluded during the times that the Youngstown Military Operations Area (MOA) is activated by NOTAM." It is proposed to change this exclusion to read: "The airspace within a 15 NM radius of Tidioute, Pa., from 10,000 feet MSL to and including 17,000 feet MSL is excluded during the times that the Tidioute Military Operations Area

(MOA) is activated by NOTAM." Subpart C of part 71 was republished in the FEDERAL REGISTER on January 3, 1978 (43 FR 307).

DRAFTING INFORMATION

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

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend §71.123 of the Federal Aviation Regulations (14 CFR part 71) as republished (43 FR 307) as follows:

In the text of Victory Airways V-72, V-115, V-116, V-126, V-170, V-184 and V-188, the FAA proposes to change the descriptions of these airways from:

The airspace within a 15 NM radius of Tidioute, Pa., at and above 10,000 feet MSL, to and including 15,000 feet MSL, is excluded during the times that the Youngstown Military Operations Area (MOA) is activated by NOTAM." and would substitute the following description: "The airspace within a 15 NM radius of Tidioute, Pa., at and above 10,000 feet MSL, to and including 17,000 feet MSL is excluded during the times that the Tidioute Military Operations Area (MOA) is activated by NOTAM.

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

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

Issued in Washington, D.C., on March 13, 1978.

B. KEITH POTTS,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc. 78-7081 Filed 3-17-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-WE-3]

AIRWAY FLOOR

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FAA proposes to lower a portion of the airway floor of Victor Airway No. 165 between Reno, Nev., and Lakeview, Ore. Presently the airway floor is too high to provide controlled airspace for aircraft departing Alturas Municipal Airport, Calif. The proposed action would provide

sufficient controlled airspace for aircraft departing Alturas and proceeding via V-165 airway.

DATES: Comments must be received on or before April 19, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 78-WE-3, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

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

An informal docket may be examined at the office of the Regional Traffic Division.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before April 19, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

AVAILABILITY OF NPRM

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

THE PROPOSAL

The FAA is considering an amendment to Subpart 71 of the Federal Aviation Regulations (14 CFR Part 71) that would lower a portion of the airway floor of V-165 between Reno, Nev., and Lakeview, Ore. The Alturas, Calif., Municipal Airport is located 15 miles west of V-165 centerline, and the airport elevation is 4,375 feet MSL. Transition areas around the airport provide sufficient controlled airspace until reaching the edge of V-165 where the floor of controlled airspace is 13,500 feet MSL. Alturas departures cannot reach 13,500 feet MSL before entering the airway and exiting the controlled airspace unless a circling climb is executed. The proposed amendment would establish an airway floor of 1,200 feet ALG in this vicinity so that Alturas departures can climb to cruising altitude without exiting controlled airspace. At the present time the V-165 airway floor south-southeast of Lakeview is 1,200 feet AGL for 48 miles, and 13,500 feet MSL for the next 87 miles. The proposed amendment would make the airway floor 1,200 feet AGL for 81 miles, and 13,500 feet MSL for the next 54 miles. The proposal would enhance flight safety and provide for more efficient use of the navigable airspace. Subpart C of Part 71 was republished in the FEDERAL REGISTER on January 3, 1978 (43 FR 307).

DRAFTING INFORMATION

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

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend §71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 307) as follows:

In V-165 "Reno, Nev.; 40 miles, 7 miles, 115 MSL, 87 miles, 135 MSL, Lakeview, Ore.;" would be deleted and "Reno, Nev.; 40 miles 12 AGL, 7 miles 115 MSL, 54 miles 135 MSL, 81 miles 12 AGL, Lakeview, Ore.;" would be substituted therefor.

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

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

Issued in Washington, D.C., on March 13, 1978.

B. KEITH POTTS,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc. 78-7083 Filed 3-17-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-RM-083]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Rock Springs, Wyo., control zone and 700-foot transition area. This proposal is necessary to provide additional controlled airspace to contain the new VOR/DME runway 7 instrument approach to the Rock Springs-Sweetwater County Airport, Rock Springs, Wyo.

DATES: Comments must be received on or before March 31, 1978.

ADDRESSES: Send comments on the proposal to: Chief, Air Traffic Division, Attn.: ARM-500, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010.

FOR FURTHER INFORMATION CONTACT:

Mr. David M. Laschinger, Airspace Specialist, Operations, Procedures and Airspace Branch (ARM-539), Air Traffic Division, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colo. 80010, telephone 303-837-3937.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010. All communications received will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal con-

tained in this notice may be changed in the light of comments received.

AVAILABILITY OF NPRM

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

THE PROPOSAL

The Federal Aviation Administration is considering an amendment to Subpart F and G of Part 71 of the Federal Aviation regulations (14 CFR Part 71) to alter the control zone and 700-foot transition area at Rock Springs, Wyo. The present control zone and 700-foot transition area were found to be inadequate to contain the new VOR/DME Runway 7 instrument approach to Rock Springs-Sweetwater County Airport, Rock Springs, Wyo. Accordingly, the Federal Aviation Administration proposes to amend Subpart F and G of Part 71 of the Federal Aviation regulations (14 CFR Part 71) as follows:

By amending Subpart F, § 71.171 so as to alter the following control zone to read:

ROCK SPRINGS, WYO.

Within a 5.5 mile radius of the Rock Springs-Sweetwater County Airport (latitude 41°35'45" N., longitude 109°04'00" W.); within 3 miles each side of the Rock Springs ILS localizer east course, extending from the 5.5-mile radius zone to 9 miles east of the Thayer LOM (latitude 41°35'49" N., longitude 108°58'09" W.); within 3.5 miles each side of the Rock Springs VORTAC 102° radial, extending from the 5.5-mile radius zone to 11.5 miles east of the VORTAC, and within 5 miles each side of the Rock Springs VORTAC 277 radial, extending from the 5.5-mile radius zone to 18 miles west of the VORTAC.

By amending Subpart G, § 71.181 so as to alter the following transition area to read:

ROCK SPRINGS, WYO.

That airspace extending upward from 700 feet above the surface within 11.5-mile radius of the Rock Springs-Sweetwater County Airport (latitude 41°35'45" N., longitude 109°04'00" W.) within 12.5 miles north and 4.5 south of the 090° bearing and 12.5 miles north and 7.5 south of the 270° bearing from the Thayer LOM (latitude 41°35'49" N., longitude 108°58'09" W.) extending from the 11.5-mile radius area to 18.5 miles east of the Thayer LOM and from the 11.5 mile radius area to 32 miles west of the Thayer LOM; and within 1 mile north

and 6 miles south of the Rock Springs VORTAC 102° radial extending from the 11.5-mile radius area to 18.5 miles east of the VORTAC; and that airspace extending

DRAFTING INFORMATION

The principal authors of this document are Mr. David M. Laschinger, Air Traffic Division, and Mr. Daniel J. Peterson, Office of the Regional Counsel, Rocky Mountain Region.

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

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

Issued in Aurora, Colo. on March 7, 1978.

M. M. MARTIN,

Director, Rocky Mountain Region.

[FR Doc. 78-7088 Filed 3-17-78; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 101]

GENERAL PROVISIONS

Notice of Proposed Change in the Field Organization of the Customs

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: The document proposes to change the field organization of the Customs Service by extending the port limits of the Customs port of entry at El Paso, Tex. The proposed change is part of Customs continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public.

DATES: Comments must be received on or before April 4, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Robert Schenarts, Inspection and Control Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-8151.

SUPPLEMENTARY INFORMATION:

BACKGROUND

As part of a continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public, the Customs Service proposes to extend the port limits of the Customs port of entry at El Paso, Tex. The current limits of this port coincide with the El Paso city limits. The expansion would accommodate the relocation of the cattle quarantine station in Chihuahua, Mexico, by creating a "cattle only" crossing immediately across the United States-Mexico border from the intended site, in the area known as Anapra, N. Mex. This would make the entry of cattle easier as it would not be necessary to transport them through the city of Juarez, Mexico, to get to the port of entry.

As extended, the geographical limits of the port of El Paso, Tex., would include all the territory within the city limits of El Paso and also:

That part of Dona Ana County, N. Mex., contained in the area defined by the Texas-New Mexico state line from the point of its intersection with the USA-Mexico international boundary northwesterly to the point of its intersection with New Mexico State Highway 273; then southwesterly along New Mexico State Highway 273 to its intersection with Anapra Road; and continuing in a southwesterly direction along Anapra Road to its intersection with the USA-Mexico international boundary; and then easterly along the USA-Mexico international boundary back to its intersection with the Texas-New Mexico state line.

If the proposed extension is adopted, the list of Customs regions, districts and ports of entry in § 101.3 of the Customs Regulations (19 CFR 101.3), will be amended accordingly.

COMMENTS

Before adopting this proposal, consideration will be given to any written comments that are submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulation (19 CFR 103.8(b)) during regular business hours at the Regulations and Legal Publications Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

AUTHORITY

This change is proposed under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR 1949-1953 Comp., Ch. II), and pursuant to authority provided by Treasury

Department Order No. 190, Rev. 14 (42 FR 35239).

DRAFTING INFORMATION

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

Dated: March 6, 1978.

BETTE B. ANDERSON,
Under Secretary
of the Treasury.

[FR Doc. 7415 Filed 3-17-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Part 1308]

SCHEDULES OF CONTROLLED
SUBSTANCES

**Proposed Placement Into Schedule II
of 1-Piperidinocyclohexanecarbonitrile and 1-Phenylcyclohexylamine,
Immediate Precursors to Phencyclidine**

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This is a notice of proposed rulemaking issued by the Administrator of the Drug Enforcement Administration to place the drugs 1-Piperidinocyclohexanecarbonitrile and 1-Phenylcyclohexylamine into Schedule II of the Controlled Substances Act. This action was initiated upon DEA's receipt of a letter from the Assistant Secretary, Department of Health, Education, and Welfare, requesting that phencyclidine be placed into Schedule II of the Act and which noted that its analogs and immediate precursors were to be considered for similar controls. The effect of the present proposal would be to provide regulatory controls upon the manufacture, distribution, dispensing, importation and exportation of these two immediate precursors of phencyclidine.

DATE: Comments should be received on or before April 19, 1978.

ADDRESS: Send comments in triplicate to: Administrator, Drug Enforcement Administration, U.S. Department of Justice, 1405 I Street NW., Washington, D.C. 20537.

FOR FURTHER INFORMATION CONTACT:

Howard McClain, Jr., Chief, Regula-

tory Control Division, Drug Enforcement Administration, telephone 202-633-1366.

SUPPLEMENTARY INFORMATION: On August 29, 1977, the Administrator of DEA requested the Assistant Secretary for Health, Department of Health, Education, and Welfare to provide a scientific and medical evaluation of DEA's proposed action to move the Schedule III controlled substance phencyclidine to Schedule II.

The Assistant Secretary concurred with DEA's request and submitted a letter dated December 8, 1977, with documents enclosed which listed the factors he is required to consider under section 201 of the Act as well as the summarized considerations in furtherance thereof concerning the placement of phencyclidine into Schedule II. In the letter, the Assistant Secretary also recognized that the analogs and immediate precursors of phencyclidine were to be considered for similar control.

Concerning phencyclidine, the Drug Enforcement Administration has, after appropriate notice, issued a final order placing that drug into Schedule II of the Act (43 FR 3359, January 25, 1978), and in connection with this, studied precursors of PCP for their possible inclusion into an appropriate schedule of control under the Act.

In its study of PCP's precursors, DEA recognized that in the various syntheses of PCP there are or can be chemical reactions whereby one chemical substance or another is converted in one step to PCP. DEA has uncovered clandestine PCP laboratories on numerous occasions where the laboratory has reached the stage in its PCP syntheses where it has made a chemical substance which in one further step would be converted into PCP.

The Administration has identified two such substances as immediate precursors in accordance with the provisions of section 102(22) of the Act (21 U.S.C. 802(22)). The substances, 1-Piperidinocyclohexanecarbonitrile and 1-Phenylcyclohexylamine, have each been found by the Administrator as being (1) the principle compound used in the manufacture of PCP, (2) an immediate chemical intermediary used or likely to be used in the manufacture of PCP, and (3) the control of each such immediate precursor is necessary to prevent, curtail or limit the manufacture of PCP.

Therefore, such chemical substances are "immediate precursors" of PCP as defined in section 102(22) of the Act (21 U.S.C. 802(22)) and thus may be placed in Schedule II with PCP, without the necessity of making the findings otherwise required by sections 201(a) and 202(b) of the Act (21 U.S.C. 811(a) and 812(b)) and without regard

to the procedures otherwise required by sections 201 (a) and (b) of the Act (21 U.S.C. 811 (a) and (b)). 21 U.S.C. 811(e). Such procedures which, under the authority of 21 U.S.C. 811(e), need not be regarded as a required prelude to control in this case, and which are hereby dispensed with, include the rulemaking procedures as set forth in the Administrative Procedure Act (5 U.S.C. 551-559), and the opportunity for a hearing on the proposed rule.

Notwithstanding this, DEA is extending in this case the opportunity to interested persons to submit comments on the rule proposed herein and shall consider all such comments received on or before April 19, 1978. Comments should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

After April 19, 1978, the Administrator shall issue his final order pursuant to 21 CFR 1308.48 upon consideration of all written comments timely received.

Therefore, pursuant to 21 U.S.C. 811(e) and regulations of the Drug Enforcement Administration and of the Department of Justice, the Administrator of the Drug Enforcement Administration hereby proposes that 1-Piperidinocyclohexanecarbonitrile and 1-Phencyclohexylamine be included in Schedule II of the Act, and that § 1308.12(e) of Title 21, Code of Federal Regulations (CFR) be amended to read as follows:

§ 1308.12 Schedule II.

(e) *Depressants*. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Amobarbital.....	2125
(2) Methaqualone.....	2565
(3) Pentobarbital.....	2270
(4) Phencyclidine.....	7471
(5) 1-Phencyclohexylamine.....	7460
(6) 1-Piperidinocyclohexanecarbonitrile.....	8603
(7) Secobarbital.....	2315

All interested persons are invited to submit their comments in writing regarding this proposal. These comments should state with particularity the issues concerning which the person desires to be heard. Comments should be submitted in quintuplicate

to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

Dated: March 15, 1978.

PETER B. BENSINGER,
Administrator, Drug
Enforcement Administration.

[FR Doc. 78-7281 Filed 3-17-78; 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 OPER-
ATIONS OF THE FEDERAL NATION-
AL MORTGAGE ASSOCIATION

Extension of Comment Period

AGENCY: Federal National Mortgage Association (FNMA).

ACTION: Extension of comment period.

SUMMARY: This notice extends the period for comments on FNMA's proposal to revise regulations governing the agency's operations set forth in the FEDERAL REGISTER of February 24, 1978 (43 FR 7659). This action is being taken because a number of requests for an extension of time were received, pointing out that since the proposal is lengthy, complex, and of significant impact on the operation of the secondary mortgage market, additional time was needed to analyze the proposed regulations and prepare detailed and meaningful comments.

DATE: The comment period is extended until April 26, 1978.

ADDRESS: Written comments, views or data should be submitted 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.

FOR FURTHER INFORMATION
CONTACT:

Irving P. Margulies, 202-755-7203.

SUPPLEMENTARY INFORMATION: This Notice extends the period for comments on the Notice, published February 24, 1978 (43 FR 7659), proposing to revise the Regulations Governing Operations of the Federal National Mortgage Association. The original comment due date on this proposal was March 27, 1978.

Requests for an extension of time were submitted by counsel for the Federal National Mortgage Association and by the Mortgage Bankers Association of America, the Mortgage Insurance Companies of America, the National Association of Mutual Savings banks, and several mortgage banking firms. Counsel for the Federal National Mortgage Association requested that the comment period be extended for 60 days, until May 26, 1978. The Mortgage Bankers Association of America, the Mortgage Insurance Companies of America, and the several mortgage banking firms have requested that the comment period be extended by 30 days. The National Association of Mutual Savings Bank requested an extension until March 31, 1978.

In general, the requests for extension point out that the proposal is lengthy, complex, and of significant impact on the operation of the secondary mortgage market, and that additional time is needed to analyze the proposed regulations and prepare detailed and meaningful comments.

The Secretary of Housing and Urban Development, upon consideration of the foregoing requests for extension and for the reasons expressed therein, hereby extends the comment period by 30 days, with a revised comment due date of April 26, 1978.

PATRICIA ROBERTS HARRIS,
Secretary, Department of
Housing and Urban Development.
[FR Doc. 78-7299 Filed 3-15-78; 3:06 pm]

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

[LR-194-77]

INCOME TAX

Deferred Tax Treatment of Amounts
of Compensatory Payments; Public
Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to deferred tax treatment of amounts of compensatory payments.

DATES: The public hearing will be held on May 4, 1978, beginning at 10 a.m. Outlines of oral comments must be delivered or mailed by April 21, 1978.

ADDRESS: The public hearing will be held in the IRS Auditorium, Seventh

PROPOSED RULES

Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn.: CC:LR:T (LR-194-77), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

George Bradley or Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 61 of the Internal Revenue Code of 1954. The proposed regulations appeared in the *FEDERAL REGISTER* for Friday, February 3, 1978 (43 FR 4638).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by April 21, 1978. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

Dated: March 14, 1978.

ROBERT A. BLEY,
Director, Legislation and
Regulations Division.

[FR Doc. 78-7205 Filed 3-15-78; 8:52 am]

[1505-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 162]

[FRL 853-7; OPP-2500071]

PESTICIDE PROGRAMS

Guidelines for Registering Pesticides in the United States: Subparts B, D, and E.

NOTIFICATION OF THE SECRETARY OF AGRICULTURE OF A PROPOSED REGULATION

In FR Doc. 78-3842 appearing on page 5857 in the issue of Friday, February 10, 1978, the heading should read as it appears above.

[6730-01]

FEDERAL MARITIME COMMISSION

[46 CFR part 511]

[Docket No. 76-58]

REPORTS BY COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADES

Withdrawal of Notice of Proposed Rule

AGENCY: Federal Maritime Commission.

ACTION: Withdrawal of notice of proposed rules.

SUMMARY: The proposed rule which is being withdrawn would have initiated a separate system for disclosure to the public of certain financial information collected by the Commission. The Commission has determined, however, that the efficiency sought to be attained by the implementation of the proposed rule with regard to requests for information would not, in fact, be accomplished. As a result, it has been determined that the proposed rule is unnecessarily duplicative of the current Commission rules provided at 46 CFR part 503 and would not contribute to enhanced administrative responsiveness.

DATE: To become effective March 14, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

The Commission has proposed an amendment to the rule which requires common carriers by water in the domestic offshore trades to file financial reports with the Commission (Form 64 for operators of self-propelled vessels and Form 63 for operators of vessels other than self-propelled). The same forms are used by carriers required to file reports with the Interstate Commerce Commission (ICC). Because the ICC is required by statute to make the data filed in such financial reports available for public inspection and copying, the rule was proposed to make the information on FMC Forms 63 and 64 which is identical to that information made public by the ICC also available for public inspection and copying. However, some of the material submitted in FMC Forms 63 and 64 may be withholdable under the Freedom of Information Act (FOIA) because such information may be commercially harmful to the reporting person or may damage the Commission's ability to acquire similar information in the future, and not all FMC Forms 63 and 64 filings are identical to the ICC filings. On the other hand, the current FOIA procedures (46 CFR part 503) already encompass the intent as well as the substance of the proposed rule. We do not believe it necessary to create a new procedure when an existing one is adequate. Therefore, the proposed rule will be withdrawn. This does not mean, however, that the information contained in Forms 63 and 64 will not be made public. All requests for information contained in FMC Forms 63 and 64 will be considered pursuant to the FOIA regulations contained in 46 CFR part 503. Part of that consideration will, of course, be whether identical information has already been made public by the ICC.

Therefore it is ordered, That proposed rule 46 CFR 511.7 be withdrawn and that Docket No. 76-58 be discontinued.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-7348 Filed 3-17-78; 8:45 am]

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[6335-01]

COMMISSION ON CIVIL RIGHTS**MASSACHUSETTS ADVISORY COMMITTEE****Agenda and Notice of Open Meeting**

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning and conference meeting of the Massachusetts Advisory Committee (SAC) of the Commission will convene at 4 p.m. and will end at 7 p.m. on April 7, 1978, and will convene again on April 8, 1978, at 5 p.m. and will end at 8 p.m., at the Hyatt Regency Hotel.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, 1639, New York, N.Y. 10007.

The purpose of this meeting is to discuss the development of projects development to activation of SAC suggestions for revision of Commission's program.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., March 14, 1978.

JOHN I. BINKLEY,
Advisory Committee
Management Officer.

[FR Doc. 78-7279 Filed 3-17-78; 8:45 am]

[6335-01]

NEW YORK ADVISORY COMMITTEE**Agenda and Notice of Open Meeting**

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York Advisory Committee (SAC) of the Commission will convene at 4 p.m. and will end at 7 p.m. on March 27, 1978, at Phelps Stokes Fund, 10 E 87 Street, New York, N.Y. 10028.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, 1639, New York, N.Y. 10007.

The purpose of this meeting is to discuss programming.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., March 14, 1978.

JOHN I. BINKLEY,
Advisory Committee
Management Officer.

[FR Doc. 78-7280 Filed 3-17-78; 8:45 am]

[3510-22]

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****NORTH PACIFIC FISHERY MANAGEMENT COUNCIL'S SCIENTIFIC AND STATISTICAL COMMITTEE AND ADVISORY PANEL****Meeting**

Notice is hereby given of a change in the meeting as published in the *FEDERAL REGISTER*, on Friday, March 10, 1978, Vol. 43, No. 48, 43 FR 9841, for the North Pacific Fishery Management Council's Scientific and Statistical Committee and Advisory Panel.

The SSC and AP will meet on Thursday and Friday, March 23-24, 1978, at the Council office, Suite 32, 333 West 4th Avenue, Post Office Mall Building, Anchorage, Alaska, beginning at 1 p.m.

PROPOSED AGENDA

(1) Contract Awards; (2) 1979 Budget; and (3) current condition of management plans.

Meeting is open to the public. For more information on seating, changes to the agenda, and/or written comments, contact: Mr. Jim H. Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, telephone 907-274-4563.

Dated: March 15, 1978.

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

[FR Doc. 78-7345 Filed 3-17-78; 8:45 am]

[3510-22]

PACIFIC FISHERY MANAGEMENT COUNCIL AND SCIENTIFIC AND STATISTICAL COMMITTEE**Meeting Cancellation**

Notice is hereby given that the meeting as published in the *FEDERAL REGISTER*, Monday, March 6, 1978, Vol. 43, No. 44, 43 FR 9193, of the Pacific Fishery Management Council and its Scientific and Statistical committee scheduled for April 12-14, 1978, in Portland, Oreg., has been cancelled.

Dated: March 15, 1978.

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

[FR Doc. 78-7344 Filed 3-17-78; 8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS**REPUBLIC OF KOREA****Correcting Import Restraint Levels for Certain Man-Made Fiber Textile Products**

MARCH 15, 1978.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: (1) Subdividing the ceiling for man-made fiber shirts (not knit) in Category 640 to cover dress shirts and other shirts, as provided under the terms of the bilateral agreement with the Republic of Korea. (2) Correcting the subceiling established for Category 634 within the combined Category 633/634/635.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the *FEDERAL REGISTER* on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421).)

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, between the Governments of the United States and the Republic of Korea established levels of restraint for non-knit shirts of man-made fibers in Category 640 of 3,893,474 dozen for dress shirts and 1,440,626 dozen for other shirts during the 12-month period which began on January 1, 1978. The agreement also provides, during the same time period, for a subceiling for Category 634 of 706,666 dozen within the overall ceiling for Category 633/634/635. These levels were incorrectly stated in the letter of December 27, 1977, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established, under the terms of the agreement, the levels of restraint applicable to specified categories of cotton, wool, and man-made fiber textile products, produced or manufactured in Korea and exported to the United States during the 12-month period which began on January 1, 1977 (42 FR 65246). Accordingly, in the letter of March 15, 1978, published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to adjust the levels of restraint for Categories 634 and 640.

EFFECTIVE DATE: April 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert C. Woods, International Trade Specialist, Office of Textiles, U.S. Department of Commerce,

Washington, D.C. 20230, 202-377-5423.

EDWARD GOTTFRIED,
Acting Chairman, Committee for
the Implementation of Textile
Agreements.

COMMITTEE FOR THE IMPLEMENTATION OF
TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

MARCH 15, 1978.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive issued to you on December 27, 1977, by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain specified categories of cotton, wool, and man-made fiber textile products, produced or manufactured in Korea.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of December 23, 1977, between the Governments of the United States and the Republic of Korea; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on April 3, 1978, and for the 12-month period which began on January 1, 1978, and extends through December 31, 1978, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Categories 633/634/635 and 640 in excess of the following levels of restraint:

Category	Amended 12-month level of restraint ¹
633,634, and 635	1,200,158 doz of which not more than 153,403 doz shall be in category 633; not more than 706,666 doz shall be in category 634; and not more than 520,113 doz shall be in category 635.
640 ²	3,893,474 doz.
640 ³	1,440,626 doz.

¹ The levels of restraint have not been adjusted to reflect any imports after Dec. 31, 1977.

² In category 640, only T.S.U.S.A. numbers 380.0455 and 380.8435.

³ In category 640, all T.S.U.S.A. numbers except those listed in footnote 2.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of manmade fiber textile products from Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

EDWARD GOTTFRIED,
Acting Chairman, Committee for the
Implementation of Textile Agree-
ments.

[FR Doc. 78-7390 Filed 3-17-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

MIDDLE DISTILLATE MONITORING SUBCOM-
MITTEE OF THE FUEL OIL MARKETING ADVI-
SORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Middle Distillate Monitoring Subcommittee of the Fuel Oil Marketing Advisory Committee will meet on Thursday and Friday, April 6 and 7, 1978, from 10 a.m. to 4 p.m., in the Acapulco Room of the Hyatt Regency Hotel, 151 East Wacker Drive, Chicago, Ill.

The Committee was established to provide the Secretary of Energy with expert and technical advice concerning the marketing of fuel oil as it relates to the development and implementation of policies and programs by the Department of Energy.

The agenda for the meeting is as follows:

1. Introductory Remarks and Overview of Procedures.
2. Discussion of Middle-Distillate Market Study.
3. Presentation of Middle-Distillate Data.
4. Discussion of Refiners Middle-Distillate Price Index.
5. Discussion of Middle-Distillate Wholesale and Retail Benchmarks.
6. Remarks from the Floor (10 Minute Rule).

The meetings are open to the public. The Chairman of the Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Georgia Hildreth, Acting Director, Advisory Committee Management, 202-566-9969, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Transcripts of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 2107, DOE, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcripts from the reporter.

Issued at Washington, D.C. on
March 15, 1978.

DAVID J. BARDIN,
Administrator, Economic Regu-
latory Administration.

[FR Doc. 78-7402 Filed 3-16-78; 2:30 pm]

[6740-02]

DEPARTMENT OF ENERGY
Federal Energy Regulatory
Commission

[Docket No. ER78-239]

ARIZONA PUBLIC SERVICE CO.

Filing of Supplement to Agreement

MARCH 14, 1978.

Take notice that on March 8, 1978, Arizona Public Service Co. (APS) tendered for filing a Supplement dated December 8, 1977 to the Wholesale Power Agreement between United States Bureau of Indian Affairs on behalf of the Colorado River Indian Irrigation Project (CRIIP) and APS respectively, previously designated APS-FPC Schedule No. 65. APS states that this Supplement provides for certain technical changes, along with amended Exhibit "A" of the Agreement which provides for maximum and minimum contract demands, provision for sales taxes and change in delivery point, thus excluding the imposition of the transmission changes.

APS requests waiver of the Commission's Regulations to permit effective dates of June 1, 1976 for the sales tax clause and January 1, 1978 for the exclusion of the transmission charges.

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 27, 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. 78-7242 Filed 3-17-78; 8:45 am]

[6740-02]**Federal Energy Regulatory Commission**

(Docket No. E-7738)

BOSTON EDISON CO.**Notice of Extension of Time****MARCH 10, 1978.**

On March 1, 1978, the Towns of Concord, Norwood, and Wellesley, Mass., filed a petition for an extension of time within which to submit comments on the revised cost data and schedules filed February 10, 1978, by Boston Edison Co. in compliance with Commission Opinion Nos. 809 and 809-A. By Notice issued February 23, 1978, the Commission requested comments on Boston Edison's filing on or before March 10, 1978.

Upon consideration, notice is hereby given that an extension of time is granted to and including March 17, 1978, within which to submit comments on Boston Edison's February 10, 1978 filing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-7252 Filed 3-17-78; 8:45 am]

[6740-02]

(Docket No. CP78-206)

EL PASO NATURAL GAS CO.**Pipeline Application****MARCH 14, 1978.**

Take notice that on February 27, 1978, El Paso Natural Gas Co. ("El Paso"), a Delaware corporation, whose mailing address is P.O. Box 1492, El Paso, Tex. 79978, filed an application at Docket No. CP78-206 pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of natural gas to or for the account of Michigan Wisconsin Pipe Line Co. (Mich-Wis), all as more fully set forth in the application on file with the Commission and upon to public inspection.

The application states that the instant proposal originates from the acquisition by El Paso of certain leasehold rights covering fifteen percent (15%) of the natural gas reserves underlying High Island Block A-309 located in the East Addition, High Island Area South Extension, Federal Domain, and the availability to Mich-Wis of certain natural gas supplies from its gas production activities in the State of Wyoming. The natural gas supplies attributable to El Paso's interest in the reserves underlying Block A-309 are not located in close proximity to its existing interstate pipeline transmission system nor are the gas supplies to be acquired by Mich-Wis near its existing interstate

transmission system. Both El Paso and Mich-Wis are desirous of making such new supplies available to their respective systems for utilization as a part of their overall system supply. Accordingly, El Paso and Mich-Wis have executed a Gas Exchange Agreement ("Agreement") dated October 6, 1977, which constitutes a portion of the overall arrangements necessary by both parties whereby such natural gas supplies can be made available to each party for use on their respective interstate pipeline transmission systems.

The application further states that pursuant to the terms and conditions of the subject Agreement, El Paso and Mich-Wis have agreed that El Paso, subject to the availability of capacity in El Paso's system, shall receive and transport, for the account of Mich-Wis, for the period commencing with initial deliveries and extending to the first day of the twenty-first (21st) year after the date of initial deliveries, quantities of natural gas ranging from up to 25,000 Mcf per day to a maximum of 200,000 Mcf per day¹ to be received from Northwest Pipeline Corp. ("Northwest") at an existing point of interconnection between the pipeline systems of Northwest and El Paso, referred to as the Ignacio Receipt Point, located in La Plata County, Colo. In determining the quantities of gas to be transported and delivered by El Paso at the delivery points described above, the quantities of gas available to El Paso from Block A-309, and measured by Mich-Wis at Delivery Point No. 1 shall be deducted from the quantities of gas received by El Paso at the Ignacio Receipt Point and the remaining balance shall be delivered by El Paso for Mich-Wis' account at Delivery Point Nos. 2 and 3 described above. In the event that Mich-Wis cannot cause sufficient quantities of gas to be delivered to El Paso at the Ignacio Receipt Point to reasonably balance natural gas deliveries caused by El Paso to me made at Delivery Point 1, then Mich-Wis shall deliver required balancing volumes, as soon as practicable, at Delivery Point No. 2.

El Paso will concurrently deliver to Mich-Wis or its designee, and Mich-Wis shall accept or cause to be accepted from El Paso quantities of natural gas equivalent, on an Mcf basis unless otherwise provided for, to the quantities of natural gas received by El Paso at the Ignacio Receipt Point for trans-

¹Based on current projections by Mich-Wis, it is anticipated that the quantities of natural gas to be delivered for the period from initial deliveries through December 31, 1978, will average 25,000 Mcf per day and, for the years 1979, 1980 and 1981, such deliveries will be approximately 51,650 Mcf per day, 90,699 Mcf per day and 119,350 Mcf per day, respectively. In subsequent years it is anticipated that the available volumes will approach 200,000 Mcf per day.

portation for Mich-Wis' account. The delivery points at which El Paso shall deliver or cause to be delivered natural gas to Mich-Wis or its designee are as follows: Delivery Point No. 1, located at Mich-Wis' existing measuring station in Cameron Parish, La., at which Mich-Wis will measure natural gas transported and delivered by High Island Offshore System ("HIOS") for El Paso's account from Block A-309 in which El Paso has an interest;² Delivery Point No. 2, located at the existing point of interconnection between the gathering pipeline systems of El Paso and Mich-Wis, in Roger Mills County, Okla.; and Delivery Point No. 3, to be located at a proposed point of interconnection between El Paso's 16" O.D. Jal Plant to Pecos River transmission pipeline and Natural Gas Pipeline Co. of America's ("Natural") 30" O.D. Delaware mainline transmission pipeline in Lea County, N. Mex.³ The Agreement provides that Mich-Wis shall pay El Paso one cent (1.0¢) for each Mcf delivered by El Paso at Delivery Point Nos. 1, 2 and 3.

El Paso proposes to render the subject back-haul transportation service for Mich-Wis on a firm basis, provided that El Paso has available capacity in its existing system to handle its own flowing gas supplies, including natural gas associated with injections and withdrawals for El Paso's various storage projects, in accordance with said Agreement. Upon a determination by El Paso that the available capacity of its existing facilities is inadequate to handle such transportation quantities, Mich-Wis, pursuant to said Agreement, unless it advises El Paso to the contrary, has agreed to pay El Paso on a cost-of-service basis for such facilities and/or modifications thereto, over the remaining term of the Agreement, necessary to effectuate El Paso's receipt of available transportation volumes for the account of Mich-Wis. El Paso states that should additional facilities be required to render the transportation service for the available volumes, it shall at that time seek the

²El Paso and Mich-Wis are in the process of concluding negotiations which provide for the transportation by Mich-Wis of El Paso's offshore gas from the production platform located in High Island Area Block A-309 to High Island Area Block A-332 where Mich-Wis will make deliveries to the HIOS for the account of El Paso and, after transportation for El Paso by HIOS, from West Cameron Area Block 167, offshore Louisiana to Mich-Wis' Grand Chenier metering facilities located in Cameron Parish, La. Mich-Wis and HIOS will seek the appropriate authorizations to transport El Paso's gas.

³El Paso has filed an application at Docket No. CP78-159 for authorization to, inter alia, construct certain facilities necessary to interconnect its 16" O.D. Jal Plant to Pecos River pipeline with Natural's 30" O.D. pipeline located in Lea County, N. Mex.

necessary regulatory authorizations to construct and operate such facilities. El Paso believes that its existing facilities can accommodate the 1978 deliveries of up to 25,000 Mcf daily provided under the transportation arrangement without modification.

El Paso states that grant of the authorization requested herein will assist both El Paso and Mich-Wis in their ability to make available to their respective interstate system customers additional quantities of natural gas while obviating the need for the construction of extensive and costly pipeline facilities which, absent such transportation arrangement, otherwise would be required to connect producing sources directly to either party's existing pipeline systems and which, in part, would duplicate existing facilities. Further, the instant project will provide a means whereby El Paso can economically provide an extended use of existing facilities not now fully utilized. Such arrangements also provide El Paso with access to offshore Texas supplies which have been acquired for the benefit of its customers. Therefore, for the foregoing reasons, El Paso represents that grant of the authorizations sought herein will serve and is required by the present and future public convenience and necessity.

El Paso filed concurrent with the instant application pursuant to Part 154 of the Commission's Regulations, proposed initial special rate schedule Z-4 to its FERC Gas Tariff, Third Revised Volume No. 2, which initial special rate schedule is comprised of the Gas Exchange Agreement dated October 6, 1977.

Any person desiring to be heard or to make any protest with reference to said application, on or before April 4, 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.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene

is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-7243 Filed 3-17-78; 8:45 am]

[6740-02]

[Docket No. CP74-317, et al.]

GREAT LAKES GAS TRANSMISSION CO.

Petition To Amend

MARCH 14, 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 March 2, 1978, Great Lakes Gas Transmission Co. (Petitioner), 2100 Buhl Building, Detroit, Mich. 48226, filed in Docket No. CP74-317, et al., a petition to amend

the order of July 7, 1977 (57 FPC —), issued by the Federal Power Commission in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to authorize (1) modifications in the schedule for construction of the facilities previously authorized, (2) certain changes in the facilities, (3) amendments to Petitioner's gas transportation contract dated May 20, 1974, with Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin) and (4) the continued transportation under the terms and conditions of such contract as modified by the first amendatory agreement dated February 22, 1978, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that in its original application filed in the instant docket, it requested authorization to transport natural gas in interstate commerce for Michigan Wisconsin pursuant to the May 20, 1974, transportation agreement and to construct and operate facilities necessary thereof. It is stated that this transportation service is part of Michigan Wisconsin's overall program for the development of three storage fields, viz., Capac, Muttonville, and Leonard, in Michigan to meet the present and projected needs of its distribution customers. Petitioner indicates that in order to accommodate Michigan Wisconsin's schedule for the development of storage fields over a 3-year period and the transportation contract requirements for transportation of up to 90,000 Mcf per day during the storage injection cycle in the first contract year, 182,000 Mcf per day during such cycle in the second contract year and 291,000 Mcf per day during the third contract year, Petitioner's construction schedule consisted of installation of the related pipeline and compressor facilities over a 3-year period.

It is indicated that on June 2, 1975, the FPCV issued temporary certificates authorizing, inter alia, the development and operation of the Muttonville storage field by Michigan Wisconsin, construction and operation of facilities required by Petitioner to transport the first contract year volumes of 90,000 Mcf per day, and the transportation of such volumes for a 1-year period. The contract rate for this transportation service was 5.0 cents per Mcf, it is stated. It is indicated that pursuant to the FPC orders of April 28, 1976, and April 15, 1977, the temporary certificate authorizations were extended for two successive 1-year periods. The contract rate for the extended 2-year period was 9.0 cents per Mcf which was based upon the actual cost of the facilities installed by Petitioner. It is further indicated that pursuant to the FPC's Opinion No. 810 issued July 7, 1977, Petitioner was granted permanent authorization in the instant docket.

The petition indicates that Michigan Wisconsin has not advised Petitioner that due to a change in its schedule for the development of the Capac and Leonard storage fields, Michigan Wisconsin would not require Petitioner to transport the contract quantity of 291,000 Mcf per day during the third contract year. The petition further states that the Petitioner's construction program for the contract years 1978-79 and 1979-80 should be designed to provide for a peak-day transportation service of up to 182,000 Mcf per day and that the Capac-Leonard delivery point should be moved from mile post 940.7 to mile post 946.0 on Petitioner's main line in Michigan.

It is stated that Petitioner has entered into the first amendatory agreement dated February 22, 1978, to the transportation contract by which agreement Petitioner has agreed to the above changes. It is further stated that the current estimated cost of the facilities to be installed by Petitioner are higher than those that were estimated by Petitioner in its original application. Petitioner estimates that the current estimated cost of the facilities to be installed is \$17,975,200.

Petitioner states that the facilities it proposes to install during the months of June through August of this year do not differ from those already authorized except for the modifications related to change of the Capac-Leonard delivery point described above. Petitioner states that it would now construct 31.3 miles of total loop as opposed to 29.4 miles of loop shown in the original application—an increase of 1.9 miles. Petitioner further indicates that the loop proposed in the original application downstream of the Farwell Compressor Station (No. 12) would be decreased by 0.7 mile, thereby ending at the first main line valve downstream. The loop as proposed downstream of the Otisville Compressor Station (No. 13) would be extended 2.6 miles to the first main line valve, it is said. Petitioner indicates that this additional loop would be required to counteract the drop in pressure that would otherwise result from moving the gas to the new location of the Capac-Leonard delivery point, and that because of the location of this loop to serve the new Capac-Leonard delivery, this addition would also result in more security on Petitioner's system since it would complete the valve section between the Otisville Compressor Station and main line valve No. 13-1. Financing of this loop would be done in the same manner as the rest of the facilities, it is said.

Consequently, Petitioner requests that the Commission amend its order of July 7, 1977, in order to reflect the changes made by the first amendatory agreement to the transportation contract.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 4, 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 (13 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. 78-7244 Filed 3-17-78; 8:45 am]

[6740-02]

[Docket No. ER78-25]

KANSAS CITY POWER & LIGHT CO.

Order Permitting Leave To File an Untimely Petition To Intervene and Granting an Untimely Intervention

MARCH 14, 1978.

On November 17, 1977, the Commission, inter alia, accepted for filing and suspended for 1 day the Kansas City Power & Light Co.'s transmission service rate schedule.¹ On December 19, 1977, the Board of Public Utilities of Kansas City, Kans. (Board), filed two documents entitled: "Motion For Leave To File Petition To Intervene Out Of Time" (Motion)², and "Petition To Intervene Out of Time" (Petition).

In support of its motion, the Board states that it will be directly affected by an action taken in this docket and for the reasons stated in its petition. In support of its petition, the Board states:

(1) That it serves customers within the environs of Kansas City, Kans., and engages in the generation and distribution of electricity;

(2) That it has two 161-kV interconnection points with KCP&L, and purchases, sells, and exchanges electricity with KCP&L;

(3) That the Board did not contemplate that the rates affecting it would be considered with other dockets with which the Board is not presently familiar and is not a party;

¹ Designated as Supplement No. 11 to Rate Schedule FPC No. 54, and described on Schedule E-MPA 161 KV Transmission service.

² All petitions and protests were due on or before November 7, 1977.

(4) That the Board's first notice of this docket was the Commission's Order of November 17, 1977; and

(5) That, because the Board is directly affected by a change in rates filed by KCP&L, and because its interests cannot be adequately represented by other parties, it is in the public interest for the Commission to allow the Board to intervene in this docket.

On December 23, 1977, KCP&L filed an answer to the Board's motion and petition. In its answer, KCP&L states that it does not object to either the Board's motion or petition and urges the Commission to grant intervenor status to the Board.

We shall grant the Board's motion since the Board has shown good cause to grant the Board leave to file the untimely petition. In addition, we shall grant the Board's petition inasmuch as the Board has demonstrated an interest of such nature that the Board's participation may be in the public interest (See, section 1.8(b)(3) of the Commission's rules of practice and procedure).

The Commission finds: (1) The Board of Public Utilities of Kansas City, Kans., should be permitted leave to file an out of time petition to intervene.

(2) Participation of the Board of Public Utilities of Kansas City, Kans., in this proceeding may be in the public interest.

The Commission orders: (A) That the Board of Public Utilities of Kansas City, Kans., is permitted leave to file an out of time petition to intervene.

(B) The Board of Public Utilities of Kansas City, Kans., is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however*, that the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further*, that the admission of such intervenor shall be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) The late intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

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

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-7245 Filed 3-17-78; 8:45 am]

[6740-02]

[Docket No. RP78-37]

LAWRENCEBURG GAS TRANSMISSION CORP.**Motion To Put Suspended Tariff Rates Into Effect**

MARCH 13, 1978.

Take notice that on March 7, 1978, Lawrenceburg Gas Transmission Corp. (Lawrenceburg) filed a motion to place suspended tariff rates into effect. The tariff rates were filed by Lawrenceburg on January 31, 1978, to be effective February 28, 1978. On February 27, 1978, the Commission accepted the tariffs for filing and suspended the effectiveness 1 day to March 1, 1978.

Lawrenceburg states that it has placed the subject tariff sheets into effect inasmuch as it was "impossible for Lawrenceburg to make a timely filing to preserve the March 1, 1978, effective date unless the Commission grants waiver of this regulation (18 CFR § 154.67(a))."

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before March 31, 1978. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-7254 Filed 3-17-78; 8:45 am]

[6740-02]

[Docket Nos. ER77-348, ER77-354 and ER78-14]

MISSOURI UTILITIES CO.**Informal Conference**

MARCH 13, 1978.

Notice is hereby given that on Friday, March 17, 1978, there will be an informal settlement conference in the above-captioned dockets at Room 3200 of 941 North Capitol Street NE., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-7255 Filed 3-17-78; 8:45 am]

[6740-02]

[Docket No. ER78-235]

NEVADA POWER CO.**Proposed Interconnection Agreement**

MARCH 13, 1978.

Take notice that on March 6, 1978, Nevada Power Co. (Nevada) tendered for filing an Interconnection Agree-

ment between it and the Utah Power & Light Co. (Utah) dated January 25, 1978. Nevada states the primary purpose of this Interconnection Agreement is to provide for the exchange of generating capacity and energy between the electric systems of the parties.

Nevada states that service may be provided under three Service Schedules:

1. Service Schedule A—Emergency Assistance.
2. Service Schedule B—Economy Energy Interchange.
3. Service Schedule C—Banked Energy.

Nevada requests an effective date of January 25, 1978, for this Agreement with an initial term of one year, and waiver of the Commission's notice requirements is therefore requested.

Copies of this filing were served upon Nevada's jurisdictional customer, the California-Pacific Utilities Co., and upon the Public Service Commission of Nevada and the Public Service Commission of Utah, according to Nevada.

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 27, 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. 78-7256 Filed 3-17-78; 8:45 am]

[6740-02]

[Docket No. RP78-46]

NORTHERN NATURAL GAS CO.**Rate Change**

MARCH 13, 1978.

Take notice that on March 3, 1978, Northern Natural Gas Co. (Northern) tendered for filing, as part of Northern's FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets:

Fifteenth Revised Sheet No. 4a Superseding Substitute Fourteenth Revised Sheet No. 4a and Substitute Tenth Revised Sheet No. 4b.

(Sheet Nos. 4a and 4b have been consolidated to provide on one sheet the rates for all Rate Schedules contained in Volume No. 1 of Northern's Tariff.)

Fifteenth Revised Sheet No. 4a (applying to major market area sales) provides for the inclusion of a surcharge of 5.23 cents per Mcf in the commodity portion of Northern's jurisdictional rates, to be effective during the period April 27, 1978 through December 26, 1978, to recover the costs of an emergency storage service rendered to Northern by Northern Illinois Gas Co. (N-I Gas) during the months of January and February, 1978. Under terms of an agreement dated June 21, 1977, N-I Gas made 12 Bcf of gas available to Northern during a 60-day period (January 1, 1978 through February 26, 1978), pursuant to the provisions of section 2.68 of the Commission's General Policy and Interpretations, at a cost of \$15,600,000. In addition, Natural Gas Pipeline Co. of America (NGPL) agreed to transport such volumes of gas as necessary, up to 9 Bcf through its facilities for a transportation charge of 12 cents per Mcf. As set forth on Appendix A hereto, the 5.23 cents per Mcf surcharge will enable Northern to recover from its jurisdictional customers \$13,673,925 of the actual total costs of \$16,484,539 incurred by Northern for this emergency storage service and related transportation.

The Company states that copies of the filing have been mailed to each of the Gas Utility 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, 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 29, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestant 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. 78-7257 Filed 3-17-78; 8:45 am]

[6740-02]

[Project No. 2088]

OROVILLE-WYANDOTTE IRRIGATION DISTRICT**Application for an Extension of Time in Which To Complete Construction**

MARCH 13, 1978.

Public notice is hereby given that on December 9, 1977, the Oroville-Wyan-

dotte Irrigation District, licensee for FERC Project No. 2088, filed an application under section 13 of the Federal Power Act (16 U.S.C. §§ 791(a)-825(r) (1970)) for an extension of time in which to complete construction of a tunnel for the lower reach of the Miner's Ranch Canal. FERC Project No. 2088 is located on the South Fork Feather River in Butte, Plumas, Sierra, and Yuba Counties, Calif. Correspondence regarding the application should be sent to: Mr. Milton R. Emerson, General Manager, Oroville-Wyandotte Irrigation District, P.O. Box 229, Oroville, Calif. 95965.

Article 51 of the license for Project No. 2088, as revised by a Federal Power Commission order issued January 13, 1975, requires licensee to commence construction of the tunnel for the lower reach of the Miner's Ranch Canal not later than May 1, 1975, and to complete the tunnel by April 30, 1977. Licensee has informed the FERC that the State of California let a contract on November 7, 1977, for construction of the Miner's Ranch Tunnel which provides an eighteen-month construction period; accordingly, licensee requests that article 51 of the license for Project No. 2088 be revised to reflect the time provisions of this contract. In support of its request licensee cites the delays that have resulted from the discussion and litigation between it and the California Department of Water Resources, the agency which is responsible for financing the construction.

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 requirements of the Commission's Rules of Practice and Procedure (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 to 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.

[FER Doc. 78-7258 Filed 3-17-78; 8:45 am]

[6740-02]

[Project No. 2372]

PENNSYLVANIA ELECTRIC CO.

Application for Approval of Revised Exhibits L and M

MARCH 13, 1978.

Public notice is hereby given that an application was filed on August 1, 1977, under the Federal Power Act, 16 U.S.C. § 791a-825r, by the Pennsylvania Electric Co. (Applicant) (Correspondence to: Mr. W. R. Thomas, Secretary and Treasurer, Pennsylvania Electric Co., 1001 Broad Street, Johnstown, Pa. 15907, and to James B. Liberman, Esq., Berlack, Israels & Liberman, 26 Broadway, New York, N.Y. 10004), Licensee for the Warrior Ridge Project, FERC No. 2372, for approval of revised Exhibits L and M. The project is located on Juniata River in Huntingdon County, Pa.

The Warrior Ridge Project currently contains four 500 kW horizontal shaft, double runner, Francis turbine units connected to synchronous generators. The turbines, generators and associated equipment are in inoperable condition since suffering damage from a 1972 flood. The Licensee has requested approval to replace the existing power production equipment at the project with three new 500 kW vertical shaft, propeller turbine units directly connected to induction generators. These new units would be installed in an outdoor setting that would utilize the existing open flumes of the powerhouse substructure. The existing powerhouse and auxiliary building superstructure would be demolished.

The renovated project would consist of: (1) an 810.5-foot long dam consisting of three sections, a 374.5-foot long reinforced concrete slab and buttress section 27 feet high, a 300-foot long powerhouse section which serves as the center portion of the dam and a 136-foot long slab and buttress section; (2) a spillway consisting of the 374.5-foot long dam section which served as an overflow section with crest at elevation 685 feet surmounted with one-foot flashboards and an auxiliary spillway consisting of the 136-foot long dam section with overflow crest at elevation 662 feet; (3) a reservoir having a surface area of 60 acres and storage capacity of 310 acre-feet; (4) three 500 kW hydroelectric generating units; (5) a main transformer described as 3 phase, 60 cycle, 2 MVA 2.4/46 kV; (6) a short 46-kV transmission line running from the transformers in the powerhouse to the Warrior Ridge substation; and (7) other appurtenant facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 24, 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 (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. 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.

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

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

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

KENNETH F. PLUMB,
Secretary.

[FER Doc. 78-7259 Filed 3-17-78; 8:45 am]

[6740-02]

[Docket No. OR78-6]

POWDER RIVER PIPELINE CORP.

Extension of Time

MARCH 10, 1978.

In the matter of Powder River Pipeline Corp. and the Crude Co., Com-

plainants v. Amoco Pipeline Co., Respondent.

On March 3, 1978, Amoco Pipeline Co filed a request for an extension of time within which to answer the formal complaint filed January 4, 1978, by Powder River Pipeline Corp. and the Crude Co. (complainants). The complaint was noticed and served on February 13, 1978. The request states that the complainants have no objection to the extension of time.

Upon consideration, notice is hereby given that an extension of time is granted to and including April 14, 1978, within which Amoco Pipeline Co. shall answer the complaint served in the captioned proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-7261 Filed 3-17-78; 8:45 am]

[6740-02]

[Docket Nos. ER78-144, ER78-147, ER78-148, ER78-149, ER78-150, ER78-151, ER78-156, ER78-157, and ER78-160]

Proposed Rate Schedule

MARCH 13, 1978.

Take notice that Public Service Co. of Oklahoma (PSO) on January 30, 1978, tendered for filing supplemental power sales and service agreements with the cities of Granite, Duncan, Walters, Manitou, Eldorado, Olustee, Comanche, Ryan, and Wetukma, Okla. These agreements provide company-customer contracts as required by the contract dated November 10, 1977, between Southwestern Power Administration (SWPA) and PSO. PSO states that the purpose of each of the above-mentioned agreements is to provide points of service for the delivery of SWPA power and energy purchases and to establish power and energy delivery conditions.

PSO request the waiver of the minimum 30-day filing period and requests an effective date of December 1, 1977.

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 should be filed on or before March 22, 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. 78-7246 Filed 3-17-78; 8:45 am]

[6740-02]

[Project No. 2828]

REDDING, CALIF.

Application for Preliminary Permit

MARCH 13, 1978.

Take notice that an application was filed on December 6, 1977, by the city of Redding, Calif. (correspondence to: W. Brickwood, City Manager, City of Redding, 760 Parkview Avenue, Redding, Calif. 96001; copy to: Martin McDonough, Esq., 555 Capitol Mall, Sacramento, Calif. 95814) for the proposed Lake Redding power project No. 2828 to be located on the Sacramento River in the county of Shasta, Calif., near the existing Anderson-Cottonwood irrigation district dam.

This proposed run-of-the river project would have a total installed capacity of 14,000 kW and would consist of: (1) The proposed Lake Redding diversion dam, 450 feet long and 15 feet high from streambed, 50 feet downstream of the existing Anderson-Cottonwood irrigation district dam that it would replace; (2) a proposed powerhouse adjacent to the proposed Lake Redding diversion dam containing two turbine-generator units discharging into the Sacramento River immediately downstream of the diversion dam; (3) a transmission line connecting the powerhouse to a tap point on the applicant's 12 kV distribution line, approximately 300 feet east of the powerhouse. Applicant states that the power from the proposed project would be sold to the city of Redding's existing domestic and industrial customers.

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, the market for the power, and all other information necessary for inclusion in an application for license. In this instance applicant seeks a 36-month permit.

Any person desiring to be heard or to make any protest with reference to said application 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

such petitions or protests should be filed on or before May 22, 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 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. 78-7253 Filed 3-17-78; 8:45 am]

[6740-02]

[Project No. 2290]

SOUTHERN CALIFORNIA EDISON CO.

Application for Approval of Revised Exhibit K

MARCH 13, 1978.

Public notice is hereby given that an application was filed on July 25, 1977, under the Federal Power Act, 16 U.S.C. §§ 791a-825r, by the Southern California Edison Co. (applicant) (correspondence to: Mr. P. B. Peacock, Manager, Right of Way and Land Department, Southern California Edison Co., P.O. Box 410, 100 Long Beach Boulevard, Long Beach, Calif. 90801), licensee for the Kern River No. 3 project, requesting approval of the revised exhibit K. The project is located on the North Fork Kern River in Kern County, Calif.

The applicant proposes to amend the license for project No. 2290 to reflect changes made to a remote control line and a transmission line, and to add to the project area certain lands around a warehouse, an access road, and the Kern River No. 3 Borel transmission line taps on Kernville substation. Applicant states that these changes are necessary due to damages by storm flood waters. These changes would increase the project's use of Sequoia National Forest lands by 1.73 acres.

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, 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.

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

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78- Filed 3-17-78; 8:45 am]

[6740-02]

[Docket No. CP78-189]

TEXAS EASTERN TRANSMISSION CORP.

Pipeline Application

MARCH 14, 1978.

Take notice that on February 13, 1978, Texas Eastern Transmission Corp. (applicant) filed in Docket No. CP78-189 an application pursuant to section 7(c) of the Natural Gas Act and section 157.7 of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction and operation of interconnection facilities and the transportation of natural gas from Amoco Production Co. (Amoco), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Under the terms of the four agreements between Texas Eastern and Amoco, Texas Eastern will receive the natural gas at proposed points of receipt on existing certificated facilities on production platforms located in West Cameron block 513, East Cameron block 222, and Vermilion blocks 147 and 201, and redeliver such volumes, reduced 1½ percent for gas used in rendering such transportation, to a point of interconnection to be constructed between Florida Gas Transmission Corp. and Texas Eastern near Gillis, Beauregard Parish, La. As set forth in each agreement, Amoco will pay Texas Eastern a rate of 36.85 cents per Mcf for the transportation service from West Cameron block 413, 29.95 cents per Mcf from East Cameron block 222, 44.24 cents per Mcf from Vermilion block 147, and 40.53 cents per Mcf from Vermilion block 201. The cost of the facilities will be approximately \$73,400.

Any person desiring to be heard or to make any protest with reference to said application, on or before April 4, 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.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-7247 Filed 3-17-78; 8:45 am]

[6740-02]

[Docket No. CP78-200]

TEXAS EASTERN TRANSMISSION CORP.

Pipeline Application

MARCH 14, 1978.

Take notice that on February 23, 1978, Texas Eastern Transmission Corp. (Texas Eastern), P.O. Box 2521, Houston, Tex. 77001, filed in Docket No. CP78-200 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the compression of natural gas produced from block 349, Eugene Island area, south addition, offshore Louisiana. Texas Eastern proposes to install and operate on 3,450 horsepower compressor unit and related facilities. The cost of these facilities is estimated to be \$1,268,740. Installation and operation of the compressor facilities will enable Texas Eastern to maintain deliverability by allowing the reduction of pressure at the delivery point as natural field pressures decline thereby permitting more efficient and more economical recovery of the reserves. Texas Eastern also requests a temporary certificate pending consideration of its application due to the continuing curtailments on its customers.

Any person desiring to be heard or to make any protest with reference to said application, on or before April 4, 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.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-7248 Filed 3-17-78; 8:45 am]

[6740-02]

[Docket No. CP77-628]

TEXAS GAS TRANSMISSION CORP.

Petition To Amend

MARCH 13, 1978.

Take notice that on March 2, 1978, Texas Gas Transmission Corp. (petitioner), 3800 Frederica Street, Owensboro, Ky. 42301, filed in Docket No. CP77-628 a petition to amend the Commission's order of December 12, 1977, issued in the instant docket (57 FPC —) pursuant to section 7(c) of the Natural Gas Act and section 2.79 of the Commission's general policy and interpretations (18 CFR 2.79) so as to authorize petitioner to transport and deliver up to 340 Mcf of natural gas per day for Quaker Oats Co. (Quaker Oats) for a 2-year period, 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 12, 1977, petitioner was authorized to transport and deliver volumes of natural gas up to 340 Mcf per day for the account of Quaker Oats, which service commenced January 4, 1978. The petition states that the Commission in its order of December 12, 1977, stated that it was in the process of reviewing the policy established by Order Nos. 533 and 533-A, in Docket No. RM75-25, and that it was committed to concluding such review as quickly as practicable. In the interim, the Commission limited the subject transportation authorization in the instant docket to a period ending July 31, 1978, it is stated.

It is indicated that pursuant to the Commission's Order No. 2 issued February 1, 1978, in Docket No. RM75-25 the Commission decided to continue the 533 policy. Consequently, petitioner requests that the Commission amend the order in the instant docket so as to authorize it to transport and deliver up to 340 Mcf of natural gas per day for Quaker Oats for a period of 2 years from the date of initial delivery (January 4, 1978).

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 31, 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. 78-7262 Filed 3-17-78; 8:45 am]

[6740-02]

TEXAS POWER AND LIGHT CO.

[Docket No. E-9578]

Further Extension of Time

MARCH 10, 1978.

On March 2, 1978, Tex-La Electric Cooperative, Inc., and Texas Power and Light Co. filed a motion to extend further the time for filing data requests by all parties and the date for a prehearing conference, set by the Commission's Order issued October 31, 1977 in the above referenced proceeding. A previous extension of time for filing data requests and for a prehearing conference was issued on January 3, 1978.

Upon consideration, notice is hereby given that new procedural dates are established as follows:

Filing of data requests by all parties, including Staff Counsel, March 23, 1978.

Prehearing conference, April 3, 1978.

All other procedural dates will be established in accordance with the October 31, 1977 Order.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-7263 Filed 3-17-78; 8:45 am]

[6740-02]

[Docket No. OR78-01]

**TRANS ALASKA PIPELINE SYSTEM:
INVESTIGATION AND SUSPENSION**

Request to Hold Hearing in Alaska

MARCH 13, 1978.

Take notice that by letter dated February 22, 1978, the Alaska Pipeline Commission (APC) requested that the Federal Energy Regulatory Commission (FERC) consider holding in Anchorage, Alaska the hearing presently scheduled to begin on May 23, 1978, in the trans Alaska pipeline proceeding.

The APC states that it believes that "the broad public interest and certain-ly the interest of the Alaskan public

will be better served by holding in Alaska at least one of the hearings currently scheduled in Phase I of the FERC proceedings."

The APC also states that the Trans Alaska Pipeline and all decisions by the FERC with respect to interstate tariffs will have effects on Alaskans. The APC adds that it believes that it would be valuable to the Administrative Law Judge in making his determinations to view the pipeline and Alaska.

Any person desiring to be heard with reference to Alaska's petition should, on or before March 31, 1978, file comments with the FERC, 825 North Capitol Street, Washington, D.C. 20426. All comments filed with the FERC will be considered by it in determining the appropriate action to be taken but will not serve to make any person a party to the proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-7264 Filed 3-17-78; 8:45 am]

[6740-02]

[Docket No. CP78-761]

TRANSCONTINENTAL GAS PIPE LINE CORP

Petition To Amend

MARCH 13, 1978.

Take notice that on March 2, 1978, Transcontinental Gas Pipe Line Corp. (Petitioner), P.O. Box 1396, Houston, Tex. 77001, filed in Docket No. CP78-76 a petition to amend the Commission's order of January 30, 1978 (57 FPC —) issued in the instant docket pursuant to section 7(c) of the Natural Gas Act and section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) so as to authorize Petitioner to install a tap and metering and regulating station in order to accommodate the receipt of gas for Owens-Corning Fiberglass Corp. (Owens-Corning), 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 January 30, 1978, Petitioner was authorized to transport for a term of two years up to 1,000 Mcf of natural gas per day for Owens-Corning, which gas is from production of the Bowie Lumber Co. "A" No. 1 and No. 2 Wells of Kilroy Properties Inc., et al. (Kilroy) in the Southwest Paradis Area, Lafourche Parish, La. and is to be delivered to Petitioner at a mutually agreeable point on Petitioner's system in St. Charles Parish, La.

Petitioner states that in its original application filed in the instant docket, it failed to recognize the necessity of installing a tap and metering and regulating station to accommodate the re-

ceipt of gas from Kilroy into Petitioner's system. Consequently, by this Petition, Petitioner requests authorization to construct and operate such minor facilities. It is stated that the cost of installing such facilities is estimated to be \$25,000, which cost Owens-Corning would reimburse Petitioner.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 31, 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. 78-7265 Filed 3-17-78; 8:45 am]

[6740-02]

[Docket No. CP78-205]

UNITED GAS PIPE LINE CO.

Pipeline Application

MARCH 14, 1978.

Take notice that on February 27, 1978, United Gas Pipe Line Co. (United), P.O. Box 1478, Houston, Tex. 7701, filed an application in Docket No. CP78-27, pursuant to section 7(c) of the Natural Gas Act, as amended, requesting temporary and permanent Certificates of Public Convenience and Necessity to transport gas for Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), all as more fully set forth in the application which is on file with the Federal Energy Regulatory Commission (Commission).

United states that pursuant to a transportation agreement dated December 20, 1977 between Michigan Wisconsin and United, will deliver or cause to be delivered for transportation up to 4,500 Mcf of gas per day at an existing point on United's existing facilities, located in Block 51, Eugene Island Area at Michigan Wisconsin's expense. United will redeliver equivalent volumes, less fuel and company used gas, to Michigan Wisconsin at an existing point of interconnection located at Cameron Parish, La., St. Mary Parish, La. and/or Rapides Parish, La.

Any person desiring to be heard or to make any protest with reference to

said application, on or before April 4, 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.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-7249 Filed 3-17-78; 8:45 am]

[1505-01]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 78-112; Transmittal No. 4300]

RCA GLOBAL COMMUNICATIONS

Memorandum Opinion and Order

Correction

In FR Doc. 78-5833 appearing on page 9348 in the issue of Tuesday, March 7, 1978, the 2nd line of the heading, in small type, should read as it appears above.

[6730-01]

FEDERAL MARITIME COMMISSION

AGREEMENT FILED

The Federal Maritime Commission hereby gives notice that the following agreement has been filed with the

Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the justification offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif.; and San Juan, P.R. Interested parties may submit comments on the agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before March 30, 1978, in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreement and the statement should indicate that this has been done.

Agreement No.: T-3602.

Filing Party: Mr. Richard J. Szczepaniak, Staff Counsel, Toledo-Lucas County Port Authority, 241 Superior Street, Toledo, Ohio 43604.

Summary: Agreement No. T-3602, between the Toledo-Lucas County Port Authority (Port) and Cargill, Inc. (Cargill), provides for the Port's lease to Cargill of certain premises at the Toledo-Lucas County Port Authority, Toledo, Ohio, to be used for the construction of a grain elevator and adjacent dock. The Port appoints Cargill as its agent to construct on the leased premises; and to finance the cost of the proposed construction the Port shall issue Port Facilities Revenue Bonds. Cargill shall have the option to purchase the leased premises, and as compensation, Cargill shall pay the Port an amount necessary to service the debt on the Bonds plus additional rent as set forth in the agreement. Cargill shall file its own tariffs required for use of the leased premises.

Dated: March 15, 1978.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-7339 Filed 3-17-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM**CHEROKEE INVESTMENT COMPANY, INC.****Formation of Bank Holding Company**

Cherokee Investment Co., Inc., Baxter Springs, Kans., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Citizens State Bank of Galena, Galena, Kans. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 5, 1978.

Board of Governors of the Federal Reserve System, March 10, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-7336 Filed 3-17-78; 8:45 am]

[6210-01]

FIRST MISSOURI BANKS, INC.**Acquisition of Bank**

First Missouri Banks, Inc., Creve Coeur, Mo., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 50 percent or more of the voting shares of Montgomery County Bank, Montgomery City, Mo. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 10, 1978.

Board of Governors of the Federal Reserve System, March 14, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-7337 Filed 3-17-78; 8:45 am]

[6210-01]

FRANKLIN BANCGROUP & CO.**Formation of Bank Holding Company**

Franklin Bancgroup & Co., St. Louis, Mo., has applied for the Board's

approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 83.2 percent or more of the voting shares of Benton Community Bank, Benton, Ill. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than March 31, 1978.

Board of Governors of the Federal Reserve System, March 14, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-7338 Filed 3-17-78; 8:45 am]

[1610-01]

GENERAL ACCOUNTING OFFICE**REGULATORY REPORTS REVIEW****Receipt of Report Proposal**

The following request for clearance of a report intended for use in collecting information from the public was accepted by the Regulatory Reports Review Staff, GAO, on March 14, 1978. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such request.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed NRC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before April 7, 1978, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, U.S. General Accounting Office, Room 5106, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

NUCLEAR REGULATORY COMMISSION

The NRC is requesting clearance of a new transmittal letter and questionnaire to be sent to all licensees for power reactors except those in the systematic evaluation program, and a similar transmittal letter and identical

questionnaire to be sent to all licensees for all plants in the systematic evaluation program. The information requested by the questionnaire pertains to the control of heavy loads near spent fuel. The NRC states that it has identified a potential safety problem as follows. If overhead handling systems (cranes) are used to lift heavy objects (casks or shielding blocks) in the vicinity of spent fuel storage and were to fall or tip onto the spent fuel in the storage pool or the reactor core during refueling and damage the fuel, there could be a release of radioactivity to the environment and a potential for radiation overexposure to in-plant personnel. The information obtained from the licensees by this questionnaire will help NRC to assess each licensee's procedures, prepare an accident assessment including the definition of accident probability and associated fuel damage and develop appropriate regulatory action including revisions to NRC regulatory review procedures and possible facility modification. For all licensees of plants in the systematic evaluation program (SEP) a copy of the questionnaire is to be furnished but they need not submit the information at that time. The information will be required and reviewed during the SEP program for the licensee's plant. All licensees not in the SEP program must return the information within 45 days from the date of receipt of the questionnaire. The NRC estimates respondents to number 40 and reporting time to average 75 hours per facility.

NORMAN F. HEYL,
*Regulatory Reports
Review Officer.*

[FR Doc. 78-7308 Filed 3-17-78; 8:45 am]

[4110-02]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE****Office of Education****COMMUNITY SERVICE AND CONTINUING
EDUCATION—SPECIAL PROJECTS PROGRAM****Closing Date for Receipt of Non-Competing
Continuation Applications for Fiscal Year 1978**

Notice is hereby given that, pursuant to the authority contained in section 106 of the Higher Education Act of 1965, as amended, Pub. L. 89-329 (20 U.S.C. 1005a), applications will be accepted for non-competing continuation projects under the Community Service and Continuing Education-Special Projects program. Under the Special Projects program, awards are made to institutions of higher education or combinations of institutions of higher education to assist them in carrying out special programs and projects of community service and con-

tinuing education, including resource sharing, designed to seek solutions to national and regional problems relating to technological and social change and environmental pollution.

In order to be assured of consideration for funding, applications for non-competing continuations should be received by the U.S. Office of Education Application Control Center on or before the closing date.

Closing date: April 21, 1978.

A. Application forms and information. Application forms are now available and should be mailed to potential applicants on or about March 20, 1978.

Applications should be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages.

B. Applications sent by mail. An application sent by mail should be addressed to: U.S. Office of Education, Application Control Center, attention: 13.557B, Washington, D.C. 20202. Applications should be received by the Application Control Center on or before the closing date. In an effort to prevent the late arrival of applications due to unforeseen circumstances, the Office of Education suggests that applicants consider the use of registered or certified mail as explained below.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than April 17, 1978 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of the mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare or the U.S. Office of Education.

C. Hand-delivered applications. An application to be hand-delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays.

D. Program information. Non-competing continuation grant awards will be based on the availability of funds and satisfactory performance.

In formulating proposals, potential applicants should be aware that there is approximately \$1,800,000 available for the Special Projects program in

FY 1978. We estimate that these funds would be used to support eleven or twelve new projects and to continue twelve currently in operation.

These estimates of funds distribution are basically for informational purposes and do not bind the Office of Education except as may be required by the applicable statute and regulation.

E. State and areawide clearinghouse review (OMB circular A-95). Applicants under the Community Service and Continuing Education Program are subject to the clearinghouse procedures required by OMB Circular A-95, the regulations for facilitating coordinated planning under the Intergovernmental Cooperative Act. State/areawide clearinghouse procedures are applicable. Applicants should check with the appropriate Federal Regional Office to obtain the name(s) and address(es) of the clearinghouse(s) in the State. All applicants must provide an assurance of compliance with clearinghouse review requirements in the application to the Commissioner. The assurance may consist of:

(1) A State application identifier number obtained from the clearinghouse and clearinghouse comments if available; or

(2) Certification by the applicant that either or both State and areawide clearinghouse have been provided with the opportunity to review the application and that no comments have been received.

Clearinghouse comments received by the applicant after the submission of the application to the U.S. Office of Education must be forwarded to the Community Service and Continuing Education Branch, U.S. Office of Education (see address in paragraph below). Clearinghouse comments received by the Community Service and Continuing Education Branch no later than May 22, 1978 will be considered in reviewing applications.

F. For further information contact. Dr. Edwin J. Neumann, Senior Program Officer, Special Projects Program-CSCE, U.S. Office of Education, 400 Maryland Avenue SW., Room 3717, ROB-3, Washington, D.C., telephone 202-245-9868.

G. Applicable regulations. The regulations applicable to this program are the Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a) and (45 CFR Part 173).

(20 U.S.C. 1005a.)

Dated: March 14, 1978.

(Catalog of Federal Domestic Assistance Number 13.557; University Community Service-Special Projects.)

ERNEST L. BOYER,
U.S. Commissioner of Education.

[FR Doc. 78-7268 Filed 3-17-78; 8:45 am]

[4110-02]

HANDICAPPED MEDIA SERVICES AND CAPTIONED FILMS

Closing Date for Receipt of Applications

Notice is hereby given that, pursuant to the authority contained in section 651 and 652 of part F of the Education of the Handicapped Act (20 U.S.C. 1451, 1452), applications are being accepted for the support of activities related to the use of educational media and/or technology for the education of the handicapped. The U.S. Commissioner of Education has established a closing date of May 24, 1978, for the receipt of applications for all grant awards under this new Media Research and Training Program.

Under the Media Research and Training Program, the Office of Education accepts applications for funding of projects which may include those activities described in 45 CFR 121i.50 of the program regulations. Although applications may focus on activities such as those listed in section 121i.50, the Office of Education encourages submission of applications for projects focusing on:

(1) Research to identify and meet the full range of special needs of the handicapped relative to educational materials and educational technology;

(2) Development or demonstration of new, or improved methods, approaches, or techniques, which would contribute to the adjustment and education of handicapped persons through use of instructional materials, media, and/or technology;

(3) Creation or adaptation of educational media for use by: (a) Handicapped persons, (b) their parents, (c) their actual or potential employers, and (d) other persons directly involved in activities for the advancement of the handicapped;

(4) Training of persons in the use of and dissemination of educational media for the advancement of the handicapped.

In encouraging the submission of applications in those four areas listed here, the Office of Education does not intend to limit applications to those four areas.

Awards will be made on the basis of the criteria set forth in the program regulations. The amount of funds available for this grant program for fiscal year 1978 is approximately \$3.5 million. Approximately 25 to 40 projects including about 8 continuing awards are expected to be funded this Fiscal Year. The funding level for each of these projects may average between \$50,000 and \$200,000.

Applications for new awards must be received by the U.S. Office of Education Application Control Center on or before May 24, 1978. Application

forms are being prepared but are not yet available. It is anticipated that the application forms and program information packages will be ready for mailing on or about March 20, 1978.

A. Applications sent by mail. An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, Washington, D.C. 20202, Attention: 13.446A. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than May 19, 1978, as evidence by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mailrooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mailrooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. Hand-delivered applications. An application to be hand-delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C., time except Saturdays, Sundays, or Federal holidays. Applications for new awards will not be accepted by the Application Control Center after 4 p.m., Washington, D.C., time, on the closing date. In order to be assured of consideration, noncompeting continuation applications should be received on or before the closing date.

C. Program information and forms. Further information and application forms may be obtained from the Division of Media Services, Bureau of Education for the Handicapped, Office of Education, 400 Maryland Avenue SW. (Donohoe Building, Room 4821, CF&T Branch), Washington, D.C. 20202.

D. Applicable regulations. The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR parts 100 and 100a) and the applicable program regulations (subparts A and D of 45 CFR 121i).

(20 U.S.C. 1451, 1452.)

(Catalog of Federal Domestic Assistance, No. 13.446 Handicapped Media Services and Captioned Films.)

Dated: March 14, 1978.

ERNEST L. BOYER,
U.S. Commissioner of Education.
[FR Doc. 78-7267 Filed 3-17-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Oil and Gas Lease Sale No. 45]

OUTER CONTINENTAL SHELF GULF OF MEXICO

Sealed Bid For Oil and Gas Lease

APRIL 25, 1978.

1. **Authority.** This notice is published pursuant to the Outer Continental Shelf Lands Act (43 U.S. 1331-1343), as amended, and the regulations issued thereunder (43 CFR Part 3300).

2. **Filing of bids.** Sealed bids for the tracts described in paragraph 13 herein, will be received by the Manager, New Orleans Outer Continental Shelf (OCS) Office, Bureau of Land Management, Hale Boggs Federal Building, 500 Camp Street, Suite 841, New Orleans, La. 70130. Bids may be delivered, either by mail or in person, to the above address until 4:15 p.m., c.s.t., April 24, 1978; or by personal delivery to the Tulane Room, the Grand Hotel, 1500 Canal Street, New Orleans, La. 70140, between the hours of 8:30 a.m., c.s.t., and 9:30 a.m., c.s.t., April 25, 1978. Bids received by the Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., c.s.t., April 25, 1978. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published in 42 FR 54881, October 11, 1977, as corrected in 42 FR 55280, October 14, 1977.

3. **Method of bidding.** A separate bid in a sealed envelope labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10 a.m., c.s.t., April 25, 1978," must be submitted for each tract. A suggested form appears in paragraph 17 of this notice. Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protraction diagrams or leasing maps. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, certified check, or money order payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 13 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places, as well as submit a sworn statement that the

bidder is qualified under 43 CFR Part 3302. The suggested form for this statement to be used in joint bids appears in paragraph 18. Other documents may be required of bidders under 43 CFR 3302.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. **Bonus bidding with a fixed sliding scale royalty.** Bids on tracts 45-12, 45-17, 45-18, 45-23, 45-24, 45-25, 45-28, 45-45, 45-64, 45-65, 45-67, 45-68, 45-69, 45-95, 45-101, and 45-125 must be submitted on a cash bonus bid basis with the percent royalty due in amount or value of production saved, removed or sold fixed according to the sliding scale formula described below. This formula fixes the percent royalty at a level determined by the value of lease production during each calendar quarter. For purposes of determining the royalty percent due on production during a quarter, the value of production during the quarter will be adjusted for inflation as described below. The determination of the value of the production on which royalty is due will be made pursuant to 30 CFR 250.64.

The fixed sliding scale royalty formula operates in the following way: when the quarterly value of production, adjusted for inflation, is less than or equal to \$1.5 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production; when the adjusted quarterly value of production is greater than \$1.5 million, a sliding scale will be employed which adds to the 16.66667 percent base an increment equal to one percentage point per million dollars by which the adjusted quarterly value of production exceeds \$1.5 million. In no instance will the royalty due exceed 50.00000 percent in amount or value of production saved, removed or sold. In determining the percent royalty due, the calculation will be carried to five decimal places (for example, 19.75341 percent).

The sliding scale royalty formula, in equation form, may be expressed as follows:

(1) If V is less than or equal to 1.5, then $R = 16.66667$;

(2) If V is greater than 1.5, then $R = 16.66667 + (V - 1.5)$;

(3) If R calculated from equation (2) is greater than 50.00000, then $R = 50.00000$.

Where:

V = the quarterly value of production, adjusted for inflation, in millions of dollars, rounded to the fifth digit past the decimal point;

R = the percent royalty that is due and payable in amount or value of all production saved, removed or sold.

(The sliding scale royalty formula is illustrated in Figure 1.)

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production saved, removed or sold as determined

pursuant to 30 CFR 250.64. The timing of procedures for inflation adjustments and determinations of the royalty due will be specified at a later date.

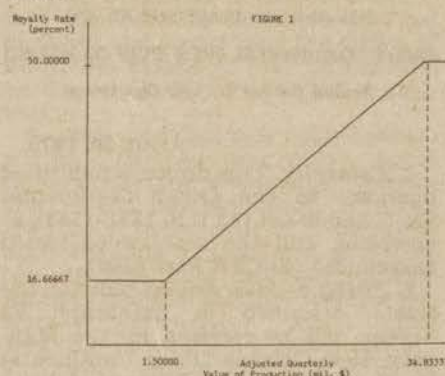


TABLE 1.—Hypothetical quarterly royalty calculations

(1) Actual value of quarterly production (millions of dollars)	(2) GNP fixed weighted price index	(3) Inflation factor ¹	(4) Adjusted value of quarterly production ²	(5) Percent royalty rate (R)	(6) Royalty payment ³ (millions of dollars)
1.50000	197.0	1.34932	1.11168	16.66667	.25000
3.00000	197.0	1.34932	2.22335	17.39002	.52170
4.50000	197.0	1.34932	3.33503	18.50170	.83258
6.00000	197.0	1.34932	4.44670	19.61337	1.17680
12.00000	197.0	1.34932	8.89340	24.06007	2.88721
24.00000	197.0	1.34932	17.78680	32.95347	7.90883
48.00000	197.0	1.34932	35.57361	50.00000	24.00000
65.00000	197.0	1.34932	48.17259	50.00000	32.50000
1.50000	219.0	1.50000	1.00000	16.66667	.25000
3.00000	219.0	1.50000	2.00000	17.16667	.51500
4.50000	219.0	1.50000	3.00000	18.16667	.81750
6.00000	219.0	1.50000	4.00000	19.16667	1.15000
12.00000	219.0	1.50000	8.00000	23.16667	2.78000
24.00000	219.0	1.50000	16.00000	31.16667	7.48000
48.00000	219.0	1.50000	32.00000	47.16667	22.64000
65.00000	219.0	1.50000	43.33333	50.00000	32.50000

¹Col. (2) divided by 146.0 (assumed value of GNP fixed weighted price index at time leases are issued) rounded to 5 decimal places for display purposes only.

²Col. (1) divided by inflation factor.

³Col. (1) times col. (5); all values are rounded for display purposes only.

Table 1 provides hypothetical examples of quarterly royalty calculations using the above formula under two different price index values. Calculated royalty rates vary from 16.66667 to 50.00000 percent to illustrate the range of the hypothetical royalty schedule.

Leases awarded on the basis of a cash bonus bid with fixed sliding scale royalty will provide for a yearly rental or minimum royalty payment of \$3 per acre or fraction thereof.

Bidders for these tracts should recognize that the Department of Energy is authorized, under section 302 (b) and (c) of the Department of Energy Organization Act, to establish production rates for all Federal oil and gas leases.

A suggested bid form is shown in paragraph 17 of this Notice.

5. Bonus Bidding with a Fixed Constant Royalty. Bids on the remaining tracts to be offered at this sale must be on a cash bonus bid basis with a fixed royalty of 16% percent. Leases which may be issued will provide for a yearly rental payment or minimum royalty payment of \$3 per acre or fraction thereof. A suggested cash bonus bid form is shown in paragraph 17.

6. Equal Opportunity. Each bidder must have submitted by 9:30 a.m., c.s.t., April 25, 1978, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (November 1973), and the Affirmative Action Representation Form, Form 1140-7 (December 1971).

7. Bid Opening. Bids will be opened on April 25, 1978, beginning at 10 a.m., c.s.t., in the Grand Hotel at the address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, April 25, 1978, that bid will be returned unopened to the bidder, as soon thereafter as possible.

8. Deposit of Payments. Any cash, cashier's checks, certified checks, bank drafts, or money orders submitted with a bid may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

9. Withdrawal of Tracts. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for that tract.

10. Acceptance or Rejection of Bids. The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) The bidder has complied with all requirements of this notice and applicable regulations;

(b) The bid is the highest valid cash bonus bid; and

(c) The amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bid will be considered for acceptance unless it offers a cash bonus in the amount of \$25 or more per acre or fraction thereof.

11. Successful Bidders. Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus bid together with the first year's annual rental and satisfy the bonding requirements of 43 CFR 3304.1 within the time provided in 43 CFR 3302.5.

12. Protraction Diagrams/Leasing Maps. Tracts offered for lease may be located on the following official leasing maps/protraction diagrams which are available from the Manager, New Orleans Outer Continental Shelf Office at the address stated in paragraph 2.

(a) Outer Continental Shelf Official Leasing Maps—Texas Nos. 1 through

8. These maps are arranged in two sets, Nos. 1 through 4 (7 maps), which sell for \$5 per set, and Nos. 5 through 8 (9 maps), which sell for \$7 per set.

(b) Outer Continental Shelf Official Leasing Maps—Louisiana Nos. 1 through 12. This is a set of 27 maps which sells for \$17.

(c) Outer Continental Shelf Official Protraction Diagrams:

- (1) NH 16-7, Viosca Knoll;
- (2) NH 16-10, Mississippi Canyon.

These maps sell for \$2 each.

13. *Tract Descriptions.* The tracts offered for bid are as follows:

NOTE.—There are gaps in the sequence of the numbers of the tracts listed. Some of the blocks identified in the final environmental impact statement are not included in this notice.

OCS official leasing map, South Padre Island area, Texas Map No. 1

[Approved July 16, 1954]

Tract	Block	Description	Acreage
45-1	1041	All	5,760
45-2	1051	All	5,760

OCS official leasing map, North Padre Island area, Texas Map No. 2

[Approved July 16, 1954]

Tract	Block	Description	Acreage
45-3	956	All	5,760

OCS official leasing map, Mustang Island area, Texas Map No. 3

[Approved July 16, 1954; revised Oct. 30, 1961]

Tract	Block	Description	Acreage
45-4	765	All	5,760
45-5	776	(?)	5,655
45-6	799	(?)	5,755
45-7	815	All	5,760
45-8	857	All	5,760
45-9	866	All	5,760
45-10	A-22	All	5,760

OCS official leasing map, Mustang Island area, east addition, Texas Map No. 3A

[Approved Jan. 23, 1967]

Tract	Block	Description	Acreage
45-11	A-149	All	5,760

OCS official leasing map, Matagorda Island area, Texas Map No. 4

[Approved July 16, 1954]

Tract	Block	Description	Acreage
45-12	487	(?)	1,015.00
45-13	634	All	5,760.00
45-14	657	(?)	5,071.18
45-15	666	All	5,760.00
45-16	679	All	5,760.00
45-17	703	All	5,760.00

OCS official leasing map, Brazos area, Texas Map No. 5

[Approved July 16, 1954]

Tract	Block	Description	Acreage
45-18	488	(?)	4,090
45-19	A-29	All	5,760

OCS official leasing map, Brazos area, south addition Texas Map No. 5B

[Approved Sept. 24, 1959]

Tract	Block	Description	Acreage
45-20	A-77	All	5,760
45-21	A-104	All	5,760

OCS official leasing map, Galveston area, Texas Map No. 6

[Approved July 16, 1954]

Tract	Block	Description	Acreage
45-22	212	All	5,760
45-23	223	All	5,760
45-24	224	All	5,760
45-25	225	All	5,760
45-26	256	All	5,760
45-27	282	All	5,760
45-28	327	All	5,760
45-29	382	All	5,760
45-30	391	All	5,760
45-31	392	S½	2,880
45-32	393	All	5,760
45-33	420	All	5,760

OCS official leasing map, Galveston area, south addition, Texas Map No. 6A

[Approved Sept. 24, 1959]

Tract	Block	Description	Acreage
45-34	A-129	All	5,760
45-35	A-158	All	5,760

OCS official leasing map, High Island area, Texas Map No. 7

[Approved July 16, 1954; revised August 1955]

Tract	Block	Description	Acreage
45-36	71	NE¼; W½ ..	4,320
45-37	109	All	5,760
45-38	196	All	5,760
45-39	199	All	5,760
45-40	207	All	5,760
45-41	228	All	5,760
45-42	231	All	5,760
45-43	235	All	5,760

OCS official leasing map, High Island area, east addition, Texas Map No. 7A

[Approved Jan. 23, 1967]

Tract	Block	Description	Acreage
45-44	75	All	2,880.00
45-45	76	All	2,926.53

OCS official leasing map, High Island area, east addition, south extension, Texas Map No. 7C

[Approved Sept. 24, 1959]

Tract	Block	Description	Acreage
45-46	A-262	All	5,760
45-47	A-287	All	5,760
45-48	A-300	All	5,760
45-49	A-347	All	5,760
45-50	A-374	All	5,760
45-51	A-381	All	5,760
45-52	A-395	All	5,760

OCS official leasing map, High Island area, south addition, Texas Map No. 7B

[Approved Sept. 24, 1959]

Tract	Block	Description	Acreage
45-53	A-468	All	5,760
45-54	A-507	All	5,760
45-55	A-512	All	5,760
45-56	A-522	All	5,760
45-57	A-529	All	5,760
45-58	A-551	All	5,760

OCS official leasing map, West Cameron area, Louisiana Map No. 1

[Approved June 8, 1954; revised July 22, 1954]

Tract	Block	Description	Acreage
45-59	21	E¼	1,338.22
45-60	70	All	5,000.00
45-61	83	All	5,000.00
45-62	137	All	5,000.00
45-63	138	All	5,000.00
45-64	275	All	5,000.00
45-65	276	All	5,000.00

OCS official leasing map, West Cameron area, west addition, Louisiana Map No. 1A

[Approved Nov. 15, 1955; revised Jan. 30, 1957]

Tract	Block	Description	Acreage
45-66	359	All	5,000.00
45-67	374	All	5,000.00
45-68	376	All	4,514.35
45-69	385	All	5,000.00
45-70	428	All	5,000.00

OCS official leasing map, West Cameron area, south addition, Louisiana Map No. 1B

[Approved Sept. 8, 1959]

Tract	Block	Description	Acreage
45-71	510	All	5,000
45-71	571	All	5,000

OCS official leasing map, East Cameron area, Louisiana Map No. 2

[Approved June 8, 1954; revised Aug. 1, 1973]

Tract	Block	Description	Acreage
45-73	13	All	5,000.00
45-74	14	W½NW¼; NW¼SW¼; S½S½	2,187.50
45-75	143	W½	2,500.00

OCS official leasing map, East Cameron area, south addition, Louisiana Map No. 2A

[Approved Sept. 8, 1959]

Tract	Block	Description	Acreage
45-76	258	All	5,000
45-77	259	All	5,000
45-78	267	All	5,000

OCS official leasing map, Vermilion area, Louisiana Map No. 3

[Approved June 8, 1954; revised June 25, 1954; July 22, 1954]

Tract	Block	Description	Acreage
45-79	18 (*)	.....	2,413.71
45-80	37	All	5,000.00

OCS official leasing map, South Marsh Island area, Louisiana Map No. 3A

[Approved Aug. 7, 1959]

Tract	Block	Description	Acreage
45-81	20	All	5,000

OCS official leasing map, South Marsh Island area, south addition, Louisiana Map No. 3C

[Approved Sept. 8, 1959]

Tract	Block	Description	Acreage
45-82	105	All	5,000
45-83	106	N½	2,500
45-84	133	All	2,500

OCS official leasing map, Eugene Island area, Louisiana Map No. 4

[Approved June 8, 1954; revised July 22, 1954]

Tract	Block	Description	Acreage
45-85	9 (*)	.....	4,668.94
	25 (*)	.....
45-86	11 (*)	.....	523.19
45-87	39	All	5,000.00
45-88	56	All	5,000.00
45-89	92	All	5,000.00
45-90	174	All	5,000.00

OCS official leasing map, Eugene Island area, south addition, Louisiana Map No. 4A

[Approved Sept. 8, 1959]

Tract	Block	Description	Acreage
45-91	353	All	5,000
45-92	363	All	5,000
45-93	364	All	5,000
45-94	372	All	5,000

See footnotes at end of table.

OCS official leasing map, Ship Shoal area, Louisiana Map No. 5

[Approved June 8, 1954]

Tract	Block	Description	Acreage
45-95	61	All	5,000.00
45-96	62 (*)	.....	4,978.81
45-97	110	All	5,000.00
45-98	118	S½	2,500.00
45-99	136	All	5,000.00
45-100	202	All	5,000.00

OCS official leasing map, South Pelto area, Louisiana Map No. 6

[Approved June 8, 1954; revised July 22, 1954; Dec. 9, 1954]

Tract	Block	Description	Acreage
45-101	5	All	5,000
45-102	15	All	5,000
45-103	22	All	5,000

OCS official leasing map, South Timbalier area, Louisiana Map No. 6

[Approved June 8, 1954; revised July 22, 1954; Dec. 9, 1954]

Tract	Block	Description	Acreage
45-104	11 (*)	.....	1,248.13
45-105	104	All	3,772.18

OCS official leasing map, Grand Isle area, Louisiana Map No. 7

[Approved June 8, 1954]

Tract	Block	Description	Acreage
45-106	83	All	5,000

OCS official leasing map, Grand Isle area, south addition, Louisiana Map No. 7A

[Approved Sept. 8, 1959; revised Mar. 7, 1961]

Tract	Block	Description	Acreage
45-107	92	All	5,000

OCS official leasing map, West Delta area, Louisiana Map No. 8

[Approved June 8, 1954]

Tract	Block	Description	Acreage
45-108	26 (*)	.....	3,545.82
45-109	33	N½	2,500.00
45-110	47	All	5,000.00

OCS official leasing map, South Pass area, Louisiana Map No. 9

[Approved June 8, 1954; revised July 22, 1954; May 11, 1973]

Tract	Block	Description	Acreage
45-111	29 (*)	.....	624.83

OCS official leasing map, Main Pass area, Louisiana Map No. 10

[Approved June 8, 1954; revised July 22, 1954]

Tract	Block	Description	Acreage
45-114	60	All	4,994.55
45-116	102	All	4,994.55

OCS official leasing map, Viosca Knoll, NH 16-7

[Approved Oct. 10, 1972; revised Feb. 15, 1973; Aug. 1, 1973; Dec. 2, 1976]

Tract	Block	Description	Acreage
45-117	944	All	5,760.00
45-118	774	All	4,239.69

OCS official leasing map, Mississippi Canyon, NH 16-10

[Approved Feb. 15, 1973; revised Dec. 2, 1976]

Tract	Block	Description	Acreage
45-119	267	All	2,178.08

OCS official leasing map, Brazos area, Texas Map No. 5

[Approved July 16, 1954]

Tract	Block	Description	Acreage
45-121	A-2	All	5,760
45-122	A-3	All	5,760

OCS official leasing map, Galveston area, Texas Map No. 6

[Approved July 16, 1954]

Tract	Block	Description	Acreage
45-123	389	All	5,760

OCS official leasing map, West Cameron area, Louisiana Map No. 1

[Approved June 8, 1954; revised July 22, 1954]

Tract	Block	Description	Acreage
45-124	47	NE¼; S¼....	3,750

OCS official leasing map, West Cameron area, west addition, Louisiana Map No. 1A

[Approved Nov. 15, 1955; revised Jan. 30, 1957]

Tract	Block	Description	Acreage
45-125	318	All	5,000
45-126	328	All	5,000
45-127	329	All	5,000

OCS official leasing map, West Cameron area, south addition, Louisiana Map No. 1B

[Approved Sept. 8, 1959]

Tract	Block	Description	Acreage
45-128	451	All	5,000

OCS official leasing map, East Cameron area, Louisiana Map No. 2

[Approved June 8, 1954; revised Aug. 1, 1973]

Tract	Block	Description	Acreage
45-129	8 (*)	.....	270.86
45-130	235	All	1,384.67

OCS official leasing map, East Cameron area, south addition, Louisiana Map No. 2A

[Approved Sept. 8, 1959]

Tract	Block	Description	Acreage
45-131	279	All	5,000
45-132	365	All	5,000

OCS official leasing map, Vermilion area, Louisiana Map No. 3

[Approved June 8, 1954; revised June 25, 1954; July 22, 1954]

Tract	Block	Description	Acreage
45-133	122	All	4,699.91

OCS official leasing map, South Marsh Island area, south addition, Louisiana Map No. 3C

[Approved Sept. 8, 1959]

Tract	Block	Description	Acreage
45-134	124	All	5,000
45-135	201	All	5,000

OCS official leasing map, Eugene Island area, Louisiana Map No. 4

[Approved June 8, 1954; revised July 22, 1954]

Tract	Block	Description	Acreage
45-136	80	All	5,000
45-137	87	All	5,000
45-138	107	All	5,000
45-139	108	All	5,000
45-140	156	All	5,000

OCS official leasing map, Eugene Island area, south addition, Louisiana Map No. 4A

[Approved Sept. 8, 1959]

Tract	Block	Description	Acreage
45-141	279	All	5,000

OCS official leasing map, Ship Shoal area, Louisiana Map No. 5

[Approved June 8, 1954]

Tract	Block	Description	Acreage
45-142	73	All	5,000
45-143	166	All	5,000
45-144	184	All	5,000

OCS official leasing map, Grand Isle area, Louisiana Map No. 7

[Approved June 8, 1954]

Tract	Block	Description	Acreage
45-145	30 (*)	.....	4,234
45-146	54	All	5,000

OCS official protraction diagram, Mississippi Canyon, NH 16-10

[Approved Feb. 15, 1973; revised Jan. 15, 1976; Dec. 2, 1976]

Tract	Block	Description	Acreage
45-147	280	All	5,760
45-148	282	All	5,760
45-149	325	All	5,760
45-150	326	All	5,760

*That portion seaward of the Three Marine League Line.

*That portion of the lease block which is more than 3 geographical miles seaward from the line described in the supplemental decree of the U.S. Supreme Court, June 16, 1975 (*United States v. Louisiana*, 422 U.S. 13).

*That portion of the lease block described as follows: Beginning at the southeast corner of said block which is described by coordinates X=2,264,446.02, Y=127,591.99; thence westerly along the south boundary of the block, 15,600.00 ft to coordinates X=2,248,846.02, Y=127,591.99; thence northerly along the west boundary of the block 6,645.35 ft to coordinates X=2,248,846.02, Y=134,237.34; thence N. 76°17'04" E., 499.25 ft to coordinates X=2,249,331.04, Y=134,355.71; thence S. 65°53'32" E., 16,507.73 ft to coordinates X=2,264,446.02, Y=127,719.24, thence south along the east boundary of the block 127.25 ft to the point of beginning.

14. Least Terms and stipulations. Leases issued as a result of this sale will be on Form 3300-1 (December 1976), available from the Manager, New Orleans Outer Continental Shelf Office, at the address stated in paragraph 2. For leases resulting from this sale for tracts offered on a cash bonus basis with fixed sliding scale royalty, Form 3300-1 will be amended as follows:

Sec. 3(b)(1) *Royalty on Production.* To pay the lessor a royalty of that percent in amount or value of production saved, removed or sold from the leased area as determined by the sliding scale royalty formula as follows. When the quarterly value of production, adjusted for inflation, is less than or equal to \$1.5 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production; when the adjusted quarterly value of production is greater than \$1.5 million, a sliding scale will be employed which adds to the 16.66667 percent base an increment equal to one percentage point per million

dollars by which the adjusted quarterly value of production exceeds \$1.5 million. In no instance will the royalty due exceed 50.00000 percent in amount or value of production saved, removed or sold. In determining the percent royalty due, the calculation will be carried to five decimal places. (For example, 19.75341 percent.)

The sliding scale royalty formula, in equation form, may be expressed as follows:

(1) If V is less than or equal to 1.5, then $R = 16.66667$;

(2) If V is greater than 1.5, then $R = 16.66667 + (V - 1.5)$;

(3) If R is calculated from equation (2) is greater than 50.00000, then $R = 50.00000$.

Where:

V = the quarterly value of production adjusted for inflation in millions of dollars, rounded to the fifth digit past the decimal point;

R = the percent royalty that is due and payable in amount or value of all production saved, removed or sold.

Sec. 3(b)(3). When paid in value, royalties on production shall be due and payable monthly on the last day of the month next following the month in which the production is obtained, except that the Secretary may establish such other requirements for the timing of royalty payments as he determines are necessary. In no case will the royalty payments be required prior to the last day of the month next following the month in which production is obtained. Each such determination regarding the timing of royalty payments shall be made only after due notice to the Lessee and a reasonable opportunity has been afforded to the Lessee to be heard. When paid in production, . . .

Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale. In the following stipulations the term Supervisor refers to the Gulf of Mexico Area Oil and Gas Supervisor for Operations of the Geological Survey and the term Manager refers to the Manager of the New Orleans OCS Office of the Bureau of Land Management.

Stipulation No. 1 If the Supervisor, having reason to believe that a site, structure, or object of historical or archaeological significance, hereinafter referred to as "cultural resource", may exist in the lease area, gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements:

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including but not limited to, well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation", the lessee shall conduct remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing surveys as well as other pertinent natural and cultural environmental data shall be examined by a qualified marine survey archaeologist to determine if indications are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of this survey and assessment prepared by the marine survey archaeologist shall be submitted by the lessee to

the Supervisor and to the Manager for review.

If such cultural resource indicators are present the lessee shall: (1) locate the site of such operation so as not to adversely affect the identified location; or (2) establish, to the satisfaction of the Supervisor, on the basis of further archaeological investigation conducted by a qualified marine survey archaeologist or underwater archaeologist using such survey equipment and techniques as deemed necessary by the Supervisor, either that such operations will not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archaeologist or underwater archaeologist shall be submitted to the Supervisor and the Manager for their review. Should the Supervisor determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the Supervisor has given directions as to its disposition.

The lessee agrees that if any site, structure, or object of historical or archaeological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the Supervisor, and make every reasonable effort to preserve and protect the cultural resource from damage until the Supervisor has given directions as to its disposition.

Stipulation No. 2 To be included in any leases resulting from this sale for the sliding scale royalty tracts listed in Paragraph 4 of this notice.

(a) The royalty rate on production saved, removed, or sold from this lease is subject to consideration for reduction under the same authority that applies to all other oil and gas leases on the Outer Continental Shelf (30 CFR 250.12(e)). The Director, Geological Survey, may grant a reduction for only one year at a time. Reduction of royalty rates will not be approved unless production has been underway for one year or more.

(b) Although the royalty rate specified in section 3(b)(1) of this lease or as subsequently modified in accordance with applicable regulations and stipulations is applicable to all production under this lease, not more than 16% percent of the production saved, removed or sold from the leased area may be taken as royalty in amount, except as provided in section 6(c); the royalty on any portion of the production saved, removed or sold from the lease in excess of 16% percent may only be taken in value of the production saved, removed or sold from the leased area.

Stipulation No. 3 (a) To be included only in the leases resulting from this sale for tracts 45-106 and 45-107: Portions of this leasehold may be subject to mass movement (slumping) of sediments. Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for the production or storage of oil or gas will not be allowed on those portions of the leasehold which may be subject to mass movement of sediments unless or until the lessee has demonstrated to the Supervisor's satisfaction that the potential for mass movement of sediments does not exist or that exploratory drilling operations, structures (platforms), casing, and wellheads can be

safely designed to withstand such mass movement at the proposed location of the structures.

(b) To be included only in the lease resulting from this sale for tract 45-52: Portions of this leasehold may be subject to mass movement (slumping) of sediments and shallow gas. Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for the production or storage of oil or gas will not be allowed to those portions of the leasehold which may be subject to mass movement of sediments or to shallow gas unless or until the lessee has demonstrated to the Supervisor's satisfaction that the potential for mass movement of sediments or for shallow gas does not exist or that exploratory drilling operations, structures (platforms), casing, and wellheads can be safely designed to withstand such hazards at the proposed location of the structure.

(c) To be included only in the lease resulting from this sale for tract 45-111: All of this leasehold may be subject to mass movement (slumping) of sediments. Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas will not be allowed within the area of mass movement of sediments unless or until the lessee has demonstrated to the Supervisor's satisfaction that the potential for mass movement of sediments does not exist or that exploratory drilling operations, structures (platforms), casing, and wellheads can be safely designed to withstand such mass movement at the proposed location of the structure. This may necessitate all exploration and development of oil or gas be performed from locations off this leasehold and outside of the area of potential mass movement of sediments.

Stipulation No. 4 (a) Stetson Bank. To be included only in the lease resulting from this sale for tract 45-55: Operations within the circle with a radius of 5600 meters around point A; located by X=3,514,656', Y=151,008' (Texas Lambert System) shall be restricted as follows: All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance but no more than 6 meters from the bottom.

This deep shunting requirement does not apply to mobile drilling units in the zone beyond the circle with a radius of 2000 meters around point A, provided that a monitoring program is implemented for disposals which are not shunted beyond 2000 meters and within 5600 meters of point A. If it is decided that the methods of disposing of the drill cutting and fluids are not adequate, the Supervisor will require shunting within 5600 meters of point A. If it is decided by the Supervisor that the methods of disposal are adequate, no further monitoring will be required.

(b) Coffee Lump. To be included only in the lease resulting from this sale for tract 45-51: Operations within the circle with a radius of 6800 meters around point B; located by X=3,646,382', Y=105,624' (Texas Lambert System) shall be restricted as follows: All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance but no more than 6 meters from the bottom.

This deep shunting requirement does not apply to mobile drilling units in the zone beyond the circle with a radius of 3100

meters around point B, provided that a monitoring program is implemented for disposals which are not shunted beyond 3100 meters and within 6800 meters of point B. If it is decided that the methods of disposing of the drill cuttings and fluids are not adequate, the Supervisor will require shunting within 6800 meters of Point B. If it is decided by the Supervisor that the methods of disposal are adequate, no further monitoring will be required.

(c) East Flower Garden Bank. To be included only in the lease resulting from this sale for tract 45-50: No structures, drilling rigs, or pipelines will be allowed within the aliquots established for the East Flower Garden Bank (Tract 45-50, High Island Area, East Addition, South Extension A-374): NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$; W $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$; S $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Outside the above aliquots, exploration and development operations are permitted within the circle with a radius of 6,100 meters around point P; located by X=3,742,875', Y=71,280' (Texas Lambert System), with the following restrictions:

All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than 10 meters, from the bottom; however, if the shunting method is not adequate, as determined by the monitoring program proceedings outline in this stipulation, to protect the unique character of the subject area, then the material must be transported a minimum of ten miles from any 50-meter isobath surrounding live reef-building coral before disposal. Disposal sites must be approved by the Supervisor.

No garbage, untreated sewage, or other solid waste shall be disposed of from vessels (work-boats, crew-boats, supply-boats, pipe-laying vessels) during exploration and development operations.

No drilling permits will be issued by the Supervisor until he has found that the lessee's exploration and development plan filed under 30 CFR 250.34 is adequate to insure that exploration and production operations in the leased area will have no significant adverse effect on the biotic communities associated with the high value reef sites on the Flower Garden Banks. As a part of the development plan, a reef monitoring program must be included.

The monitoring program will be designed to assess the effects of oil and gas exploration and development operations on the viability of the coral reefs and associated communities. The development plan should indicate that the monitoring program will be conducted by qualified independent scientific personnel and that program personnel and equipment will be available at the time of operations.

(d) Parker Bank. To be included only in the lease resulting from this sale for tract 45-135: Operations within the circle with a radius of 8000 meters around point D; located by X=1,775,495', Y=258,363' (Louisiana Lambert System) shall be restricted as follows: All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance but no more than 10 meters from the bottom.

This deep shunting requirement does not apply to mobile drilling units in the zone beyond the circle with a radius of 4300 meters around point D, provided that a monitoring program is implemented for dis-

posals which are not shunted beyond 4300 meters and within 8000 meters of point D. If it is decided that the methods of disposing of the drill cuttings and fluids are not adequate, the Supervisor will require shunting within 8000 meters of Point D. If it is decided by the Supervisor that the methods of disposal are adequate, no further monitoring will be required.

Stipulation No. 5 To be included only in the lease resulting from this sale for tract 45-146: A portion of this leasehold is situated in and covered by the Anchorage Area for the deepwater port designated as Louisiana Offshore Oil Port, or LOOP, Inc. Said portion is described as follows:

Beginning at the southwest corner, the coordinates which refer to the Louisiana (Lambert) Coordinate System (South Zone) are X=2,442,901.85' and Y=82,229.11', thence N. to X=2,442,901.850' and Y=85,007.610', thence N. 29°35'22.4" E. to X=2,444,634.471' and Y=88,058.864', thence S. 60°24'37.5" E. to X=2,454,901.040' and Y=82,229.110', thence W. to the point of beginning. The portion as described contains 858.2 acres.

No fixed structures, artificial islands or any other installations or devices permanently or temporarily attached to the seabed will be permitted in the above described portion of said leasehold.

Stipulation No. 6 Lessees shall comply with regulations which affect activities under this lease and which are promulgated under applicable statutes by other Federal agencies, including the Department of Energy, the Department of Transportation, and the Environmental Protection Agency.

Stipulation No. 7 Unless the lessee can demonstrate to the satisfaction of the Supervisor that it would not be in the interests of conservation, all reservoirs underlying this lease which extend into one, or more other leases with either a different royalty rate or a royalty rate based on a sliding scale, as indicated by drilling and other information, shall be operated and produced only under a unit agreement including the other lease(s) and approved by the Supervisor. Such a unit agreement shall provide for the fair and equitable allocation of production and costs. The Supervisor shall prescribe the method of allocating production and costs in the event operators are unable to agree on a method acceptable to him.

15. Information to Lessees. The Department of the Interior will seek the advice of the States of Texas, Louisiana, Mississippi and Alabama and other Federal agencies, to identify areas of special concern which might require appropriate protective measures for live bottom areas and areas which might contain cultural resources.

If it is determined that live bottom areas might be adversely impacted by the proposed activities, then the Supervisor, in consultation with the Regional Director, Fish and Wildlife Service (FWS), the Manager, BLM and the States, will require the lessee to undertake any measures deemed economically, environmentally, and technically feasible to protect live bottom areas.

If a monitoring program is necessary under Stipulation No. 4, a monitoring team will consist of qualified independent

personnel approved by the Supervisor. This team will submit its findings to the Regional Director, U.S. Fish and Wildlife Service; Manager, New Orleans OCS Office, Bureau of Land Management; Oil and Gas Supervisor, United States Geological Survey. This report will be made annually, or immediately in case of imminent danger to the biological community resulting from drilling operations.

Some of the tracts offered for lease may fall in areas which may be included in fairways, precautionary zones, or traffic separation schemes. Corps of Engineers permits are required for construction of any fixed structures or artificial islands located on the Outer Continental Shelf in accordance with Section 4(f) of the Outer Continental Shelf Lands Act of 1953 (67 Stat. 463; U.S.C. 1333(f)).

In applying safety, environmental and conservation laws and regulations, the Supervisor will require the use of the best available and safest technology which is determined to be economically achievable. To the extent practicable, the Supervisor will consult with the relevant Federal agencies and the affected State(s) in the execution of these responsibilities.

Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

If nationally recommended routes for boat traffic lanes are established by the Coast Guard, lessees will be required to use them to transport supplies to the lease area.

The U.S. Congress is considering OCS Lands Act Amendments which would institute many new provisions in the leasing and administration of the resources on the OCS. Two of these provisions, (1) the Fishermen's Gear Compensation Fund, and (2) the Oil Spill Liability Fund will, if enacted, establish programs to repay damages and the costs of oil spills resulting from OCS activities. These funds may be supported by assessments levied on lessees and operators. Bidders are hereby notified that these and other provisions of the OCS Lands Act Amendments may apply to leases resulting from sale No. 45.

The Department's regulations found in 30 CFR and 43 CFR, as amended, are applicable to this lease sale. Recent amendments to these regulations are found in 42 FR 53956, October 4, 1977, (suspension of leases); 43 FR 3880, January 27, 1978 (oil and gas operations and oil and gas information program); and 43 FR 3892, January 27, 1978 (environmental assessment and oil and gas information program).

16. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Gulf of Mexico OCS Orders, as of their effective date, and any other applicable OCS Order as it becomes effective.

17. Suggested Bid Form. It is suggested that bidders submit their bids to the Manager, New Orleans Outer Continental Shelf Office, in the following form:

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on the tract of the Outer Continental Shelf specified below:

Tract No.	Total amount bid	Amount per acre	Amount of cash bonus submitted with bid
Proportionate interest of company(s) submitting bid			
Qualification No.	Company		
Percent Interest	%	Address	
Signature			

(Please type signer's name under signature.)

18. Required Joint Bidders Statement. In the case of joint bids each joint bidder is required to execute a joint bidder's statement before a notary public and submit it with his bid. A suggested form for this statement is shown below.

JOINT BIDDER'S STATEMENT

I hereby certify that _____ (entity submitting bid) is eligible under 43 CFR 3302 to bid jointly with the other parties submitting this bid.

Signature

(Please type signer's name under signature.)

Sworn to and subscribed before me this _____ day of _____ 19__.

Notary Public _____
State of _____
County of _____

FRANK GREGG,
Director, Bureau of
Land Management.

Approved: March 14, 1978.

CECIL D. ANDUS,
Secretary of the Interior.

[FR Doc. 78-7076 Filed 3-17-78; 8:45 am]

[4310-55]

Fish and Wildlife Service

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Schoebel Fur and Feather Game Farm, Route 2, Neshkoro, Wis. 54960.

The applicant wishes to apply for a Captive Self-Sustaining Population

permit authorizing the purchase and sale for propagation those species of pheasants listed in 50 CFR section 17.11 as (T(C/P)). Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT-1868. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: March 15, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-7283 Filed 3-17-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Roger P. Bakos, 2123 Judy SW., Albuquerque, N. Mex. 87105.

The applicant wishes to apply for a Captive Self-Sustaining Population permit authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those species of pheasants listed in 50 CFR section 17.11 as (T(C/P)). Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NE., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2264. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: March 15, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-7284 Filed 3-17-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Robert Ballstadt, Route 1, Medford, Minn. 55049.

The applicant wishes to apply for a Captive Self-Sustaining Population permit authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those species of pheasants listed in 50 CFR section 17.11 as (T(C/P)). Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2265. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: March 15, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-7285 Filed 3-17-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Harold Lee Benesch, 4863 I-25 North, Pueblo, Colo. 81008.

The applicant wishes to apply for a Captive Self-Sustaining Population permit authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those species of pheasants listed in 50 CFR section 17.11 as (T(C/P)). Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2253. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: March 15, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.
[FR Doc. 78-7286 Filed 3-17-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: King Antonelli, 1100 Clear Springs Road, Mustang, Okla. 73064.

The applicant wishes to apply for a Captive Self-Sustaining Population permit authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those species of pheasants listed in 50 CFR section 17.11 as (T(C/P)). Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2248. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: March 15, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.
[FR Doc. 78-7287 Filed 3-17-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Anthony R. Alexander, Route 5, Box 385-A, Theodore, Ala. 36582.

The applicant wishes to apply for a Captive Self-Sustaining Population permit authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those species of pheasants listed in 50 CFR section 17.11 as (T(C/P)). Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2246. Interested

persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: March 15, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-7288 Filed 3-17-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Michael E. Dam Jr., M.D.,
P.O. Box 97, Haines City, Fla. 33844.

The applicant wishes to apply for a Captive Self-Sustaining Population permit authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those species of pheasants listed in 50 CFR section 17.11 as (T(C/P)). Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2247. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: March 15, 1978.

DONALD C. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-7289 Filed 3-17-78; 8:45 am]

[4310-03]

Office of the Secretary

[INT FES 78-4]

AVAILABILITY OF FINAL ENVIRONMENTAL STATEMENT

Proposed Liberty State Park Acquisition

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed acquisition of Jersey City waterfront located immediately west of Ellis Island.

Lands totaling 335 acres will be acquired in the City of Jersey City, N.J. The project would be financed in part with a Federal grant from the Land

and Water Conservation Fund. The environmental statement discusses the immediate acquisition of the 335 acres and the long-range proposal of the development of the area, including the construction of the seawall (levee) and the harbor clean-up at Liberty Park by the U.S. Army Corps of Engineers.

Copies are available for inspection at the following locations:

Office of Communications, Office of the Secretary, Department of the Interior, Washington, D.C. 20240.

Office of Communications, Heritage Conservation and Recreation Service, Room 242, South Building, Department of the Interior, Washington, D.C. 20240.

Heritage Conservation and Recreation Service, Northeast Region, Federal Office Building, 600 Arch Street, Philadelphia, Pa. 19106.

A-95 Clearinghouse, New Jersey Department of Community Affairs, 363 West State Street, Trenton, N.J. 08618.

Tri-State Regional Planning Commission, 1 World Trade Center, New York, N.Y. 10048.

Planning Department, City of Jersey City, City Hall, Jersey City, N.J. 07302.

Main Branch, Jersey City Library.

Forest Irwin Library, Jersey City State College, 2039 Kennedy Building, Jersey City, N.J. 07305.

Dated: March 15, 1978.

LARRY E. MEIEROTTO,
Deputy Assistant
Secretary of the Interior.

[FR Doc. 78-7266 Filed 3-17-78; 8:45 am]

[4310-70]

National Park Service

[Order No. 11]

ADMINISTRATIVE OFFICER, ET AL., ALASKA AREA OFFICE

Delegation of Authority

SECTION 1. *Administrative Officer.* The Administrative officer may execute, approve, and administer contracts not in excess of \$100,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 2. *Procurement Officer.* The Procurement Officer may execute, approve, and administer contracts not in the excess of \$100,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 3. *Purchasing Agent (GS-7).* The Purchasing Agent (GS-7) may issue purchase orders not in the excess of \$10,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. (National Park Service Order No. 77 (38 FR 7478), as amended; Pacific Northwest Region

Order No. 3 (37 FR 6325), as amended.)

Dated: February 27, 1978.

G. BRYAN HARRY,
Area Director,
Alaska Area Office.

[FR Doc. 78-7304 Filed 3-17-78; 8:45 am]

[4310-70]

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held Wednesday, April 5, 1978, at 7:30 p.m., in the visitor center of the Antietam National Battlefield Site located on Route 34, 1 mile north of Sharpsburg, Md.

The Commission was established by Pub. L. 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Mr. Donald R. Frush (Chairman), Hagerstown, Md.
Mrs. Bonnie Troxell, Cumberland, Md.
Miss Nancy Long, Glen Echo, Md.
Mrs. Constance Morella, Bethesda, Md.
Mr. Kenneth S. Rollins, Brookmont, Md.
Mr. Vladimir A. Whabe, Baltimore, Md.
Mr. Edwin F. Wesely, Jr., Brookmont, Md.
Mr. John D. Millar, Cumberland, Md.
Mr. James B. Coulter, Annapolis, Md.
Mrs. Dorothy Grotes, Arlington, Va.
Miss Margaret Dietz, Lovettsville, Va.
Mr. James H. Gilford, Frederick, Md.
Mr. Lorenzo W. Jacobs, Jr., Washington, D.C.
Mr. Silas F. Starry, Shepherdstown, W. Va.
Mr. Rockwood H. Foster, Washington, D.C.
Mr. R. Lee Downey, Williamsport, Md.
Mr. John C. Frye, Gapland, Md.

This is a special meeting to discuss the following matters:

1. Proposed Potomac River Shoreline Bill
2. Western Maryland Railroad abandonment (Roundtop to Cumberland)

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 50 persons will be able to attend the sessions. Any member of the public may file with the Committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact William R. Failor, Superintendent, C&O Canal National Historical Park, P.O. Box 4, Sharpsburg, Md. 21782, telephone area code 301-432-

2231. Minutes of the meeting will be available for public inspection 2 weeks after the meeting at Park Headquarters, Sharpsburg, Md.

Dated: March 9, 1978.

MANUS J. FISH, Jr.,
Regional Director,
National Capital Region.

[FR Doc. 78-7306 Filed 3-17-78; 8:45 am]

[4310-70]

SLEEPING BEAR DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Sleeping Bear Dunes National Lakeshore Advisory Commission will be held at 11 a.m. (EST) on Friday, March 31, 1978, in the lower level meeting room of the Pac Inn, 231 Main Street, Frankfort, Mich.

The Commission was established by Pub. L. 91-479 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Sleeping Bear Dunes National Lakeshore.

The members are as follows:

Mr. Charles H. Yeates (chairman)
Mr. William B. Bolton
Mr. John B. Daugherty
Mr. Samuel F. Eberly
Mr. Walter Hart
Mr. Carl T. Johnson
Mr. John A. Stahlin
Mr. John D. Stanz
Mr. Noble D. Travis
Mrs. Charles R. Williams

The principal items of discussion will be the general management plan for the park which is now being prepared and the scenic road corridor. The meeting will be open to the public.

Any member of the public may file with the Commission a written statement concerning the matters to be discussed. Persons wishing further information concerning the meeting or who wish to submit written statements, may contact the Superintendent, Sleeping Bear Dunes National Lakeshore, Frankfort, Mich. 49635, telephone area code 616-352-9611. Minutes of the meeting will be available for public inspection four weeks after the meeting in the office of the Superintendent, 400 Main Street, Frankfort, Mich.

Dated: March 3, 1978.

MERRILL D. BEAL,
Regional Director,
Midwest Region.

[FR Doc. 78-7305 Filed 3-17-78; 8:45 am]

[4310-10]

OUTER CONTINENTAL SHELF

Intent With Regard to Application of OCS Lands Act Amendments to Holders of Oil and Gas Leases

The U.S. Congress is considering amendments to the Outer Continental Shelf Lands Act, 43 U.S.C. 1331 et seq., governing the leasing and administration of the oil and gas resources on the OCS. The proposed legislation has passed the United States Senate (S. 9, July 15, 1977), and the House of Representatives (H.R. 1614, February 2, 1978). The bills are now awaiting a conference to be called to resolve differences between them.

These amendments can fairly be described as a "mid-course correction" in the OCS oil and gas leasing program. Although some of the provisions, such as those establishing new procedures for OCS lease sales, are obviously limited to lease sales held after the amendments are enacted, it is equally obvious that the remainder of the amendments are intended to apply to existing as well as new leases.

Specific provisions contained in both bills would create a Fishermen's Gear Compensation Fund and an Offshore Oil Pollution Compensation Fund. The former is for the purpose of paying for damages to commercial fishing vessels and gear due to OCS activities, and the latter is for the purpose of paying for prompt removal of oil spilled or discharged as a result of OCS activities, and for damage to public or private interests caused by such spills or discharges. The specific means of accomplishing the purposes are set out in the two bills.

Because questions have been raised about the applicability of these two funds to OCS leases outstanding on the date the amendments are enacted, the Solicitor of the Department of the Interior has issued an opinion which is appended to this Notice.

Addressing the provisions creating the two funds, the Solicitor concludes that they will, if enacted, be applicable to both existing leases and those OCS leases issued before the amendments become law. These provisions would thus be applicable to leases issued in the past as well as to leases issued at OCS Sale No. 43, scheduled for March 28, 1978, and OCS Sale No. 45, scheduled for April 25, 1978, and other sales held in the future. The Solicitor has also concluded that these provisions are constitutional as so applied.

The Department has already announced its views on these provisions to the courts in the litigation involving Sale No. 42, "Commonwealth of Massachusetts v. Andrus," No. 78-184 (D.

Mass., January 28, 1978) (order granting preliminary injunction), appeal pending, No. 78-1036, 1st Cir.), as well as to various interested parties in response to inquiries. The Department is making its views known to all by means of this Notice and the attached Solicitor's opinion.

Dated: March 15, 1978.

LEO M. KRULITZ,
Solicitor,
Department of the Interior.

MEMORANDUM

To: Secretary.

From: Solicitor.

Subject: Application of Offshore Oil Pollution Compensation Fund and Fishermen's Gear Compensation Fund Provisions of the Outer Continental Shelf (OCS) Lands Act Amendments to Existing Oil and Gas Leases on the OCS.

Questions have been raised about the applicability of two funds to be created by amendments to the Outer Continental Shelf Lands Act, 43 U.S.C. 1331-1343. These are the Offshore Oil Pollution Compensation Fund (hereafter referred to as Oil Pollution Compensation Fund) and the Fishermen's Gear Compensation Fund (called the Fishermen's Contingency Fund in the Senate version).

As set out in the House version of the proposed legislation, the Oil Pollution Compensation Fund would pay for certain damages for economic loss caused by oil pollution for (1) removal costs; (2) injury to, or destruction of, real or personal property; (3) loss of use of real or personal property; (4) injury to, or destruction of natural resources; (5) loss of use of natural resources; (6) loss of profits or impairments of earning capacity due to injury to or destruction of real or personal property or natural resources; and (7) loss of tax revenue for a period of one year due to injury to real or personal property.

In the House version, the Fishermen's Gear compensation Fund would pay for certain actual and consequential damages to commercial fishermen.

Damages include loss of profits due to damage of fishing gear by materials, equipment, tools, containers, and other items associated with oil and gas exploration, development or production activities.

The Senate version of these provisions is discussed in more detail below.

In this memorandum, I analyze the provisions of the pending legislation currently being considered to establish the Funds and conclude that they will apply to all leases in existence at the time the proposed Amendments become law. I also conclude that application of the Funds to existing leases is a constitutional exercise of federal legislative authority.

I. LEGISLATIVE PROVISIONS TO CREATE THE FUNDS

A. OIL POLLUTION COMPENSATION FUND

The key provisions in the House-passed bill creating the Oil Pollution Compensation Fund provide:

"H.R. 1614, 95th Cong., 1st Sess. (1978) 124 Cong. Rec. H. 616 (February 2, 1978). The Offshore Oil Pollution Compensation Fund is covered in Title III of the bill as it

"Sec. 302. (a) There is hereby established in the Treasury of the United States an Offshore Oil Pollution Compensation Fund, not to exceed \$200,000,000, except that such limitation shall be increased to the extent necessary to permit any moneys recovered or collected which are referred to in subsection (b) (2) and (3) of this section being paid into such fund. The fund shall be administered by the Secretary (of Transportation) and the Secretary of the Treasury, as specified in this section. The fund may sue and be sued in its own name.

"(b) The fund shall be constituted from—
 "(1) All fees collected pursuant to subsection (d);

"(2) All moneys recovered on behalf of the fund under section 308; and

"(3) All other moneys recovered or collected on behalf of the fund, under this title.

"(c) In addition to the processing and settlement of claims under section 307, the fund shall be immediately available for the removal costs described in section 301(w)(1), and the Secretary is authorized to promulgate regulations designating the person or persons who may obligate available of Transportation an Offshore Oil Pollution Compensation Fund. The Fund may sue or be sued in its own name. (d)(1) The Secretary shall levy and the Secretary of the Treasury shall collect a fee of not to exceed 3 cents per barrel on oil obtained from the Outer Continental Shelf, which shall be imposed on the owner of the oil when such oil is produced."

The counterpart provisions in the Senate-passed bill provide:

"Sec. 302. (a) There is established within the Department of Transportation an Offshore Oil Pollution Compensation Fund. The Fund may sue or be sued on its own name.

"Sec. 310. (a) (1) The Secretary (of Transportation) shall levy and the Secretary of the Treasury shall collect a fee of not to exceed 3 cents per barrel on oil obtained from the Outer Continental Shelf, which shall be imposed on the owner of the oil when such oil is produced.

"(2) The collection of the fee imposed pursuant to paragraph (1) of this subsection shall continue until the amount in the revolving account totals at least \$100,000,000, whereupon imposition of such fee may be suspended by the Secretary. Thereafter, the Secretary shall from time to time and in accordance with the limitation set forth in the first sentence of paragraph (1) of this subsection, modify by regulation the amount of the fee, if any, to be collected under this subsection in order to maintain the revolving account at a level not less than \$100,000,000 and not more than \$200,000,000. For purposes of this paragraph, all sums deposited pursuant to subsection (b) of this section shall be included in the calculation of the balance in the revolving account."

Continued
 has passed the House (§§301-316; reproduced at 124 Cong. Rec. H. 615-620). (Although the House-passed bill retained the designation S. 9, in fact it was a substitute of the text of its own bill, H.R. 1614, for the Senate-passed bill. For convenience herein, we refer to the House bill as H.R. 1614.)

"S. 9, 95th Cong., 1st Sess. (1977) 123 Cong. Rec. S. 11983-84 (July 15, 1977). The Senate version of the Fund is also contained in Title III, §§ 301-322.

As the above reflects, there are some differences in the two versions;³ however, the general purpose and scope of the two versions are the same. In many cases the actual wording of the provisions is identical.

B. FISHERMEN'S GEAR COMPENSATION FUND

The key provisions in the House-passed bill creating the Fishermen's Gear Compensation Fund provide:

"Sec. 30. Fishermen's Gear Compensation Fund.

"(b)(1) There is hereby established in the Treasury of the United States a Fishermen's Gear Compensation Fund (hereinafter referred to as the 'Fund'). The Fund shall be available to the Secretary (of the Interior) without fiscal year limitation as a revolving fund for the purpose of making payments pursuant to this section. The total amount in the Fund shall at no time exceed \$600,000. Amounts paid pursuant to the provisions of paragraph (3) and (4) of this subsection shall be deposited in the Fund. The Fund may sue or be sued in its own name.

"(2) The Secretary (of the Interior) is authorized to establish and maintain an area account within the Fund for any area of the Outer Continental Shelf for purposes of providing reasonable compensation for damages to fishing gear and any resulting economic loss to commercial fishermen due to activities relating to oil and gas exploration, development, and production in such area.

"(3) Upon assessment by the Secretary, any holder of a lease issued under section 8 of this Act for any tract in any area of the Outer Continental Shelf and any holder of a permit issued for the construction of a pipeline in such area shall pay the amount specified by the Secretary for the purpose of the establishment and maintenance of an area account for such area. In any calendar year, no lessee or permittee shall be required by the Secretary to pay an amount in excess of \$5,000 per lease.

"(6) After the date of enactment of this section, any exploration plan and any development and production plan approved by the Secretary for an area of the Outer Continental Shelf and any permit issued for the construction of a pipeline in such area shall contain a condition that the lessee or permittee, upon request by the Secretary shall pay the amount specified by the Secretary for purposes of the establishment and maintenance of a fisherman's gear compensation fund for such area. No lessee or permittee shall be required by the Secretary to pay in any calendar year an amount in excess of \$5,000 per lease or permit."

The counterpart provisions in the Senate-passed bill state:

³One difference is that the Secretary of Transportation would administer the Senate-created fund, while the Secretary of the Interior and the Secretary of Treasury would administer the House-created fund. The Conference Committee which is expected to be convened shortly will seek to resolve this and other differences in the two bills.

⁴See 124 Cong. Rec. H. 614-15 (February 2, 1978).

⁵See Title IV of S. 9, §§ 401-13.

"Sec. 402. (a) There is established within the Department of Commerce, a Fishermen's Contingency Fund (hereinafter referred to as the "Fund") for the purpose of providing compensation for damages to commercial fishing vessels and gear and resulting loss of profits due to activities of oil and gas exploration, development, and production on the Outer Continental Shelf. The Fund may sue or be sued in its own name by citizens of the United States.

"Sec. 407.(a)(1) The Secretary (of Commerce) with the cooperation of the Secretary of the Interior, shall levy and the Secretary of the Treasury shall collect a fee of not to exceed 1 cent per barrel of oil and fifty-six hundred cubic feet of gas obtained from the Outer Continental Shelf, which shall be imposed on the owner of the oil when such oil is produced.

"(2) The collection of the fee imposed pursuant to paragraph (1) of this subsection shall continue until the amount in the revolving account of the Fund totals at least \$2,000,000, whereupon imposition of such fee may be suspended by the Secretary. Thereafter, the Secretary shall from time to time and in accordance with the limitation set forth in the first sentence of paragraph (1) of this subsection, modify by regulation the amount of the fee, if any, to be collected under this subsection in order to maintain the revolving account at a level of not less than \$2,000,000 and not more than \$5,000,000. For purposes of this paragraph, all sums deposited pursuant to subsection (b) of this section shall be included in the calculation of the balance in the revolving account."

Again, there are some differences in the two versions;⁴ however, the general purpose and scope is the same.

In passing the bills to establish these funds both Houses of Congress have responded to growing concerns about alleged inadequacies in the mechanisms of existing law for redressing possible damages to a variety of interests from OCS oil and gas development. These bills generally reflect the sentiments of both Houses that funds be created and maintained to make moneys available to pay for damages as specified therein. The Oil Pollution Compensation Fund would generally provide moneys for the prompt removal of any oil spilled or discharged as a result of any OCS oil and gas activity, and to compensate for damages to a wide range of public or private interests caused by such spills or discharges. The Fishermen's Fund has passed both Houses in specific recognition of the possible conflicts between exploitation of OCS oil and gas resources and other uses of the associated marine environment. Both Houses have indicated by their actions that the Federal Government must assume responsibility to minimize or eliminate any such conflicts, and provide compensation when certain specified damages to fishing interests occur.

II. QUESTIONS RAISED CONCERNING THE FUNDS

Questions relating to the Funds have been based primarily on assertions that OCS oil

"The Secretary of Interior would administer the fund which would be created by the House bill, while the Secretary of Commerce would administer the Senate-passed fund. Again, the Conference Committee would address these differences.

and gas leases issued prior to creation of these funds will have resulted in the acquisition of vested property interests by lessees. It has been suggested that these allegedly vested interests cannot be modified by subsequent Congressional action. The questions reflect principally the fear that the Funds cannot, when enacted, constitutionally apply to existing leases.

III. THE INTENT OF BOTH HOUSES OF CONGRESS REGARDING APPLICATION OF THE FUNDS

It has not been seriously suggested that either House of Congress has intended that the funds should not apply to OCS oil and gas leases issued prior to the amendments becoming law. Accordingly, we have not performed a detailed analysis of the legislative history on this point. I have, however, satisfied myself that, in the form in which these Funds have passed both Houses, the Congressional intent is clear. I will analyze this point very briefly here since it serves as a logical prelude for the more lengthy discussion of the constitutional issues which follows in part IV.

The OCS Lands Act amendments now being considered by Congress can fairly be described as a "mid-course correction" in the OCS oil and gas leasing program. Although some provisions, such as those establishing new procedures for OCS lease sales, are obviously limited to lease sales held after the amendments are enacted, it is equally obvious that the remainder of the amendments are intended to apply to existing as well as to new leases. Given the large amount of acreage already leased for oil and gas on the OCS since 1953, many of the salutary purposes of the amendments would be vitiated if they did not so apply.

This general conclusion is borne out by an examination of the specific provisions creating these two funds. There is no indication in either version that exemption for existing leases is intended; on the contrary, there is every indication that existing lessees will be subject to the funds. To cite a few examples:

1. The preambles to both bills make identical broad findings concerning the need for such funds, without any — of limiting their applicability to existing lessees: "funds must be made available to pay for the prompt removal of any oil spilled or discharged as a result of activities on the Outer Continental Shelf and for any damages caused by such spills or discharges."

2. Both bills contain broad statements of the purposes of such funds, again without regard for the date on which OCS leases are issued. The Senate version states the purposes to be, among others, to:

"(8) establish an oil spill liability fund to pay for the prompt removal of any oil spilled or discharged as a result of activities on the Outer Continental Shelf and for any damages to public or private interests caused by such spills or discharges,"

and

"(10) establish a Fishermen's Contingency Fund to pay for damages to commercial fishing vessels and gear due to Outer Continental Shelf activities."

* § 101(13) of the House bill; § 101(12) of the Senate bill.

* § 102(8).

* § 102(10).

The House version expresses an identical purpose regarding the Oil Pollution Compensation Fund (§ 102(8)), and expresses a similar purpose regarding minimizing or eliminating the conflict between OCS activity and fishing. (§ 102(7)).

3. The key definitions of terms in both versions of the Oil Pollution Compensation Fund address oil pollution in connection with OCS Lands Act activities, without regard for when lessees obtain leases.

4. The key provisions specifying damages recoverable, those who may claim them, and the liability of operators, likewise are expressed without distinction based on the date leases were obtained.

5. Money for the Oil Pollution Compensation Fund would come from per barrel fees imposed on the owner of the oil where it is produced, without reference to whether the oil is produced under an existing lease or a new lease.

6. Both versions of the Fishermen's Gear Compensation Fund allow payment for damages by oil and gas exploration, development and production activities without regard to when leases are issued.

7. Both versions of the fishermen's Gear Compensation fund are funded by fees, imposed without regard for when leases are issued.

8. At various other places in the two bills, both Houses have expressly treated existing leases or existing operations differently from leases to be issued after enactment.

9. Considering the large amount of acreage which has been leased on the OCS since 1953 (some 15 million acres), most of which is still under lease and much of that still being undeveloped, it would be unwise to assume that Congress intended to apply these funds only to newly issued leases. Most of the potential of oil spills and interference with fishing will, for some time to come, stem from operations on leases issued prior to the amendments.

These indicia are clear and uncontradicted. They lead inexorably to the conclusion that both Houses have intended, in the version each passed, that the two Funds be applicable to leases already in effect on the date of enactment.

"See, e.g., § 301 (d), (h), (i), (j), (o), (p), (s), and (t), of the House version; and § 301 (2), (3), (4), (6), and (7) of the Senate version.

"See, e.g., §§ 303 and 304 of the House version; §§ 307 and 308 of the Senate version.

"See § 302(d)(1) of the House version and § 310 of the Senate version.

"See, e.g., § 301(c)(2) of the House version and § 405 of the Senate version.

"The House version provides for assessments by the Secretary of "any" leaseholder or pipeline permit holder; (§ 301(3)) the Senate version provides for a fee per barrel of oil produced "when such is produced." (§ 407).

"See, e.g., § 204 of the Senate bill, providing somewhat different treatment in compensation for lease cancellations for "leases issued before the date of enactment of this Act;" and § 25 of both versions, which (with some differences unrelated to the instant issue) limit the application of certain requirements for development and production plans to leases "issued after the date of enactment of this section * * *."

IV. APPLICATION OF NEW CONGRESSIONAL ACTS TO EXISTING CONTRACTS

The Supreme Court has made it abundantly clear that new regulatory legislation may be applied to existing leases if the new legislation has a Constitutional basis:

"Federal regulation of future action based upon rights previously acquired by the person regulated is not prohibited by the Constitution. So long as the Constitution authorizes the subsequently enacted legislation, the fact that its provisions limit or interfere with previously acquired rights does not condemn it. Immunity from federal regulation is not gained through forehand contracts. Were it otherwise the paramount powers of Congress would be nullified by 'prophetic discernment'."

"Fleming v. Rhodes," 331 U.S. 100, 107 (1947). See also "Wright v. Union Central Inc. Co.," 304 U.S. 502 (1938); "Paramino Lumber Co. v. Marshall," 309 U.S. 370 (1940).

Any claim that the Funds cannot constitutionally apply to existing leases simply lacks substance. On the OCS in particular, the federal government's continuing regulatory authority is found in the OCS Act and has been repeatedly recognized in a series of appellate decisions. 43 U.S.C. 1334(a)(1); "Gulf Oil Corp. v. Morton," 493 F. 2d 141 (9th Cir. 1973); "Union Oil Co. of California v. Morton," 512 F. 2d 743 (9th Cir. 1975); "County of Suffolk v. Secretary of Interior," 562 F. 2d 1368 (2nd Cir. 1977); "Sierra Club v. Morton," 510 F. 2d 813 (5th Cir. 1975); "Alaska v. Andrus," No. 76-1829 (D.C. Cir., February 24, 1978). The issuance of a lease by the Secretary of the Interior under the OCS Lands Act does not entitle the lessee to immunity from subsequent legislative regulation, nor is a lessee entitled as a matter of right to the issuance of permits without which the full enjoyment of his property rights would not be possible. Any other result would, as the Supreme Court noted in "Fleming v. Rhodes," supra, place an impossible burden on Congress.

V. POWER OF THE CONGRESS TO IMPAIR THE VALUE OF PROPERTY WITHOUT COMPENSATION

To sustain a claim that application of the Funds to existing leases is an unconstitutional exercise of the police power, it would have to be demonstrated that their creation is not a proper exercise of the police power to provide for the general Welfare, the power to regulate interstate commerce, the power to tax, or of any other lawful exercise of the legislative power vested in the Congress by the U.S. Constitution. See Nichols, "Law on Eminent Domain," § 1.42(6); "Oklahoma City v. Sanders," 94 F. 2d 323 (1938); "Di Santo v. Pennsylvania," 273 U.S. 34 (1927); "United States v. Doremus," 249 U.S. 86 (1919).

The police power is an attribute of the Federal Government as well as the States. To the extent that the Federal Government is in sovereign control of the Outer Continental Shelf it has exclusive legislative jurisdiction. The paramount rights of the United States in this area are well established. "See e.g., U.S. v. California," 332 U.S. 804 (1947); U.S. v. Maine, et al., — U.S. — (1975).

A. LAWFUL EXERCISE OF THE POLICE POWER TO REGULATE INTERSTATE COMMERCE

Congress constitutional power to regulate interstate commerce could easily provide a sound constitutional base for application of

these Funds to existing lessees. See "Zabel v. Tabb," 430 F. 2d 199, 201-202 (1970) where, in upholding a decision by the Secretary of the Army denying an application for a dredge and fill permit in navigable waters, the Court of Appeals discussed the constitutional authority for the regulatory power in question.

"The starting point here is the Commerce Clause and its expansive reach. The test for determining whether Congress has the power to protect wildlife in navigable waters and thereby to regulate the use of private property for this reason is whether there is a basis for the Congressional judgment that the activity regulated has a substantial effect on interstate commerce. 'Wickard v. Filburn,' 1942, 317 U.S. 111, 125, 63 S. Ct. 82, 89, 87 L. Ed. 122, 135. That this activity meets this test is hardly questioned. In this time of awakening to the reality that we cannot continue to despoil our environmental and yet exist, the nation knows, if Courts do not, that the destruction of fish and wildlife in our estuarine waters does have a substantial, and in some areas a devastating, effect on interstate commerce. Landholders do not contend otherwise. Nor is it challenged that dredge and fill projects are activities which may tend to destroy the ecological balance and thereby affect commerce substantially. Because of these potential effects Congress has the power to regulate such projects."

The landowners in *Zabel* did not contest the existence of the constitutional power but rather asserted that Congress had stripped itself, by the Submerged Lands Act, 43 U.S.C. 1301-1315, of the power to regulate the property by relinquishing title to and power over the submerged lands except for its expressly reserved rights relating to navigation, flood control and hydroelectric power. The grant of submerged lands to the States conveyed:

"(1) Title to and ownership of the lands beneath navigable waters within the boundaries of the respective States, and the natural resources within such lands and waters and (2) the right and power to manage, administer, lease, develop and use the said lands all in accordance with applicable State law * * * 43 U.S.C. § 1311."

The Court found that despite relinquishing this authority, Congress retained the power under the Commerce Clause to regulate the use of riparian property for conservation purposes. "*Zabel v. Tabb*," supra at 206.

The essence of the grant by the Submerged Lands Act to the States is a property interest with attendant right and power to manage the submerged lands in accordance with State law. In granting an oil and gas lease on the Outer Continental Shelf the Secretary of the Interior certainly conveys no greater interest than Congress by statute conveyed to the States by the Submerged Lands Act. In fact, the Secretary does not have the authority to create a leasehold interest which eliminates Congress' power under the Commerce Clause, and certainly nothing in the Outer Continental Shelf Lands Act purports to give him that authority.

B. LAWFUL EXERCISE OF THE POLICE POWER TO REGULATE FOR THE GENERAL WELFARE

Congress can also regulate existing lessees pursuant to its police power to regulate for the general welfare. For example, in "New York and New England RR Co. v. Bristol," 151 U.S. 556 (1894), the Supreme Court

upheld a Connecticut statute relating to the improvement or relocation of railroad grade crossings where crossed by a highway, in the interest of public safety. The statute provided that one-quarter of the expense would be borne by the town, city, or borough wherein the crossing was located, and three-quarters by the railroad company owning or operating the road.

The railroad company argued that the Connecticut statute was void and that an order of the railroad commission requiring the removal of a grade crossing was a taking of the company's property without due process of law, a denial of the equal protection of the law, and suffered from other constitutional defects.

The Supreme Court found the Connecticut statute, being directed at the improvement or removal of grade crossings which were a menace to public safety, was within the police power of the State. *Id.* at 560. The Supreme Court also found that similar, prior statutes measured against the provisions of the State and Federal constitutions had been repeatedly sustained by the courts of Connecticut. At page 567, the Court held:

"It is likewise thoroughly established in this Court that the inhibitions of the Constitution of the United States upon the impairment of the obligation of contracts, or the deprivation of property without due process or of the equal protection of the laws, by the States, are not violated by the legitimate exercise of legislative power in securing public safety, health, and morals. The governmental power of self-protection cannot be contracted away, nor can the exercise of rights granted, nor the use of property, be withdrawn from the implied liability to governmental regulation in particulars essential to the preservation of the community from injury." (Citations omitted.)

C. LAWFUL EXERCISE OF THE POLICE POWER IN AID OF THE POWER TO TAX

The Funds as proposed by Congress would be maintained in whole or in part by taxes or fees imposed on oil produced or upon the approval of future development plans. Congress has "very extensive power" to levy taxes and this power clearly reaches to "existing subjects," "License Tax Cases," 5 Wall. (72 U.S.) 462, 471 (1867)."

The Congress' power to levy taxes for legitimate purposes has been extensively analyzed and, as held in "Welch v. Henry," 305 U.S. 134 (1938), is not invalid because it imposes additional costs on property owners:

"The objection chiefly urged to the taxing statute is that it is a denial of due process of law because in 1935 it imposed a tax on income received in 1933. But a tax is not necessarily unconstitutional because retroactive. 'Milliken v. United States,' 283 U.S. 15, 21; and cases cited. Taxation is neither a penalty imposed on the taxpayer nor a liability which he assumes by contract. It is but a way of apportioning the cost of government among those who in some measure are privileged to enjoy its benefits and must bear its burdens.

"In fact, the fees to be collected by the Funds are not imposed on past production or activities, only on those taking place after the enactment of the amendments. Thus, no problem of retroactive taxation of the kind considered in the 'gift tax' situation is raised. See e.g., 'Untermeyer v. Anderson,' 276 U.S. 440 (1928), cited and discussed in 'Welch v. Henry' supra.

"Since no citizen enjoys immunity from the burden, its retroactive imposition does not necessarily infringe due process, and to challenge the present tax it is not enough to point out that the taxable event, the receipt of income, antedated the statute. In the cases in which this Court has held invalid the taxation of gifts made and completely vested before the enactment of the taxing statute, decision was rested on the ground that the nature or amount of the tax could not reasonably have been anticipated by the taxpayer at the time of the particular voluntary act which the statute later made the taxable event. 'Nichols v. Coolidge,' 274 U.S. 531, 542; 'Untermeyer v. Anderson,' 276 U.S. 440, 445 (citing 'Blodgett v. Holden,' 275 U.S. 142, 147); 'Coolidge v. Long,' 282 U.S. 582.

"Since, in each of these cases, the donor might freely have chosen to give or not to give, the taxation, after the choice was made, of a gift which he might well have refrained from making had he anticipated the tax, was thought to be so arbitrary and oppressive as to be a denial of due process. But there are other forms of taxation whose retroactive imposition cannot be said to be similarly offensive, because their incidence is not on the voluntary act of the taxpayer. And even a retroactive gift tax has been held valid where the donor was forewarned by the statute books of the possibility of such a levy. 'Milliken v. United States,' supra. In each case it is necessary to consider the nature of the tax and the circumstances in which it is laid before it can be said that its retroactive application is so harsh and oppressive as to transgress the constitutional limitation.

"Property taxes and benefit assessments of real estate, retroactively applied, are not open to the objection successfully urged in the gift cases. See 'Wagner v. Baltimore,' 239 U.S. 207; 'Seattle v. Kellcher,' 195 U.S. 351; compare 'Citizens National Bank v. Kentucky,' 217 U.S. 443; 'Billings v. United States,' 232 U.S. 261, 282. Similarly, a tax on the receipt of income is not comparable to a gift tax. We can not [sic] assume that stockholders would refuse to receive corporate dividends even if they knew that their receipt would later be subjected to a new tax or to the increase of an old one. The objection to the present tax is of a different inconvenience of the taxpayer in being called upon, after the customary time for levy and payment of the tax has passed, to bear a governmental burden of which it is said he had no warning and which he did not anticipate."

In a more directly related context, the Supreme Court has approved establishment by the State of Florida of strict liability for damages incurred by the State of private parties as the result of an oil spill within the State's waters. "Askew v. American Waterways Operators, Inc.," 411 U.S. 325, 328 (1973):

"We find no constitutional or statutory impediment to permitting Florida, in the present setting of this case, to establish any 'requirement or liability' concerning the impact of oil spillages on Florida's interests of concerns."

The Florida statute was challenged as an unconstitutional intrusion by the State into Congress' exclusive power to legislate regarding maritime matters, and also attacked on the ground that Congress, in enacting the Federal Water Pollution Control Act, had preempted the State. The Supreme Court rejected these arguments. *Id.* at 328-

329. Notably, the essential power to create the liability was not even challenged in the Supreme Court. "Welch" demonstrates that those who enjoy the benefits of government must bear its burdens. Creation of standing funds to pay for damages where liability exists is not an unusual exercise of legislative power. See 43 U.S.C. 1653 creating the Trans-Alaska Oil Spill Liability Fund.

D. LAWFUL EXERCISE OF THE POLICE POWER TO REGULATE OIL GAS DEVELOPMENT ON THE OUTER CONTINENTAL SHELF

The Federal Government's continuing power to regulate OCS oil and gas leases is well established. No court has found this regulatory authority to be terminated by the issuance of a lease. In "Union Oil Company of California, et al. v. Morton, et al.", *supra*, the Ninth Circuit Court of Appeals said:

"The (OCS oil and gas) lease does convey a property interest enforceable against the Government, of course, but is an interest lacking many of the attributes of private property. Oil and gas deposits beneath the continental shelf are precious resources belonging to the entire nation. Congress, although encouraging the extraction of these resources by private companies, provided safeguards to insure that their exploitation should inure to the benefit of all. These safeguards are not limited to those provided by covenants in the lease; Congress also authorized the Secretary to maintain extensive, continuing regulation of the oil companies' day to day drilling operations.

"Careful study of the Act confirms that Congress intended to exercise both proprietary powers of a landowner and the police powers of a legislature in regulating leases of publicly owned resources."

E. CONSTITUTIONAL PROHIBITION AGAINST TAKING PRIVATE PROPERTY WITHOUT JUST COMPENSATION

The Fifth Amendment to the U.S. Constitution states "nor shall private property be taken for public use, without just compensation." As stated by the Ninth Circuit in "Union Oil," *supra* (512 F. 2d at 750-51):

"The degree to which the Government may interfere with the enjoyment of private property by exercise of its police power without having to pay compensation is not a simple question. The courts, under a variety of tests, have recognized that regulation of private property can become so onerous that it amounts to a taking of that property. (Citations omitted.) *** Such a taking by interference with private property rights is within the constitutional power of Congress, subject to payment of compensation."

Thus, Congress may assert its legislative power to affect lease rights which pre-date such legislation. The manner and degree to which such legislation affects any pre-existing rights, and the character of those rights themselves, will ultimately determine whether such effect requires the payment of compensation. Only if the fees imposed for the Funds' purposes are so unreasonable and so obviously unjustified by necessity as to defeat or substantially impair the purpose of the lease would the legislative enactment be brought within the Constitutional prohibition. See "New York and New England RR Co. v. Bristol," *supra*.

Far from being unreasonable or unjustified, or from substantially impairing the lessee's enjoyment of property rights conveyed by an OCS oil and gas lease, the fees contemplated by H.R. 1614 and S. 9 are modest.

The bills call for a three cent per barrel levy to establish the Oil Spill Liability Fund, and collection of the fee is suspended when the Fund reaches a certain level. The Fishermen's Gear Compensation Fund would be financed by a levy not to exceed \$5,000 per lease per year (H.R. 1614) or by a one cent per barrel of oil or 5600 cubic feet of gas produced (S. 9). When compared to the value of the property involved and to the public benefit which would be derived from creation of the Funds, it is simply unrealistic to assert that an unconstitutional taking is involved.

Finally, it is especially notable that a large segment of the oil and gas industry who are intervenors in "Massachusetts et al. v. Andrus, et al.," No. 78-1056 and No. 78-1037, now on appeal in the U.S. Court of Appeals for the First Circuit, have characterized the position that the Funds may not constitutionally apply to existing leases as "frivolous".

"[T]he argument that application of the funds to existing leases would create a serious constitutional question would have some foundation here, only if there were some grounds for the alleged 'serious' constitutional concerns about the retroactive application of the OCSLA amendments pertaining to oil spill and fishermen's funds. But it is clear that those questions are wholly spurious and that there is no constitutional issue as to the application of those provisions to existing leases.

"The funds proposed by Congress would be maintained in part by taxes upon current production or the approval of future development plans. *** The plaintiffs' claim that the imposition of these additional costs upon the lessees after they have entered into lease agreements amounts to a taking of their property is frivolous." Brief for Defendant-Intervenors, pp. 25-27 420 U.S. 515 (1975).

VI. CONCLUSION

If enacted as proposed in either House, the amendments to the OCS Lands Act creating the two funds would apply to existing leases including those which have been issued, those which may be issued in any oil and gas lease sale held before the legislation is enacted, and to those issued thereafter. Applying the funds to existing leases does not suffer from any constitutional infirmity. On the contrary, creation of the funds is a valid exercise of the legislative power of Congress.

LEO KRULITZ,
Solicitor.

[FR Doc. 78-7214 Filed 3-17-78; 8:45 am]

"Intervenors are Atlantic Richfield Co., Chevron Oil Co., Cities Services Co., Continental Oil Co., Exxon Corp., Gulf Oil Corp., Houston Oil & Minerals Corp., Mobil Oil Corp., Murphy Oil Corp., Shell Oil Co., Transco Companies, Inc., and the National Ocean Industries Association (NOIA) and ten of its members. NOIA is an organization whose members are involved in OCS exploration and development activities.

[4410-01]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 77-4]

ARMAND LOZANO, M.D.

Permission to Retain DEA Registration

On July 26, 1977, a hearing was held before Administrative Law Judge Francis L. Young, on the issues raised by an order to show cause directed to Armand Lozano, M.D. as to why his DEA registration should not be revoked.

The order to show cause was based upon a six-count felony violation of G.L.C. 94C of the Massachusetts General Laws. These counts, all felonies, charge Dr. Lozano with prescribing controlled substances "not for legitimate medical purposes".

The Administrative Law Judge concluded as a matter of law that there is a lawful basis for revoking Respondent's DEA registration since he was convicted of six felonies relating to controlled substances. He also concluded as a matter of law that the government had not established that Respondent had prescribed controlled substances outside legitimate medical practices. The Administrative Law Judge states in his conclusion, "The findings and conclusions reached by the Administrative Law Judge differ in part from those apparently reached by the criminal trial jury. But it is appropriate and proper for the Administrator to make his independent examination of the evidence in the administrative record before him, and to arrive at his own findings and conclusions regardless of the outcome of any other forum. *In Re Nance*, D.E.A. Docket No. 76-8, 41 FR 46490."

The Administrator reaffirms the holdings in *Matter of Rosenberg*, 40 FR 4024, Vol. 18, and *In the Matter of Lincoln Eramo, M.D.*, 42 FR 61336, Vol. 42, that "it cannot be the function of the administrative hearing to review the correctness of the verdict in a criminal case upon which an order to show cause is based. Neither an Administrative Law Judge nor an Administrator is authorized to act as an appellate tribunal." (See also case law involving analogous state statutes: *State Ex rel. Meyer v. Eyer*, 172 NW2d 617, (1949) U.S. cert. den. 398 U.S. 951; *Seitz v. Ohio State Medical Board*, 157 NE 304; *South Carolina State Board of Dental Examiners v. Breeland*, 38 SE 644; *Lorenz v. Medical Examiners*, 46 Cal. 2d 684, reh. den. by Div Court.) Therefore, the Administrator must find as to the six counts to which Dr. Lozano was convicted each element of the offense as charged has been proved beyond a reasonable doubt.

Apparently the Administrative Law Judge has placed a burden of proof on

the government to go beyond the felony conviction. He states in his discussion.

"There is not the least scintilla of evidence that Dr. Lozano was obtaining large quantities of drugs, or that he was dispensing or prescribing abnormally large quantities."

The Administrator rejects this added burden placed upon the government. There is no requirement that the government prove Respondent had obtained, dispensed or prescribed large quantities of drugs. Government had sustained its burden upon proof that Respondent was convicted of six felonies relating to the distribution of controlled substances. This proof is ample evidence to support revocation of Respondent's registration.

In *Sokoloff v. Sarbe*, 501 F. 2d 571, (2 Cir 1974), the court agreed that a felony conviction was sufficient basis for revocation. It held, "Moreover, the Administrator expressly found that petitioner had been convicted of a drug related felony, a sufficient basis for revocation. * * * In this case, the Administrator, entrusted by Congress with the task of curbing serious problems of drug abuse, certainly made an allowable choice of remedy in revoking petitioner's registration for schedule II substances because of his conviction for three illegal sales of highly dangerous drugs."

The Administrator reaffirms his position as stated in the *Eramo* decision, supra, that "the government sustains its burden when it establishes the fact of the conviction * * * A Respondent at an administrative hearing based on a criminal conviction has no substantive right to a DEA registration. He must show cause why, despite his conviction, he should be permitted to handle narcotics and dangerous drugs. To that end he can argue in mitigation or set forth in extenuating circumstances. He can offer evidence to demonstrate his good character, his services to the community, his prior good record, the likelihood that he will not repeat the activity for which he was previously convicted. The Administrators have not, in the past imposed the full range of administrative sanctions when such evidence was compelling (citation omitted)."

Consequently, it is the respondent who must sustain a heavy burden to show cause why his registration should not be revoked. There is no burden on the government to prove that Respondent shows a lack of moral qualifications to prevent registration under the Controlled Substances Act.

Evidence was presented in this hearing which would support mitigation so that Dr. Lozano could retain his DEA registration. The Administrative Law Judge found 14 letters of support for the Respondent which testified to Re-

spondent's high standing in the community, and a test to his being a highly skilled and compassionate physician. Also, patients Martin Bezema, John Griffin, and Beverly Powers all testified that Dr. Lozano was a fine physician with a good reputation for serving the community as a family physician. Moreover, the Administrator finds that Dr. Lozano discontinued prescribing amphetamines for weight control shortly after 1975. Having reviewed the entire record in this matter, the Administrator is satisfied that it would be in the future public interest to permit Dr. Lozano to retain his DEA registration. Accordingly, under the authority vested in the Attorney General by the Comprehensive Drug Abuse Prevention Control Act, redelegated to the Administrator of the Drug Enforcement Administration, it is ordered that Dr. Lozano be permitted to retain his DEA registration No. AL4254607.

Dated: March 13, 1978.

PETER B. BENSINGER,
Administrator.

[FR Doc. 78-7207 Filed 3-16-78; 8:45 am]

[7537-01]

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

National Endowment for the Arts

ADVISORY PANELS

Annual Comprehensive Review

In accordance with Section 7(b) of the Federal Advisory Committee Act (Pub. L. 92-463), the National Endowment for the Arts is currently reviewing each advisory panel to determine:

- Whether the panel is carrying out its purpose;
- Whether consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised;
- Whether it should be merged with other advisory committees; or
- Whether it should be abolished.

Public comments and recommendations concerning the advisory panels to the National Endowment for the Arts may be addressed to Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, 202-634-6070.

Comments should be received by April 1, 1978.

Dated: March 15, 1978.

JOHN H. CLARK,

Advisory Committee Management Officer, Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 78-7414 Filed 3-17-78; 8:45 am]

[7537-01]

National Endowment for the Arts

MEDIA ARTS ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (Challenge Grants) to the National Council on the Arts will take place April 5, 1978, from 10 a.m.-4 p.m. in Room 1219 of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the national Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and 9(B) of section 552 of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6070.

JOHN H. CLARK,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

MARCH 14, 1978.

[FR Doc. 78-7213 Filed 3-17-78; 8:45 am]

[7555-01]

NATIONAL SCIENCE FOUNDATION

DOE/NSF NUCLEAR SCIENCE ADVISORY COMMITTEE (NUSAC)

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: DOE/NSF Nuclear Science Advisory Committee (NUSAC).

Date and Time: April 7, 1978, 9 a.m. to 5 p.m. April 8, 1978, 9 a.m. to 5 p.m.

Place: Conference Room 540, National Science Foundation, Washington, D.C. 20550, telephone 202-632-4318.

Type of Meeting: April 7, 1978—Closed: 9 a.m. to 5 p.m. April 8, 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:

Purpose of Committee: To provide advice on a continuing basis to both DOE and NSF

on support for basic nuclear science in the United States.

Agenda: April 7, 1978. Closed session (9 a.m. to 5 p.m.). Discussion of projects under consideration for funding. April 8, 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.

MARCH 15, 1978.

[FR Doc. 78-7341 Filed 3-17-78; 8:45 am]

[7555-01]

SUBCOMMITTEE ON LAW AND SOCIAL SCIENCES OF THE ADVISORY COMMITTEE ON SOCIAL SCIENCES

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee for Law and Social Sciences.

Date and Time: April 6 and 7, 1978-9 a.m. to 5 p.m.

Place: Room 643, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

Type of Meeting: Part Open—Open: 2 p.m. to 5 p.m. on April 7. Closed: 9 a.m. to 5 p.m. on April 6. 9 a.m. to 2 p.m. on April 7.

Contact Person: Dr. H. Laurence Ross, Program Director, Law and Social Sciences Program, Room 316, National Science Foundation, Washington, D.C., 20550, telephone 202-632-5816.

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 Subcommittee: To provide advice and recommendations concerning support for research in Law and Social Sciences

Agenda: April 6, 1978-9 a.m. to 5 p.m.—Closed. To review and evaluate research proposals and projects as part of the selection process for awards. April 7, 1978-9 a.m. to 2 p.m.—Closed. To review and evaluate research proposals and projects as part of the selection process for awards. April 7, 1978-2 p.m. to 5 p.m.—Open. To consider the forthcoming oversight endeavor by the Division's advisory panel. Among the topics to be covered are the coherence of the interdisciplinary area; the decision standards of the Program, the

adequacy of funding to special needs in data resources, special publication outlets, methodological development and support for new investigations; and the use of Program funds for faculty salary support.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Committee Management
Coordinator.

MARCH 15, 1978.

[FR Doc. 78-7342 Filed 3-17-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-409]

DAIRYLAND POWER COOPERATIVE

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Provisional Operating License No. DPR-45, issued to Dairyland Power Cooperative (the licensee), which revised Technical Specifications for operation of the La Crosse Boiling Water Reactor (the facility) located in Vernon County, Wis. The amendment is effective as of its date of issuance.

The amendment removes the interim surveillance requirements to volumetrically examine and periodically visually inspect welds and high stress areas on the main steam line in the pipe tunnel and steam bypass line outside containment. The augmented surveillance requirements, approved by Amendment No. 5 to License No. DPR-45, were to be performed until such time that acceptable modifications were completed to limited the consequences of a high energy line break.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment

does not involve a significant hazards consideration. The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 11, 1978, (2) Amendment No. 12 to License No. DPR-45, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the La Crosse Public Library, 800 Main Street, La Crosse, Wis. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 13th day of March 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors
Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-7229 Filed 3-17-78; 8:45 am]

[7590-01]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO., CITY OF EUGENE, OREG., PACIFIC POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Facility Operating License No. NPF-1 issued to Portland General Electric Co., the City of Eugene, Oreg., and Pacific Power and Light Co. for operation of the Trojan Nuclear Plant (the facility), located in Columbia County, Oreg. The amendment is effective as of its date of issuance.

The amendment identifies and incorporates into the operating license the currently approved industrial security plan for the Trojan Nuclear Plant.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

Pursuant to 10 CFR 2.790(d), the licensee's request for amendment dated May 25, 1977, as revised December 28, 1977, and the security plan are being withheld from public disclosure because they are deemed to be commercial or financial information within the meaning of 10 CFR 9.5(a)(4). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 20 to License No. NPF-1 and (2) the Commission's related letter to Portland General Electric Co., dated March 13, 1978. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Ore., 97051. A copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 13th day of March 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors
Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-7230 Filed 3-17-78; 8:45 am]

[7590-01]

[Docket No. 50-286]

POWER AUTHORITY OF THE STATE OF NEW YORK

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Facility Operating License No. DPR-64, issued to Power Authority of the State of New York (PASNY) for operation of Indian Point Nuclear Generating Unit No. 3 (the facility) located in Westchester County, N.Y. The amendment is effective at 12:01 a.m., March 10, 1978.

The amendment is administrative in nature and permits PASNY to assume

sole responsibility for the operation of the facility. Previously, Consolidated Edison Co. of N.Y., Inc. (Con Ed), was licensed to operate the facility under contract to PASNY.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act, and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment submitted by letter dated March 16, 1977, as supplemented on August 9, 1977, October 27, 1977, and December 14 and 20, 1977, (2) Amendment No. 12 to License No. DPR-64, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the White Plains Public Library, 100 Maritime Avenue, White Plains, N.Y. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 8th day of March 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors
Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-7231 Filed 3-17-78; 8:45 am]

[7590-01]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate

techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 4.16, "Measuring, Evaluating, and Reporting Radioactivity in Releases of Radioactive Materials in Liquid and Airborne Effluents from Nuclear Fuel Processing and Fabrication Plants," describes programs acceptable to the NRC staff for measuring, reporting, and evaluating releases of radioactive materials in liquid and airborne effluents from typical fuel processing and fabrication plants, including scrap recovery operations. This guide is intended to apply to plants that process and fabricate fuel containing either plutonium or uranium.

Comments and suggestions in connection with: (1) items for inclusion in guides currently being developed, or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 4.16 will, however, be particularly useful in evaluating the need for an early revision if received by May 19, 1978.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

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

Dated at Rockville, Md., this 13th day of March 1978.

For the Nuclear Regulatory Commission.

RAY G. SMITH,
Acting Director,
Office of Standards Development.

[FR Doc. 78-7232 Filed 3-17-78; 8:45 am]

[7590-01]

(Docket Nos. 50-502, 50-503)

WISCONSIN ELECTRIC POWER CO., ET AL.,
(HAVEN NUCLEAR PLANT, UNITS 1 AND 2),
(FORMERLY KOSHKONONG NUCLEAR
PLANT, UNITS 1 AND 2)

Receipt of Amended Application for Construction Permits and Facility Licenses and Hearings on Amended Application for Construction Permits; Correction

The Notice published in the FEDERAL REGISTER on March 10, 1978 (43 FR 9894), entitled "Notice of Receipt of Amended Application for Construction Permits and Facility Licenses and Hearing on Amended Application for Construction Permits", should be corrected to reflect the following address changes:

Gerald Charnoff, Esq., Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

Robert H. Gorske, Esq., General Counsel, Wisconsin Electric Power Co., 231 West Michigan Street, Milwaukee, Wis. 53201.

Dated at Bethesda, Md., this 13th day of March 1978.

The Atomic Safety and Licensing Board.

EDWARD LUTON,
Chairman.

[FR Doc. 78-7233 Filed 3-17-78; 8:45 am]

[3111-01]

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 March 14, 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

NATIONAL SCIENCE FOUNDATION

Study to Evaluate Scientific Information Services, single time, 1,500 physicists, Office of Federal Statistical Policy and Standards, 673-7959.

DEPARTMENT OF DEFENSE

Departmental and Other Industry Survey Questionnaire for DOD Logmars (Joint Steering Group for Logistics Applications of Automated Marking and Reading Symbols), single time, 200 suppliers of goods to DOD, Marsha Traynham, 395-3773.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service, NIOSH Cross-Sectional and Prospective Medical Industrywide Studies, on occasion, 11,700 individuals, Elsing, R. E. and Ellett, C. A., 395-3214.

National Institute of Health, Investigator Career Profile, other, 1,000 NIH supported researchers, Clearance Office, 395-3772.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, Integrated Airport Implementation Program, Form 5090-1, annually, 95 air carrier and commuter airport sponsors, Strasser, A., 395-6132.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration, Scaling Technique: Consumer Attitudes Toward Diagnostic X-rays, single time, individuals in household in one SMSA, 120 responses, 40 hours, Clearance Office, 395-3772.

National Institute of Health, International Fellowship Application, NIH-1541-1, on occasion, medical scientists and institutions, 600 responses, 1,460 hours, Elsing, R. E., 395-3214.

Social Security Administration, Supplement to Claim of Person Outside the U.S., SSA-21, on occasion, claimants or beneficiaries who are or will be outside the U.S., 125,000 hours, 41,666 hours, Marsha Traynham, 395-3773.

DEPARTMENT OF LABOR

Employment and Training Administration, Validation Handbook, ETA Handbook No. 361, quarterly, security agencies, 1,300 responses, 289,380 hours, Strasser, A., 395-6132.

DEPARTMENT OF TRANSPORTATION

Coast Guard:

Oil Record Book for Non-Tanker, 4602 on occasion, non-tank vessel operators, 4,000 responses, 1,333 hours, Strasser, A., 395-6132.

Spill Cleanup Inventory, CG-5124 thru CG-5124-16, on occasion, independent oil company, 6,000 responses, 1,200 hours, Strasser, A., 395-6132.

EXTENSIONS NATIONAL SCIENCE FOUNDATION

Higher Education Panel, single time, institutions of higher education, 2,000 responses, 1,000 hours, Topelius, W., 395-6132.

DEPARTMENT OF COMMERCE

Patent Office:

Application for Registration to Practice Before The U.S. Patent Office, PTO-158, on occasion, patent attorneys, 650 responses, 162 hours, Kincannon, C. L., 395-3211.

Declaration of Assistance Received, POL-284, on occasion, independent inventors, 1,150 responses, 96 hours, Clearance Office, 395-3772.

Data Sheet—Roster of Patent Attorneys and Agents, PTO 107a, on occasion, patent attorneys, 1,000 responses, 250 hours, Clearance Office, 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration, Registration of Blood and Blood Product Establishment, FD-2830, annually, manufacturers of blood and blood products, 7,200 responses, 1,233 hours, Clearance Office, 395-2772.

DEPARTMENT OF TRANSPORTATION

Coast Guard, Application for Inspection of U.S. Vessel, CG 3752, on occasion, merchant vessel owners, operators and agents, 7,000 responses, 1,750 hours, Clearance Office, 395-3772.

Federal Highway Administration, Unit Maintenance Cost Index (labor, material and equipment costs of State highways), RLS140-3, annually, State highway departments, existing in 1947, 48 responses, 172 hours, Office of Federal Statistical Policy and standards, 673-7959.

DAVID R. LEUTHOLD,
Budget and Management Officer.

[FR Doc. 78-7387 Filed 3-17-78; 8:45 am]

[1505-01]

OFFICE OF MANAGEMENT AND BUDGET

PRESIDENT'S REORGANIZATION PROJECT

Reorganization Study of Natural Resources and Environmental Functions; Request for Comments

Correction

In FR Doc. 77-36127 appearing on page 63665 in the issue of Monday, December 19, 1977, on page 63666 in the 1st column, about ¾ down, after the entry, "Agencies with Native American and Natural Resource Trust responsibilities," the following material was inadvertently omitted, and should have appeared as follows:

In general, the scope of this study, in terms of Federal agencies and programs comprehended, is deliberately broad and open-ended. This is to prevent any arbitrary limitation in the range of what can be examined and considered under any feasible alternative. However, the broad scope of study should not be construed as implying any particular conclusion in advance of detailed study including public comment and eventual Presidential decision.

I. PROBLEM IDENTIFICATION AND DEFINITION

Evaluating the existing organization is an essential step in considering what, if any, changes are warranted. We need outside views to help identify and define any problems or inadequacies of the existing organization. There are features in the present organization for resources and environmental functions which may be impediments to effective and efficient program accomplishment. We will continue to discuss these with the responsible agencies. We also need an outside perspective from nonfederal observers to authenticate or modify our preliminary identification of problems or to add others which may not have come to our attention.

Case histories which recount your experiences are of particular interest. We will regard case histories as possible symptoms, so please be as specific and accurate as possible. Of course, this study is not intended to resolve individual cases.

You may feel that the present system of organizing certain responsibilities has basic strengths that should be preserved. We are interested in hearing such views as well as problems.

The type of problems you identify is up to you. However, the following general points are offered as suggested possible types of problems which would be of interest and which require specific documentation.

Evidence of lack of overall policy, or policy which is not adequately balanced.

Differing or conflicting actions and regulations on a given subject from several federal programs.

Needs not adequately met by the system because there is no one with appropriate responsibility or authority.

Duplication among agencies that causes needless cost, excessive reporting paperwork burden on the public, confusion, and buck-passing.

10004, a registered holding company, has filed a declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7 and 12(e) of the Act and Rules 50 and 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

AEP proposes to adopt a Restated Certificate of Incorporation ("Restated Certificate"), which would include an amendment increasing from 125,000,000 to 150,000,000 the number of shares of common stock, \$6.50 par value ("common stock"), that AEP is authorized to issue. As of January 31, 1978, 103,006,287 shares were issued and outstanding. It is stated that the 21,993,713 shares available for issuance may not prove adequate to meet anticipated future requirements and that an increase of 25,000,000 in authorized shares is requested to insure a sufficient number of shares to meet these future requirements. It is estimated that construction expenditures for AEP's subsidiary operating companies will total almost \$2,000,000,000 for the years 1978 and 1979; and that in order to help finance this construction program, AEP will have to invest approximately \$350,000,000 in the equity of its subsidiaries during this period, which ultimately will have to be obtained through the sale of additional common stock. Thus, based on market prices in January 1978, which ranged from \$23 to \$25 five-eighths per share, 13,650,000 to 15,250,000 shares of common stock will have to be issued. It is further stated that additional common stock may be required for transactions such as AEP's pending application (File Nos. 3-1476 and 70-4596) for authority to issue 1.3 shares of common stock for each share of Columbus and Southern Ohio Electric Company ("C. & S.O.") common stock. If the Commission authorizes the proposed exchange offer, the transaction then will be contingent upon acceptance by holders of at least 80 percent of the outstanding C. & S.O. common stock. As of December 31, 1977, C. & S.O. had 16,008,588 common stock shares outstanding, so that the successful consummation of the exchange offer would have required the issuance of up to 20,811,165 shares of AEP common stock.

AEP states that its present Certificate of Incorporation, filed in 1925 and amended numerous times thereafter, constitutes an unwieldy document of over 100 pages which consists principally of provisions that have been repealed or amended, or that have become obsolete or unnecessary. The proposed Restated Certificate is in-

tended to simplify and modernize AEP's charter by eliminating this material. It is further stated that except for the increase in authorized common stock described above, none of the deletions or amendments to be made by the Restated Certificate will have a material effect on the rights or privileges of AEP's shareholders.

AEP also proposes to issue and sell shares of common stock to the Trustee for the AEP System Employees Savings Plan ("Savings Plan"). The Savings Plan became effective as of January 1, 1978, at which time there were approximately 10,480 employees enrolled out of total of approximately 13,400 employees eligible to participate. The Savings Plan is a defined contribution, individual account plan, under which a participant's benefits are based solely upon the amount contributed to the participant's account, and any income, gains or losses which may be allocated to such account. The Savings Plan has been designed to meet the requirements of the Employee Retirement Income Security Act of 1974 (ERISA) and to qualify under Section 401(a) of the Internal Revenue Code of 1954. Any employee who has attained age 20 and has completed one year of service with one or more of AEP's subsidiaries ("Employers") is eligible to participate, except employees covered by the National Bituminous Coal Wage Agreement and employees who are covered by collective bargaining agreements if their Employer and their union have not agreed that their collective bargaining unit is to be covered by the Savings Plan.

It is stated that participants may contribute to the Savings Plan, through payroll deductions each payroll period, from 1 percent to 10 percent of their regular compensation. Participants may change the rate of their contributions not more than twice in any 12 month period and may suspend their contributions for a minimum of 3 months. Each employer contributes to the Savings Plan each month on behalf of its employee participants an amount equal to 50 percent of each such participant's contributions up to 6 percent of his regular compensation. In accordance with ERISA, the Savings Plan provides that an Employer's contributions with respect to any participant, plus the participant's contributions in excess of 6 percent of regular compensation, may not exceed \$28,175 (subject to adjustment by the Internal Revenue Service) in any calendar year.

It is further stated that the contributions made each month by participants and Employers are remitted to the Trustee, and credited to the accounts of participants in the Savings Plan. Each participant's contributions are invested by the Trustee, as direct-

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 20447; 70-6126]

AMERICAN ELECTRIC POWER CO., INC.

Notice of Proposed Restated Certificate of Incorporation and Issuance and Sale of Common Stock to Employees Savings Plan, With Request for Exception From Competitive Bidding; Order Authorizing Solicitation of Proxies in Connection Therewith

MARCH 13, 1978.

Notice is hereby given, That American Electric Power Co., Inc. ("AEP"), 2 Broadway, New York, New York

ed by the participant, in one, or in equal portions in any two or all, of the following three funds: (a) the AEP Stock Fund—a fund consisting entirely of the common stock; (b) the Equity fund—an index fund of common stocks (which may include some shares of the common stock) selected by the Trustee; or (c) the Fixed Income Fund—contributions to which are invested by the Trustee under a contract between the Trustee and The Equitable Life Assurance Society of the United States (Equitable) which guarantees repayment of any amounts paid to Equitable and payment of interest at an effective annual rate of 7.85 percent through December 31, 1987. Participants may change investment instructions with respect to their future and/or past contributions once in each 12-month period. Employer contributions on behalf of participants are invested entirely in the AEP Stock Fund. The interests of participants in each Fund are expressed in units which are valued by the Trustee at the end of each month, based on the market value of the assets in the Fund. AEP states that participants' contributions are fully vested at all times. Employer contributions become vested at the earlier of (a) the end of the third year following the year for which the contributions were made or (b) the participant's retirement, permanent and total disability, death or termination of employment after age 60 in certain cases. Employer contributions which are not vested at the time of the termination of employment of a participant, or upon certain withdrawals of assets from the Plan by the participant, are forfeited by the participant and are used to reduce future contributions to the Plan by the Employer.

AEP states that while employed, participants in the Savings Plan may elect to receive a distribution of all or a portion of the value of the vested contributions credited to their accounts in either of two ways: (i) During the month of November of each year, commencing with November 1981, a participant may elect to receive a distribution of the value of all of the contributions to his account (both the participant's and the Employer's) for the third calendar year preceding the year in which the election is made. The election of such a distribution will not result in any forfeiture or other penalty. Distributions will be made in cash and shares of Common Stock; or entirely in cash if the participant so elects. (ii) Once in any twelve month period, a participant may elect to withdraw the value of all or part of the units credited to his account that are attributable to vested contributions. A participant's withdrawal of funds from the savings Plan, except for an election to receive a periodic partial distribution as described

in (i) above, results in a full or partial suspension of the participant's right to contribute to the Savings Plan for periods of up to 9 months, the length of the suspension depending on the relative size of the withdrawal, and, in certain case, in forfeiture of non-vested contributions by the participant's Employer. Such withdrawals are paid entirely in cash. AEP further states that upon the death or retirement of a participant, or if a participant otherwise terminates employment, the entire vested amount of the participant's account is distributed to the participant or, in the case of death, to the participant's designated beneficiaries. Lump sum distributions are made in cash and shares of common stock; or entirely in cash if the distributee so elects.

It is stated that participants may not assign, alienate, pledge or encumber their benefits under the Savings Plan. It is further stated that the Savings Plan permits each participant to instruct the Trustee how to vote the shares of common stock held for his account at any meeting of shareholders of the Company. Any shares of common stock held by the Trustee for which instructions are not received will be voted by the Trustee will respect to each matter in the same proportions as the shares for which it does receive instructions.

It is stated that the administrative expenses of the Savings Plan are paid by the Employers. Direct charges and expenses arising from the purchase or sale of securities for the three funds are paid by the trustee from the fund or funds involved. The Savings Plan is administered by AEP Service Corporation (the Service Corporation) through the Savings Plan Administration Committee (the Committee), consisting of five members appointed by the Board of Directors of the Service Corporation to serve for an indefinite term. All of the members of the Committee are employees of the Service Corporation. Units of participation in the Savings Plan and shares of common stock of the Company to be purchased on behalf of participants in the savings Plan by the Trustee have been registered with the Commission under the Securities Act of 1933. Under the provisions of a trust agreement between the trustee and the Service Corporation (the Trust Agreement), the Trustee receives the contributions of participants and Employers, holds and invests the assets and income of the trust fund created under the Savings Plan in accordance with the provisions of the Savings Plan and the Trust Agreement, maintains records and prepares periodic statements of account for participants, and makes payments to participants at the direction of the Committee. The Plan and the Trust Agreement do not give the Committee any discretion over the

investment of contributions to the Savings Plan (except that the Committee may direct the Trustee to transfer assets to an insurance company as a funding medium for the Fixed Income Fund) or the right to direct the time or price at which securities may be purchased or sold by the Trustee, or to select the brokers or dealers through whom such purchases and sales may be made.

It is stated that to date, the Trustee has acquired the shares of common stock required for the Savings Plan in the open market. If authorized to do so by its shareholders, AEP will offer to sell to the Trustee from time to time as many shares of common stock as it may require for the Savings Plan (subject to authorization of such sales by the Commission under the 1935 Act). AEP will not be able to require the trustee to purchase any shares from it, but it is expected that the Trustee usually will elect to purchase shares from the Company rather than in the open market because by doing so it will not have to pay any brokerage fees or commissions. So long as the market price is above the book value of the shares (\$21.42 at December 31, 1977), the sale of shares to the Trustee will not have dilutive effect on the book value of outstanding shares. Increases in the number of outstanding shares may have a dilutive effect on earnings per share.

Subject to approval by order of the Commission, AEP intends to submit the proposal for the Restated Certificate, including the amendment increasing authorized common stock, and the proposal to authorize AEP to issue and sell common stock to the Trustee for the Savings Plan, to its shareholders for their consideration and approval at the annual meeting to be held on April 26, 1978. In connection therewith, AEP proposes to solicit proxies from the holders of its common stock through the use of solicitation material which sets forth the proposals in detail. AEP also proposes to solicit proxies for the election of directors and for the approval of the selection of auditors. The proposals for the Restated Certificate and issuance and sale of common stock to the Trustee require an affirmative vote of a majority of the shares present or represented at the meeting. In addition, if the proposal relating to the Restated Certificate is approved by the shareholders, AEP will execute and file a Restated Certificate with the Secretary of State of New York. If the proposal relating to the issue and sale of common stock to the Trustee is approved by the shareholders, AEP proposes to issue and sell up to 500,000 shares of authorized unissued common stock to the Trustee, from time to time through April 30, 1979, at a price on each date of sale equal to the aver-

age of the high and low market price of the common stock on such date, but in no event less than the par value thereof. AEP requests that it be granted an exemption from compliance with the provisions of paragraphs (b) and (c) of Rule 50 with respect to issuance and sale of common stock to the Trustee, under paragraph (a)(5) of this Rule.

The fees and expenses to be incurred by AEP in connection with the solicitation of proxies for the annual meeting are estimated at \$430,000. Additional information as to the fees and expenses to be incurred in connection with the proposed transactions will be filed by amendment. It is stated that no 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 April 7, 1978, request in writing that a hearing be held with respect to the proposed transactions, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as amended, 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 declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be 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 Rule 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.

It appears to the Commission that the declaration, as amended, insofar as it proposes the solicitation of proxies from AEP's common stockholders, should be permitted to become effective forthwith pursuant to Rule 82:

It is ordered, That the declaration, as amended, regarding the proposed solicitation of proxies from AEP's common stockholders be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-7215 Filed 3-17-78; 8:45 am]

[8010-01]

[Release No. 34-14550; File No. SR-Amex-78-61]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on February 22, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc. ("Amex") proposes to amend Exchange Rules 903 and 917. The texts of the proposed amendments are set forth below (brackets indicate deletions and italics indicate new material).

SERIES OF OPTIONS OPEN FOR TRADING

Rule 903. (a) (No change.)

(b) [No transaction in option contracts of a particular series of options shall be effected after 3 p.m. on the business day prior to the expiration date of that series.] *On the business day prior to the expiration date of particular series of options, a closing rotation (as defined in Commentary .01 to Rule 917) for such series shall commence at 3 p.m.*

(c) (No change.)

(d) (No change.)

Trading Rotations, Halts and Suspensions

Rule 917. (a) *Trading rotations for each class of option contracts that has been approved for trading on the Exchange shall be employed at the opening and at the close of each business day and at the close of trading on the last trading day with respect to expiring option contracts.*

[a] (b) (No change.)

[b] (c) (No change.)

Commentary

.01 *For purposes of this Rule, a trading rotation is a series of very brief time periods during each of which bids, offers and transactions in only a single, specified option contract can be made. The Exchange may direct that one or more trading rotations be employed on any business day to aid in producing a fair and orderly market*

and shall specify, for each rotation so employed, the particular option contracts to be included and the sequence of such option contracts in the rotation. Trading rotations, which shall be conducted by the Specialist acting in such specialty options, shall be conducted in the following manner:

(a) *Opening Rotations. The opening rotation in each class of options shall be held promptly following the opening of the underlying security on the principal exchange where it is traded, with the Specialist proceeding concurrently in the following manner: Taking each class of options in which he is acting in turn, the Specialist should first open the one or more series of options of a given class having the nearest expiration, then proceed to series of options having the next most distant expiration, and so forth, until all series have been opened. Except as otherwise provided by the Exchange, if both puts and calls covering the same underlying security are traded, the Specialist shall determine which type of option should open first, and may alternate the opening of put series and call series or may open all series of the one type before opening any series of the other type, depending on current market conditions.*

(b) *Closing Rotations. The closing rotation in each class of options shall be commenced following the close of trading hours on the Exchange with the Specialist proceeding concurrently in the following manner: Taking each class of option contracts in which he is acting in turn, the Specialist should close the one or more series of each class having the nearest expiration; then proceed to those series of each class having the next most distant expiration, and so forth, until all series have been closed. Except as otherwise provided by the Exchange, if both puts and calls covering the same underlying security are traded, the Specialist may determine which type of option should close first, and may alternate the closing of put series and call series or may close all series of one type before closing any series of the other type, depending on current market conditions.*

[F01].02 (No change)

The purpose of the proposed rule amendments is to (i) reflect Exchange practice of conducting daily opening trading rotations in each options class and of conducting a closing trading rotation in each expiring options series at 3 p.m., New York time on the last trading day prior to expiration, and (ii) adopt new policy to permit the utilization of daily trading rotations in each options class to begin following the close of trading at 4 p.m., New York time.

A "trading rotation" consists of calling for bids and offers from a trading crowd for each series of options, one at a time, under the supervision of the

specialist assigned to the option class. The purpose of such rotations is to provide, in the case of an opening rotation, for the orderly commencement of trading in options series daily, and, in the case of a closing or expiration rotation, for the orderly termination of trading both on a daily basis as well as for expiring series of options on the business day before expiration. Use of trading rotations provide an effective means of executing orders in an orderly fashion at the opening and at the close of trading. The Amex proposals are designed to promote industry uniformity among options exchanges since trading rotations are presently conducted on The Chicago Board Options Exchange, the Pacific Stock Exchange and the Midwest Stock Exchange. Additionally, with respect to the utilization of a daily closing trading rotation, the Amex proposals will eliminate certain competitive advantages in regard to dual traded options from those marketplaces which utilize such rotations. For example, in a marketplace which utilizes a daily closing rotation, except for "market makers" who have the ability to initiate transactions for their own accounts during such rotation, only those orders which have been transmitted to and/or represented in a trading crowd by 4 p.m., New York time may be executed. However, since the New York Stock Exchange tape frequently runs for a few moments after the 4 p.m. trading close, the last sale of an underlying security as carried on the tape may vary from the last sale exhibited at 4 p.m. In light of this, floor brokers who represent customer and off-floor proprietary orders which have been placed at or very close to the close of trading have the opportunity to execute options orders that more accurately reflect the actual last sale of an underlying stock.

The basis for the proposed rule change is found in Section 6(b)(5) of the Securities Exchange Act of 1934 (the "1934 Act") as amended, which provides, in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade and protect investors and the public interest.

The Exchange made telephone inquiries of representatives of several member firms with respect to the matter of daily closing rotations. The result of the inquiry indicated that firms generally favored the employment of a closing rotation and noted that the use of such rotations on other options exchanges has not resulted in problems or complaints. Additionally, the firms believed that uniformity among exchanges regarding their trading practices would eliminate confusion between customers and their firms.

The proposed rule changes will not impose any burden on competition;

rather, they will eliminate competitive disadvantages between the Amex and other options exchanges which have rules and practices which permit daily closing trading rotations.

On or before April 24, 1978, or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change; or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 10, 1978.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 10, 1978.

[FR Doc. 78-7224 Filed 3-17-78; 8:45 am]

[8010-01]

[Release No. 20449; 70-5838]

ARKANSAS-MISSOURI POWER CO.

Notice of Post-Effective Amendment Regarding Issuance and Sale of Short-Term Bank Notes

MARCH 13, 1978.

Notice is hereby given that Arkansas-Missouri Power Co. (Arkansas-Missouri), 405 West Park Street, Blytheville, Ark. 72315, a wholly owned subsidiary of Middle South Utilities, Inc., a registered holding company, has filed with this Commission a second post-effective amendment to the declaration in this proceeding pursuant to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the amended declaration, which is summarized below,

for a complete statement of the proposed transactions.

By orders in this proceeding dated May 4, 1976, and April 19, 1977 (HCAR Nos. 19511 and 19993), Arkansas-Missouri was authorized to borrow from a group of Arkansas banks, from time to time through April 19, 1978, up to \$5,500,000 through the issuance and sale of promissory notes. On March 6, 1978, \$5,000,000 of such notes were outstanding.

It is now proposed that Arkansas-Missouri issue and sell to a group of banks, from time to time during the period commencing on the effective date of the supplemental order herein and continuing for one year thereafter, up to \$5,500,000 of unsecured, short-term promissory notes to Worthen Bank & Trust Co., Little Rock, Ark., for the account of 29 participating banks.

The notes will be payable in not more than 270 days from the date of issuance and may be renewed from time to time, but will mature not later than 1 year from said effective date. As the notes mature, they will be renewed or repaid out of funds then available to the company. The notes will, at the option of the company, be prepayable, in whole or in part, at any time without premium or penalty.

The notes will bear interest, payable quarterly and at maturity, on the unpaid principal amount thereof at the prime commercial loan rate of Chemical Bank, New York, N.Y., in effect from time to time. Arkansas-Missouri will not be required to maintain any compensating balances with, or pay any commitment fee to, any of the participating banks in connection with the proposed borrowings.

Arkansas-Missouri will apply the net proceeds received from the new borrowings to the payment at maturity of the presently outstanding \$5,000,000 principal amount of bank borrowings referred to above and the balance of said proceeds to the company's construction program. It is stated that the proposed new borrowings are in addition to other bank borrowings by the company from the First National Bank in Little Rock, Ark., which total \$7,750,000 in principal amount as of March 6, 1978, and which may not exceed that amount at any one time outstanding (HCAR Nos. 19264, 19756, and 20241).

It is stated that no special or separable expenses are anticipated in connection with the proposed notes and that no 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 April 31, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the rea-

sons for such request, and the issues of fact or law raised by the post-effective amendment 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 declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be 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. 78-7216 Filed 3-17-78; 8:45 am]

[8010-01]

[Release No. 20444; 70-6131]

ARKANSAS POWER & LIGHT CO.

Notice of Proposed Transactions Related to Financing of Pollution Control Facilities

MARCH 10, 1978.

Notice is hereby given that Arkansas Power & Light Co. (Arkansas), First National Building, Little Rock, Ark. 72203, an electric utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a) and 10 of the Act as applicable to the following proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Arkansas, as part of its continuing program for construction of electric generating facilities, is in the process of constructing two 700 MW net coal-fired generating units known as White Bluff units No. 1 and 2 (White Bluff plant) to be located near Redfield, in Jefferson County, Ark., and a second unit (912 MW) at its nuclear generating station, known as Arkansas nucle-

ar one (ANO), located near Russellville, in Pope County, Ark. In addition, in order to comply with prescribed Federal, State, or local standards with respect to air or water quality or disposal of sewage or solid waste, it has been and will be necessary to construct certain facilities for pollution control purposes at the White Bluff plant and ANO. (Arkansas has sold a 35 percent undivided interest in the White Bluff plant to Arkansas Electric Cooperative Corp. and a 5 percent undivided interest in the White Bluff plant to the city of Jonesboro, Ark. (File No. 70-6009)). The present filing relates: (1) To additional costs of construction of certain of the pollution control facilities at the White Bluff plant and ANO which were disposed of, and are being reacquired, by Arkansas pursuant to authorization from the Commission (File No. 70-6037 as to facilities relating to the White Bluff plant and File No. 70-5642 as to facilities relating to ANO), and (2) to the disposition and acquisition by the company of certain additional facilities at ANO (additional Pope facilities) not previously sold by it to Pope County.

I. WHITE BLUFF PLANT

Arkansas proposes to enter into a first supplemental installment sale agreement (pollution) (Jefferson supplemental agreement) with Jefferson County, Ark., amending and supplementing the installment sale agreement (pollution), dated as of October 1, 1977 (Jefferson original sale agreement), pursuant to which, among other things: (i) Jefferson County agreed to sell to Arkansas, subject to the retention of a lien and security interest, and Arkansas agreed to purchase from Jefferson County, certain pollution control facilities at the White Bluff plant (Jefferson facilities), for a purchase price, together with interest thereon, payable in semi-annual installments over a term of years, and (ii) Jefferson County agreed to issue its pollution control revenue bonds, series 1977 (Arkansas Power & Light Co. project) (series 1977 bonds), the net proceeds of which are being used to defray a portion of the cost of construction (Jefferson cost of construction) of the Jefferson facilities. Jefferson County, under a trust indenture (pollution) (Jefferson original indenture) between Jefferson County and Simmons First National Bank of Pine Bluff, as trustee (Jefferson trustee), dated as of October 1, 1977, issued the series 1977 bonds in the aggregate principal amount of \$46,000,000, then estimated to be sufficient to cover the Jefferson cost of construction.

It has been determined, however, that the proceeds of the series 1977 bonds will not be sufficient to cover the total Jefferson cost of construc-

tion. Consequently, to cover such additional Jefferson cost of construction, Jefferson County proposes to issue up to an additional \$11,000,000 principal amount of its pollution control revenue bonds, series 1978 (Arkansas Power & Light Co. project) (Jefferson series 1978 bonds) pursuant to a first supplemental trust indenture (pollution) to the Jefferson original indenture (Jefferson supplemental indenture). Arkansas proposes to enter into the Jefferson supplemental agreement to provide for additional payments of purchase price, together with interest thereon, for the Jefferson facilities sufficient (together with other moneys held by the Jefferson trustee under the Jefferson original indenture, as to be amended, and available therefor) to pay the principal of, and interest and premium, if any, on the Jefferson series 1978 bonds, as the same become due and payable.

Arkansas will have options to prepay all, or any portion of, the additional purchase price, together with interest thereon, of the Jefferson facilities, and, in the case of certain events relating to the taxability of the interest on the Jefferson series 1978 bonds, the company will be obligated to prepay all of such additional purchase price, together with interest thereon, on the terms and as provided in the original Jefferson sale agreement, as to be amended. The Jefferson series 1978 bonds will be issued as either serial bonds (Jefferson serial bonds) or term bonds (Jefferson term bonds), or a combination thereof. The Jefferson term bonds will mature not later than 30 years from the first day of the month in which they are initially issued and will be subject to a mandatory cash sinking fund. The Jefferson serial bonds, if any, will mature at various times prior to the maturity of the Jefferson term bonds. The effect of the mandatory cash sinking fund of the Jefferson term bonds together with the serial maturities of the Jefferson serial bonds, if any, will be calculated to retire no less than 25 percent of the aggregate principal amount of the Jefferson series 1978 bonds prior to ultimate maturity.

II. ANO

(A) ADDITIONAL PURCHASE PRICE PAYMENTS UNDER EXISTING INSTALLMENT SALE AGREEMENT

Arkansas proposes to enter into a first supplemental installment sale agreement (pollution) (Pope supplemental agreement) with Pope County, Ark., amending the installment sale agreement, dated as of September 1, 1976 (Pope original sale agreement) pursuant to which, among other things: (i) Pope County agreed to sell to Arkansas, subject to the retention of a lien and security interest, and Ar-

kansas agreed to purchase from Pope County, certain pollution control facilities at ANO (Pope facilities) for a purchase price, together with interest thereon, payable in semiannual installments over a term of years, and (ii) Pope County agreed to issue its pollution control revenue bonds, series 1976 (Arkansas Power & Light Co. project) (series 1976 bonds), the net proceeds of which are being used to defray a portion of the cost of construction as defined in the Pope original sale agreement (Pope cost of construction) of the Pope facilities. Pope County, under a trust indenture (Pope original indenture) between Pope County and the First National Bank in Little Rock, as trustee (Pope trustee), dated as of September 1, 1976, issued the series 1976 bonds in the aggregate principal amount of \$16,600,000, then estimated to be sufficient to cover the Pope cost of construction.

It has been determined, however, that the proceeds of the series 1976 bonds will not be sufficient to cover the total Pope cost of construction. Consequently, Pope County proposes to issue, to cover such additional Pope cost of construction, up to an additional \$3,000,000 principal amount of its pollution control revenue bonds, series 1978 (Arkansas Power & Light Co. project) (Pope series 1978 bonds) pursuant to a first supplemental trust indenture to the Pope original indenture (Pope supplemental indenture), and Arkansas proposes to enter into the Pope supplemental agreement to provide for additional payments of the purchase price, together with interest thereon, for the Pope facilities sufficient (together with other moneys held by the Pope trustee under the Pope original indenture, as to be amended, and available therefor) to pay the principal of, and interest and premium, if any, on, the Pope series 1978 bonds, as the same become due and payable.

Arkansas will have options to prepay all, or any portion of, the additional purchase price, together with interest thereon, of the Jefferson facilities, and, in the case of certain events relating to the taxability of the interest on the Pope series 1978 bonds, the company will be obligated to prepay all of such additional purchase price, together with interest thereon, on the terms and as provided in the Pope original sale agreement, as to be amended. The Pope series 1978 bonds will be issued as either serial bonds (Pope serial bonds) or term bonds (Pope term bonds), or a combination thereof. The Pope term bonds will mature not later than 30 years from the first day of the month in which they are initially issued and will be subject to a mandatory cash sinking fund. Pope serial bonds, if any, will mature at various times prior to the maturity of the

Pope term bonds. The effect of the mandatory cash sinking fund of the Pope term bonds together with the serial maturities of the Pope serial bonds, if any, will be calculated to retire no less than 25 percent of the aggregate principal amount of the Pope series 1978 bonds prior to ultimate maturity.

(B) PURCHASE PRICE PAYMENTS UNDER
NEW INSTALLMENT SALE AGREEMENT

Arkansas is also proposing to dispose of, and to acquire, the additional Pope facilities being installed at ANO for pollution control purposes under the laws of the State of Arkansas. The company accordingly proposes to enter into a new installment sale agreement (agreement) with Pope County which will provide for the acquisition, construction, and installation of the additional Pope facilities by the company on behalf of Pope County and the issuance by Pope County under a new trust indenture (indenture) between Pope County and a trustee, the First National Bank in Little Rock (trustee) of \$1,000,000 aggregate principal amount of its pollution control revenue bonds, special industrial series (Arkansas Power & Light Co. project) (new Pope bonds), the net proceeds of which will be used to defray the cost of construction, as defined in the agreement, of the additional Pope facilities.

The agreement will provide for the sale of the additional Pope facilities by Pope County to Arkansas, subject to a lien and security interest retained by Pope County, and the payment by the company of the purchase price of the additional Pope facilities, together with interest thereon, in semiannual installments over a term of years. In the agreement, Arkansas will assent to the assignment and pledge to the trustee of the rights of Pope County in the additional Pope facilities and of Pope County's interest in, and of the moneys receivable by it under, the agreement, except for certain rights to indemnification and reimbursement of expenses. The agreement will further provide that the purchase price of the additional Pope facilities payable by Arkansas will be such amount as shall be sufficient (together with other moneys held by the trustee under the indenture and available therefor) to pay the principal of the new Pope bonds as the same becomes due and payable. The company under the agreement will also agree to pay interest on the unpaid balance of the purchase price of the additional Pope facilities equal to the premium, if any, and interest on the new Pope bonds.

The agreement will also provide that Arkansas may at any time prepay all, or any portion of, the unpaid balance of the purchase price of the additional Pope facilities, together with interest

thereon, in whole or in part, such payment to be sufficient (together with other moneys held by the trustee and available therefor) to redeem on or after May 1, 1988, a specified principal amount of new Pope bonds in the manner and to the extent provided in the indenture, including any applicable premium, which will be 3 percent of the principal amount in the 11th year and which will reduce by 1/2 of 1 percent annually thereafter. Further, upon occurrence of certain events relating to the operation of ANO or the additional Pope facilities, Arkansas may at any time prepay the entire unpaid balance of the purchase price of the additional Pope facilities, together with interest thereon. In the case of certain events relating to the taxability of the interest on the new Pope bonds, the company shall be obligated to prepay the entire unpaid balance of the purchase price of the additional Pope facilities, together with accrued interest. The payments by the company in such circumstances shall be sufficient (together with other moneys held by the trustee and available therefor) to pay the principal of the new Pope bonds, together with interest accrued or to accrue to the redemption date.

It is proposed that the new Pope bonds will be issued as either serial bonds (new serial bonds) or term bonds (new term bonds), or a combination thereof. The new term bonds will mature not later than 30 years from the first day of the month in which they are initially issued and will be subject to a mandatory cash sinking fund. New serial bonds, if any, will mature at various times prior to the maturity of the new term bonds. The effect of the mandatory cash sinking fund of the new term bonds together with the serial maturities of the new serial bonds, if any, is calculated to retire no less than 25 percent of the aggregate principal amount of the new Pope bonds prior to ultimate maturity.

In order to provide security for the performance of Arkansas's obligations under the agreement, the company will grant to Pope County a lien on and security interest in the company's interest in the additional Pope facilities. Pope County will assign and pledge such lien and security interest to the trustee pursuant to the indenture. Arkansas will convey to Pope County such portions of the additional Pope facilities as are now owned by the company (existing facilities) subject to the lien of the company's mortgage and deed of trust, dated as of October 1, 1944, made by the company to Morgan Guaranty Trust Co. of New York.

It is contemplated that the Jefferson series 1978 bonds, and the Pope series 1978 bonds and the new Pope bonds (collectively, Pope bonds), will

be sold by the respective counties pursuant to arrangements with a group of underwriters represented by Salomon Brothers, Goldman, Sachs & Co., and Stephens, Inc. In accordance with the laws of the State of Arkansas, the interest rate to be borne by the Jefferson series 1978 bonds and the Pope bonds will be fixed by the respective counties. The company will not be a party to the underwriting arrangements; however, the Jefferson original sale agreement, the Pope original sale agreement, and the agreement provide that the terms of the Jefferson series 1978 bonds and the Pope bonds and their sale by the respective counties, shall be satisfactory to the company. The company understands that interest payable on the Jefferson series 1978 bonds and the Pope bonds will be exempt from Federal income taxes under the provisions of section 103 of the Internal Revenue Code of 1954, as amended. Arkansas has been advised that the annual interest rates on obligations, interest on which is so tax exempt, historically have been and can be expected at the time of issuance of the Jefferson series 1978 bonds and the Pope bonds to be 1 percent to 2 percent lower than the rates of obligations of like tenor and comparable quality, interest on which is fully subject to Federal income tax.

It is stated that the Arkansas Public Service Commission may have jurisdiction over the proposed transactions and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the matters proposed. The fees and expenses incident to the proposed transactions are to be filed by amendment.

Notice is further given that any interested person may, not later than April 4, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in rule 23 of the general rules and regulations 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 hear-

ing 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. 78-7217 Filed 3-17-78; 8:45 am]

[8010-01]

[Release No. 20446; 70-5930]

CENTRAL AND SOUTH WEST CORP. AND WEST TEXAS UTILITIES CO.

Notice of Proposed Increase in Short-Term Borrowing Limitation

MARCH 13, 1978.

Notice is hereby given, That Central and South West Corp. ("CSW"), One Main Place, Dallas, Tex. 75250, a registered holding company and West Texas Utilities Co. ("WTU"), P.O. Box 841, Abilene, Tex., an electric utility subsidiary of CSW's, have filed post-effective amendments to their application-declaration previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6, 7, 9(a), 10, and 12(b) and 12(f) of the Act and Rules 43, 45, and 50, promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, as amended by said post-effective amendments, which is summarized below, for a complete statement of the proposed transaction.

CSW and WTU state that by order of the Commission dated December 30, 1976 (HCAR No. 19829), a CSW system money pool financing arrangement was established through which WTU, as a CSW subsidiary, was authorized to borrow not in excess of \$15,000,000 outstanding at any one time prior to July 1, 1978, from CSW or from banks. WTU states that, largely because of the payment of \$8,000,000 in December 1977 in settlement of a contractual dispute between it and an unaffiliated oil company, it now finds that this \$15,000,000 limit will be insufficient, beginning March 1, 1978, and requests that the borrowing limit be increased to \$24,500,000. WTU further states that the incident which put borrowings over the \$15,000,000 limit is the payment at their maturity on March 1, 1978, of \$5,000,000 of its Series B First Mortgage Bonds.

CSW states that, in order to cover WTU's cash needs for this and other purposes, it will be required to make an emergency loan to WTU to the extent required in excess of the \$15,000,000 limit, pending approval of this post-effective amendment.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction with respect to the proposed transaction. The fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment.

Notice is further given, That any interested person may, not later than April 5, 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, as further amended by said post-effective amendments, 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 amended by said post-effective amendments, or as it may be further 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. 78-7218 Filed 3-17-78; 8:45 am]

[8010-01]

[Release No. 34-14551; File No. SR-CBOE-1978-5]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on February 28, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

DEFINITIONS

Rule 1.1.

Lessor

(gg) The term "lessor" means the owner of an Exchange membership that has been leased to an individual or organization in accordance with the provisions of Rule 3.16(d), and includes any successor in interest of such owner. A lessor shall continue as a member of the Exchange, subject to all of the provisions of the Constitution and Rules, except that for the duration of the lease arrangement, a lessor may not conduct a public securities business as described by the provisions of Rule 3.1 and the Rules referenced therein.

Lessee

(hh) The term "lessee" means an individual or organization that has leased a membership from the owner thereof in accordance with the provisions of Rule 3.16(d). For the duration of the lease agreement, a lessee shall be deemed to be a member, subject to all of the provisions of the Constitution and Rules that are applicable to the owner of an Exchange membership, except that the provisions of Rule 3.12, which concern the ownership of membership, are not applicable to a lessee.

APPROVAL OF DOCUMENTS OF MEMBERS [ORGANIZATIONS]

Rule 3.6. The partnership agreement and all amendments thereto, in the case of a member partnership, [and] the articles of incorporation, by-laws and all amendments thereto, in the case of a member corporation, and any lease agreement to which a membership is subject pursuant to Rule 3.16(d), shall be filed with the Secretary and shall be subject to the approval of the Exchange. If not otherwise contained in the above documents, there must be filed with the Secretary evidence satisfactory to the Exchange that the general partners or executive officers of the member organization are duly authorized to act for it in entering into Exchange contracts.

EFFECTIVENESS OF MEMBERSHIP APPLICATIONS

Rule 3.10. An application which has been approved by the Membership Committee shall become effective as follows:

(a) (No change.)

(b) Except as provided in Rule 3.14(c) with respect to transferees of memberships, and except as provided in Rule 3.16(d) with respect to lessees of memberships, all other applications for membership (excluding applications for approval as the nominee of a

member organization, or applications for the registration of an individual member on behalf of an organization) shall become effective upon the purchase of a membership and payment to the Secretary of the purchase price therefor and a registration fee in such amount as may be provided in Part C of Chapter II of the Rules.

(c) (No change.)

(d) (No change.)

OWNERSHIP OF MEMBERSHIP

Rule 3.12. The Exchange shall not recognize any interest in the property or other rights represented by a membership except that of its owner as registered with the Exchange. A nominee is not an owner, nor is a member organization on whose behalf [of] an individual membership is registered [.] nor is a lessee of a membership pursuant to Rule 3.16(d). No rights shall be acquired by ownership of a membership except the right to an aliquot part of the net assets, if any remaining after the payment of all debts and obligations of the Exchange in the event of its dissolution and winding up and, if the owner of the membership is in good standing such rights as may be provided by the Constitution and Rules to members in good standing.

SALE AND TRANSFER OF MEMBERSHIP

Rule 3.14.

(a) (No change.)

(b) (No change.)

(c) (1) (No change.)

(c) (2) (No change.)

(c) (3) (No change.)

(c) (4) (No change.)

Notwithstanding the foregoing, transfers pursuant to this Paragraph (c) shall not become [final] effective until there has been deposited with the Secretary of the Exchange an amount equal to the weighted average of all membership sales that took place during the ninety days immediately preceding the date on which the transferee is approved for membership (or if no sales took place during such ninety day period, then an amount equal to the price at which the last prior sale took place) or an acceptable Letter of Guarantee from a Clearing Member for such amount, which amount shall be applied as though it were proceeds of the sale of a membership for the purposes of Rule 3.15 hereof; provided, however, that where the owner of a transferable membership is subject to an effective performance obligation agreement with the Exchange, but has received Exchange approval to transfer such membership, the amount to be deposited with the Secretary of the Exchange or represented by an acceptable Letter of Guarantee from a Clearing Member as the final condition to be met prior to the effectiveness of the transfer shall be the amount of such member's ini-

tial purchase price which shall be held for the purposes of Rule 3.15, as described above.

PROCEEDS FROM SALE OF MEMBERSHIP

Rule 3.15.

(a) (No change.)

(b) (No change.)

(c) The payment of such sums as the Board shall determine are due by such member or by the member organization on whose behalf the membership was registered to other members in payment of claims made by such other members arising directly as a result of Exchange transactions. [Included in claims entitled to priority under this Paragraph (c) shall be claims made by members on account of loans to other members made or guaranteed by the claimant where the proceeds of the loan were credited to the Market-Maker account or combined Market-Maker account of the borrowing member.] There shall not be allowed as entitled to priority in payment under this paragraph any claim otherwise allowable with respect to which the claimant, in the opinion of the Board, did not take promptly all other proper and reasonable steps under the Constitution and Rules to protect his or its rights and to enforce such claim. No claim asserted under this paragraph shall be considered by the Board nor shall any member asserting such a claim have any rights thereunder, unless a written statement of such claim shall have been filed with the Secretary of the Exchange prior to the expiration of the 20 day period referred to in the first paragraph of this Rule. If the proceeds of the sale of a membership are insufficient to pay in full of claims allowed under this paragraph, payment shall be made pro rata upon all such allowed claims.

(d) (No change.)

(e) (No change.)

(f) (No change.)

(g) (No change.)

SPECIAL PROVISIONS REGARDING MEMBERSHIPS

Rule 3.16.

(a) (No change.)

(b) (No change.)

(c) (No change.)

(d) Leased Memberships. (i) The owner of a membership in good standing that is not subject to disciplinary proceedings under Chapter XVII of the Rules may lease such membership to an individual or organization, provided the lessee is approved for membership in accordance with the Rules of the Exchange. Lease agreements, which must be approved by the Exchange in accordance with Rule 3.6, shall include provisions covering (A) the duration of the lease arrangement; (B) the consideration to be paid by the lessee; (C) the assignability of the respective interests of the lessee and

lessor in such lease agreement; and (D) as between the parties, which party shall exercise the voting rights of the membership and which party shall provide the funds necessary to satisfy all applicable Exchange dues, fees and other charges. Any division of rights and responsibilities between lessor and lessee shall not affect the obligation of the lessor to pay all amounts due the Exchange in accordance with its applicable Rules. The Exchange shall recognize the lessee as having the right to exercise all voting rights with respect to the membership, provided that the lease agreement may provide for the lessor to exercise voting rights through the use of a proxy as provided for in Section 5.2 of Article V of the Constitution.

The effectiveness of the lease of a membership or the reversion of a previously leased membership to the lessor upon termination of the lease agreement shall in each instance depend upon there being deposited with the Secretary of the Exchange cash funds, or an acceptable Letter of Guarantee from a Clearing Member, in an amount equal to the weighted average of all membership sales that took place during the ninety (90) days immediately preceding the date on which, in the case of a lease, the lessee is approved for membership, or in the case of a reversion to a lessor, the lease agreement terminates. If no sales took place during such ninety (90) day period, then the deposit shall be in an amount equal to the price at which the last prior sale took place. Such deposit shall be held by the Secretary for a period of twenty (20) days from the date of posting the Notice of Application of such lease arrangement or the termination thereof and shall be applied as soon as practicable following the end of that period as though the amount of the deposit were proceeds from the sale of a membership as provided in Rule 3.15 thereof. Should the deposit held by the Secretary prove sufficient to wholly satisfy claims made in accordance with Rule 3.15, then so long as all other applicable Exchange Rules have been satisfied, the proposed lease arrangement or reversion thereof shall become effective. In the event the funds so provided do not wholly satisfy such claims, the effectiveness of the lease arrangement or the reversion of a membership shall be deferred until the Exchange has been presented with evidence that such claims can otherwise be satisfied.

(iii) In the event the lessor of a membership effects a sale thereof pursuant to the provisions of Rule 3.14(a), claims may be made against the proceeds from the sale of such membership in accordance with Rule 3.15 by persons having claims against either the lessee or the lessor, with priority given to claims made against the lessee.

(iv) If a lessee becomes subject to an Exchange disciplinary or other action which results in the suspension, expulsion or bar from Exchange membership of the involved party, then the existing lease arrangement shall terminate and the membership shall revert back to the lessor in accordance with the provisions of subparagraph (ii) above.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The general purpose of the proposed rule change is to provide the means by which exchange members may lease their Exchange memberships to qualified broker/dealers. Such a proposal will foster greater access to this Exchange at a substantially lower cost than is presently available through membership purchase. The specific purpose of each proposed change is as follows:

Rule 1.1. This proposal defines a lessor as the owner of an Exchange membership who, although he has leased such membership, remains an Exchange member subject to the provisions of all Exchange Rules and the Constitution, except that the lessor may not use such leased membership to conduct business on the Exchange.

This proposal also defines a lessee as an individual or organization that has leased an Exchange membership from an owner thereof. Such lessee is deemed to be a member of the Exchange and subject to all of the provisions of the Constitution and Rules thereof, except for Rule 3.12 which relates only to the owners of Exchange memberships.

Rule 3.6. This proposed modification subjects all lease agreements to Exchange approval.

Rule 3.10. This proposed change makes clear that the provisions relating to the effectiveness of membership applications are not applicable to lease arrangements which remain subject to the provisions of proposed Rule 3.16(d).

Rule 3.12. This proposed change explicitly states that a lessee of an Exchange membership is not the owner of an Exchange membership.

Rule 3.14. This proposed change substitutes the word *effective* for the word *final* in order to be consistent in the description of the manner in which transfers of memberships in accordance with Rule 3.14(c) become effective.

Rule 3.15. This proposed change is of a "housekeeping" nature. The Exchange proposes to delete a phrase added in February 1976, reflecting the use of notes by Exchange Clearing Members to extend credit to Market-Makers. Inasmuch as such extensions of credit have been determined to be inconsistent with the provisions of section 7(c)(2) of the Act (see letters

dated March 28, 1977 and April 8, 1977 to Joseph Sullivan, President, Chicago Board Options Exchange from Messrs. Daniel Piliero and Lee Pickard, respectively), it is proposed that such transactions not be considered as giving rise to valid claims against the proceeds from the sale of an Exchange membership.

Rule 3.16(d). (i) This proposed addition sets forth the requirement that (1) lease agreements must be approved by the Exchange and (2) lease agreements must minimally address certain areas such as lease duration, compensation, assignability of interests, obligation for dues and fees and voting rights.

(ii) This proposal describes the requirements for payment of a lessor's or lessee's creditors prior to the effectiveness of the prospective lease or a reversion of a lease arrangement.

(iii) This proposal provides the means by which creditors of a lessee or lessor may make claims against the proceeds from the sale of a membership subject to a lease arrangement.

(iv) This proposal specifies that if a lessee is suspended, expelled or barred from Exchange membership, the existing lease arrangement will terminate and the membership will revert back to the owner.

The basis for the proposed rules change is found in section 6(b)(1), 6(b)(2), 6(b)(5) and 6(b)(6). The requirements of section 6(b)(1) and 6(b)(6) are met through the provisions which subject both lessees and lessors, since both are considered Exchange members, to the regulatory compliance capabilities of the Exchange. Compliance with the provisions of section 6(b)(2) is attained through the ability of all qualified registered broker/dealers to accomplish the leasing of an Exchange membership. Inasmuch as the proposed amendments increase access to the Exchange, such changes tend to remove impediments to and perfect the mechanism of a full and open market and are consistent to section 6(b)(5).

No comments were solicited from the membership regarding this proposal.

The Exchange does not believe that any burden will be placed on competition.

On or before April 24, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submission will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 10, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 10, 1978.

[FR Doc. 78-7225 Filed 3-17-78; 8:45 am]

[8010-01]

[Release No. 34-14552; File No. SR-CBOE-78-61]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. 94-29, 16 (June 4, 1975), notice is hereby given that on February 28, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The following fees have been established to offset the initial processing and investigative costs involved with the approval of an application by a member of the Chicago Board Options, Exchange ("the Exchange") to lease such membership (see SR-CBOE-1978-5).

1. Application filing fee for individual lessee*	\$750
2. Application filing fee for lessee which is a corporation or partnership*	1,000
3. Application filing fee for executive officer or general partner of lessee**	750
4. Application filing fee for limited partner of lessee**	250
5. Application transfer fee for lessor***	250

*No fee applicable if presently a member or approved to become a member.

**No fee applicable if presently approved for association with that member organization seeking lessee status.

***No fee applicable if the transfer will result in the membership's reverting back to lessor.

The present Exchange fees for participation in the Orientation and Ex-

amination Program (\$50.00) as well as fingerprint Exchange processing (\$5.00) shall be applicable to lessees or nominees of lessees.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed fee schedule is to offset the costs attendant to processing applications of both members and prospective lessees to lease Exchange memberships. Inasmuch as the proposal requires that those leasing memberships be subjected to the same approval process as the owner of an Exchange membership, the Exchange anticipates incurring similar costs. Therefore, the level of the proposed fees for the first four numbered categories of applicants set forth in Item 1 is the same as that which is applicable to those who apply to own Exchange memberships. The amount established for the lessor's fee represents an amount necessary to offset the costs incurred in processing the lease application and the maintenance of Exchange records with respect to such owner/lessor.

The basis for establishing such a charge schedule is Section 6(b)(4) of the Act inasmuch as such charges have been reasonably set and allocated among those requiring the extension of certain Exchange services.

No comment has been solicited from the members of the Exchange.

The Exchange does not believe this proposal will impose any burden upon competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submission will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 10, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 10, 1978.

[FR Doc. 78-7226 Filed 3-17-78; 8:45 am]

[8010-01]

[Release No. 20443; 70-6127]

CONSOLIDATED NATURAL GAS CO.

Notice of Proposed Issuance and Sale of Debentures at Competitive Bidding

MARCH 10, 1978.

Notice is hereby given, that Consolidated Natural Gas Co., ("Consolidated"), 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Consolidated proposes to issue and sell at competitive bidding up to \$75,000,000 principal amount of its — percent Debentures due April 1, 1998 ("Debentures"), which will be issued as a new series under an Eighth Supplemental Indenture, dated April 1, 1978, to the indenture between Consolidated and Manufacturers Hanover Trust Co., as Trustee, dated May 1, 1971. The bidding range, exclusive of accrued interest, will be not less than 99 percent nor more than 102 percent of the principal amount and the interest rate will be a multiple of 1/4 of 1 percent.

None of the debentures may be redeemed at the option of Consolidated prior to April 1, 1983, if funds for such redemption are obtained by consolidated, directly or indirectly, from or in anticipation of borrowings at a cost of money to Consolidated of less than the annual cost of money in the accepted bid for the debentures.

There will be a sinking fund of \$4,700,000 annually starting at the beginning of the sixth year (April 1, 1983) of the issue of the Debentures, leaving \$4,500,000 principal amount of said debentures to be redeemed at maturity. The debentures will be sold to finance, in part, the 1978 capital expenditures of Consolidated's subsidiary companies, estimated at \$196,300,000, of which gas supply projects will account for about 71 percent of the total. The balance of funds required is expected to be obtained principally from internal cash generation, and from the sale by consolidated of

authorized and unissued common stock to the Dividend Reinvestment Plan for its common stockholders and to its Employee Stock Ownership Plan. Proceeds from such sales in 1978 are estimated to be approximately \$8,000,000.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at \$180,000, including accounting fees of \$14,000. The fee of counsel for the purchasers of the debentures will be filed by amendment.

It is stated that no state commission and no federal commission, other than this commission, has jurisdiction over the proposed transaction.

Notice is further given, That any interested person may, not later than April 3, 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 the filing 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 declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be 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 or 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. 78-7219 Filed 3-17-78; 8:45 am]

[8010-01]

[Release No. 20448; 70-5415]

MIDDLE SOUTH UTILITIES, INC., ET AL.

Notice of Post-Effective Amendment Regarding
Issuance and Sale of Notes by Fuel Supply
Subsidiary to a Bank

MARCH 13, 1978.

In the Matter of Middle South Utilities, Inc., System Fuels, Inc., 225 Baronne Street, New Orleans, La. 70112;

Arkansas Power & Light Co., First National Building, Little Rock, Ark. 72203; Louisiana Power & Light Co., 142 Delaronde Street, New Orleans, La. 70174; Mississippi Power & Light Co., P.O. Box 1640 Jackson, Miss. 39205; and New Orleans Public Service Inc., P.O. Box 60340, New Orleans, La. 70112.

Notice is hereby given, That System Fuels, Inc. ("SFI"), a jointly-owned, nonutility, fuel-supply subsidiary company of Arkansas Power & Light Co., Louisiana Power & Light Co., Mississippi Power & Light Co., and New Orleans Public Service Inc. (collectively referred to as "Operating Companies"), each an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, and the above-named companies have filed with this Commission a further post-effective amendment to the application-declaration in this proceeding pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By supplemental orders in this proceeding dated April 15, 1974, April 13, 1976, and April 13, 1977 (HCAR Nos. 18378, 19484, and 19982), the Commission authorized SFI to issue and sell bank notes up to an aggregate amount of \$40,000,000 outstanding at any one time pursuant to a loan agreement dated as of April 17, 1974, among SFI, the Operating Companies, and First National City Bank (Citibank, N.A., as of March 1, 1976). The loan agreement terminates on April 17, 1978.

SFI now intends to extend the term of the loan agreement for two years through April 17, 1980, and proposes to issue and sell its notes to Citibank in accordance therewith up to an aggregate of \$40,000,000 outstanding at any one time. The interest rate on borrowings by SFI under the loan arrangement will be adjusted from one hundred fifteen percent (115 percent) per annum to one hundred nine percent (109 percent) per annum of the base rate charged by Citibank on 90-day loans to substantial and responsible commercial borrowers. All of the other terms and conditions of the loan agreement are to remain unchanged. Compensating balances are not required. SFI will use the proceeds of the notes for the financing of a portion of its fuel-oil inventory and for other expenditures in connection with its fuel-supply program for the Middle South Utilities system.

No state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is requested that

authorization be granted to file certificates pursuant to Rule 24 on a quarterly basis.

Notice is further given, That any interested person may, not later than April 7, 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 post-effective amendment to the 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 amended or as it may be further 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. 78-7220 Filed 3-17-78; 8:45 am]

[8010-01]

[Release No. 20450; 70-6129]

MISSISSIPPI POWER CO.

Notice of Proposed Acquisition of Railroad
Cars for Transporting Coal

Notice is hereby given, That Mississippi Power Co. ("Mississippi"), P.O. Box 4079, Gulfport, Miss. 39501, a wholly-owned electric utility subsidiary of The Southern Co., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 9 (a) and 10 of the Act as applicable to the proposed transaction. All persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Mississippi proposes to purchase railroad coal cars for use in transport-

ing coal to Unit No. 1 ("Unit No. 1") of a steam electric generating plant located along the bank of the Pascagoula River in Jackson County, Miss. ("Plant Daniel"). Unit No. 1 began its commercial operation in September 1977. Unit No. 2 of Plant Daniel, owned by an associate company, Gulf Power Co., is expected to operate commercially about mid-1980, at which time the entire plant consisting of both units and all facilities and equipment will be owned as tenants in common by Mississippi and Gulf Power Co. with each company owning an undivided 50 percent interest therein (See HCAR No. 19696 (September 28, 1976)).

Mississippi has contracted to purchase low sulphur coal to be mined in Utah and Colorado. For the year 1978, the contract calls for the delivery of 500,000 tons, and for the year 1979 and thereafter it calls for an amount of 800,000 tons annually for use as fuel for Unit No. 1. In the opinion of Mississippi's management, the most economical method for obtaining reliable delivery service of the coal is by use of several unit trains utilizing cars specifically constructed so that each will automatically discharge on the coal pile at Plant Daniel. Cars for such specialized unit trains are not furnished by the railroads but rather are supplied by the shipper, with the railroads providing the locomotives and cabooses. A total of approximately 230 cars will be required for the handling of this coal movement for use in operation of Unit No. 1.

Mississippi's management believes that the most economical method of providing the required cars will be by purchase thereof. The price for the purchase of the cars is \$33,720 per car, making an acquisition cost of \$7,755,600, F.O.B. Covington, Ky. It is expected that delivery of the cars will begin June 1978, and payment will be made by Mississippi within 15 days after receiving each invoice. There will be eight invoices covering 25 cars each and one invoice covering 30 cars.

It is stated that the proposed acquisition has been authorized by the Mississippi Public Service Commission and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Information as to fees and expenses to be incurred in connection with the proposed transaction are to be filed by amendment.

Notice is further given, That any interested person may, not later than April 7, 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 the filing 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 declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be 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 or 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. 78-7221 Filed 3-17-78; 8:45 am]

[8010-01]

[File No. 500-11]

OMEGA EQUITIES CORP.

Notice of Suspension of Trading

MARCH 10, 1978.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Omega Equities Corp., being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 9:30 a.m. (e.s.t.) on March 10, through March 19, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-7234 Filed 3-17-78; 8:45 am]

[8010-01]

[Release No. 34-14549; File No. SR-PSE-78-3]

PACIFIC STOCK EXCHANGE INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub.

L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 7, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Pacific Stock Exchange Inc. ("PSE") hereby requests to amend its fee schedule to add competing specialist and alternate specialist fees as follows:

\$100/month per issue;
\$300/month minimum;
\$1,850/month maximum.

This addition constitutes the proposed rule change.

PSE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed addition to the PSE fee schedule is intended to generate additional revenues to meet the costs of the competing specialist and alternate specialist programs. Participation in the PSE's competing specialist and alternate specialist programs is not mandatory. Arrangements for a clearing member's transactions as a competing specialist or an alternate specialist may be met by a Letter of Authorization and guarantee with a clearing firm, in form and substance satisfactory to the Exchange, pursuant to PSE rule II, section 10(c), commentary .02(d). The increase is consistent with increased expenses incurred by PSE in connection with the transactions that are subject to the increase.

The proposed rule change, by adding the fees chargeable against participants in the competing specialist and alternate specialist programs, reflects the increased expenses of the PSE and relates to the equitable allocation of fees among the competing specialist and alternate specialist participants. As such, the PSE cites section 6(b)(4) of the Act as the statutory basis for the instant proposal. Section 6(b)(4) requires that the rules of a national securities exchange provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities.

PSE states that comments on the proposed amendment have not been solicited, and that none have been received.

In addition, the PSE asserts that the imposition of fees pursuant to the proposed rule change will not impose any burden on competition.

The foregoing rule change has become effective pursuant to section 19(b)(3)(A)(ii) of the Securities Exchange Act of 1934, because it is desig-

nated as establishing a fee to be imposed by a self-regulatory organization. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 10, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 10, 1978.

[FR Doc. 78-7227 Filed 3-17-78; 8:45 am]

[8010-01]

[Release No. 20445; 70-6130]

SOUTHERN CO.

Notice of Proposed Issuance and Sale of Common Stock Pursuant to a Dividend Reinvestment Plan and an Employee Savings Plan

MARCH 10, 1978.

Notice is hereby given, That the Southern Co. ("Southern"), Perimeter Center East, P.O. Box 720071, Atlanta, Ga. 30346, a registered holding company, has filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50(a)(5) 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.

Southern proposes to issue and sell up to 3,525,000 shares of its authorized but unissued common stock, par value \$5 per share, ("Additional Common Stock") pursuant to its Dividend Rein-

vestment and Stock Purchase Plan ("Dividend Plan"). It is anticipated that such shares will be issued and sold from time to time through April 30, 1980, the majority of such shares being sold on or prior to April 30, 1979. Southern proposes to use the proceeds from the sale of the shares (such proceeds estimated not to exceed approximately \$59,925,000) to make capital contributions to its subsidiaries which will in turn use such funds to retire outstanding short-term debt and to finance, in part, their respective construction programs.

The Additional Common Stock will be offered to all holders of record of Southern's common stock pursuant to a voluntary plan whereby shareholders may elect to: (1) have dividends on all of their shares of Southern common stock automatically reinvested in shares of common stock at a price equal to 95 percent of the average of the high and low sale prices of Southern's common stock, as published in the Wall Street Journal on the dividend payment date (or the next preceding day on which the New York Stock Exchange is open, if it is closed on the dividend payment date), such average of the high and low sale prices being hereinafter referred to as the "Market Price Average", or (2) reinvest less than all of their dividends in shares of common stock at a price equal to 95 percent of the Market Price Average, or (3) reinvest all or less than all of their dividends as described above and, in addition, make optional cash payments (not less than \$25 per payment nor more than a total of \$3,000 per quarter) to invest in shares of common stock at a price equal to 100 percent of the Market Price Average, or (4) continue to receive cash dividends on all shares registered in their names and invest only optional cash payments. Dividends on shares credited to a participant's account under the Dividend Plan will be reinvested in shares of common stock at a price equal to 95 percent of the Market Price Average. No shares will be sold under the Dividend Plan at less than the par value of such shares.

The First National Bank of Atlanta currently administers the Dividend Plan and makes purchases of shares as agent for the participants. No service charge or commission will be paid by participants in connection with purchases under the Dividend Plan.

Participants will retain all voting rights relating to shares purchased under the Dividend Plan and credited to their accounts, and shares will be voted in accordance with the instructions of the participant to whose account they are credited.

A participant will be able to withdraw from the Dividend Plan at any time upon written notice. Upon withdrawal, the participant will be issued,

without charge, a certificate for the number of shares credited to his account and will receive a cash payment for the value of any fractional share, which cash payment will be based on the closing sale price of Southern's common stock, as published in the Wall Street Journal on the next business day following the day the withdrawal request is received, less any related brokerage commission and transfer tax. Without withdrawing from the Dividend Plan, a participant will be entitled to demand and receive a certificate representing the full shares of common stock credited to his account.

Southern reserves the right to suspend, modify (subject to Commission approval), or terminate the Dividend Plan at any time.

All shareholders not currently participating in the Dividend Plan will be mailed a summary prospectus describing the Plan and advising shareholders as to the manner by which they may participate therein. A summary prospectus will also be sent to all those who become shareholders after the initial mailing of such summary prospectus. The continued existence of the Dividend Plan will occasionally be brought to the attention of nonparticipants by a re-mailing of the summary prospectus. All shareholders who are currently participants in the Dividend Plan or who later join the Dividend Plan will be sent a copy of a complete prospectus.

Southern further proposes to issue and sell a maximum of 1,000,000 shares of its authorized but unissued common stock, par value \$5 per share (the "New Stock"), pursuant to the Employee Savings Plan for The Southern Co. System ("Savings Plan"). It is anticipated that the New Stock will be issued and sold from time to time through April 30, 1980. Southern proposes to use the proceeds from the sale of the New Stock (such proceeds estimated not to exceed approximately \$17,000,000) to make capital contributions to its subsidiaries which will, in turn, apply the proceeds to the retirement of outstanding short-term debt and to finance, in part, their respective construction programs.

The New Stock will be offered to employees of Southern's subsidiaries pursuant to a voluntary plan under which employees may contribute, through payroll deductions, not less than 2 percent nor more than 12 percent of their compensation (base salary or wages). Each employing company will contribute, on behalf of each of the Savings Plan members in its employ, an amount equal to 50 percent of such of the member's contributions as are not in excess of 6 percent of the member's compensation. The First National Bank of Atlanta acts as Trustee for

the trust which is part of the Savings Plan, and the Savings Plan is administered by the Savings Plan Committee, the members of which are appointed by the Board of Directors of Southern Co. Services, Inc.

Each Savings Plan member must direct that his contributions be invested in one or more of three funds: (1) Company Stock Fund—consisting of Southern's common stock; (2) Equity Fund—consisting of common or capital stocks and securities convertible into common or capital stock (other than securities issued by or convertible into securities issued by Southern or any of its subsidiaries), short-term investments, and investments in certain commingled trust funds; (3) Fixed Income Fund—consisting of direct obligations of the U.S. Government and its agencies, corporate bonds, debentures, notes, certificates of indebtedness, evidences of indebtedness of Southern or its subsidiaries or affiliates, savings account deposits, and investments in certain commingled trust funds. All employing company contributions are invested in the Company Stock Fund.

An employee is eligible to participate in the Savings Plan if: (a) he is at least 21 years of age, and (b) he has completed at least 1 year of service (in which he has completed at least 1,000 hours of service) with one or more Southern subsidiaries. Any employee represented by a collective bargaining agent may not participate in the Savings Plan unless the representatives of his bargaining unit and the employing company mutually agree to participation in the Savings Plan by members of the bargaining unit.

The amount of an employee's contributions may be changed by the employee if the employee gives at least 60 days notice of such change. By delivering at least 30 days prior notice, an employee may voluntarily suspend the making of contributions for a period of not less than 6 months. The member's direction as to the fund or funds in which his contributions are to be invested will continue in effect until changed by the member, and the member may change such investment direction once in each year.

A separate account is established for each member, and each member is furnished a statement of his account annually and upon any distribution or withdrawal. The amount to the credit of a member's account attributable to his own contributions is fully vested in the member at all times. Amounts attributable to employing company contributions are fully vested in the member upon his death or retirement pursuant to the pension plan of his employing company. Prior to those events, the amount to the credit of a member's account attributable to employing company contributions is

vested in the member in accordance with a schedule which begins with a 50 percent vesting after 5 years of service and increases by 5 percent with each year of service thereafter until, after 15 years of service, these amounts are fully vested. Any amounts not vested upon a member's termination of employment are forfeited and will be applied as a credit to reduce subsequent contributions of the employing company.

While remaining in employment, a member may, upon giving 60 days prior written notice to his employing company, withdraw all or certain portions of the amount to his credit, but, if such withdrawal is made other than under circumstances which the Savings Plan Committee determines to constitute a financial emergency in the affairs of the member, the member's contributions and those of his employing company will be suspended for certain periods of time as provided by the Savings Plan.

The trustee will vote the shares of common stock of Southern held by it in accordance with written directions received from the individual members on whose behalf such shares are held and will not vote any such shares for which voting instructions are not received. The Trustee has the authority to vote all other securities in its discretion. No certificate or document evidencing participation in the Savings Plan is issued.

Brokerage fees, commissions, transfer taxes, and other expenses incident to the purchase or sale of securities by the Trustee are deemed to be a part of the cost of such securities or deducted in computing the proceeds therefrom, as the case may be, and shall be paid from the trust fund. Any transfer taxes in connection with the distribution of Southern common stock to members or their beneficiaries will be borne by the accounts of the members as the Savings Plan Committee shall determine. Taxes, if any, payable with respect to the assets or income of the fund will be charged against the accounts of members. Other expenses of administering the Savings Plan will be paid by Southern Co. Services, Inc., subject to reimbursement by the other employing companies of their proportionate shares of such expenses.

The Board of Directors of Southern Co. Services, Inc., has the right to amend or terminate the Savings Plan in whole or in part. Any employing company may, by action of its board of directors and approval by the Board of Directors of Southern Co. Services, Inc., suspend or terminate the making of contributions of members in the employ of such employing company and of contributions by such employing company. In the event of termination or partial termination or upon complete discontinuance of contribu-

tions under the Savings Plan by all employing companies or by any one employing company, the amount to the credit of the accounts of each member whose employing company shall be affected by such termination or discontinuance shall become non-forfeitable and will be distributed to the member as soon as practicable after such termination or discontinuance.

Investment purchases by the Trustee for the funds may be made either on the open market or by private purchase, provided that no private purchase may be made of common stock of Southern at a price greater than the last sale price or current independent bid price, whichever is higher, for such stock on the New York Stock Exchange, plus an amount equal to the commission payable in a stock exchange transaction if such private purchase is not made from Southern. The Trustee may purchase common stock of Southern directly from Southern under the Dividend Plan or under any other similar plan made available to all holders of record of shares of common stock of Southern, at the purchase price provided for in such plan.

A statement of the fees and expenses to be incurred in connection with the proposed transaction will be filed by amendment. It is stated that no 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 April 4, 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 the filing 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 address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further 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 or 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. 78-7222 Filed 3-17-78; 8:45 am]

[8010-01]

[Release No. 10153; 811-824; 811-880]

**WESTERN INDUSTRIAL SHARES, INC. AND
WESTERN FUND PLAN FOR WESTERN INDUS-
TRIAL SHARES**

Notice of Filing of Applications for Orders Pursuant to Section 8(f) of the Act Declaring That Applicants Have Ceased To Be Investment Companies

MARCH 10, 1978.

Notice is hereby given, That Western Industrial Shares, Inc. ("Fund"), 780 East South Temple Street, Salt Lake City, Utah 84102, an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), and Western Fund Plan for Western Industrial Shares ("Plan"), a unit investment trust registered under the Act, have filed applications on May 7, 1976, and October 4, 1976, respectively, and amendments thereto on November 7, 1977, and February 13, 1978, pursuant to section 8(f) of the Act for orders of the Commission declaring that each Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the applications on file with the Commission for statements of the representations contained therein, which are summarized below.

The Fund was incorporated under the laws of the State of Nevada on May 20, 1958, and registered under the Act on July 14, 1958. The Plan was organized for the accumulation of shares of the Fund through periodic payments over a 12 year period and registered under the Act on May 4, 1959. The Plan's original sponsor, Investment Management Corporation, made no sales of its periodic payment plan ("Plans") after March 1, 1972.

The Fund's application states that at a special meeting of its shareholders, held on March 29, 1976, a resolution was adopted approving an Agreement and Plan of Reorganization ("Agreement") which provided, among other things, for the acquisition by Foursquare Fund, Inc. ("Foursquare") of substantially all of the Fund's assets in exchange for shares of capital stock of Foursquare, the distribution of such shares to the Fund's shareholders and the Fund's subsequent dissolution. Foursquare, organized in 1961 under the laws of Massachusetts, is an open-end, diversified management investment company registered under the Act.

On April 14, 1976, the transactions contemplated by the Agreement were consummated. On May 5, 1976, a certificate of dissolution of the Fund was issued by the Secretary of the State of Nevada. Since Foursquare does not distribute its shares pursuant to a periodic payment plan, the Plans were terminated and the Plan's separate existence ceased simultaneously with the closing of the aforementioned transaction between the Fund and Foursquare. As a result of these transactions all former holders of the Plans who have not subsequently redeemed are shareholders of Foursquare.

In addition, it is stated that at the time of the filing of the Fund's application, it no longer had either shareholders or assets, other than \$8,037.29 retained to defray the Fund's remaining liabilities and its costs of liquidation. Further, the Plan's application represents that, to the extent Foursquare has been unable to locate planholders of the Plan (approximately 10 accounts), Foursquare has continued to maintain such shareholder accounts; cash distributions paid with respect to these accounts have been retained in a bank account at Foursquare's transfer agent. Any amounts so retained will be distributed to the appropriate shareholders when and if such shareholders are located, subject to applicable state escheat laws. Also, certain of the Plan's sales charges, or fees, were made payable to Investment Management Corporation, which managed the Plan's affairs until on or about March 31, 1975. Since that time, the Plan was managed internally, and all fees subsequently collected were used in defraying expenses of the Plan's business operations and the final winding up of its affairs.

Section 8(f) of the Act provides in part that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given, That any interested person may, not later than April 3, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason 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 Applicant(s) at the address(es) 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 will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-7223 Filed 3-17-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

**RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA) SPECIAL COMMITTEE 134—
GENERAL PURPOSE ELECTRONIC TEST
EQUIPMENT**

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the RTCA Special Committee 134 on General Purpose Electronic Test Equipment to be held April 13, 1978, Conference Room 9W67, National Center No. 1, Naval Electronic Systems Command, 2511 Jefferson Davis Highway, Arlington, Va. commencing at 8:30 a.m. The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of First Meeting held December 13-14, 1977; (3) Discussion of Committee Officers, Nominations and Continuity; (4) Report on Use of Government Specifications for Commercial Products; (5) Identification and Definition of Problem Areas; (6) Working Group Meetings to Treat Identified Problem Areas; and (7) Committee Discussion of Working Group Activities.

Attendance is open to the interested public but, limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, RTCA Secretariat, 1717 H Street NW., Washington, D.C. 20006, 202-296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on March 10, 1978.

KARL F. BIERACH,
Designated Officer.

[FR Doc. 78-7274 Filed 3-17-78; 8:45 am]

[4910-60]

Materials Transportation Bureau

SPECIFICATION DOT-3T CYLINDERS

Precautionary Notice to Shippers and Carriers Superseding Notice of March 6, 1978

On February 28, 1978, the Director, Office of Hazardous Materials Operations (OHMO), Materials Transportation Bureau, issued a Precautionary Notice to Shippers and Carriers of Specification DOT-3T Cylinders, which was published in the FEDERAL REGISTER on March 6, 1978 (43 FR 9211, FR Doc. 78-5633). In that Notice, the OHMO pointed out inspections using ultrasonic testing and other means revealed that several 3T cylinders marked with service pressures above 2400 psig had sidewall thicknesses less than prescribed in § 178.45-7 for the service pressure marked on the cylinder. As a result of several inquiries concerning the purpose and intent of that Notice, the OHMO has determined that certain points raised in that Notice should be clarified.

In calling to the attention of shippers and carriers of 3T cylinders a potentially unsafe condition resulting from wall thicknesses below those authorized for marked service pressures, the OHMO did not intend that each 3T cylinder should immediately be removed from service and be retested. Since ongoing inspections of certain 3T cylinders had indicated a potentially unsafe condition, it was the responsibility of the OHMO to bring this information to the attention of shippers and carriers. Because the information upon which the Notice was based was in the nature of preliminary findings, a conclusive determination has not been established with respect to the extent of any unsafe condition that may exist. Consequently, the OHMO issued a notice to caution of the potentially unsafe condition, rather than employ the emergency actions authorized under the Hazardous Materials Transportation Act (49 U.S.C. 1810(b)).

In consideration of the foregoing, shippers and carriers of Specification DOT-3T cylinders should be aware of the following:

1. Information developed by the OHMO as the result of inspections of certain 3T cylinders indicate that some 3T cylinders currently in service may have wall thicknesses below the minimum prescribed in § 178.45 of the Hazardous Materials Regulations for the service pressure marked on the cylinder.

2. This condition of below specification wall thickness may be due to grinding that may have been performed on the cylinder.

3. Shippers using 3T cylinders are responsible for the continuing assurance that the minimum wall thickness is adequate for the pressure to which the cylinders are charged.

This Notice supersedes and rescinds the Precautionary Notice to Shippers and Carriers published by the OHMO on March 6, 1978

(49 U.S.C. 1801 et seq.; 49 CFR 1.53(e).)

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

A.W. GRELLA,
Acting Director, Office of
Hazardous Materials Operations.
[FR Doc. 78-7388 Filed 3-17-78; 8:45 am]

[4810-31]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 78-320; Reference: ATF O 1100.84]

ASSISTANT DIRECTOR (REGULATORY ENFORCEMENT) OF AUTHORITIES OF THE DIRECTOR IN EXPORTATION OF LIQUORS

Delegation of Authority Order

1. *Purpose.* This order delegates certain authorities, now vested in the Director by regulations in 27 CFR part 252, to the Assistant Director (Regulatory Enforcement) and permits redelegation to Regulatory Enforcement personnel in Bureau Headquarters.

2. *Background.* Under current regulations, the Director is the final authority for prescribing ATF forms and for approval of formulas submitted on ATF Forms 27-B Supplemental, Formula and Process for Rectified Products. It has been administratively determined that these authorities now vested in the Director by regulations in 27 CFR part 252, Exportation of Liquors, belong at and should be delegated to a lower organizational level.

3. *Delegations.* Pursuant to the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by Treasury Department Order No. 221, dated June 6, 1972, and by 26 CFR 301.7701-9, there is hereby delegated to the Assistant Director (Regulatory Enforcement) the authority to take final action on the following matters relating to 27 CFR part 252, Exportation of Liquors:

(a) To prescribe all ATF forms required by regulations, under 27 CFR 252.2.

(b) To receive and to approve formulas on ATF Form 27-B Supplemental, Formula and Process for Rectified Products, for the establishment of standard export drawback rates, under 27 CFR 252.173.

4. *Redelegation.* (a) The authority in paragraph 3a above may be redelegated to Regulatory Enforcement personnel in Bureau Headquarters not lower than the position of branch chief.

(b) The authority in paragraph 3b above may be redelegated to Regulatory Enforcement personnel in Bureau Headquarters not lower than the position of ATF specialist (GS-11).

Effective date. This order becomes effective on March 9, 1978.

Signed: March 9, 1978.

REX D. DAVIS,
Director.

[FR Doc. 78-7177 Filed 3-17-78; 8:45 am]

[4810-22]

Customs Service

[T.D. 78-93; 520265/040518]

MEN'S OR BOYS' COTTON SUITS, NOT KNIT

Change of Practice Regarding the Tariff Classification

AGENCY: United States Customs Service, Department of the Treasury

ACTION: Notice.

SUMMARY: This document announces that the Customs Service is changing the current uniform and established practice of classifying men's and boys' cotton suits, not knit, according to separate components rather than as entireties. That practice conflicts with the principles announced in a recent Customs Court decision and with the uniform practice of classifying all other men's and boys' suits and all women's and girls' suits as entireties. Therefore, effective June 27, 1978, it will be Customs practice to classify men's and boys' cotton suits, not knit, as entireties.

EFFECTIVE DATE: 90 days after publication in the Customs Bulletin which will take place on March 29, 1978.

FOR FURTHER INFORMATION CONTACT:

Phillip L. Robins, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5865.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On January 13, 1978, a notice of a proposal to change the Customs uniform and established practice of classifying men's and boys' cotton suits, not knit, according to separate components rather than as entireties, was published in the FEDERAL REGISTER (43 FR 2028).

Under a uniform and established practice, the Customs Service has clas-

sified importations of men's and boys' cotton suits, not knit, according to the tariff provisions for each separate component, rather than classifying the suits as entireties. However, importations of all other men's and boys' suits and importations of all women's and girls' suits are uniformly classified as entireties.

The United States Customs Court, in "J. C. Penney Purchasing Corp. v. United States," C.D. 4671 (1976), held that certain women's wearing apparel sets are classifiable as entireties for tariff purposes. The court noted that the clothing sets were designed, purchased, imported, and invoiced as a unit. The component pieces of each set were coordinated or matched as to color and size, and always were advertised and sold as sets. The description of these sets appears to describe, for the purpose of classification as entireties, men's and boys' cotton suits, not knit.

In view of the decision in "J. C. Penney Purchasing Corp." and the uniform practice of classifying all other suits of clothing as entireties, the practice of classifying men's and boys' cotton suits, not knit, according to the tariff provisions for each separate component is clearly wrong. The Customs Service is now changing this practice.

DOCTRINE OF ENTIRETIES

For tariff classification purposes, the Customs Service considers certain articles as "entireties" even though the articles consist of several components for which there are separate provisions in the Tariff Schedules of the United States. If such an article is considered an entirety, the article (consisting of several components) is assessed duty at the time of importation as one complete article under the appropriate tariff classification.

In general, an article consisting of several components may be considered an entirety if all the components are imported together, designed for use together, and marketed as a unit, and if the article has a use or character different from that of the components as separate items. The fact that the components have commercial value as separate items does not preclude the application of the doctrine of entireties.

DISCUSSION OF COMMENTS

Interested parties were given until February 13, 1978, to submit data, views, or arguments with respect to the proposal. Two comments were received in response to the notice.

Both commenters were of the opinion that, since there are provisions for articles such as men's or boys' suits of wool, not knit (items 380.63 (statistical suffix 50) and 380.66 (statistical suffix 51-54), TSUS), and there is no similar provision for men's and boys' suits, of

cotton, not knit, it was the intent of Congress to have the latter classified as separate components and not as entireties. It is the position of the Customs Service that there was no such Congressional intent since these statistical suffixes or "break-outs" are created by administrative, and not Congressional action.

DRAFTING INFORMATION

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

CHANGE OF PRACTICE

The Customs Service is changing its practice of classifying men's and boys' cotton suits, not knit, according to the separate components because there is an apparent inconsistency between this practice and the principles announced by the court in *J. C. Penney Purchasing Corp.* The Customs Service will now classify men's and boys' cotton suits, not knit, as entireties. This action is in accordance with the practice by which all other men's and boys' suits and all women's and girls' suits are classified.

This change shall be effective as to merchandise entered for consumption or withdrawn from warehouse for consumption on or after 90 days from the date of publication of this notice in the Customs bulletin.

R. E. CHASEN,
Commissioner of Customs.

Approved: March 14, 1978.

BETTE B. ANDERSON,
Under Secretary of the Treasury.
[FR Doc. 78-7343 Filed 3-17-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 613]

ASSIGNMENT OF HEARINGS

MARCH 14, 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-F-13163, R. C. Van Lines, Inc.—Purchase—Trans-World Movers, Inc., Transport Clearing of Colorado, Inc., Successor in Interest and MC 128155 (Sub-No. 5), R. C. Van Lines, Inc., now assigned April 11, 1978, at Denver, CO, will be held in the OSHRC-Courtroom, Suite 1718, 1050 17th Street.

MC 115904 (Sub-No. 81), Grover Trucking Co., now assigned April 17, 1978, at Denver, CO, will be held in the OSHRC-Courtroom, Suite 1718, 1050 17th Street.

MC 57697 (Sub-No. 11), Lester Smith Trucking, Inc., now assigned April 19, 1978, at Denver, CO, will be held in the OSHRC-Courtroom, Suite 1718, 1050 17th Street.

MC 141804 (Sub-No. 44), Western Express, division of Interstate Rental, Inc., now assigned April 24, 1978, at San Francisco, CA, will be held in Room 510, 211 Main Street.

No. MC 140833, Glennarry Transport Ltd., now being assigned May 15, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

No. MC 121644 (Sub-No. 23), G. A. Hornady, Cecil M. Hornady, and B. C. Hornady, d.b.a. Hornady Bros. Truck Line, now being assigned for continued hearing on April 11, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

No. 36500, Burt M. Gifford, et al. v. Ringsby Truck Lines, Inc., and No. 36613, Bob E. Courtney, et al. v. Ringsby Truck Lines, Inc., is assigned for hearing April 5, 1978, at Boise, ID, and will be held at Bankruptcy Courtroom, 206 U.S. Post Office and Federal Building North, 8th and Bannock Street.

No. MC 95876 (Sub-No. 204), Anderson Trucking Service, Ind., is assigned for hearing April 10, 1978, at Seattle, WA, and will be held at Room 370, Federal Building, 915 Second Avenue.

No. MC 854656 (Sub-No. 62), West Nebraska Express, Inc., is assigned for hearing April 5, 1978, at Denver, CO, and will be held at Division 2, U.S. Court of Appeals, 1961 Stout Street.

No. MC 43867 (Sub-No. 37), A. Leander McAlister Trucking Co., is assigned for hearing April 24, 1978, at Omaha, NE, and will be held at Room 616, Union Pacific Plaza, 110 North 14th Street, 14th and Dodge.

No. MC 118159 (Sub-No. 217), National Refrigerated Transport, Inc., is now assigned for hearing May 1, 1978, at Omaha, NE, and will be held at Room 616, Union Pacific Plaza, 110 North 14th Street, 14th and Dodge.

No. MC 124947 (Sub-No. 70), Machinery Transports, Inc., is now assigned for hearing May 4, 1978, at Omaha, NE, and will be held at Room 616, Union Pacific Plaza, 110 North 14th Street, 14th and Dodge.

No. MC 134922 (Sub-No. 239), B. J. McAdams, Inc., is now assigned for hearing May 5, 1978, at Omaha, NE, and will be held at Room 616, Union Pacific Plaza, 110 North 14th Street, 14th and Dodge.

No. MC 110563 (Sub-No. 202), Coldway Food Express, Inc., is assigned for hearing May 2, 1978, at Omaha, NE, and will be held at Room 616, Union Pacific Building, 110 North 14th Street, 14th and Dodge.

No. MC 124211 (Sub-No. 303), Hilt Truck Line, Inc., is assigned for hearing May 3,

1978, at Omaha, NE, and will be held at Room 616, Union Pacific Building, 110 North 14th Street, 14th and Dodge.

No. MC 107839 (Sub-No. 173), Denver-Albuquerque Motor Transport, Inc., et al. and No. MC 11375 (Sub-No. 85), Pirkle Refrigerated Freight Lines, Inc., and MC 112822 (Sub-No. 426), Bray Lines, Inc., and No. MC 113678 (Sub-No. 669), Curtis, Inc., and No. MC 115826 (Sub-No. 268), J. Digby, Inc., and No. MC 129387 (Sub-No. 31), Payne Transportation, Inc., No. MC 134286 (Sub-No. 26), Illini Express, Inc., and No. MC 138018 (Sub-No. 36), Refrigerated Foods, Inc., and No. MC 140024 (Sub-No. 73), J. B. Montgomery, Inc., is assigned for hearing April 27, 1978, at Denver, CO, and will be held at Division 2, U.S. Court of Appeals, 1961 Stout Street.

No. MC 26825 (Sub-No. 16), Andrews Van Lines, Inc., now assigned April 12, 1978, at Omaha, NE, will be held in Room 616, Union Pacific Plaza, 110 North 14th Street (14th and Dodge).

MC-F-13219, Dodds Truck Line, Inc.—Purchase—Bennett Truck Line, Inc.; MC-F-13305, Freightways Express, Inc. v. Dodds Truck Line, Inc., et al. and MC 79434, Bennett Truck Line, Inc., now assigned for continued hearing April 6, 1978, at Little Rock, AR, will be held in Room 3406, Federal Office Building, 700 West Capitol.

No. MC 108473 (Sub-No. 39), St. Johnsbury Trucking Co., Inc., now being assigned for Prehearing Conference on April 10, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

No. MC 2900 (Sub-No. 293), Ryder Truck Lines, Inc., is assigned for hearing April 11, 1978, at Atlanta, GA, and will be held at Room 305, 1252 West Peachtree Street NW.

No. MC 117565 (Sub-No. 97), Motor Service Co., Inc., is assigned for hearing April 10, 1978, at Columbus, OH, and will be held at Room 235, Federal Building, 85 Marconi Boulevard.

No. MC 96922 (Sub-No. 4), Highway Pipeline Trucking Co., and No. MC 115841 (Sub-No. 538), Colonial Refrigerated Transportation, Inc., is assigned for hearing April 17, 1978, at Dallas, TX, and will be held at Room 5A15-17, Federal Building, 1100 Commerce Street.

MC 124211 (Sub-No. 308), Hilt Truck Line, Inc., now assigned April 10, 1978, at Omaha, NE, will be held in Room 616, Union Pacific Plaza, 110 North 14th Street (14th and Dodge).

MC 119792 (Sub-No. 66), Chicago Southern Transportation Co., now assigned April 25, 1978, at Tampa, FL, will be held in the U.S. Post Office Building, 415 Zack Street.

MC 113388 (Sub-No. 121), Lester C. Newton Trucking Co., Inc., now assigned April 26, 1978, at Tampa, FL, will be held in the U.S. Post Office Building, 415 Zack Street.

AB 55 (Sub-No. 13), Seaboard Coast Line Railroad Co. Abandonment Between Arcadia and Port Boca Grande in DeSota, Sarasota, Charlotte, and Lee Counties, FL, now assigned May 1, 1978, at Fort Meyers, FL, will be held in the Main Courtroom, U.S. Courthouse, First Street and Jackson.

MC-C-9913, American Van & Storage, Inc., Investigation and Revocation of Certificates, now assigned May 4, 1978, at Miami, FL, will be held in Room 208, Federal Building, 51 Southwest First Avenue.

MC 56679 (Sub-No. 94), Brown Transport Corp., now assigned May 5, 1978, at Miami, FL, will be held in Room 208, Federal Building, 51 Southwest First Avenue.

No. MC-F-13067, Roadway Express, Inc.—Control and Merger—Western Gillette, Inc., and MC-F-13156, Arkansas-Best Freight System, Inc., Purchase (Portion)—Western Gillette, Inc., and MC-F-13157, Campbell Sixty-Six Express, Inc.—Purchase (Portion)—Western Gillette, Inc., and MC-F-13158, The Chief Freight Lines Co.—Purchase (Portion)—Western Gillette, Inc., and FD 28591, The Chief Freight Lines, Co., and MC-F-13159, Churchill Truck Lines, Inc.—Purchase (Portion)—Western Gillette, Inc., and FD 28648, Churchill Truck Lines, Inc., and MC-F-13160, Gordons Transport, Inc.—Purchase (Portion)—Western Gillette, Inc., and MC-F-13161, Graves Truck Line, Inc.—Purchase (Portion)—Western Gillette, Inc., is assigned for hearing April 11, 1978, at Dallas, TX, and will be held at Room 5A15-17, Federal Building, 1100 Commerce Street.

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

[FR Doc. 78-7175 Filed 3-17-78; 8:45 am]

[7035-01]

[Notice No. 614]

ASSIGNMENT OF HEARINGS

MARCH 15, 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 125433 (Sub-No. 114), F-B Truck Line Co., is now assigned for hearing April 25, 1978 (1 day), at Los Angeles, CA, at a location to be later designated.

MC 109397 (Sub-No. 371), Tri-State Motor Transit Co., Inc., is now assigned for hearing April 26, 1978 (1 day), at Los Angeles, CA, at a location to be later designated.

MC 143477, Arcadian Motor Carriers, is now assigned for hearing April 27, 1978 (2 days), at Los Angeles, CA, at a location to be later designated.

FF-56 (Sub-No. 7), Superior Fast Freight, is now assigned for hearing May 1, 1978 (2 weeks), at Los Angeles, CA, at a location to be later designated.

MC 44914 (Sub-No. 3), Willamette Valley Transfer Co., is now assigned for hearing May 1, 1978 (2 weeks), at Salem, OR, at a location to be later designated.

No. AB 68 (Sub-No. 2), Lake Superior & Ishpeming Railroad Co. Abandonment Between Munising and Marquette and Between Lawson and Little Lake Marquette and Alger Counties, MI, now being assigned for continued hearing on April 18, 1978 (4 days), at Marquette, MI, at the Don H. Botton University Conference Center, Northern Michigan University, Kaye Avenue Entrance.

No. MC 73165 (Sub-No. 414), Eagle Motor Lines, Inc., is assigned for hearing April 25, 1978, at Atlanta, GA, and will be held at Room 305, 1252 West Peachtree Street NW.

No. MC 121654 (Sub-No. 5), Costal Transport & Trading Co., a corporation, is assigned for hearing April 26, 1978, at Atlanta, GA, and will be held at Room 305, 1252 West Peachtree Street NW.

No. MC 124887 (Sub-No. 38), Shelton Trucking Service, Inc., and MC 134838 (Sub-No. 17), Southeastern Transfer & Storage Co., Inc., MC 136285 (Sub-No. 26), Southern Intermodal Logistics, Inc., is assigned for hearing April 26, 1978, at Atlanta, GA, and will be held at Room 305, 1252 West Peachtree Street NW.

No. MC 143358 (Sub-No. 2), State Express, Inc., is assigned for hearing May 1, 1978, at Atlanta, GA, and will be held at Room 305, 1252 West Peachtree Street NW.

No. MC 136285 (Sub-No. 29), Southern Intermodal Logistics, Inc., is assigned for hearing May 2, 1978, at Atlanta, GA, and will be held at Room 305, 1252 West Peachtree Street NW.

No. MC 94350 (Sub-No. 385), Transit Homes, Inc., is assigned for hearing May 3, 1978, at Atlanta, GA, and will be held at Room 305, 1252 West Peachtree Street NW.

No. MC-F-13311, Whitfield Transportation, Inc.—Purchase—Idaho Falls Transfer & Storage Co., is assigned for hearing April 18, 1978, at Boise, ID, and will be held at Bankruptcy Court, Room 206, U.S.P.O. and Federal Building, North 8th and Bannock Streets: 4/18-5/2 and 5/3-5/78, Room 395, Federal Office Building, 550 West Fort Street.

No. MC 108641 (Sub-No. 128), Whitfield Transportation, Inc., is assigned for hearing April 18, 1978, at Boise, ID, and will be held at Bankruptcy Court, Room 206, U.S.P.O. and Federal Building, North 8th and Bannock Streets: 4/18-5/2/78 and 5/3-5, Room 395, Federal Office Building, 550 West Fort Street.

No. MC 143459 (Sub-No. 1), Arrow Pocono Lines, Inc., now assigned April 3, 1978 (1 week), is canceled and reassigned for April 3, 1978 (3 days), at New York, NY, in a hearing room to be later designated and continued to April 6, 1978 (2 days), at Tamiment, PA, at the Tamiment Resort and County Club.

No. MC 26396 (Sub-No. 160), Popelka Trucking Co., d.b.a. The Waggoners, now being assigned April 24, 1978 (1 day), at Chicago, IL, in a hearing room to be later designated.

No. MC 120427 (Sub-No. 8), Williams Transfer, Inc., now being assigned April 25, 1978 (1 day), at Chicago, IL, in a hearing room to be later designated.

No. MC 143436 (Sub-No. 4), Controlled Temperature Transit, Inc., now being assigned April 26, 1978 (3 days), at Chicago, IL, in a hearing room to be later designated.

MC 139206 (Sub-No. 2), F.M.S. Transportation, Inc., now assigned April 4, 1978, at Washington, DC, is canceled.

MC-F-12895, Central Transport, Inc.—Purchase (Portion)—Associated Transport, Inc.; MC-F-12909, Duff Truck Line, Inc.—Purchase (Portion)—Associated Transport, Inc., Thomas J. Cahill, Trustee in Bankruptcy; MC 14314 (Sub-No. 24), Duff Truck Line, Inc.; MC-F-12912, United Trucking Service, Inc.—Purchase (Portion)—Associated Transport, Inc., Thomas J. Cahill, Trustee in Bankruptcy and MC 70151 (Sub-No. 50), United Trucking Ser-

vice, Inc., are now assigned for hearing April 26, 1978 (8 days), at the offices of the Interstate Commerce Commission, Washington, DC; with continued hearings assigned as follows: June 7, 1978 (3 days), at the offices of the Interstate Commerce Commission, Washington, DC; August 7, 1978 (1 week), at Cleveland, OH, at a location to be later designated; August 14, 1978 (1 week), at Dayton, OH, at a location to be later designated; and September 11, 1978 (3 days), at the offices of the Interstate Commerce Commission, Washington, DC.

No. MC 60014 (Sub-No. 57), Aero Trucking, Inc., now assigned March 23, 1978, at St. Louis, MO, is postponed indefinitely.

MC 114045 (Sub-No. 486), Trans-Cold Express, Inc., is now assigned for hearing April 12, 1978 (3 days), at New York, N.Y., at a location to be later designated.

MC 143522, Consolidated Carriers, Inc., now being assigned continued hearing on May 2, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.

MC 50866 (Sub-No. 5), Burlingame Truck Line, Inc., now assigned April 5, 1978, at Kansas City, MO, will be held in Room 609, Federal Building, 911 Walnut Street.

MC 114632 (Sub-No. 112), Apple Lines, Inc., now assigned April 10, 1978, at Kansas City, MO, will be held in Room 609, Federal Building, 911 Walnut Street.

MC 119702 (Sub-No. 50), Stahly Cartage Co., now assigned April 12, 1978, at St. Louis, MO, will be held in Room 313, U.S. Court and Customs House, 1114 Market Street.

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

[FR Doc. 78-7331 Filed 3-17-78; 8:45 am]

[7035-01]

[Notice No. 32TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 8, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The

weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 36556 (Sub-No. 40TA), filed February 21, 1978. Applicant: BLACKMON TRUCKING INC., P.O. Box 186, Somers, WI 53171. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container parts*, from Oconomowoc and Waupun, WI, to Cincinnati, OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Carnation Co., 39526 Marks road, P.O. Box 87, Oconomowoc, WI 53066 (Robert H. Kessenich). Send protests to: Mrs. Gail Daugherty, transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC 41404 (Sub-No. 138TA), filed February 1, 1978. Applicant: ARGO-COLLIER TRUCK LINES CORP., P.O. Box 440, Fulton Highway, Martin, TN 38237. Applicant's representative: Mr. Mark L. Horne, P.O. Box 440, Fulton Highway, Martin, TN 38237. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, for human consumption, in mechanically refrigerated equipment (except commodities in bulk, in tank vehicles), from the facilities of Kraft, Inc. at Decatur, GA, to points in AL, MS, and TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kraft, Inc., 500 Peshtigo Court, Chicago, IL 60690. Send protests to: Mr. Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building, Suite 2006, 100 North Main Street, Memphis, TN 38103.

No. MC 45194 (Sub-No. 19TA), filed February 21, 1978. Applicant: LAT-AVO BROTHERS, INC., 500 Cleveland Avenue NW., P.O. Box 820, Canton, OH 44701. 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: *Iron and steel articles*, from the facilities of the Timken Co., Canton and Wooster, OH, to points in IN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: the Timken Co., Canton, OH 44706. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 57778 (Sub-No. 19TA), filed February 28, 1978. Applicant: MICHIGAN REFRIGERATED TRUCKING SERVICE, INC., 6134 West Jefferson Avenue, Detroit, MI 48209. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-frozen foodstuffs*, from the plantsite of American Home Foods in LaPorte, IN, to the Lower Peninsula of MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): American Home Foods, 685 Third Avenue, New York, NY 10017. Harry Menaker, General Distribution Manager. Send protests to: Timothy S. Quinn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 604 Federal Building and U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, MI 48226.

No. MC 63417 (Sub-No. 127TA), filed February 2, 1978. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Applicant's representative: William E. Bain (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the facilities of Midland Glass Co., Inc., at or near Warner Robins, GA, to Eden, NC, and points within a fifty mile radius of Eden, NC, for 180 days. Supporting shipper(s): Midland Glass Co., Inc., P.O. Box 557, Cliffwood, NJ 07721. Send protests to: Irene W. Yost, Secretary, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, VA 24011.

No. MC 69116 (Sub-No. 200TA), filed March 1, 1978. Applicant: SPECTOR FREIGHT SYSTEM, INC., 1500 Kingerly Highway, Bensenville, IL 60106. 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: *Iron and steel and iron and steel articles*, from Johnstown, PA, to points in TN, for 180 days. Applicant has also filed an underlying

ETA seeking up to 90 days of operating authority. Supporting shipper: Bethlehem Steel Corp., Bethlehem, PA 18016. Send protests to: Transportation Assistant, Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 70557 (Sub-No. 2TA), filed February 7, 1978. Applicant: NEILSEN BROS. CARTAGE CO., INC., 4619 West Homer Street, Chicago, IL 60639. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, wall and insulating boards, and materials and supplies* used in the installation thereof (except commodities in bulk), from the facilities of Armstrong Cork Co., at Pensacola, FL, and points in its Commercial Zone to points in GA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Armstrong Cork Co., John Suess, Assistant Transportation Manager, Building and Industry Products Operations, Lancaster, PA 17604. Send protests to: Transportation Assistant, Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 71642 (Sub-No. 28TA), filed February 3, 1978. Applicant: CONTRACTUAL CARRIERS, INC., Harmony Industrial Park, Allen Drive, Newark, DE 19711. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastics*, between Louisville and Calvert City, KY, and Leominster, MA, on the one hand, and, on the other, Newark, DE, and plantsite of Keysor-Century Corp., at or near Delaware City, DE, from Nashville, TN, to Newark, DE, and plantsite of Keysor-Century Corp., at or near Delaware City, DE, for account of Keysor-Century Corp., Delaware City, DE, under a continuing contract, or contracts, with Keysor-Century Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Keysor-Century Corp., P.O. Box 311, Delaware City, DE 19706. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

No. MC 77424 (Sub-No. 44TA), filed February 13, 1978. Applicant: WENHAM TRANSPORTATION, INC., 3200 East 79 Street, P.O. Box 6931, Cleveland, OH 44104. Applicant's

representative: Gary J. Jira (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing and building materials, and materials* used in the installation and application of such commodities (except commodities in bulk), from Franklin, OH, to points in AL, CT, DE, GA, IL, IN, IA, KY, MD, MA, MI, MN, MS, MO, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, WI, and DC; (2) *materials, equipment, and supplies* used in the manufacture, installation, or application of roofing or building materials (except commodities in bulk), from points in AL, CT, DE, GA, IL, IN, IA, KY, MD, MA, MI, MN, MS, MO, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, WI, and DC, to Franklin, OH, for 180 days. Supporting shipper(s): Georgia-Pacific Corp., 1062 Lancaster Avenue, Rosemont, PA 19010. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 114569 (Sub-No. 212TA), filed February 23, 1978. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Applicant's representative: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk) moving in mechanically refrigerated equipment, from the facilities of Terminal Ice & Cold Storage at or near Bettendorf, IA, to points in and east of AL, TN, MO, IA, and MN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Terminal Ice & Cold Storage, P.O. Box 928, Bettendorf, IA 52722. Lamb-Weston, Division, of Amfac Foods, Inc., Portland, OR 97223; Continental Processors, Inc., Box 414, Lafayette, CA 94549. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869, Federal Square Station, Harrisburg, PA 17108.

No. MC 115841 (Sub-No. 601TA), filed February 7, 1978. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Applicant's representative: Chester G. Groebel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pizza pie ingredients, and supplies and equipment* used in the production and sales of pizza pies, in mixed loads with pizza pie ingredients, from Nashville, TN, to Miami, Panama City, Pensacola, Orlando, St. Petersburg, Tallahassee, Sanford, and Gulfport, FL, for 180 days. Applicant has

also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Wholesale Pizza Co., Nashville, TN. Send protests to: District Supervisor, Joe J. Tate, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

No. MC 115841 (Sub-No. 602TA), filed February 9, 1978. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Applicant's representative: D. R. Beeler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk) from Greenville, MS, to points in CO, NM, TX, KS, OK, MO, AR, IA, AL, GA, MS, FL, TN, KY, OH, IN, and IL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Vlasic Foods, Inc., Greenville, MS. Send protests to: District Supervisor, Joe J. Tate, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

No. MC 118159 (Sub-No. 244TA), filed February 13, 1978. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Applicant's representative: Warren Taylor (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Quiescently frozen confection and frozen ice milk*, from Hutchinson, KS, to Moses Lake, WA, and Portland, OR, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: International Dairy Queen, Inc., 5701 Green Valley Drive, Minneapolis, MN 55435. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Courthouse Building, 215 Northwest 3d, Oklahoma City, OK 73102.

No. MC 118989 (Sub-No. 177TA), filed February 3, 1978. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, WI 53221. Applicant's representative: Roland K. Draves (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and bottled Coca Cola and allied products* from the facility of Blue Grass Coca Cola Bottling Co., Inc., at or near Lexington, KY to Centrailla, Decatur, DuQuoin, Galesburg, LaSalle, Olney, Peoria, Peru, and Springfield, IL, and Burlington and Ottumwa, IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of

operating authority. Supporting shipper(s): Blue Grass Coca Cola Bottling Co., Inc., 2275 Leetowns Pike, Lexington, KY 40511 (David P. Boulton). Send protests to: Mrs. Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC 119789 (Sub-No. 427TA), filed February 6, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, TX 75222. Applicant's representative: Lewis Coffey, same, for telegrams—605 South Loop 12, Irving, TX 75060. 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 766 (except hides and commodities in bulk). From the plantsite and facilities of Peter Eckrich & Sons located at or near Allen, Hillsdale County, MI to East St. Louis, IL; Kansas City, KS, Kansas City and St. Louis, MO and points in OK and TX, for 180 days. Supporting shipper: Peter Eckrich & Sons, Inc., 3515 Hobson Road, Fort Wayne, IN 46805. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

No. MC 120181 (Sub-No. 9TA), filed January 30, 1978. Applicant: MAIN LINE HAULING CO., INC., P.O. Box C, St. Clair, MO 63077. Applicant's representative: Ralph R. Howard, same as above. 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 and commodities in bulk in tank trucks), between Memphis, TN, and Parkway Village, MO, from: Memphis, TN, via Interstate 55 to junction U.S. 63, then via U.S. 63 to junction U.S. 167, then via U.S. 167 to junction U.S. 62, then via U.S. 62 to junction U.S. 65, then via U.S. 65 to junction Interstate 44, then via Interstate 44 to junction MO 13, then via MO 13 to junction MO 7, then via MO 7 to junction MO 291, then via MO 291 to junction Interstate 70, then via Interstate 70 to junction MO 47, then via MO 47 to Parkway Village, serving the intermediate and off-route points within 15 miles of Grandview, MO (excluding Grandview), for the purposes of interchange or joinder only, and return over the same routes, for 180 days. Applicant

has also filed an underlying ETA seeking up to 90 days of operating authority. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 127099 (Sub-No. 21TA), filed February 17, 1978. Applicant: ROBERT NEFF & SONS, INC., 132 Shawnee Avenue, South Zanesville, OH 43701. Applicant's representative: John L. Alden, P.O. Box 5241, Columbus, OH 43212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nitrocarbonitrate and ammonium nitrate fertilizer, and related items*, in bulk and packages, from New Lexington, OH, to Dundee, MI, under a continuing contract or contracts with Monsanto Co., for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh, St. Louis, MO 63166. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 128205 (Sub-No. 46TA), filed March 1, 1978. Applicant: BULKMA-TIC TRANSPORT CO., 12000 Doty Avenue, Chicago, IL 60628. Applicant's representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Flour*, in bulk, in pneumatic tank vehicles, from Cleveland, OH, to points in PA, west of U.S. Hwy 15 and Parkersburg, WV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cereal Food Processing Co. 1635 Merwin Avenue, Cleveland, OH 44113. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 128375 (Sub-No. 157TA), filed January 30, 1978. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, NE 68501. Applicant's representative: Duane W. Acklie, same as above. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts and accessories, and materials and supplies* used in the production and distribution of motor vehicle parts and accessories (except in bulk), (1) between Bayonne, NJ, and its commercial zone, on the one hand, and, on the other, points in the United States (except AK, HI, GA, CT, DE, ME, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC.) (2) From CT, DE, ME, MA, NH, NY, PA, RI, VT, VA, WV, and DC to Bayonne, NJ and its commercial zone. (3) Between Galloway,

OH, and its commercial zone, on the one hand, and on the other points in the United States (except AK, HI, IN, OH, MI, NJ, NY, PA, and WV.) (4) From IN, MI, NY, NJ, PA, and WV to Galloway, OH and its commercial zone. (5) Between Lawrenceburg, TN, and its commercial zone, on the one hand, and, on the other, points in the United States (except AK, HI, IL, CT, RI, and OH.) (6) From Lawrenceburg, TN, and its commercial zone, on the one hand, and, on the other, points in CT, OH, and RI. (7) Between Bensenville, IL, and its commercial zone, on the one hand, and on the other, points in the United States (except AK, HI, IL, IA, MI, MN, SD, ND, and WI.) (8) From IA, MI, MN, SD, ND, and WI to Bensenville, IL, and its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Arthur L. Comeau, General Traffic Manager, Maremont Corp., 200 East Randolph Drive, Chicago, IL 60601. Send protest to: Max H. Johnston, District Supervisor, 285 Federal Building and Courthouse, 100 Centennial Mall North, Lincoln, NE 68408.

No. MC 129645 (Sub-No. 67TA), filed February 9, 1978. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, d.b.a., SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, MI 49801. Applicant's representative: H. G. Denny, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard*, (except commodities in bulk), from the facilities of Allied International Inc., located at or near Burns Harbor, IN, to points in IL (except the Chicago Commercial Zone as defined by the Commission), IN, IA, KS, MI, MO, NE, OH, and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Allied International Inc., Charlestown, MA 02129. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, MI 48933.

No. MC 134369 (Sub-No. 9TA), filed March 1, 1978. Applicant: CARLSON TRANSPORT, INC., P.O. Box R, Route 1, Byron, IL 61010. 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: *Foundry compound and premix*, from Neenah, WI, to Waterloo, IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John Deere Waterloo Tractor

Works, P.O. Box 270, Waterloo, IA 50704. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 136220 (Sub-No. 52TA), filed February 27, 1978. Applicant: ROY SULLIVAN, d.b.a. SULLIVAN TRUCKING CO., P.O. Box 2164, Ponca City, OK 74601. Applicant's representative: G. Timothy Armstrong, 6161 North May, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and bone meal* (in bulk, in open top dump vehicles), from San Angelo and Wichita Falls, TX, to points in AR and MS for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wilbur-Ellis Co., 1000 Plaza West Building, Little Rock, AR 72207. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office & Court House Building, 215 NW. 3rd, Oklahoma City, OK 73102.

No. MC 138313 (Sub-No. 34TA), filed February 24, 1978. Applicant: BUILDERS TRANSPORT, INC., 409-14th Street SW., Great Falls, MT 59404. 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: *Pumice*, in bulk, from the plantsite of Hess Pumice located at or near Malad, ID, to points in Yellowstone County, MT, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jack L. Weiss, Sales Manager, Billings Block, Inc., P.O. Box 20833, Billings, MT 59104. Send protests to: District Supervisor, Paul J. Labane, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

No. MC 138627 (Sub-No. 25TA), filed February 28, 1978. Applicant: SMITHWAY MOTOR EXPRESS, INC., P.O. Box 404, Route 4, Fort Dodge, IA 50501. Applicant's representative: Arlyn L. Westergren, 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: *Iron and steel articles*, from the plantsite of Bethlehem Steel Corporation at Burns Harbor, IN, to points in IA, NE and MO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bethlehem Steel Corp., Box 248, Chesterton, IN 46304. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Com-

merce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 139495 (Sub-No. 312TA), filed February 2, 1978. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, 1501 East 8th Street, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, Sullivan, Dubin, Kingsley, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from the storage facilities of Pepperidge Farm, Inc., at Logan, UT, to Salisbury, MD, for 180 days. Supporting shipper(s): Pepperidge Farm, Inc., 595 Westport Avenue, Norwalk, CT 06856. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, KS 67202.

No. MC 139579 (Sub-No. 8TA), filed February 27, 1978. Applicant: GEORGE H. GOLDING, INC., 5879 Marion Drive, Lockport, NY 14094. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, NY 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, for the account of Hunt-Wesson Foods, Inc., from Buffalo and Lockport, NY, to Wilson, NY, for 180 days. Supporting shipper: Hunt-Wesson Foods, Inc., 1645 West Valencia Drive, Fullerton, CA 92634. Send protests to: Interstate Commerce Commission, Bureau of Operations, 910 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

No. MC 142941 (Sub-No. 13TA), filed January 31, 1978. Applicant: SCARBOROUGH TRUCK LINES, 1313 North 25th Avenue, Phoenix, AZ 85009. Applicant's representative: Lewis P. Ames/Phil B. Hammon, Shimmel, Hill, Bishop & Gruender, P.C., 10th Floor, 111 West Monroe, Phoenix, AZ 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Frozen prepared foods*; and (2) *agricultural* (including horticultural) and *fish* (including shellfish) commodities otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act when moving in the same time as the commodities in (1) above.** From the facilities of Van de Kamp's located at: (1) Santa Fe Springs, CA, to points in IL, MI, OH, KS, MO, and Erie, PA, and Syracuse, NY (and points in their respective commercial zones); and (2) Erie, PA, to

**NOTE.—A mixed load restriction is not sought. Applicant proposes to transport loads composed solely of frozen prepared foods as well as mixed loads of regulated and otherwise exempt commodities.

points in IL, KS, MI, MN, MO, OH, WI, and Atlanta, (1) and (2) above to the transportation of the above commodities in vehicles equipped with mechanical refrigeration, for 180 days.

Supporting shipper(s): Van de Kamp's, 13100 Artic Circle Drive, Santa Fe Springs, CA 90670. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020, Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 143110 (Sub-No. 1TA), filed January 30, 1978. Applicant: K&B EXPRESS, INC., P.O. Box 801, Union, NJ 07083. Applicant's representative: Stuart R. Mandel, Firm of Mandel & Kavalier, 315 South Beverly Drive, Suite 315, Beverly Hills, CA 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, except in bulk (1) from Valdosta and Albany, GA, Clarksdale, MS, West Helena, AR, Memphis, and Millington, TN, Houston and Lubbock, TX, and St. Joseph, MO, to points in AL, AZ, AR, CA, CO, FL, GA, ID, IA, IL, IN, KS, MD, MI, MO, MS, MN, MT, NE, NV, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA, WV, and WI, and (2) from New York, NY, and Baltimore, MD, to points in AL, AZ, AR, CA, CO, FL, GA, ID, IA, IL, IN, KS, LA, MD, MI, MO, MS, MN, MT, NE, NV, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA, WV, and WI, (3) from Farmer City, IL, and Council Bluffs, IA, to points in AZ, CA, CO, IL, IN, IA, KS, MI, MN, MO, MT, NE, NV, ND, OH, OR, SD, UT, WA, WI, and WY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Aceto Agricultural Chemicals Corp., 12602 Northern Boulevard, Flushing, NY. Send protests to: Robert Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

No. MC 143236 (Sub-No. 13TA), filed February 15, 1978. Applicant: WHITE TIGER TRANSPORTATION, INC., 115 Jacobus Avenue, Kearny, NJ 07302. 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: *Such commodities*, as are dealt in or used by discount department stores (except commodities in bulk and foodstuffs), between the facilities of Unishops, Inc., at Jersey City, NJ, on the one hand, and, on the other Highland, IN, Des Moines, Sioux City, IA, Detroit, Lincoln Park, Warren, Dearborn, MI, Duluth, Grand Rapids, Mankato, Willmar, MN, Akron, Bedford, Canton, Cleveland, Cuyahoga Falls, Elyria, Kent, Lorain, Massillon, OH, Milwau-

kee, WI, for 180 days. Supporting shipper: Unishops, Inc., 21 Coven Point Avenue, Jersey City, NJ 07305. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Room 618, Newark, NJ 07102.

No. MC 143267 (Sub-No. 10TA), filed February 24, 1978. Applicant: CARLTON ENTERPRISES, INC., 4538 State Route 82, Mantua, OH 44255. Applicant's representative: Peter A. Greene, 900 17th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, from the facilities of the William Bros. Co., at Kent, OH, to points in NJ, NY, PA, VA, and WV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Williams Bros. Co., P.O. Box 28, Kent, OH 44240. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, 731 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 143993 (Sub-No. 3TA), filed February 14, 1978. Applicant: BLACK HILLS TRUCKING, INC., 106 Rivercross Road, Casper, WY 82601. Applicant's representative: Robert J. Grady, One Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and machinery, materials, equipment, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in WY, ND, SD, MT, CO, UT, NE, and ID, for 180 days.

No. MC 144159TA, filed January 4, 1978. Applicant: THOMAS J. BENNINGTON, d.b.a. BENNINGTON'S PLANT SERVICE, P.O. Box 121, Pascagoula, MS 39567. 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: *Machinery, equipment, materials, and supplies*, used in replacing, servicing, and repair of machinery and equipment, used in or in connection with the development and production of natural gas and petroleum and their products and byproducts, between the facilities of Chevron U.S.A., Inc., at Pascagoula,

MS, on the one hand, and, on the other, points in the United States (except AK and HI), under a continuing contract, or contracts, with Chevron U.S.A., Inc., for 180 days. Restriction: The operations authorized herein are restricted to a "hot shot transportation service" of the commodities involved. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Chevron U.S.A., Inc., Room 1528, Starks Building, Louisville, KY 40202. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, MS 39201.

No. MC 144256TA, filed January 31, 1978. Applicant: ARIZONA EXPRESS, INC., 2131 West Roosevelt, Phoenix, AZ 85009. Applicant's representative: C. J. Boddington, 2131 West Roosevelt, Phoenix, AZ 85009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular 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. Between Phoenix, AZ, and its Commercial Zone and Lukeville, AZ, via U.S. Hwy 80 to Gila Bend, then via Hwy 85 to Lukeville, AZ, and return over the same route, serving all intermediate points on Hwy 85 south of Gila Bend, with no service at Gila Bend. Between Tucson, AZ, and its Commercial Zone and Why, AZ (junction of Hwy 85 and Hwy 86), via Hwy 86 serving all intermediate points on Hwy 86 west of the junction of Hwy 86 and Hwy 286, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Ajo Electric Lumber & Supply, 1530 North Washington, Ajo, AZ 85321; (2) Phelps Dodge Mercantile Co., No. 5 Plaza, Ajo, AZ 85321; (3) Kliban's Variety Store, No. 29 Plaza, Ajo, AZ 85321; (4) Pudlas Automotive, 1043 Second Avenue, Ajo, AZ 85321; (5) Phelps Dodge Corp., P.O. Drawer 1199, Douglas, AZ 85607; (6) Oasis trading Post Ltd., P.O. Box 36, Sells, AZ 85364; (7) Papago trading Post, Sells, AZ 85364; (8) Organ Pipe Cactus National Monument, P.O. Box 38, Ajo, AZ 85321; (9) Sears, Roebuck & Co., 2650 East Olympic Boulevard, Los Angeles, CA 90051. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 144259TA, filed February 1, 1978. Applicant: JENARO LINES, INC., 2332 South Peck Road, Whittier, CA 90601. Applicant's representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite 300, Los Angeles, CA 90010.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate candy*, in vehicles equipped with mechanical refrigeration, from the facilities of Andes Candies, Inc., located at or near Delavan, WI, to Los Angeles and Hayward, CA, under a continuing contract or contracts with Andes Candies, Inc., for 180 days. Supporting shipper(s): Andes Candies, Inc., 1400 East Wisconsin Street, Delavan, WI 53115. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 144260TA, filed February 2, 1978. Applicant: DSI TRANSPORTS, INC., 4550 Post Oak Place, Suite 300, Houston, TX 77027. Applicant's representative: John C. Browder (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granulated aluminum* in bulk in tank vehicles from Badin, NC, to Freeport, TX, for 180 days. Supporting shipper(s): Aluminum Co. of America, 1501 Alcoa Building, Pittsburgh, PA 15219. Send protests to: District Supervisor, John F. Mensing, Interstate Commerce Commission, 8610 Federal Building, 515 Rusk Avenue, Houston, TX 77002.

By the Commission.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc. 78-7327 Filed 3-17-78; 8:45 am]

[7035-01]

[Notice No. 31TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 3, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide

and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC, and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

DRAFT "FEDERAL REGISTER" NOTICE

No. MC 52579 (Sub-No. 169TA), filed February 15, 1978. Applicant: GILBERT CARRIER CORP., One Gilbert Drive, Secaucus, NJ 07094. Applicant's representative, Herbert Burstein, Esq., One World Trade Center, Suite 2373, New York, NY 10048. Authority sought to operate as a *common carrier* over irregular routes, transporting: *Wearing apparel on hangers, in mixed loads with wearing apparel in cartons or packages, or wearing apparel accessories and supplies used by wearing apparel stores; and return of defective, damaged, out-of-season or unsaleable wearing apparel accessories* from points in GA and FL for 180 days. Applicant states that it does not intend to tack or interline. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lerner's Shops, 460 West 33d Street, New York, NY. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Room 618, Newark, NJ 07102.

No. MC 106074 (Sub-No. 60TA), filed February 7, 1978. Applicant: B & P MOTOR LINES, INC., P.O. Box 727, Shiloh Road and U.S. Hwy 221 South, Forest City, NC 28043. Applicant's representative: William E. Collier, 447 Calumet Place, San Antonio, TX 78209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor tile, composition, asphalt, rubber and vinyl; cove base moulding; paste, adhesive or glue and related accessories* incidental to installation, from the plantsite of Uvalde Rock Asphalt Co., Houston, TX, to points in AL, FL, GA, KY, LA, MS, NC, SC, TN, and VA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Uvalde Rock Asphalt Co., P.O. Box 531, San Antonio, TX 78292. Send protests to: District Supervisor

Terrell Price, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

No. MC 110817 (Sub-No. 26TA), filed February 15, 1978. Applicant: E. L. FARMER & CO., P.O. Box 3512, Odessa, TX 79760. Applicant's representative: J. Michael Alexander, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite*, except those commodities described in the Mercer description, from Big Horn County, WY, to points in TX, NM, and OK, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Dresser Industries, Inc., P.O. Box 6504, Houston, TX 77005. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395, Herring Plaza, Amarillo, TX 79101.

No. MC 111401 (Sub-No. 512TA), filed February 16, 1978. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. 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: *Degummed soybean oil*, in bulk, in tank vehicles, from Wichita, KS, to Port of Catoosa, OK. Restricted to commodities having a subsequent movement by water, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Cargil Inc., 715 East 13th Street, P.O. Box 1696, Wichita, KS 67201. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Courthouse Building, 215 Northwest 3d, Oklahoma City, OK 73102.

No. MC 112627 (Sub-No. 26TA), filed February 10, 1978. Applicant: OWENS BROS., INC., P.O. Box 247, Dansville, NY 14437. Applicant's representative: S. Michael Richards/Ramond A. Richards, P.O. Box 225, 44 North Avenue, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the plantsite of Geo A. Hormel & Co., at or near Beloit, WI, to all points in NY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Geo A. Hormel & Co., P.O. Box 800, Austin, MN 55912. Send protests to: Interstate Commerce Commission, U.S. Courthouse & Federal Building, 100 South Clinton Street, Room 1259, Syracuse, NY 13260.

No. MC 113271 (Sub-No. 44TA), filed February 9, 1978. Applicant: CHEMI-

CAL TRANSPORT, P.O. Box 2644, Great Falls, MT 59401. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, MT 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acid*, in bulk, (1) from Anaconda, MT to the plantsite of Western Nuclear, Inc., near Wellpinit, WA, and (2) from Reardan and Spokane, WA to the plantsite of Western Nuclear, Inc., near Wellpinit, WA, restricted to traffic having a prior movement by rail, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Arthur P. Bogani, Purchasing Mgr., Western nuclear, Inc., 1515 Arapahoe, One Park Central, Suite 387, Denver, CO 80292. Rudy S. Sharar, Transportation Mgr., Montana Operation, Anaconda Company, P.O. Box 646, Butte, MT 59701. Roger A. Small, Asst. General Traffic Mgr., Phelps Dodge Corp., 300 Park Avenue, New York, NY 10022. Send protests to: District Supervisor Paul J. Labane, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

No. MC 113908 (Sub-No. 428TA), filed February 15, 1978. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, 2105 East Dale Street, Springfield, MO 65804. Applicant's representative: B. B. Whitehead, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean oil*, in bulk, from Wichita, KS, to Tulsa Port Authority, Catoosa, OK, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cargill, Inc., 715 East 13th Street, P.O. Box 2696, Wichita, KS 67201. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 115826 (Sub-No. 290TA), filed February 6, 1978. Applicant: W. J. DIGBY, INC., 1960 31st Street, P.O. Box 5088, Terminal Annex, Denver, CO 80217. Applicant's representative: Howard Gore, 1960 31st Street, Denver, CO 80217, 303-292-2964. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat byproducts, and articles* distributed by meat packinghouses, except commodities in bulk, from Cedar City and Richfield, UT to Los Angeles, CA and its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Cedar Packing Co., P.O. Box 596, Cedar City, UT 84720. Sevier Valley

Meats, Inc., Richfield, UT. Send protests to: District Supervisor H. C. Ruoff, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

No. MC 115826 (Sub-No. 292TA), filed February 17, 1978. Applicant: W. J. DIGBY, INC., 1960 31st Street, P.O. Box 5088, Terminal Annex, 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: *Meat and meat products*, from Denver, CO, and its commercial zone to Dallas and Austin, TX, and their commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Colorado Boneless Beef, Inc., 4555 Kingston Street, Denver, CO 80239. Send protests to: H. C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

No. MC 116073 (Sub-No. 368TA), filed February 9, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, MN 56560. Applicant's representative: John C. Barrett, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers*, from Frankfort and Crawfordville, IN, to points and places in the States of MI, OH, IL, WI, MN, IA, MO, AR, LA, MS, TN, KY, NE, ND and SD, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fleetwood Enterprises, Inc., 3125 Myers Street, Riverside, CA 92503. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268 Federal Building and U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

No. MC 123640 (Sub-No. 27TA), filed February 8, 1978. Applicant: SUMMIT CITY ENTERPRISES, INC., 3200 Maumee Avenue, Fort Wayne, IN 46803. Applicant's representative: Irving Klein, 371 Seventh Avenue, New York, NY 10001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold or dealt in by wholesale hardware houses, between Cape Girardeau, MO, on the one hand, and points in GA, on the other, in a continuing contract with Hardware Wholesalers, Inc., for 180 days. Supporting shipper: Hardware Wholesalers, Inc., P.O. Box 868, Nelson Road, Fort Wayne, IN 46801. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Com-

merce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

No. MC 129032 (Sub-No. 42TA), filed February 7, 1978. Applicant: TOM INMAN TRUCKING, INC., 6015 South 40th West Avenue, P.O. Box 9667, Tulsa, OK 74107. Applicant's representative: John Paul Fischer, 256 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, including dairy products* (except in bulk), in vehicles requiring mechanical refrigeration, from Plymouth, WI, to points in AZ, CA, CO, OR, and WA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Borden Foods, Division Borden, Inc., 180 East Broad Street, Columbus, OH 43215. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Courthouse Building, 215 Northwest 3d, Oklahoma City, OK 73102.

No. MC 134201 (Sub-No. 8TA), filed February 8, 1978. Applicant: JAMES V. PALMER, d.b.a. JIM PALMER TRUCKING, Hwy 10 West, Route 2, Missoula, MT 59801. Applicant's representative: John T. Wirth, 1600 Broadway, 2310 Colorado State Bank Building, Denver, CO 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from points in Stevens County, WA, to points in IL, IA, MN, MO, NE, ND, SD, and WI; restricted to a transportation service to be performed under a continuing contract or contracts, with Plum Creek Lumber Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Alvin Luhr, General Manager, Arden Lumber Division, Plum Creek Lumber Co., Route 3, Box 180, Colville, WA 99114. Send protests to: District Supervisor Paul J. Labane, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

No. MC 136307 (Sub-No. 9TA), filed February 16, 1978. Applicant: BURKEWITZ TRANSPORT, INC., P.O. Box 47, Coventry, VT 05825. Applicant's representative: S. Arnold Smith, Craftsbury, VT 05826. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in NY, CT, MA, RI, NH, and ME, to points in Caledonia and Orleans Counties, VT, for 180 days. Supporting shippers: Bear Paw Timber Corp., Box 20, Freyburg, ME 04037. Draper Division of Rockwell International, Beebe River, NH 03219. Rossco Forest Products, Inc., Box 414, Bur-

lington, VT 05401. Send protests to: District Supervisor David A. Demers, Interstate Commerce Commission, P.O. Box 548, 87 State Street, Montpelier, VT 05602.

No. MC 138762 (Sub-No. 16TA), filed February 14, 1978. Applicant: MUNICIPAL TANK LINES LTD., P.O. Box 3500, Calgary, AB, Canada T2P 2P9. Applicant's representative: R. Streeter, Southern Building, 15th and H Street, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Choline chloride*, in bulk, in tank vehicles, from ports of entry on the United States-Canada boundary line located in MI to points in AR, for 180 days. Supporting shipper: A. J. Minty, Distribution Manager, Chinook Chemicals Ltd., Box 160, Sombra, ON, Canada NOP 2H0. Send protests to: District Supervisor Paul J. Labane, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

No. MC 138861 (Sub-No. 7TA), filed February 2, 1978. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, RI 02814. Applicant's representative: Ronald N. Cobert, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) between the facilities of Jewelers Shipping Association located at or near Cranston, RI, on the one hand, and, on the other, Los Angeles and San Francisco, CA, Portland, OR, Seattle, WA, Dallas and Houston, TX, Kansas City and St. Louis, MO, Minneapolis, MN, Chicago, IL, and Phoenix, AZ, for 180 days. Supporting shippers: Jewelers Shipping Association, 125 Carlsbad Street, Cranston, RI 02920. Send protests to: Gerald H. Curry, District Supervisor, 24 Weybosset Street, Room 102, Providence, RI 02903.

No. MC 141764 (Sub-No. 5TA), filed February 8, 1978. Applicant: BLACK-HAWK ENTERPRISES, 853 Hancock Street, Hayward, CA 94544. Applicant's representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds, food supplements, vitamins, cosmetics, plastic articles, printed materials, and merchandise*, NOI, in refrigerated equipment, from the plant-site of Shaklee Corp. at or near Hayward, CA, to Atlanta, GA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting ship-

per: Shaklee Corp., 2036 National Avenue, Hayward, CA 94545. Send protests to: District Supervisor A. J. Rodriguez, 211 Main, Suite 500, San Francisco, CA 94105.

No. MC 142672 (Sub-No. 11TA), filed February 9, 1978. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Box Drawer F, Mulberry, AR 72947. Applicant's representative: Don Garrison, 324 North Second Street, Rogers, AR 72756. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from Suffolk, VA, to Buena Park and Modesto, CA, and Portland, OR, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Standard Brands, Inc., 625 Madison Avenue, New York, NY 10022. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 143328 (Sub-No. 5TA), filed February 15, 1978. Applicant: EUGENE TRIPP TRUCKING, P.O. Box 2730, Missoula, MT 59801. Applicant's representative: David A. Sutherland, Suite 400, 1150 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste products for reuse or recycling* (1) between points in MT to points in CA, OR, and WA, for 180 days. Supporting shipper: Douglas Stewart, President, Montana Recycling, Inc., 806 West Spruce Street, Missoula, MT 59801. Send protests to: District Supervisor Paul J. Labane, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

No. MC 143356 (Sub-No. 3TA), filed February 7, 1978. Applicant: MIRACL MOTOR SERVICE, LTD., 1825 North California Avenue, Chicago, IL 60647. Applicant's representative: William P. Jackson, Jr., P.O. Box 2140, Arlington, VA 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood and accessories* used in the installation thereof, from the plant and warehouse sites of Abitibi Corp., Chicago, IL, to points in IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Abitibi Corp., Donald R. Roarty, Manager—Traffic, 3250 West Big Beaver Road, Troy, MI 48084. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 143677 (Sub-No. 2TA), filed February 10, 1978. Applicant: LEE'S LOWBOY SERVICE, 13506 Giles Road, Omaha, NE 68138. Applicant's representative: Joseph Winter, 33 North LaSalle Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe*, from LaPlatte and Bellevue, NE, to Davenport, IA, and points in Linn County, IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Harold Myers, Truck Foreman, Wilson Concrete Co., 102 Fort Crook Road South, Bellevue, NE 68005. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 144140 (Sub 4TA), filed February 7, 1978. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 374, Eustis, FL 32726. Applicant's representative: John L. Dickerson, P.O. Box 374, Eustis, FL 32726. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Lake, Orange, and Polk Counties, FL, to points in CT, DE, DC, ME, MA, NJ, NY, OH, PA, RI, VT, VA, and WV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Citrus Central, Inc., P.O. Box 17774, Orlando, FL 32860; Coca Cola Foods Division, P.O. Box 247, Auburndale, FL 33823. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 144257TA, filed February 1, 1978. Applicant: ALAN L. SAMS and VERNITH Y. LAMB, d.b.a., L & S Courier Service, P.O. Box 371, R.R. No. 1, Effingham, IL 62401. Applicant's representative: Robert T. Lawley, Attorney, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printers plates, art, and design work, press proofs, layouts, press plate moulds, and press layout materials* used in the printing of magazines, papers, and periodicals, sample copies, between Lambert Field International Airport at St. Louis, MO, on the one hand, and, on the other Effingham and Salem, IL, restricted to traffic having a prior or subsequent movement by air, for the account of World Color Press, Inc., under a continuing contract or contracts with World Color Press, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Robert Pillers, Vice Presi-

dent, Director of Distribution, World Color Press, Inc., P.O. Box 1248, Effingham, IL 62401. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

No. MC 144326TA, filed February 17, 1978. Applicant: RICHARDSON TRUCKING, INC., 330 East 8th Street, P.O. Box 967, Greeley, CO 80631. Applicant's representative: Fred Cantonwine (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat byproducts, and materials distributed by packinghouses*, from the plantsite of Morgan Colorado Beef Co. at Fort Morgan, CO, to Los Angeles, CA, and its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Morgan Colorado Beef Co., P.O. Box 487, Fort Morgan, CO 80701. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, Denver, CO 80202.

No. MC 144327TA, filed February 16, 1978. Applicant: JOHN S. NIHILL, doing business as Nihill Trucking, Box 233, Ypsilanti, ND 58497. Applicant's representative: Richard P. Anderson, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Arlington and Centralia, WA, to Valley City, ND, under a continuing contract or contracts with Arkota Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Arkota Industries, Inc., Box 842, Valley City, ND 58072. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268, Federal Building and U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

No. MC 144328TA, filed February 17, 1978. Applicant: ARK DELIVERY CO., 35750 Industrial Road, Livonia, MI 48150. Applicant's representative: Robert E. McFarland, 999 West Big Beaver Road, Suite 1002, Troy, MI 48084. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Swimming pool accessories and supplies, and materials* used in the manufacture thereof, between Livonia, MI, and Detroit, MI, on the one hand, and, on the other, points in the United States under a continuing contract or contracts with Sun Cleanser, 35750 Industrial Road, Livonia, MI 48150, Alex Fedrigo, President. Send protests to: Timothy S. Quinn, District Supervisor,

Interstate Commerce Commission, Bureau of Operations, 604 Federal Building and U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, MI 48226.

By the Commission.

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

[FR Doc. 78-7328 Filed 3-17-78; 8:45 am]

[7035-01]

[Notice No. 33 TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 8, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

MC 96992 (Sub-No. 6TA), filed February 16, 1978. Applicant's name: HIGHWAY PIPELINE TRUCKING CO., P.O. Box 1517, Edinburg, TX 78539. Applicant's representative: Kenneth R. Hoffman, 1100 Milam Building, Suite 3300, Houston, TX 77002. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Pe-

troleum, petroleum products, vehicle body sealer and/or sound deadener compound, except in bulk, from Congo (Hancock County) and St. Mary's (Pleasants County) WV, to points in AL, AR, GA, KY, LA, MS, TN, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Room B-400, Federal Building, 727 East Durango Boulevard, San Antonio, TX 78206.

No MC 105566 (Sub-No. 160TA), filed February 8, 1978. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. 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: (a) Boxes, wood or plastic, from: Gideon, MO, to: all points in the United States except AK, HI, and MO; (b) materials and supplies used in the manufacture of wood or plastic boxes, from: Points in the United States except AK, HI, and MO, to: Gideon, MO, for 180 days. Supporting shipper: Gideon Anderson Lumber Co., Inc., Gideon, MO 63898. Send protests to: J. P. Werthmann, District Supervisor, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 109633 (Sub-No. 28TA), filed February 27, 1978. Applicant: ARBET TRUCK LINES, INC., 222 East 135th Place, Chicago, IL 60627. Applicant's representative: Arnold L. Burke, 180 North La Salle Street, Chicago, IL 60601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Plastic articles (except in bulk), from the facilities of Mobil Chemical Co., Plastics Division at Jacksonville and Springfield, IL, to points in the State of MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mobil Chemical Co., Plastics Division, James J. O'Brien, General Traffic Manager, Macedon, NY 14502. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 112822 (Sub-No. 447TA), filed February 13, 1978. Applicant: BRAY LINES, INC., 1401 North Little Street, P.O. Box 1191, Cushing, OK 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a common carrier, by motor ve-

hicle, over irregular routes, transporting: Foodstuffs (except commodities in bulk, in tank vehicles), from City of Industry, CA, to points in ID, OR, and WA, for 180 days. Supporting shipper: Double D Foods, 14970 East Don Julian Road, Industry, CA 91744. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Courthouse Building, 215 North West 3d, Oklahoma City, OK 73102.

No. MC 11385 (Sub-No. 406TA), filed February 14, 1978. Applicant: INTERNATIONAL TRANSPORT, INC., 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, transporting: Lumber, from Fargo, ND, to points in MN, ND, SD, MT, NE, IA, MO, IL, WI, MI, IN, OH, and KY. Restricted to traffic having a prior movement by rail or truck, in foreign commerce, from Manitoba Forestry Resources, Ltd., located in the Province of MB, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Manitoba Forestry Industries, Ltd., Room 902, 213 Notre Dame Street, Winnipeg, MB, Canada R3B 1N3. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 114045 (Sub-No. 493TA), Filed February 9, 1978. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, Dallas, TX 75261. Applicant's representative: J. B. Stuart (same address as above). Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: Plumbing fixtures and fittings and related equipment from Tiffin, OH to points in AR, CO, IA, KS, LA, MN, MO, NE, ND, OK, SD, and TX. Restriction: The product description does not include commodities which because of their size or weight require the use of special equipment, for 180 days. Supporting shipper: American Standard, Inc., P.O. Box 2003, New Brunswick, NJ 08903. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

No. MC 114273 (Sub-No. 345TA), filed February 8, 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 *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 in tank vehicles), from the plantsite and/or storage facilities of Swift & Co. at Rochelle and St. Charles, IL to points in the states of OH, WV, DC, MD, DE, NJ, NY, PA, CT, RI, MA, NH, VT, ME, and VA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Swift & Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 114273 (Sub-No. 351TA), filed February 28, 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: *Lawn mowers, parts, supplies, and accessories* thereof from Galesburg and Peoria, IL, to Mason, MI, Beltsville and Hagerstown, MD, Minneapolis, MN, Omaha, NE, Sioux Falls, SD, Richmond, VA, and points in the states of IN, IA, KS, MO, OH, and PA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gale Products, Division of OMC, Galesburg, IL 61401. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 114896 (Sub-No. 61TA), filed February 28, 1978. Applicant: PUROLATOR SECURITY, INC., 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 *contract carrier*, by motor vehicle, over irregular routes, transporting: *Articles of unusual value*; including unique color and black-and-white transparencies, whose intrinsic value requires transportation via armored vehicle; between New York, NY, and Washington, DC, for 90 days. A corresponding application for Emergency Temporary Authority has been filed. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: U.S. News & World Report, Inc., 2300 N Street NW., Washington, DC 20037. Send protests to: Maria B. Keiss, Transportation Assistant, Interstate

Commerce Commission, 26 Federal Plaza, New York, NY 10007

No. MC 115841 (Sub-No. 605TA), filed February 17, 1978. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Applicant's representative: D. R. Beeler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, unfrozen*, from the plantsites and storage facilities utilized by Michigan Fruit Canners located in or near Benton Harbor, MI, South Haven, MI, Fennville, MI, and Coloma, MI, to points in NC, SC, and points in GA, north of U.S. Hwy 80, for 180 days. Supporting shipper: Michigan Fruit Canners, P.O. Box 206, Coloma, MI 49038. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

No. MC 115841 (Sub-No. 606TA), filed February 17, 1978. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Applicant's representative: D. R. Beeler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as defined in sections A & C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from Augusta, GA, to Philadelphia and Bernville, PA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Shapiro Packing Co., Inc., Augusta, GA. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

No. MC 115841 (Sub-No. 607TA), filed February 17, 1978. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Applicant's representative: D. R. Beeler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* for human consumption in mechanically refrigerated vehicles, (except commodities in bulk, in tank vehicles), from the plant facilities of Kraft, Inc., in Garland, TX, to points in LA, MS and TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting

shipper: Kraft, Inc., 500 Peshtigo Court, Chicago, IL 60690. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

No. MC 117119 (Sub-No. 672TA), filed February 9, 1978. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration from Suffolk, VA to Buena Park and Modesto, CA and Portland, OR for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Standard Brands Inc., 625 Madison Avenue, New York, NY 10022. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 118159 (Sub-No. 250TA), filed February 27, 1978. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Applicant's representative: Warren Taylor (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boots and shoes*, from Morrow, GA, to points in AR, KS, LA, MS, MO, OK, and TX; and from Huntington, IN, to points in KS, MO, NE, ND, and SD, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Meldisco Shoe, 1100 Commerce Road, Morrow, GA 30260. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Court House Building, 215 Northwest 3rd, Oklahoma City, OK 73102.

No. MC 123420 (Sub-No. 6TA), filed February 17, 1978. Applicant: ALBERT L. DERBY, P.O. Box 56, Whitewood, SD 57793. Applicant's representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, SD 57701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, wood products, building and construction materials and supplies*, (a) between the facilities of St. Regis Paper Co. at or near Pierre and Whitewood, SD; Bismarck, ND; Case Lake and Shakopee, MN, on the one hand, and, on the other hand, points in CO, IA, MN, MT, NE, ND, SD, and WY.; and (b) between the facilities of St. Regis Paper Co. located at or near Whitewood, SD, on the one hand, and, on the other

hand, points in KS and WI; under a continuing contract with St. Regis Paper Co. Exception: Under (a) above will not apply on pressure-treated posts, poles, and piling, and lumber, from Whitewood, SD, to points in CO, IA, MN, MT, NE, ND (except Hettinger, New England, Mott, and Bowman, ND, and points in within 35 miles of each of the four named cities, and WY. Carrier has this authority number in his Sub-No. 2, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): St. Regis Paper Co., 110 Hoak Drive, West Des Moines, IA 50265, James L. Hall, Divisional Transportation Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, SD 57501.

No. MC 124711 (Sub-No. 53TA), filed February 27, 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: *Anhydrous ammonia*, in bulk, in tank vehicles, from the facilities of Farmland Industries, Inc., at or near Hoag, NE, to points in IA, KS, and MO, for 180 days. Supporting shipper: Farmland Industries, Inc., P.O. Box 7305, Kansas City, MO. Send protests to: Merlyn E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, 110 North Market Street, Wichita, KS 67202.

No. MC 133095 (Sub-No. 180TA), filed February 15, 1978. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, 2603 West Euless Boulevard, Euless, TX 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Laredo, TX, to points in NJ, LA, NC, TN, PA, OH, WA, DC, MD, DE, VA, AL, and GA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: All Brand Importers, Inc., P.O. Box 67, Roslyn Heights, NY 11577. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 134755 (Sub-No. 134TA), filed February 28, 1978. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO. 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:

Foodstuffs (except in bulk), from the facilities of American Home Foods Division of American Home Products Corp., at or near LaPorte, IN, to points in AR, MO, and TN for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106. Supporting shipper: American Home Foods Division, American Home Products Corp., 685 Third Avenue, New York, NY 10017.

No. MC 135797 (Sub-No. 101TA), filed February 6, 1978. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200 U.S. Hwy 71, Lowell, AR 72745. Applicant's representative: Paul A. Maestri (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry pet food* (except in bulk), (1) From the facilities of Mississippi Federated Cooperative (Producers Feed) at or near Belzoni, MS, to points in AR, LA, OK, and TX; (2) from the facilities of Doane Products Co. at or near Muscatine, IA, to points in IL, IN, MI, OH, PA, and WV; (3) from the facilities of Doane Products Co. at or near Joplin, MO, to points in AR, KS, OK, and TX; (4) from the facilities of Bow Wow, Inc., at or near Rolla, MO, to points in AR, CT, IL, IN, KY, MI, OH, PA, VA, WV and WI, for 180 days. Supporting shipper: Sunshine Mills, Inc., P.O. Box 1483, Tupelo, MS 38801. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 136220 (Sub-No. 51TA), filed February 15, 1978. Applicant: ROY SULLIVAN, d.b.a. Sullivan Trucking Co., P.O. Box 2164, Ponca City, OK 74601. Applicant's representative: G. Timothy Armstrong, 6161 North May Avenue, Oklahoma City, OK 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fish meal* (in bulk, in open top dump trailers), from Empire, Dulac, Holmwood, and Cameron, LA; Port Arthur, TX, and Gulfport, MS, to points in AR, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wilbur-Ellis Co., 1000 Plaza West Building, Little Rock, AR 72207. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Court House Building, 215 Northwest 3rd, Oklahoma City, OK 73102.

No. MC 140302 (Sub-No. 1TA), filed February 13, 1978. Applicant: AMERICAN TANK TRANSPORT, INC., 6350 Ordnance Point Road, Baltimore, MD

21225. Applicant's representative: Maurice S. Bozel, 4500 Hollins Ferry Road, Baltimore, MD 21227. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *No. 2 fuel oil*, in bulk, in tank vehicles, from Baltimore, MD, and Fairfax, VA, to Mount Storm, WV (plantsite Virginia Power & Electric Co.), for 150 days. Supporting shipper(s): John A. Matlack, Terminal Supervisor, Gulf Oil Corp., 5101 Erdman Avenue Baltimore, MD 21205. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, MD 21201.

No. MC 140934 (Sub-No. 3TA), filed February 8, 1978. Applicant: WILLIAM E. MOROG, d.b.a. Jonick & Co., 2815 East Liberty Avenue, Vermilion, OH 44089. Applicant's representative: Michael M. Briley, Attorney at Law, 300 Madison Avenue, Toledo, OH 43604. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from Mercer County, PA, to the facilities of Huron Lime Co. located at or near Huron, OH, for 180 days. Limited to transportation services to be performed for and under continuing contract with Huron Lime Co. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Huron Lime Co., 100 Meeker Street, Huron, OH. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 141688 (Sub-No. 3TA), filed March 1, 1978. Applicant: HENRY E. REYNOLDS, SR., d.b.a. Hank's Truck Leasing, 1102 Huger Street, Columbia, SC 29201. Applicant's representative: Harry S. Dent, P.O. Box 528, Columbia, SC 29202. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Beer, beer containers, and beer-related products* from the plantsite of Anheuser-Busch beer products in Williamsburg, VA, and from the plantsite of Carling-National beer products in Baltimore, MD, on the one hand, and on the other to Columbia, SC; Anderson, SC; Greenville, SC; Spartanburg, SC; and Asheville, NC, and return, under a continuing contract or contracts, with Leonard Price, Agent for Budweiser of Columbia, Inc.; Budweiser of Anderson, Inc.; Budweiser of Greenville, Inc.; Budweiser of Spartanburg, Inc.; and Budweiser of Asheville, Inc., for 180 days. Supporting shippers: Budweiser of Columbia, Inc.; Budweiser of Anderson, Inc.; Budweiser of Greenville, Inc.; Budweiser of Spartanburg, Inc.; and Budweiser of Asheville, Inc., 1436 Oakdale

Street, Columbia, SC 29201. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens Street, Columbia, SC 29201.

No. MC 142340 (Sub-No. 3TA), filed February 16, 1978. Applicant: HERBERT F. CLARK, JR., INC., R.D. 3, Box 357D, Selkirk, NY 12158. Applicant's representative: Neil D. Breslin, 99 Washington Avenue, Albany, NY 12210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, in dump vehicles, from Kingston and Poughkeepsie, NY, to Macungie, Coatesville, and Birdsboro, PA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Charles Efron & Son, 167 Smith Street, Poughkeepsie, NY 12602; B. Millen Sons, Inc., 290 East Strand, Kingston, NY 12401. Send protests to: Robert A. Radler, District Supervisor, P.O. Box 1167, Albany, NY 12201.

No. MC 142692 (Sub-No. 3TA), filed February 14, 1978. Applicant: OHIO VALLEY REGIONAL TRANSPORTATION AUTHORITY, P.O. Box 2086, 2177 National Road, Wheeling, WV 26003. Applicant's representative: Terry A. LeBar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes and irregular routes, transporting: *Regular routes passengers and their baggage, and express in the same vehicle with passengers, between Wheeling, WV, and Avella, PA, serving all intermediate points from Wheeling over WV Hwy 88 to junction WV Hwy 67, then over WV Hwy 67 to Bethany College, Bethany WV, then return over WV Hwy 67 to junction WV Hwy 88, then over WV Hwy 88 to junction WV Hwy 27, then over WV 27 to the WV-PA State line, then over PA Hwy 844 to junction PA Hwy 50, then over PA Hwy 50 to Avella, and return over the same route, between junction U.S. Hwy 40 and WV Hwy 88 and junction WV Hwy 88 and Ohio County Hwy 9, serving all intermediate points; from junction U.S. Hwy 40 and WV Hwy 88 over WV Hwy 88 to junction Ohio County Hwy 7, then over Ohio County Hwy 7 to junction Ohio County Hwy 1, then over Ohio County Hwy 1, to junction Ohio County Hwy 9, and then over Ohio County Hwy 9 to junction WV Hwy 88, and return over the same route. Irregular routes: Passengers and their baggage, in round trip special and charter operations, beginning and ending at points on the regular described route and extending to points in PA, OH, and WV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operat-*

ing authority. Supporting shipper: Bel-O-Mar Planning Agency, P.O. Box 2086, Wheeling WV 26003. Send protests to: J. A. Niggomyer, District Supervisor, Interstate Commerce Commission, 416 Old Post Office Building, Wheeling, WV 26003.

No. MC 142905 (Sub-No. 1TA), filed February 27, 1978. Applicant: PETROLEUM TRANSPORTATION CORP., 9717 East 42nd Street, Tulsa, OK 74145. Applicant's representative: Harry J. Jordan, Esq., 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, nitrogen fertilizer solutions, and urea liquor*, from plantsites of Oklahoma Nitrogen Co. and Bison Nitrogen Products Co. at or near Woodward, OK, to points in AR, CO, IA, KS, LA, MO, NE, NM, SD, and TX. Send protests to: William J. Green, District Supervisor, Interstate Commerce Commission, 240 Old U.S. Post Office and Courthouse, 215 Northwest Third Street, Oklahoma City, OK 73102. Supporting shippers: Terra Chemicals International, Inc., P.O. Box 1828, Sioux City, IA 51102; W. R. Grace & Co., 100 North Main, P.O. Box 277, Memphis, TN 38101.

No. MC 144297 (Sub-No. 1TA), filed February 7, 1978. Applicant: DURGIN TRUCKING, INC., 1803 Eagle Creek Boulevard, Shakopee, MN 55379. 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: *Anthracite, bituminous, lignite*, in bulk, moving in dump vehicles, between points in MN, restricted to shipments having prior transportation by rail or water, for 180 days. Supporting shipper(s): North Lake, Inc., 4840 IDS Center, Minneapolis, MN 55402, Hawkeye Mineral Resource, Inc., Fort Dodge, IA 50501, ICO, Inc., Oskaloos, IA 52577, Coal-Tek, Inc., P.O. Box Navarre, MN 55392. Send protests to: Dolores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 south 4th Street, Minneapolis, MN 55401.

No. MC 144315TA, filed February 16, 1978. Applicant: JOHN M. PFEIFER, d.b.a. PORT CITY LEASING, 602 20th Street North, Lewiston, ID 83501. Applicant's representative: Boyd Hartman, 10655 Northeast 4th, Suite 210, Seattle Trust Building, Bellevue, WA 98004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, particle board and millwork*, from Idaho, Clearwater, Lewis, Nez Perce, Latah, Kootenai, Benewah, Bonner, and

Boundary Counties in ID and Asotin County in WA, to points in UT and CO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Contact Lumber, 819 Corbett Building, Portland, OR 97204, Emmer Brothers, 6800 France Avenue, South Minneapolis, MN 55435, Bennett Lumber Products, P.O. Box 49, Princeton, ID 83857, Geddes Lumber Co., Inc., 1711 West Coalfax, Denver, CO 80204, George E. Miller Industries, P.O. box 190, Portland, OR 97207. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, 915 Second Avenue, Seattle, WA 98174.

By the Commission

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc. 78-7329 Filed 3-17-78; 8:45 am]

[7035-01]

[Notice No. 5]

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 by April 19, 1978. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopsis form, but are deemed

sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77557, filed February 28, 1978. Transferee: HUNTER TRANSPORTATION, LTD., Box 84, Hartland, NB, Canada, EOJINO. Transferor: Sarchfield Transfer, Ltd., Box 322, Hartland, NB, Canada, EOJINO. Applicants' representative: Peter L. Murray, 30 Exchange Street, Portland, ME 04101. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificates No. MC 134408 (Sub-No. 2) and MC 134408 (Sub-No. 4), issued July 27, 1971, and September 17, 1975, respectively, as follows: *Fencing*, from ports of entry on the United States-Canada boundary line at or near Houlton, Calais and Vanceboro, ME, to points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, DE, MD, and VA, and DC; *Fencing*, from ports of entry on the United States-Canada boundary line located at or near Houlton, Calais, Vanceboro, and Madawaska, ME, to points in NC, SC, GA, FL, WV, and OH, and from the port of entry on the United States-Canada boundary line at or near Madawaska, ME, to points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, DE, MD, VA, and DC. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77563, filed February 27, 1978. Transferee: CHARLES J. VAUGHN, 561 Fifth Street North, Havre, MT 59501. Transferor: Spokile Sales & Construction, Inc., Antelope, MT 59211. Applicants' representative: Charles E. Johnson, 418 East Rosser Avenue, P.O. Box 1982, Bismarck, ND 58501. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC 140647 (Sub-No. 3), issued September 23, 1976, as follows: *Plastic containers, and articles dealt in by wholesale grocers*, from the facilities of Gregg's Food Products, Inc., at or near Portland, OR, to points in MN, MT, ND, and SD. The operations are limited to a transportation service to be performed, under a continuing contract, or contracts, with Gregg's Food Products, Inc., of Portland, OR. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77564, filed March 2, 1978. Transferee: THOMAS G. HURTON, d.b.a. BROOKS & EATON'S EXPRESS, 31 Lawrence Street, Wakefield, MA 01880. Transferor: Nicholas L. DeFelice, d.b.a. Brooks & Eaton's Express, 31 Lawrence Street, Wakefield, MA 01880. Applicant's representative: Thomas G.

Hurton, 31 Lawrence Street, Wakefield, MA 01880. Authority sought for purchase by transferee of the operating rights set forth in Certificate No. MC-69592 issued August 30, 1949, as follows: *General commodities* with the usual exceptions between Boston, Wakefield, Stoneham, Reading, North Reading, Melrose, Malden, Everett, Somerville, Cambridge, and Lynnfield, MA, and between Medford, MA, on the one hand, and, on the other, Boston, Reading, Somerville, Stoneham, and Malden, MA. Transferee holds no Commission authority and does not seek section 210a(b).

No. MC-FC-77565, filed March 2, 1978. Transferee: ALBERT SALEM, d.b.a. SALEM PRODUCE, 1811 Lonna Drive NW., Roanoke, VA 24019. Transferor: Joseph D. Leonard, d.b.a. Joseph D. Leonard Trucking Co., 1135 Cleveland Street, Titusville, FL 32780. Applicants' representative: Albert Salem, 1811 Lonna Drive NW., Roanoke, VA 24019. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC-134156, issued August 18, 1970, as follows: *Used clothing and rags* from New York, NY., to El Paso, Laredo, and McAllen, TX. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

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

[FR Doc. 78-7333 Filed 3-17-78; 8:45 am]

[7035-01]

WASHINGTON

Fourth Section Applications for Relief

MARCH 14, 1978.

These applications for long-and-short-haul or aggregate-of-intermediates relief have been filed with the ICC.

Protests are due at the ICC within 15 days from the date of publication of this notice.

LONG-AND-SHORT-HAUL

FSA No. 43515, Southwestern Freight Bureau, Agent's No. B-732, rates on sugar, beet or cane, from stations in MN and ND, to Tulsa, OK, in sup. 402 to its tariff 3-G, ICC 4685, to become effective April 13, 1978. Grounds for relief—market competition.

FSA No. 43516, Southwestern Freight Bureau, Agent's No. B-727, rates on salt, from stations in LA and TX, to destinations in official territory, and from stations in official territory, to destinations in southwestern territory, in sups. 54 and 194 to its tar-

iffs 137-i and SW/E-2005-J, ICC 5091 and 5049, respectively, to become effective April 15, 1978. Grounds for relief—revised rate structure.

FSA No. 43517, Trans-Continental Freight Bureau, Agent's No. 524, rates on iron or steel articles, from Minnqua, CO, to stations in ID, OR, and WA, to be published in its tariff 1-Z, ICC 1948. Grounds for relief—motor carrier competition.

AGGREGATE-OF-INTERMEDIATES

FSA No. 43518, Trans-Continental Freight Bureau, Agent's No. 523, rates on iron or steel articles, from Minnqua, CO, to stations in ID, OR, and WA, to be published in its tariff 1-Z, ICC 1948. Grounds for relief—maintenance of depressed rates published to meet motor carrier competition without use of such rates as factors in constructing combination rates.

By the Commission.

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

[FR Doc. 78-7176 Filed 3-17-78; 8:45 am]

[7035-01]

[Notice No. 13]

SPECIAL PROPERTY BROKERS

MARCH 15, 1978.

The following applicants seek to participate in the property broker special licensing procedure under 49 CFR 1045A authorizing operations as a broker at any location, in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of property (except household goods), between all points in the United States including Alaska and Hawaii. Any interested person shall file an original and (1) copy of a verified statement in opposition limited in scope to matters regarding applicant's fitness within 30 days after this notice. Statements must be mailed to:

Broker Entry Staff, Room 2379, Interstate Commerce Commission, Washington, D.C. 20423.

Opposing parties shall serve (1) copy of the statement in opposition concurrently upon applicant's representative, or applicant if no representative is named.

If an applicant is not otherwise informed by the Commission, it may commence operation 45 days after this notice.

B-78-21. Filed: February 1, 1978.

Applicant: L. Braverman & Co., Inc., 502 U.S. National Bank Building, Galveston, Tex. 77550.

By the Commission.

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

[FR Doc. 78-7330 Filed 3-17-78; 8:45 am]

[Notice No. 11]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action, certificate or permit	Date of action
MC-30887-215TA.....	MC-30887-218(C).....	July 5, 1977.
MC-40978-25TA.....	MC-40978-13(C).....	Aug. 11, 1969.
MC-41849-31TA.....	MC-41849-35(C).....	Nov. 12, 1976.
MC-42405-34TA.....	MC-42405-35(C).....	Apr. 26, 1977.
MC-42605-4TA.....	MC-42605-5(C).....	June 17, 1977.
MC-42828-10TA.....	MC-42828-11(C).....	Mar. 4, 1977.
MC-44639-87TA.....	MC-44639-88(C).....	Sept. 3, 1976.
MC-44735-12TA.....	MC-44735-13(C).....	Feb. 14, 1977.
MC-45764-27TA.....	MC-45764-26(C).....	Oct. 27, 1977.
MC-45910-2TA.....	MC-45910-3(C).....	Sept. 17, 1976.
MC-46280-79TA.....	MC-46280-78(C).....	Feb. 25, 1977.
MC-47038-20TA.....	MC-47038-21(C).....	June 12, 1975.
MC-47583-20TA.....	MC-47583-21(C).....	Jan. 28, 1977.
MC-47583-26TA.....	MC-47583-27(C).....	Dec. 1, 1976.
MC-50069-507TA.....	MC-50069-508(C).....	Apr. 6, 1977.
MC-48948-7TA.....	MC-48948-8(C).....	June 17, 1977.
MC-48958-122TA.....	MC-48958-123(C).....	Apr. 7, 1977.
MC-50069-483TA.....	MC-50069-482(C).....	Apr. 6, 1977.
MC-50069-493TA.....	MC-50069-491(C).....	Nov. 1, 1977.
MC-50069-495TA.....	MC-50069-491(C).....	Nov. 1, 1977.
MC-50069-497TA.....	MC-50069-502(C).....	Aug. 10, 1977.
MC-50069-505TA.....	MC-50069-506(C).....	Sept. 1, 1977.
MC-50069-512TA.....	MC-50069-515(C).....	July 25, 1977.
MC-50069-514TA.....	MC-50069-518(C).....	May 11, 1977.

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

[FR Doc. 78-7334 Filed 3-17-78; 8:45 am]

[Notice No. 21]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action, certificate or permit	Date of action
MC-50493-56TA.....	MC-50493-57(C).....	Nov. 8, 1976.
MC-51146-382TA.....	MC-51146-334(C).....	Aug. 26, 1975.
MC-51146-392TA.....	MC-51146-371(C).....	Nov. 4, 1975.
MC-51146-404TA.....	MC-51146-408(C).....	Mar. 25, 1976.
MC-51146-423TA.....	MC-51146-445(C).....	Nov. 9, 1976.
MC-51146-438TA.....	MC-51146-450(C).....	May 31, 1977.
MC-51146-440TA.....	MC-51146-450(C).....	May 31, 1977.
MC-51146-448TA.....	MC-51146-458(C).....	Jan. 27, 1977.
MC-51146-454TA.....	MC-51146-466(C).....	Dec. 27, 1977.
MC-51146-460TA.....	MC-51146-471(C).....	Mar. 25, 1977.
MC-52022-8TA.....	MC-52022-9(C).....	June 15, 1977.
MC-52460-150TA.....	MC-52460-134(C).....	Oct. 22, 1975.
MC-52460-154TA.....	MC-52460-155(C).....	June 14, 1977.
MC-52460-176TA.....	MC-52460-178(C).....	Dec. 27, 1976.
MC-52525-9TA.....	MC-52525-10(C).....	Aug. 9, 1976.
MC-52525-11TA.....	MC-52525-12(C).....	Jan. 12, 1978.
MC-52574-46TA.....	MC-52574-48(P).....	May 14, 1975.
MC-52574-47TA.....	MC-52574-48(P).....	May 14, 1975.
MC-135007-59TA.....	MC-135007-57(P).....	Oct. 11, 1977.

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

[FR Doc. 78-7335 Filed 3-17-78; 8:45 am]

[7035-01]

[Section 5b Application No. 2; Amdt. No. 1]

WESTERN RAILROADS**Agreement**

MARCH 10, 1978.

The Commission is in receipt of an application in this proceeding for approval of amendments to the approved agreement.

Filed February 14, 1978 by: J. M. Souby, Western Railroads, 222 South Riverside Plaza, Suite 1200, Chicago, Ill. 60606, Attorney-in-Fact; J. D. Feeney and Robert T. Opal, 222 South Riverside Plaza, Suite 1200, Chicago, Ill. 60606, Attorneys for Western Railroads.

The amendments involve: Changing various provisions of Article X and Article XI, governing Pacific Southcoast Freight Bureau (PSFB) and North Pacific Southcoast Freight Bureau (NPCFB) respectively, both of which are regional organizations of the Western Railroad Traffic Association. To accomplish these changes it is proposed to the Commission:

Transfer of the headquarters of the NPCFB from Seattle, Wash. to San Francisco, Calif.

Consolidation of the staff and tariff publication functions of NPCFB with those of the PSFB.

Transfer of the regular meetings of the NPCFB ratemaking committees and of the Joint PSFB-NPCFB ratemaking committees which are now held in Seattle, Wash. to San Francisco, Calif.

The complete application may be inspected at the Office of the Commission in Washington, D.C.

Any person desiring to protest and participate in this proceeding shall notify the Commission in writing on or before April 10, 1978. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigation and determine the matters involved, without public hearing.

By the Commission.

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

[FR Doc. 78-7326 Filed 3-17-78; 8:45 am]

[7035-01]

[No. 36796]

ORDER

West Virginia Intrastate Rates—Ex Parte No.

MARCH 14, 1978.

By joint petition filed December 28, 1977, petitioners, nine common carriers by railroad 'subject to part I of the Interstate Commerce Act (Act) and also operating in intrastate commerce in West Virginia, request that this Commission institute an investigation of their West Virginia intrastate freight rates and charges, under section 13 of the Act. They seek an order authorizing them to increase such rates and charges in the same amounts approved for interstate application by this Commission in Ex Parte No. 343 effective November 30, 1977.

Petitioners have stated grounds sufficient to warrant instituting an investigation.

It is ordered: The petition is granted. An investigation, under section 13 of the Act, is instituted to determine whether the West Virginia state rail freight rates in any respect cause any

unjust discrimination against or any undue burden on interstate or foreign commerce, or cause undue or unreasonable advantage, preference, or prejudice as between person or localities in intrastate commerce and persons or localities in interstate or foreign commerce, or otherwise unlawful, by reason of the failure of such rates and charges to include the full increases authorized for interstate application by this Commission in Ex Parte No. 343. The investigation shall also determine if any rates or charges, or maximum or minimum charges, or both, shall be prescribed to remove any unlawful advantage, preference, discrimination, undue burden, or other violation of law, found to exist.

All common carriers by railroad operating in West Virginia subject to the jurisdiction of the Commission are made respondents in this proceeding.

All persons who wish to participate in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20432, on or before April 4, 1978. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. This Commission desires participation of only those who intend to take an active part in this proceeding.

As soon as practicable after the last day for indicating a desire to participate in the proceeding, this Commission will serve a list of names and addresses on all persons upon whom service of all pleadings must be made. Thereafter, this proceeding will be assigned for oral hearing or handling under modified procedure.

A copy of this order shall be served upon each of the petitioners and respondents herein. West Virginia shall be notified of the proceeding by sending copies of this order by certified mail to the Governor of West Virginia, and the West Virginia Public Service Commission. Further notice of this proceeding shall be given to the public by depositing a copy of this order in the Office of the Secretary of the Interstate Commerce Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in 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.

Dated at Washington, D.C., this 8th day of March 1978.

By the Commission, Robert J. Brooks, Director, Office of Proceedings.

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

[FR Doc. 78-7174 Filed 3-17-78; 8:45 am]

The Baltimore & Ohio Railroad Co., Beech Mountain Railroad Co., the Chesapeake & Ohio Railway Co., Consolidated Rail Corp., Kelley's Creek & Northwestern Railroad Co., Norfolk & Western Railway Co., Western Maryland Railway Co., West Virginia Northern Railroad Co., and Winifrede Railroad Co.

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6355-01]

1

CONSUMER PRODUCT SAFETY COMMISSION.

PREVIOUSLY ANNOUNCED DATE AND TIME: March 16, 1978.

CHANGE IN THE MEETING: The Commission has added for discussion in closed session matters related to the aluminum wire litigation and possible litigation concerning home insulation television spots. The Commission has deferred the scheduled briefing on carpet and rug flammability standards.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, 1111 18th Street NW., Suite 300, Washington, D.C. 20207, telephone 202-634-7700.

[S-599-78 Filed 3-16-78; 2:39 pm]

[6715-01]

2

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Thursday, March 23, 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 to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

- I. Future meetings.
- II. Correction and approval of minutes.
- III. Advisory opinions; AO 1977-2, AO 1977-34, AO 1977-70, AO 1978-6, AO 1978-18, AO 1978-54.
- IV. Procedures for handling internally generated complaints.

V. Procedures to assure security of Commission's compliance matters.

VI. Packwood communication costs.

VII. FOIA regulations.

VIII. Appropriations and budget.

IX. Pending legislation.

X. Pending litigation.

XI. Liaison with other Federal agencies.

XII. Classification actions.

XIII. Routine administrative business.

Portions closed to the public (executive session):

Compliance, Audit, and Personnel.

PERSON TO CONTACT FOR INFORMATION:

David Fiske, Press Officer, telephone 202-423-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-601-78 Filed 3-16-78; 3:35 pm]

[6740-02]

3

MARCH 15, 1978.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10 a.m., March 22, 1978.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

NOTE.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda, however, all public documents may be examined in the Office of Public Information, Room 1000.

GAS AGENDA—82ND MEETING, MARCH 22, 1978, REGULAR MEETING

I. PIPELINE RATE MATTERS

A. Pipeline rates.

RP-1.—Docket Nos. RP72-133 and RP77-107 (PGA No. 78-1b), United Gas Pipe Line Co.

RP-2.—Docket Nos. RP73-3 (PGA76-2), RP73-69 and RP72-99 (PGA76-3), Transcontinental Gas Pipeline Corp.

II. PRODUCER MATTERS

A. Producer certificate and abandonment

CI-1.—Docket Nos. CI78-57 and CI78-58, FERC Gas Rate Schedule Nos. 540 and 541, Mobil Oil Corp.

CI-2.—Reserved.

CI-3.—Reserved.

B. Producer Certificates

CI-4.—Docket No. G-12446, Texas Eastern Transmission Corp.; Docket No. CI66-890, Continental Oil Co.; Docket No. CI66-891, Sun Oil Co.; Docket No. CI66-919, General Crude Oil Co.; and Docket No. CI66-892, M. H. Marr.

III. PIPELINE CERTIFICATE MATTERS

A. Pipeline certificates

CP-1.—Docket No. CP78-55, Consolidated Gas Supply Corp.

CP-2.—Docket No. CP74-304, Secretary of the Army, Applicant v. Cities Service Gas Company, Respondent.

CP-3.—(A) Docket No. CP77-363, Columbia Gas Transmission Corp. and National Fuel Gas Supply Corp. (B) Docket No. CP77-38, Tennessee Gas Pipeline Co., a division of Tenneco Inc. and National Fuel Gas Supply Corp. (C) Docket No. CI76-432, Cabot Corp.; Docket No. CP76-19, Columbia Gas Transmission Corp. and the Sylvania Corp.; Docket No. CP76-361, Columbia Gas Transmission Corp. (D) Docket No. CP77-477, Panhandle Eastern Pipe Line Co.

CP-4.—Docket No. CP76-464, Equitable Gas Co.

CP-5.—Reserved.

B. Curtailment

CP-6.—Docket No. RP72-99, Transcontinental Gas Pipe Line Corp.

CP-7.—Docket Nos. RP74-50-1, et al., Florida Gas Transmission Company and Lehigh Portland Cement Company v. Docket No. RP75-79, Florida Gas Transmission Company.

CP-8.—Docket No. CP74-329, Atlanta Gas Light Company v. Southern Natural Gas Company; Docket Nos. RP71-3, RP77-12, and RP77-15, Carolina Pipeline Company v. Southern Natural Gas Company.

GAS AGENDA—82ND MEETING, MARCH 22, 1978, REGULAR MEETING

CAG-1.—Docket No. RP72-134 (PGA No. 78-3), Eastern Shore Natural Gas Co.

CAG-2.—Docket Nos. CI77-783 and CI77-784, Kerr-McGee Corp.

CAG-3.—Docket Nos. CI78-41, et al., Southland Royalty Co., et al.

CAG-4.—Docket No. CI77-379, Union Texas Petroleum, a division of Allied Chemical Corp.

CAG-5.—Docket No. CS77-746, Graham Energy Corp.

CAG-6.—Docket No. CP78-107, Texas Eastern Transmission Corp.

CAG-7.—Docket No. CP74-150, Transcontinental Gas Pipe Line Corp.

CAG-8.—Docket No. CP73-147, Michigan Wisconsin Pipe Line Co., Trunkline Gas Co. and Panhandle Eastern Pipe Line Co.

CAG-9.—Docket No. CP78-168, Texas Gas Transmission Corp.

CAG-10.—Docket No. CP78-127, Northern Natural Gas Co.

CAG-11.—Docket No. CP78-148, Mississippi River Transmission Corp.

CAG-12.—Docket Nos. CP78-492, et al., National Fuel Gas Supply Corp. et al.

**MISCELLANEOUS AGENDA—82ND MEETING,
MARCH 22, 1978, REGULAR MEETING**

M-1.—Docket No. RM77-17, Amendments to Uniform Systems of Accounts for Public Utilities and Licensees (all classes) to regulations prescribing PPC form NO. 9 and to PPC form Nos. 1, 1-F, 2, 2-A and 9, concerning account 264, amortization reserve—Federal.

CAM-1.—Economic Regulatory Administration proposed rule to amend the mandatory petroleum allocation regulations.

CAM-2.—South Texas Natural Gas Gathering Co.

CAM-3.—Virginia Electric and Power Co.

**POWER AGENDA—82ND MEETING, MARCH 22,
1978, REGULAR MEETING**

I. ELECTRIC RATE MATTERS

ER-1.—Docket No. ER78-174, Missouri Edison Co.

ER-2.—Docket No. E-9574, Florida Power & Light Co.

ER-3.—Docket No. ES77-5, Iowa Public Service Co.

II. LICENSED PROJECT MATTERS

P-1.—Project No. 2205, Central Vermont Public Service Corp.

P-2.—Project No. 2761, El Dorado County Water Agency.

P-3.—Project No. 485 and Project No. 2177, Georgia Power Co.

P-4.—Project No. 2782, City of Parowan, Utah.

P-5.—Project No. 2514, Appalachian Power Co.

**POWER AGENDA—82ND MEETING, MARCH 22,
1978, REGULAR MEETING**

CAP-1.—Docket No. ER78-221, Union Electric Co.

CAP-2.—Docket No. E-9130, Iowa Public Service Co.

CAP-3.—Docket No. ES78-15, El Paso Electric Co.

CAP-4.—Docket No. ES78-17, Iowa Power & Light Co.

CAP-5.—Project No. 2004, Holyoke Water Power Co.

CAP-6.—Lands withdrawn in Project Nos. 736, 1056 and 1826—Colorado.

CAP-7.—Lands withdrawn in Project Nos. 1203 and 1241—Wyoming.

CAP-8.—Docket No. DA-87—New Mexico, U.S. Geological Survey lands withdrawn in Water Power Designation No. 1 and Power Site Reserve No. 546.

CAP-9.—Docket No. DA-620—Idaho U.S. Forest Service, lands withdrawn in Power Site Reserve No. 440.

**KENNETH F. PLUMB,
Secretary.**

[S-597-78 Filed 3-16-78; 9:16 am]

[7910-01]

4

RENEGOTIATION BOARD

DATE AND TIME: Tuesday, March 28, 1978; 10 a.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Matters 1 through 3 are open to the public. Matter 4 is closed to the public. Matters 5 and 6 are not applicable for status.

MATTERS TO BE CONSIDERED:

1. Approval of minutes of meeting held March 21, 1978, and other Board meetings, if any.

2. Recommended Clearances Without Assignment (List 1897):

a. Ingersoll Rand Co., fiscal year ended December 31, 1974.

a-1. Terry Corp. of Connecticut (Connecticut), fiscal year ended December 31, 1974.

a-2. Terry Service Corp. (Connecticut), fiscal year ended December 31, 1974.

a-3. Ingersoll Rand Research, Inc. (Delaware), fiscal year ended December 31, 1974.

a-4. Millers Falls Co. (Massachusetts), fiscal year ended December 31, 1974.

b. Torrington Co. (Delaware), fiscal year ended December 31, 1974.

b-1. Torrington Co. (California), fiscal year ended December 31, 1974.

b-2. Torrington Co. (Connecticut), fiscal year ended December 31, 1974.

b-3. Torrington Co. (Massachusetts), fiscal year ended December 31, 1974.

b-4. Torrington Co. (Michigan), fiscal year ended December 31, 1974.

b-5. Torrington Co. (North Carolina), fiscal year ended December 31, 1974.

b-6. Torrington Co. (Ohio), fiscal year ended December 31, 1974.

b-7. Torrington Co. (Pennsylvania), fiscal year ended December 31, 1974.

c. Thomaston special products, fiscal year ended December 29, 1974.

3. Proposed Special Accounting Agreement: Computer Science Corp., fiscal year ended March 30, 1973.

4. Recommended Finding of Excessive Profits: A. J. Industries, Inc., Consolidated with: A. J. Industries, Inc. (Agent); Sargent-Fletcher Co. Inc.; Fleetwood Metals, Inc.; Armstrong Products Co.; and Sargent Engineering Corp.; fiscal years ended March 31, 1972.

5. Approval of agenda for meeting to be held April 11, 1978.

6. Approval of agenda for other meetings, if any.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: March 15, 1978.

**GOODWIN CHASE,
Chairman.**

[S-600-78 Filed, 3-16-78; 3:14 pm]

[8010-01]

5

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 9931, March 10, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE: 10 a.m., March 16, 1978.

CHANGES IN THE MEETING: Additional item to be considered.

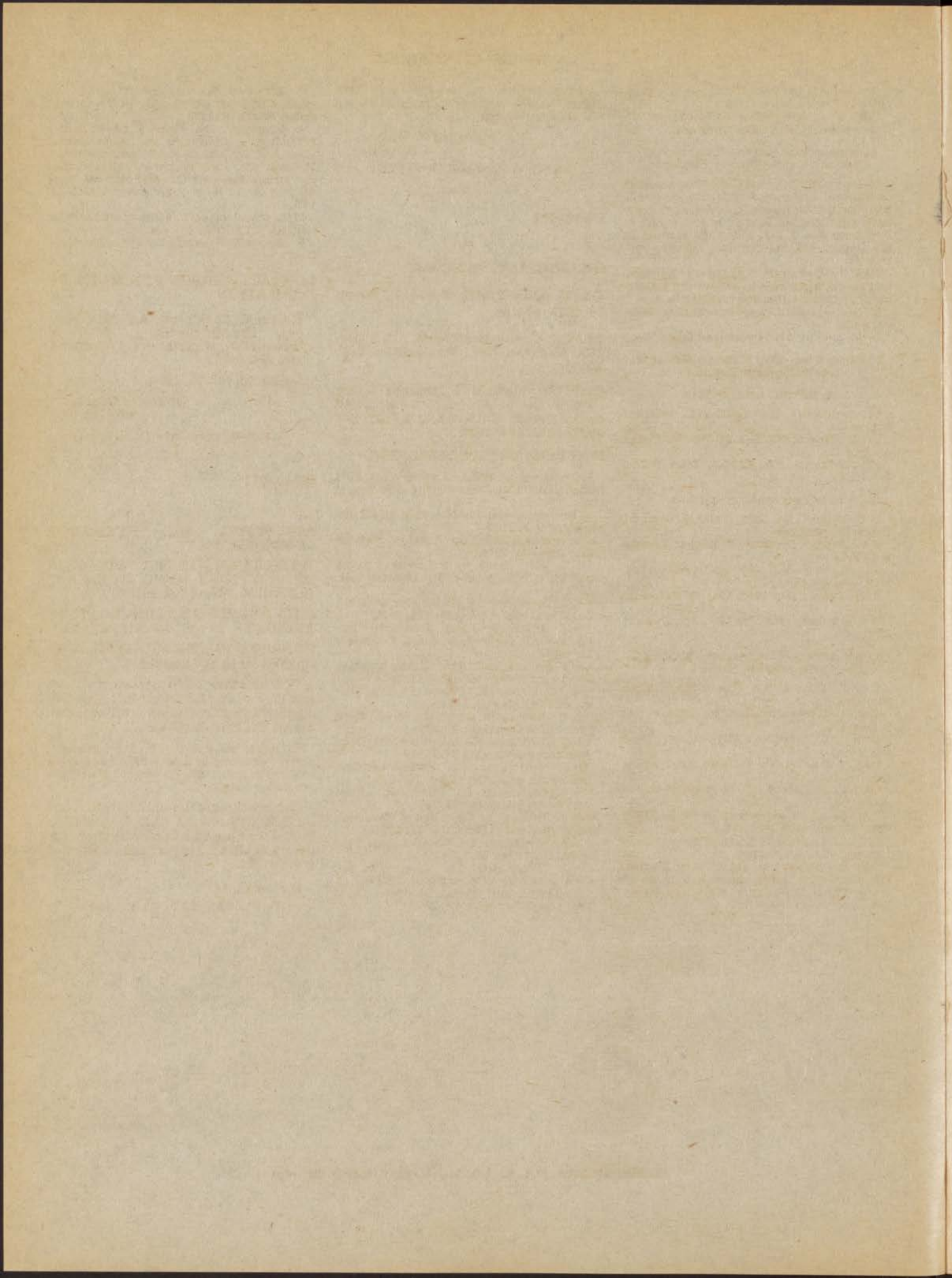
The following additional item will be considered by the Commission at the open meeting scheduled for Thursday, March 16, 1978, at 10 a.m.:

Proposed extension of the comment period regarding proposed rules concerning replacement cost disclosures of oil and gas producing operations.

Commissioners Loomis, Evans, and Pollack determined that Commission business required consideration of this item and that no earlier notice thereof was possible.

MARCH 15, 1978.

[S-598-78 Filed 3-16-78; 12:15 pm]



Registered
Federal
Property

MONDAY, MARCH 20, 1978
PART II



**DEPARTMENT OF
HOUSING AND
URBAN
DEVELOPMENT**

**Federal Insurance
Administration**



**NATIONAL FLOOD
INSURANCE**

**Proposed Flood Elevation
Determinations**

[4210-01]

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-3186]

REVISION OF PROPOSED FLOOD ELE-
VATION DETERMINATIONS FOR
THE CITY OF PRAIRIE VILLAGE,
JOHNSON COUNTY, KANS.AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in City of Prairie Village, Johnson County, Kans. Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 42 FR 38532 on July 28, 1977, and in the Johnson County Herald published on August 3, 1977, and August 10, 1977, and hence supersedes those previously published rules.

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

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the proposed flood elevations are available for review at the Public Works Department, 3535 Sommerset Drive, Prairie Village, Kans. Send comments to: The Honorable William E. Franklin, Mayor, City of Prairie Village, City Hall, 7700 Mission Road, Prairie Village, Kans. 66208.

FOR FURTHER INFORMATION
CONTACT:

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

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the City of Prairie Village, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)).

These base (100-year) flood elevations are the basis for the flood plain

management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Brush Creek.....	1,550 ft downstream from Tomahawk Rd. Bridge.	903
	160 ft upstream from Tomahawk Rd. Bridge.	911
	Tunnel outlet	915
	Tunnel inlet	918
	180 ft upstream from 71st St. Bridge.	922
	220 ft upstream from Roe Ave. Bridge.	939
	2,300 ft upstream from Roe Ave. Bridge.	947
	100 ft upstream from 75th St. Bridge.	956
	2,400 ft upstream from 75th St. Bridge.	961
	540 ft downstream from Lamar Ave..	978
	70 ft downstream from Lamar Ave.	982

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

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-6926 Filed 3-17-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3937]

PROPOSED FLOOD ELEVATION DE-
TERMINATIONS FOR THE VILLAGE
OF FOX LAKE, LAKE COUNTY, ILL.AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Fox Lake, Lake County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Fox Lake Village Hall, 301 South Route 59, Fox Lake, Ill. Send comments to: Honorable John Hodge, Mayor of Fox Lake, Fox Lake Village Hall, 301 South Route 59, Fox Lake, Ill. 60020.

FOR FURTHER INFORMATION
CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Fox River Chain		
O'Lakes.....	Pistakee Lake	742
	Nippersink Lake.....	742
	Fox Lake	742
	Grass Lake	742
Squaw Creek.....	Grand Ave.....	742

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

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-6910 Filed 3-17-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3938]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE VILLAGE OF LISLE, DuPAGE COUNTY, ILL.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Lisle, DuPage County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Village Hall, 4747 Main Street, Lisle, Ill. Send comments to: Honorable George Varney, Mayor of Lisle, 4747 Main Street, Lisle, Ill. 60532.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East branch, DuPage River.	Maple Ave	664
	Short St.....	665
	Burlington Ave.....	666
	Ogden Ave.....	668
	Warrenville Rd.....	670
	Upstream corporate limits.	671
St. Joseph Creek...	Dumoulin Ave	668
	Lincoln St.....	669
	Main St.....	670
	Center Ave.....	671
	Ogden Ave.....	674
	Burlington Northern RR.	676
	Upstream corporate limits.	677
St. Joseph Creek Tributary in Center Ave. vicinity.	Middleton Ave.....	674
	Footbridge 130 ft upstream of Middleton Ave.	675
	Footbridge 355 ft downstream of Buckley Ave.	679
	Buckley Ave.....	682
	Warrenville Rd.....	696
	Upstream study limits, approximately 2,675 ft upstream of Warrenville Rd.	728
St. Joseph Creek Tributary in Burlington Northern RR.	Burlington Northern RR.	685
	Footbridge, approximately 2,300 ft above mouth.	677

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rott Creek	Utility bridge crossing, approximately 1,600 ft above mouth.	669
	Yackley Ave.....	676
	Burlington Northern RR.	688
	Fender Ave.....	719
	Ogden Ave.....	721
	Fender Ave.....	722
	Old Tavern Rd	724
	Warrenville Rd.....	731
	Naperville Rd	732
Unnamed stream, Devon Ave. area.	River Dr.....	668
	Swartz Ave.....	674
	Private drive, 280 ft upstream of Swartz Ave.	686
	Private drive, 105 ft downstream of Devon Ave.	686
	Devon Ave Winchester Ave.	698
	Middleton Ave.....	714
Unnamed creek, Leask Lane area.	Leask Lane	701
	Upstream corporate limits, 800 ft above Leask Lane.	703
Unnamed creek, St. Procopius area.	Downstream corporate limits, 7,000 ft above mouth.	697
	Private road, 475 ft downstream of College Rd.	714
	College Rd.....	719

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

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-6911 Filed 3-17-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3939]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE VILLAGE OF LOMBARD, DUPAGE COUNTY, ILL.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the village of Lombard, DuPage

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Lombard Village Hall, 48 North Park Avenue, Lombard, Ill. Send comments to: Mr. Warren Browning, Village Manager of Lombard, Lombard Village Hall, 48 North Park Avenue, Lombard, Ill. 60148.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East Branch DuPage River.	Downstream corporate limits at Glen Ellyn Sewage Treatment Plant.	680
	Treatment Plant Rd.	680
	Confluence with unnamed tributary north of 22d St.	683
	Corporate limits, 2,700 ft upstream from Treatment Plant Rd.	683
	Corporate limit at Charles Lane.	688
	Hill Ave.....	692
	Chicago & Northwestern RR.	692
	Crescent Blvd.....	692
	Corporate limit at Churchill Woods.	692
	Tributary north of Finley Rd.	705
	22d St.	

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

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.78-6912 Filed 3-17-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3940]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE VILLAGE OF MONTGOMERY, KANE COUNTY, ILL.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the village of Montgomery, Kane County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Montgomery Village Hall, 1300 South Broadway, Montgomery, Ill. 60538. Send comments to: Hon. Wayne C. Wells, Mayor of Montgomery, 1300 South Broadway, Montgomery, Ill. 60538.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Fox River	U.S. Route 30 downstream.	616
	Corporate limits....	616
	Montgomery St....	619
	Montgomery Dam	622
	Ashland St	622
	Upstream corporate limits.	622

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Fox River Tributary.	Downstream corporate limits.	633
	Illinois Route 31 ..	634
	Confluence of East Branch Fox River tributary..	636
	Aucott Rd (Upstream corporate limits)..	641
Fox River Tributary (East Branch).	Downstream corporate limits (confluence with Fox River tributary)..	636
	Aucott Rd.....	636
Waubensee Creek.	Bypass U.S. Route 30.	664
	County boundary line between Kendall and Kane County.	665
	E.J. & E. RR. downstream.	665
	Upstream.....	667
	Business Route U.S. 30.	667

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

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-6913 Filed 3-17-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3941]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE CITY OF MURPHYSBORO, JACKSON COUNTY, ILL.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Murphysboro, Jackson County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed

rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Murphysboro City Hall, 200 North 11th Street, Murphysboro, Ill. Send comments to: Hon. Michael Bowers, Mayor of Murphysboro, 200 North 11th Street, Murphysboro, Ill. 62966.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Muddy River...	Downstream corporate limits.	372
	Illinois Central Gulf RR. (1 mi from downstream corporate limits).	373
	Illinois Central Gulf RR. (2.7 mi from downstream corporate limits).	374

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pond Creek	Upstream corporate limits.	376
	100 ft downstream, Missouri Pacific RR.	395
	100 ft upstream, Missouri Pacific RR.	399
	Candy Lane extended.	400

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

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-6914 Filed 3-17-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3942]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE VILLAGE OF NORTHBROOK, COOK COUNTY, ILL.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the village of Northbrook, Cook County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Village Hall, Northbrook Ill. Send comments to: Mr. Robert A. Weidaw, Village Manager, village of Northbrook, Village Hall, 1225 Cedar Lane, Northbrook, Ill. 60062.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Techny Drain	At 2d St	648
	At Greenview Rd.	656
	Downstream side of Mayapple Lane.	658
	Upstream side of Mayapple Lane.	661
	At Fox Glove Dr.	664
South Fork Techny Drain	Upstream side of Pfingston Rd.	671
	At Greenview Rd.	656
	At Elm Ridge Dr.	662
	Intersection of Woodland Dr. and Wood Dr.	665
	At Underwriters Lab Rd.	655
Underwriters Tributary	At Greenwood Rd	658
	At Pfingston Rd.	663
	At Helen Rd.	666
	At Sunset Ridge Rd.	638
	At Chicago Northwestern RR.	643
Middle Fork of the North Branch of the Chicago River	At Shermer Rd.	645
	At I-94	647
	At Lake Cook Rd.	650
	At Illinois St.	639
	At Walters Ave.	641
West Fork of the North Branch of the Chicago River	At Shermer Ave.	643
	At Cherry St.	645
	At Dundee Rd.	648

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
At I-94		653

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

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-6915 Filed 3-17-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3943]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE VILLAGE OF RIVERDALE, COOK COUNTY, ILL.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the village of Riverdale, Cook County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Village Clerk's Office, 142 and Stewart Avenue, Riverdale, Ill. Send comments to: Honorable Frank J. Heenan, Mayor of Riverdale, 142 and Stewart Avenue, Riverdale, Ill. 60627.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Sev-

enth Street SW., Washington, D.C. 20410.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Calumet River	Ashland Ave. North	589
	Roll Ave.	590
	Ashland Ave. South	592
	Halsted St.	594
	147th St.	596

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

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-6916 Filed 3-17-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-39441]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE VILLAGE OF ROBBINS, COOK COUNTY, ILL.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the village of Robbins, Cook County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Robbins Village Hall, 3327 West 137th Street, Robbins, Ill. 60472. Send comments to: Honorable Marion L. Smith, Mayor of Robbins, Robbins Village Hall, 3327 West 137th Street, Robbins, Ill. 60472.

FOR FURTHER INFORMATION CONTACT:

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

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

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances

that are most stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Midlothian Creek..	Downstream corporate limit.	597
	137th St.....	598
	139th St.....	600
	Upstream corporate limit.	607

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

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-6917 Filed 3-17-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-39451]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE CITY OF ROLLING MEADOWS, COOK COUNTY, ILL.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Rolling Meadows, Cook County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed

rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, 3600 Kirchoff Road, Rolling Meadows, Illinois. Send comments to: Hon. Roland J. Meyer, Mayor of Rolling Meadows, 3600 Kirchoff Road, Rolling Meadows, Ill. 60008.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
Salt Creek	Old Plum Rd.....	726
	Meacham Rd.	716
	Blairwood La.	712
	State Route 53	706
	Central Rd.	705
	Confluence of Arlington Heights Branch.	702
	Algonquin Rd.	701
	Golf Rd.....	691
Arlington Heights Branch of Salt Creek.	Euclid Ave.	709

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

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

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

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

Source of flooding	Location	Elevation in feet above mean sea level
West Branch Du Page River.	East-West tollway	691
	Warrenville Rd.....	694
	Butterfield Rd.....	697
	Highway 56.	
Ferry Creek.....	Williams St.....	699
	East-West tollway	690
	Ferry Rd.....	691
	Glen Dr.	695
	(extended),	
	Aurora Rd.....	702
Spring Brook	Butterfield Rd.....	704
	Home Ave.....	712
	Elgin, Joliet, and Eastern RR.	717
	Mouth.....	698
	Norris Ct.....	698

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

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-6919 Filed 3-17-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3947]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE CITY OF WEST CHICAGO, DUPAGE COUNTY, ILL.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of West Chicago, Du Page County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, 475 Main Street West, Chicago, Ill. Send comments to: Honorable A. Eugene Rennels, Mayor of West Chicago, P.O. Box 447, 475 Main Street, West Chicago, Ill. 60185.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

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

These elevations, together with the flood plain management measures re-

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
	Campbell Rd.....	707
	Kirchoff Rd.....	706
	Central Rd. (Upstream Face).	704
	Confluence with Salt Creek.	702

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

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-6918 Filed 3-17-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3946]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE CITY OF WARRENVILLE, DU PAGE COUNTY, ILL.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Warrenville, Du Page County, Ill.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 28W630 Stafford Place, Warrenville, Ill. Send comments to: Honorable John F. Hudetz, Mayor of Warrenville, 28W630 Stafford Place, Warrenville, Ill. 60555.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Branch Du Page River.	Corporate limit (downstream).	707
	Highway 38 (Roosevelt Rd.).	707
	Corporate limit (upstream).	708
Kress Creek	Corporate limit (downstream).	626
	Corporate limit (upstream).	726
	Geneva Rd	739
	McChesney Rd	741
	Footbridge	743
	Roosevelt Rd	745
	Chicago and Northwestern RR.	745
	Access road—100 ft upstream of Chicago and Northwestern RR.	746
	Access road—1,200 ft upstream of Chicago and Northwestern RR.	746
	Access road—2,900 ft upstream of Chicago and Northwestern RR.	748
	Indian Boundary Rd.	750
	Chicago and Northwestern RR.	751
	Industrial Dr	753
	Hawthorne Lane ..	753
	Harvester Rd	753
Unnamed tributary of Kress Creek.	Railroad spur	754
	Roosevelt Rd	733
	Parking lot bridge	735
	Town Road	736
	Bridge.	
	Private road	744
	Burlington Northern RR bridge.	746
	Fenton Rd	750
	Helena Rd	750
	Industrial Dr	751
	Geneva Rd	753
	Railroad bridge—1,000 ft upstream of Geneva Rd.	756

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Railroad spur bridge—1,400 ft upstream of Geneva Rd.	757
	Railroad spur—3,000 ft upstream of Geneva Rd.	758

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

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-6920 Filed 3-17-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3948]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE CITY OF ELKADER, CLAYTON COUNTY, IOWA

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Elkader, Clayton County, Iowa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Municipal Building, 207 North Main, Elkader, Iowa. Send comments to: Hon. Burrell Streit, Mayor of Elkader, 207 North Main, Elkader, Iowa 52043.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet above mean sea level
Turkey River	Southern corporate limits.	720
	Boardman St. (extended).	721
	Bridge St. and State Highway 13.	724
	Cedar St. (extended).	727
	Willow St. (extended).	736
	McKinley St. (extended).	737
	Northern corporate limits.	739

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

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-6921 Filed 3-17-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3949]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE CITY OF ABILENE, DICKINSON COUNTY, KANS.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Abilene, Dickinson County, Kans. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at city hall, Abilene, Kans. Send comments to: Mr. Edward E. Dawson, City Manager, City of Abilene, City Hall, Abilene, Kans. 67410.

FOR FURTHER INFORMATION CONTACT:

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

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

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances

that are most stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Smoky Hill River..	Brady St	1,145
	Kansas Highway No. 15.	1,146
	Southwestern corporate limit near South Cedar St.	1,147
	Abilene Airport near east boundary.	1,148
	Abilene Airport west of central runway.	1,149
Mud Creek	Santa Fe RR.....	1,151
	3d Street Bridge crossing.	1,153
	7th Street Bridge crossing.	1,156
	Northern corporate limit near 11th St.	1,158
Mud Creek tributary No. 1.	Confluence with Mud Creek.	1,157
	50 ft downstream of Santa Fe RR.	1,165
	Washington St	1,168

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

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-6922 Filed 3-17-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3950]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE CITY OF BONNER SPRINGS, WYANDOTTE COUNTY, KANS.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or

comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Bonner Springs, Wyandotte County, Kans. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, 205 East Second, Bonner Springs, Kans. Send comments to: Mr. Bob Evans, City Manager, City of Bonner Springs, City Hall, P.O. Box 38, Bonner Springs, Kans. 66012.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Kansas River	1.25 mi downstream of Highway 7.	770
	At Highway 7.....	771
	2,600 ft upstream of Highway 7.	772
	At the Atchison, Topeka & Santa Fe RR.	775
	0.95 mi upstream of Atchison, Topeka & Santa Fe RR.	778
East Mission Creek.	Elevation of Lake of the Forest.	788
	Upstream of bridge just upstream of Lake of the Forest.	809
	2,800 ft upstream of bridge just upstream of Lake of the Forest.	809
	3,700 ft upstream of bridge just upstream of Lake of the Forest.	824
	6,850 ft upstream of bridge just upstream of Lake of the Forest.	854
West Mission Creek.	2,800 ft downstream of 118 St.	773
	At 118 St.....	775
	At 122 St.....	779
	50 ft downstream of Metropolitan Ave.	793
	50 ft upstream of Metropolitan Ave.	800
	1850 ft upstream of Metropolitan Ave.	804
	50 ft downstream of Stevenson Bridge.	824
	50 ft upstream of Stevenson Bridge.	830
	1,750 ft upstream of Stevenson Bridge.	844
Spring Creek.....	At confluence with Wolf Creek.	776
	75 ft downstream of 2d St.	776
	50 ft upstream of 2d St.	784
	700 ft upstream of 2d St.	784
	75 ft upstream of Kump Ave.	802
	50 ft downstream of Springdale Ave.	802
	Just upstream of Springdale Ave.	804
	700 ft upstream of Springdale Ave.	804
	125 ft downstream of Moses Ave.	815
	Just upstream of Moses Ave.	819
	1,250 ft upstream of Moses Ave.	827

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	825 ft downstream of Lakewood Bridge.	849
	At Lakewood Bridge.	856
Wolf Creek.....	At mouth of Wolf Creek.	776
	300 ft upstream of Loring Lane.	776
	At Wooden Ave....	781
	50 ft downstream of Kump Ave.	784
	100 ft upstream of Kump Ave.	791
	At western corporate limits.	792

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

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-6923 Filed 3-17-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3951]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE CITY OF COLBY, THOMAS COUNTY, KANS.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Colby, Thomas County, Kans. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall,

585 North Franklin, Colby, Kans. Send comments to: The Honorable James Kriss, Mayor, City of Colby, 315 West 5th, Colby, Kans. 67701.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Prairie Dog Creek.	2,900 ft downstream of Chicago, Rock Island, & Pacific RR.	3,090
	Chicago, Rock Island & Pacific RR.	3,097
	At old dam 2,600 ft upstream of Chicago, Rock Island & Pacific RR.	3,101
	Country Club Dr..	3,106
	At road 3,000 ft downstream of North Range Ave.	3,116
	North Range Ave.	3,125
	Upstream crossing of Chicago, Rock Island, & Pacific RR.	3,137

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Prairie Dog Creek Tributary.	At City Park Dike	3,148
	At confluence with Prairie Dog Creek.	3,094
(Colby Creek)	At dam 1,300 ft upstream of confluence with Prairie Dog Creek.	3,100
	Country Club Dr..	3,119
	5th St.....	3,125
	4th St.....	3,126
	Union Pacific RR.	3,142
	South Range Ave.	3,147

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

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-6924 Filed 3-17-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3952]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR CITY OF JUNCTION CITY, GEARY COUNTY, KANS.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Junction City, Geary

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the Building Inspector, City Hall, Junction City, Kans. Send comments to: The Honorable Thomas B. Fegan, Mayor, City of Junction City, Box 287, Junction City, Kans. 66441.

FOR FURTHER INFORMATION CONTACT:

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

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

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community

must change any existing ordinances that are most stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Smoky Hill River..	At the confluence of the Republican River.	1,066
	7,000 ft downstream of Interstate 70.	1,069
	At Interstate 70....	1,074
	4,400 ft upstream of Interstate 70.	1,076
Republican River..	At the confluence with Smoky Hill River.	1,066
	3,000 ft downstream of Washington St.	1,067
	At Washington St. Bridge.	1,068
	4,800 ft upstream of Washington St.	1,069

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

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-6925 Filed 3-17-78; 8:45 am]

Registered
Property

MONDAY, MARCH 20, 1978
PART III



**SAINT LAWRENCE
SEAWAY
DEVELOPMENT
CORPORATION**



TARIFF OF TOLLS
Revision

[4910-61]

Title 33—Navigation and Navigable Waters

CHAPTER IV—SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION, DEPARTMENT OF TRANSPORTATION

PART 402—TARIFF OF TOLLS

Revision of Tolls

AGENCY: Saint Lawrence Seaway Development Corporation, Department of Transportation.

ACTION: Final rule.

SUMMARY: This regulation revises the tariff of tolls which the Saint Lawrence Seaway Development Corporation administers jointly with the St. Lawrence Seaway Authority of Canada for the use of the St. Lawrence Seaway. The effect of this revision is to increase the level of tolls and the number of categories of cargo; reestablish commodity tolls on the all-Canadian Welland Canal section and eliminate the present lockage charges on that section; and provide for the assessment of tolls on the basis of metric tons (1,000 kilograms, 2,204.62 pounds) rather than short tons (2,000 pounds).

EFFECTIVE DATE: April 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert Kraft, Deputy General Counsel, Saint Lawrence Seaway Development Corporation, Department of Transportation, 800 Independence Avenue SW., Washington, D.C. 20591, 202-426-3574.

SUPPLEMENTARY INFORMATION: On August 29, 1977, the Saint Lawrence Seaway Development Corporation published in the FEDERAL REGISTER (42 FR 43613) a notice of proposed changes in the rates of tolls for use of the St. Lawrence Seaway prescribed by 33 CFR Part 402. The proposed action was to increase from two to six the number of categories into which all cargo is classified and upon which tolls are assessed; to reestablish commodity tolls on the all-Canadian Welland Canal section of the St. Lawrence Seaway and to eliminate the present lockage charges on that section; to provide for the assessment of tolls on the basis of metric tons (1,000 kilograms, 2,204.62 pounds) rather than short tons (2,000 pounds); and to increase the level of tolls.

Under the proposed action the corresponding toll charges per short ton (2,000 pounds) for full transit of both the Montreal-Lake Ontario and Welland Canal sections of the Seaway would be: Bulk Cargo, 90¢; General Cargo, \$1.95; Grain (a new classifica-

tion, formerly charged as bulk cargo), 65¢; Containers (a new classification, formerly charged as general cargo), 90¢; and Government aid cargoes (a new classification, including cargoes which were formerly charged at both rates), 65¢. The existing lockage charge of \$100 per vessel per each of the eight locks on the Welland Canal would be eliminated. A charge totaling 7¢ per gross registered ton would be assessed on vessels transiting each section of the Seaway.

In the notice of August 29, 1977, interested parties were invited to submit written data or views regarding the proposal on or before October 31, 1977, and/or to present oral testimony at either one of two public hearings held in Washington, D.C., October 13, 1977, and in Cleveland, Ohio, October 19, 1977.

Numerous comments were received from users of the Seaway regarding the increase in tolls. No comment was received expressing disagreement with the conclusion of the Environmental Impact Appraisal, made available to interested parties during the comment period, that the proposed increases would not adversely affect the quality of the human environment.

After consideration of the proposal, the environmental assessment, the views and comments of interested parties, the suggestions of the Saint Lawrence Seaway Development Corporation's Advisory Board, and other relevant material, the Administrator of the Corporation and the Secretary of Transportation held further discussions with representatives of the Canadian Government. As a result of these further discussions the original proposal was amended so that the increases will be phased in over a 3-year period, with approximately 50 percent of the combined increases on both sections of the Seaway to be assessed in the 1978 navigation season; 75 percent to be assessed in the 1979 season; and the entire amount of the increases to be assessed thereafter beginning in 1980. Subsequently, the United States and Canada agreed to revise existing agreements relative to the assessment, collection and distribution of tolls for the use of the St. Lawrence Seaway including the tariff of tolls.

Since this regulation involves a foreign affairs function of the United States, formal notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 402 of Chapter IV of Title 33, Code of Federal Regulations, is revised to read as appears below.

Sec.

402.1 Purpose.

402.2 Title.

402.3 Interpretation.

Sec.

402.4 Tolls.

402.5 Security for payment.

402.6 Description and weight of cargo.

402.7 Schedule of tolls.

AUTHORITY: 68 Stat. 92-96, 33 U.S.C. 981-990.

§ 402.1 Purpose.

This regulation prescribes the charges to be assessed for the full or partial transit of the St. Lawrence Seaway between Montreal, Quebec, Canada and Lake Erie.

§ 402.2 Title.

This tariff may be cited as the St. Lawrence Seaway Tariff of Tolls.

§ 402.3 Interpretation.

In this tariff.

(a) "Authority" means the St. Lawrence Seaway Authority;

(b) "Bulk cargo" means such goods as are loose or in mass and generally must be shovelled, pumped, blown, scooped or forked in the handling and, without limiting the generality of the term or otherwise affecting its meaning, shall be deemed to include:

(1) Cement, loose or in sacks;

(2) Coke and petroleum coke, loose or in sacks;

(3) Domestic package freight;

(4) Liquids carried in ships' tanks;

(5) Ores and minerals (crude, screened, sized or concentrated, but not otherwise processed) loose or in sacks, including alumina, bauxite, coal, gravel, phosphate rock, sand, stone, and sulphur;

(6) Pig iron, scrap metals;

(7) Pulpwood, poles and logs, loose or bundled;

(8) Raw sugar, flour, loose or in sacks;

(9) Woodpulp, loose or in bales.

(c) "Cargo" means all goods aboard a vessel whether carried as revenue or non-revenue freight, or carried for the vessel owner, *except*: Empty containers and the tare weight of loaded containers, all such containers having a cubic capacity of 640 feet or more; ships' fuel, ballast or stores, or crew and passengers' personal effects, and intransit cargo that is carried both upbound and downbound in the course of the same voyage which shall be reported in the Seaway Transit Declaration Form but is deemed to be ballast and not subject to toll assessment;

(d) "Containerized cargo" means any general cargo shipped in an enclosed, permanent, reusable, nondisposable, weathertight, shipping conveyance having a cubic capacity of 640 feet or more and fitted with a minimum of one hinged door;

(e) "Corporation" means the Saint Lawrence Seaway Development Corporation;

(f) "Domestic package freight" means cargo, the shipment of which originates at one Canadian point and

terminates at another Canadian point, or which originates at one United States point and terminates at another United States point, but shall not include any import or export cargo designated at the point of origin for transshipment by water at a point in Canada or in the United States;

(g) "Feed grains" means barley, corn, oats, flaxseed, rapeseed, soybeans and other oilseeds, grain screenings, and mill feed containing not more than 35 percent of ingredients other than grain or grain products;

(h) "Food grains" means buckwheat, dried beans, dried peas, rye, and wheat;

(i) "General cargo" means all goods not included in the definitions under paragraphs (b), (g), (h) and (j) of this section;

(j) "Government aid cargo" means processed food products which have been donated by or the purchase of which has been financed on concessional terms by the Federal Government of either the United States or Canada for the purposes of nutrition, economic development, emergency, or disaster relief programs;

(k) "Passenger" means any person being transported through the Seaway who has paid a fare for passage;

(l) "Pleasure craft" means a vessel, however propelled, that is used exclusively for pleasure and does not carry passengers;

(m) "St. Lawrence Seaway" includes all facilities and services authorized under the St. Lawrence Seaway Authority Act, Chapter 242, Revised Statutes of Canada, 1952, as amended and under Pub. L. 358, 83d Congress, May 13, 1954, enacted by the Congress of the United States, as amended and including the Welland Canal, which facilities and services are under the control and administration or immediate financial responsibility of either the Authority or the Corporation;

(n) "Seaway" means the St. Lawrence Seaway;

(o) "Tolls" means the total assessment levied against a vessel, its cargo and passengers for complete or partial transit of the Seaway covering a single trip in one direction.

(p) "Tons" means, unless otherwise stated, a metric unit of weight of 1,000 kilograms (2,204.62 pounds);

(q) "Vessel" means every type of craft used as a means of transportation on water, except a vessel of or employed by the Authority or the Corporation.

§ 402.4 Tolls.

(a) The tolls shall be as set forth in the Schedule hereto, and the toll level

reached in 1980 shall remain in effect thereafter until modified.

(b) The tolls under this tariff are due from the representative of each vessel as soon as they are incurred and upon demand of either the Authority or the Corporation payment shall be made within 14 days of the date of such demand.

(c) The tolls for the section between Montreal and Lake Ontario shall be paid 71 percent in Canadian dollars and 29 percent in U.S. dollars. Payments for transit through locks in Canada only shall be paid in Canadian dollars, and payments for transit through locks in the United States only shall be paid in U.S. dollars.

(d) The tolls for transit of the Welland Canal shall be paid in Canadian dollars and shall accrue to the Authority.

§ 402.5 Security for payment.

A representative of each vessel shall provide the Authority or the Corporation with security, satisfactory to the

§ 402.7 Schedule of tolls.

	Tolls					
	Montreal to or from Lake Ontario			Lake Ontario to or from Lake Erie (Welland Canal)		
(a) For transit of the Seaway, a composite toll, comprising: (1) A charge in dollars per gross registered ton, according to national registry of the vessel, applicable whether the vessel is wholly or partially laden or is in ballast. (All vessels shall have an option to calculate gross registered tonnage according to prescribed rules for measurement in either Canada or the United States.).....	\$0.07			\$0.07		
(2) A charge in dollars per metric ton of cargo as certified on ships' manifest or other document, as follows:	1978	1979	1980	1978	1979	1980
Bulk cargo.....	0.50	0.62	0.68	0.20	0.24	0.31
General cargo.....	1.27	1.49	1.65	.28	.39	.50
Containerized cargo.....	.68	.68	.68	.31	.31	.31
Government aid cargo.....	.41	.41	.41	.20	.24	.31
Food grains.....	.41	.41	.41	.20	.24	.31
Feed grains.....	.41	.41	.41	.20	.24	.31
(3) A charge in dollars per passenger	5.25			6.00		
(b) For partial transit of the Seaway:						
(1) Between Montreal and Lake Ontario, in either direction, 15 pct per lock of the applicable toll.						
(2) Between Lake Ontario and Lake Erie, in either direction, (Welland Canal), 13 pct per lock of the applicable toll.						
(c) Minimum charge in dollars per vessel per lock transited for full or partial transit of the Seaway:						
Pleasure craft	\$4.00			\$4.00		
Other.....	8.00			8.00		

Issued in Washington, D.C., on March 13, 1978.

D. W. OBERLIN,
Administrator.

[FR Doc. 78-7124 Filed 3-17-78; 8:45 am]

MONDAY, MARCH 20, 1978
PART IV



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

Office of Education



**DESEGREGATION OF
PUBLIC EDUCATION**

**Awards Regulations
and Assistance Applications
Closing Date**

Registered
Order

[4110-02]

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

Office of Education

[45 CFR part 180]

**DESEGREGATION OF PUBLIC
EDUCATION**

Proposed Rule

AGENCY: Office of Education, HEW

ACTION: Proposed rule.

SUMMARY: In the light of a recent study and other factors described below, the Commissioner of Education proposes to amend regulations governing awards under title IV of the Civil Rights Act of 1964 to read as set forth below. The purpose of the proposed regulation is to ensure that these awards more effectively facilitate the desegregation of public elementary and secondary schools.

DATES: Comments must be received on or before April 19, 1978.

Public meetings will be held in five cities at the addresses listed below. The date and time for each meeting follow:

April 3, 1978—Portland, Ore., 2:30 to 4:30 p.m.

April 5, 1978—Albuquerque, N. Mex., 9:30 to 11:30 a.m.

April 6, 1978—Milwaukee, Wis., 2 to 4 p.m.

April 7, 1978—Miami, Fla., 2 to 4 p.m.

April 10, 1978—Washington, D.C., 9:30 to 11:30 a.m.

ADDRESSES: Comments should be addressed to Mr. Elton W. Ridge, Room 2001, FOB-6, 400 Maryland Avenue SW., Washington, D.C. 20202.

The public meetings will be held at the following locations:

Portland, Ore., Studio Suite, The Portland Hilton Hotel, 921 Southwest Sixth Avenue, 97204.

Albuquerque, N. Mex., Matador Room, Rodeway Inn—Old Town, 1015 Rio Grande NW., 87110.

Milwaukee, Wis., Director's Room No. 1, Red Carpet Hotel, 4747 South Howell Avenue, 53207.

Miami, Fla., Brockway Lecture Hall, Breezeway of Library, University of Miami at Coral Gables, 33124.

Washington, D.C., Room 3000, Education Division Conference Center, FOB-6, 400 Maryland Avenue SW., 20202.

**FOR FURTHER INFORMATION
CONTACT:**

Mr. Elton W. Ridge, 202-245-8484.

AUTHORITY: Pursuant to the authority contained in title IV of the Civil Rights Act of 1964, as amended ("title IV"; 42 U.S.C. 2000c et seq.), the Commissioner proposes to amend the regulations in 45 CFR part 180.

SUPPLEMENTARY INFORMATION: The proposed amendments are based

in part on findings of a study of race desegregation assistance under title IV conducted by the Rand Corp., "Title IV of the Civil Rights Act of 1964: A Review of Program Operation" (August 1976). The Rand study made several recommendations to improve the title IV programs by focusing assistance on needs directly related to desegregation. While the Commissioner of Education has not adopted all of the specific recommendations in the study, the thrust of the amended regulations set out below is consistent with the thrust of those recommendations. In developing the amended regulations, the Commissioner of Education has also taken into account three other studies ("Title IV of the Civil Rights Act of 1964: Expansion of Program Responsibilities" (Rand Corp., 1977), "Title IV and School Desegregation, A Study of a Neglected Federal Program" (U.S. Commission on Civil Rights, 1973), and "The State Role in Desegregation" (Stanford Research Institute, 1977)), as well as the experience of the agency in administering title IV programs in the past.

Some of the more significant changes in this document are proposed to:

(1) Provide for separate activities, funding criteria, and awards for race and sex desegregation assistance offered by State educational agencies and general assistance centers (which are redesignated race, sex, and national origin desegregation assistance centers);

(2) Require State educational agencies providing race and national origin desegregation assistance to give priority to assisting school districts in the first year of implementing desegregation plans;

(3) Require race and national origin desegregation assistance centers to give priority to helping school districts develop desegregation plans and to assisting districts which are in the first year of implementing these plans;

(4) Permit race desegregation training institutes to provide training only to school districts which are required to adopt desegregation plans and have not yet done so, and to districts which are in the first year of implementing desegregation plans;

(5) Create a new category of grant awards to school boards, for which applications could be submitted at any time, to provide assistance in achieving compliance with legal requirements pertaining to race and national origin desegregation; and

(6) Adopt a cut-off score of 60 out of a possible 100 points on funding criteria for awards to State educational agencies, to training institutes, and to school boards applying for sex desegregation assistance grants.

A description of these and other significant changes in the regulations follows.

**SUBPART B—STATE EDUCATIONAL
AGENCIES**

Under the proposed regulations, separate awards would be made to State educational agencies to provide race, sex, and national origin desegregation assistance. Agencies could apply for awards to provide one or more types of assistance, but applications for each type would be evaluated separately. A cut-off score of 60 points out of a possible 100 points would be adopted to ensure that only those agencies which were specially equipped to provide a particular type of assistance received awards. The types of assistance which an agency could provide would be limited to areas listed in the regulations unless the Commissioner approved other types of assistance in advance.

On the basis of a finding of the Rand study that only those agencies which were committed to race desegregation were effective in providing desegregation assistance, the proposed regulations include funding criteria that give substantial weight to evidence of an agency's demonstrated commitment to, and leadership in, facilitating race desegregation in its State. Other provisions of the proposed regulations are designed to ensure that limited funds are used to provide assistance directly related to race desegregation. Only school districts remedying illegal segregation could receive assistance. Assistance could be provided only to school personnel (and, in some circumstances, others) directly affected by the desegregation plan. Agencies providing this assistance would be required to give priority to districts which are in the first year of implementing desegregation plans. Agencies would be prohibited from providing assistance in connection with compensatory education, basic skills development, and the general improvement of a school's instructional program.

With respect to sex desegregation assistance, the regulations would authorize assistance principally in meeting the requirements of title IX of the Education Amendments of 1972, and in making the curricular and attitudinal changes necessary to eliminate sex bias and sex role stereotypes.

In the area of national origin desegregation, the regulations would require agencies to give priority to districts which are in the first year of implementing national origin desegregation plans adopted pursuant to findings of discrimination on the basis of national origin. The Commissioner of Education believes that title IV assistance should be directed to districts which are in the early stages of undertaking national origin desegregation because their need for immediate attention is the most severe.

SUBPART C—RACE, SEX, AND NATIONAL ORIGIN DESEGREGATION ASSISTANCE CENTERS

General assistance centers have been renamed race, sex, and national origin desegregation assistance centers, respectively, to reflect the nature of their work. As in the case of State educational agencies, the proposed regulations would provide for separate funding criteria and awards for race, sex, and national origin desegregation assistance, and an agency would be eligible to provide more than one type of assistance. The present regulations set forth the geographical service areas for which proposals may be submitted. The proposed regulations would not. Instead, the Commissioner of Education would designate service areas in the notice of closing date published in the *FEDERAL REGISTER*. The Commissioner of Education anticipates that separate service areas would be designated for race and sex desegregation assistance on the basis of the anticipated need for each type of assistance. Service areas for race desegregation assistance would be drawn on the basis of anticipated desegregation needs, especially needs rising from new desegregation. A sex desegregation assistance center would be located in each of the 10 HEW regions, and the level of funding in each center would be based primarily on the student population of the region it served.

Under the proposed regulations, race desegregation assistance centers, like the State educational agencies, could assist only persons directly affected by the remedy to illegal segregation. As a further means of ensuring the use of limited funds for desegregation-related activities, they would be required to give first priority to districts which requested assistance in preparing desegregation plans. After assisting these districts, centers would provide assistance to districts which were in the first year of implementing desegregation plans. The regulations would set the same priorities for national origin desegregation assistance centers.

Under the present regulations, proposals for centers must include a list of the school districts which would be assisted under the contract. The proposed regulations would eliminate the requirement that requests be obtained before the award of funds. (The statutory requirement that assistance be provided only upon request would, of course, be retained.) Applications would be judged on the basis of the applicant's demonstrated capacity to provide services as needs for assistance arise, rather than on its ability to meet the predetermined needs of identified districts.

In order to enable the recipient of a contract to develop long-range plans for providing assistance in a geographical service area, the proposed

regulations would permit the continuation of an initial 1-year contract for up to 2 additional years if the recipient carried out the contract in a satisfactory manner. However, there would be no continuations of present contracts in FY 1978. The Commissioner of Education would set the amount of a contract for a race, sex, or national origin desegregation assistance center on the basis of anticipated needs in the center's geographical service area. For race and national origin desegregation assistance centers, the Commissioner of Education would give the greatest weight to anticipated needs of the districts to which priority must be given; namely, districts in need of assistance in developing race and national origin desegregation plans, and districts in the first year of implementing these plans.

SUBPART D—RACE AND SEX DESEGREGATION TRAINING INSTITUTES

Under the proposed regulations, an institution of higher education could apply for a grant to operate a race or sex desegregation training institute or both. The Commissioner of Education would continue to evaluate applications for training institutes for race and sex desegregation separately. The proposed regulations would delete the distinction between "short-term" and "regular session" training institutes; applicants could apply for grants to operate training institutes of any duration up to 1 year.

The proposed regulations would limit eligible trainees to public school personnel. Further, race desegregation training institutes could serve only personnel from districts which had not yet adopted a desegregation plan pursuant to a finding of illegal segregation, or were in the first year of implementing such a plan.

The proposed regulations would establish a cut-off score of 60 points out of a possible 100 points on the basis of stated criteria.

Finally, the regulations would simplify provisions for the payment of stipends and travel allowances to trainees, and make that payment permissive rather than mandatory.

SUBPARTS E AND F—GRANTS TO SCHOOL BOARDS

Under the present regulations, a school board may apply for a grant to pay the cost of employing an advisory specialist and of providing inservice training to school personnel in dealing with educational problems occasioned by desegregation. Applications are submitted in response to an annual notice of closing date and are all evaluated at one time. Under subpart E of the proposed regulations, this procedure would be retained for school boards applying for sex desegregation assistance.

Subpart F of the proposed regulations would establish a special category of grants to school boards for race and national origin desegregation assistance. The purpose of these grants would be to provide timely assistance to applicants which are under legal obligations to carry out race or national origin desegregation plans and which either have not yet adopted or have not yet fully implemented these plans. A recipient of this assistance could use grant funds to employ one or more specialists to advise in the preparation, adoption, or implementation of a race or national origin desegregation plan, and to provide inservice training to public school personnel relating to the implementation of such a plan. The Commissioner of Education believes that this new category of assistance would be more responsive to the needs of school boards for desegregation assistance at the time these needs arise. The Commissioner would accept applications for this assistance at any time, and would make awards throughout the year on the basis of stated criteria for assistance.

NOTE.—The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order No. 11821 and OMB Circular A-107.

Accordingly, 45 CFR part 180 is proposed to be amended as set forth below:

(Catalog of Federal Domestic Assistance Number 13.405, Civil Rights Technical Assistance and Training Program.)

Dated: January 24, 1978.

ERNEST L. BOYER,
U.S. Commissioner of Education.

Approved: January 27, 1978.

MARY F. BERRY,
Assistant Secretary
for Education.

Approved: March 13, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health,
Education, and Welfare.

PART 180—DESEGREGATION OF PUBLIC EDUCATION

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Subpart A—General Provisions

§ 180.01 Scope and purpose.

(a) *Scope.* The regulations in this part govern awards under sections 403, 404, and 405 of Title IV of the Civil Rights Act of 1964, as amended.

(b) *Purpose.* The purpose of awards under this part is to help solve problems related to the race, sex, and national origin desegregation of public elementary and secondary schools.

(42 U.S.C. 2000c-2000c-5.)

§ 180.02 Other applicable regulations.

Awards under this part are subject to the General Provisions for Office of

Education Programs (Subchapter A of this chapter) except the provisions of § 100a.26(b) of that subchapter.

(42 U.S.C. 2000c-2000c-5.)

§ 180.03 Definitions.

The following definitions apply to the terms used in this part:

"Institution of higher education" means an educational institution in any State which is legally authorized to provide, and does provide, education above the secondary school level in that State.

(42 U.S.C. 2000c-3.)

"National origin desegregation" means the assignment of students to public schools and within those schools without regard to their national origin. This term includes providing whatever special services are necessary to ensure that a student's participation in educational programs is not limited by English language deficiencies or cultural attributes which are a result of his or her national origin.

(42 U.S.C. 2000c(b); *Lau v. Nichols*, 414 U.S. 563 (1974).)

"Office for Civil Rights" means the Office for Civil Rights of the Department of Health, Education, and Welfare.

(42 U.S.C. 2000c-2000c-5.)

"Public school" means any elementary or secondary educational institution which is operated by a State, subdivision of a State, or governmental agency within a State, or operated wholly or predominantly from or through the use of governmental funds or property, or funds or property derived from a governmental source.

(42 U.S.C. 2000c(c).)

"Public school personnel" means persons employed by a responsible governmental agency, as defined in this section. This term includes school board members, superintendents, principals, teachers, and counselors.

(42 U.S.C. 2000c(c); 2000c-2-2000c-4.)

"Race desegregation" means the assignment of students to public schools and within those schools without regard to their race. "Race desegregation" does not mean the assignment of students to public schools to correct conditions of racial separation which are not the result of State or local law or official action.

(42 U.S.C. 2000c(b); *United States v. Jefferson County Board of Education*, 372 F. 2d 836, 878-880 (5th Cir. 1966), cert. den. 389 U.S. 840 (1967).)

"Responsible governmental agency" means any school board, State, municipality, school district, or other governmental unit legally responsible for operating a public school or schools.

(42 U.S.C. 2000c-2.)

"School board" means any agency or agencies which administer a system of one or more public schools and any other agency which is responsible for the assignment of students to or within that system.

(42 U.S.C. 2000c-2000c(d).)

"Sex bias" means an attitude that supports structuring the development of boys and girls differently on any basis other than physiological differences.

(42 U.S.C. 2000c-2000c-5.)

"Sex desegregation" means the assignment of students to public schools and within those schools without regard to their sex. This term includes providing students with a full opportunity for participation in all educational programs regardless of their sex.

(42 U.S.C. 2000c(b).)

"Sex role stereotype" means an assumption that females or males, because they share a common gender, also share common abilities, interests, or values or roles.

(42 U.S.C. 2000c-2000c-5.)

"State educational agency" means the State board of education or any other agency which is primarily responsible for the State supervision of public schools.

(42 U.S.C. 2000c-2000c-5.)

"Title VI" means Title VI of the Civil Rights Act of 1964, as amended.

(42 U.S.C. 2000d et seq.)

"Title IX" means Title IX of the Education Amendments of 1972, as amended.

(20 U.S.C. 1681-1683, 1685, 1686.)

§§ 180.04-180.10 [Reserved]

Subpart B—State Educational Agencies

§ 180.11 Eligible applicants.

Any State educational agency is eligible under this subpart to provide technical assistance (including training) in its State in the preparation, adoption, and implementation of plans for race, sex, and/or national origin desegregation, including assistance in coping with educational problems occasioned by that desegregation.

(42 U.S.C. 2000c-2.)

§ 180.12 General requirements.

(a) A recipient of a contract under this subpart may use funds under the contract to provide assistance only upon the request of a responsible governmental agency in its State.

(b) The recipient may provide assistance under the contract only to the following persons:

(1) Public school personnel designated by the responsible governmental agency requesting assistance; and

(2) Students enrolled in the schools of the responsible governmental agency requesting assistance, parents of those students, and other members of the community in which those schools are located. However, the recipient may assist these persons only if this assistance is necessary to the success of assistance provided to public school personnel, and if the recipient assists them in conjunction with those personnel.

(c) Upon the award of a contract, the recipient shall notify all responsible governmental agencies in its State of the availability of assistance authorized under the contract and the means by which that assistance may be requested.

(d) If funds available under a contract are insufficient to provide assistance to a responsible governmental agency requesting authorized assistance, the recipient shall refer that agency to a race, sex, or national origin desegregation assistance center funded under Subpart C of this part.

(42 U.S.C. 2000c-2.)

§ 180.13 Authorized assistance—race desegregation.

(a) A recipient of a contract under this subpart for race desegregation assistance may assist only a responsible governmental agency which has desegregated, is desegregating, or is required to desegregate its schools pursuant to a finding by a court, agency, or official, with jurisdiction to make such a finding, of conditions of racial separation which are the result of State or local law or official action.

(42 U.S.C. 2000c(b); 2000c-2; *United States v. Jefferson County Board of Education*, 372 F.2d 836, 878-880 (5th Cir. 1966), cert. den. 389 U.S. 840 (1967).)

(b) The recipient may provide assistance under the contract only to persons described in § 180.12(b) who are, or are reasonably likely to be, directly affected by the preparation, adoption, or implementation of a race desegregation plan.

(c) If funds available under a contract are insufficient to provide assistance to all responsible governmental agencies which have requested authorized assistance, the recipient shall first assist agencies which are in the first year of implementing race desegregation plans adopted pursuant to findings described in paragraph (a) of this section.

(d) The recipient may provide technical assistance (including training) under the contract only in the areas listed in this paragraph and in other areas which the Commissioner determines in advance will aid in the preparation, adoption, and implementation

of race desegregation plans and in coping with educational problems occasioned by race desegregation. The recipient may not provide assistance in connection with the provision of compensatory education, the development of basic skills, or the general improvement of the instructional program in any school. The recipient may provide assistance in the following areas:

(1) The preparation and adoption of race desegregation plans;

(2) The recruitment of members of racial minority groups for employment in public schools;

(3) The identification of educational problems which have arisen, or may arise, from the implementation of a race desegregation plan;

(4) The development of methods of encouraging student, parent, and community support for, and involvement in, the race desegregation process;

(5) The development of procedures to ensure that property and services are not transferred to a nonpublic school which operates on a racially segregated basis;

(6) The development of procedures to ensure that public school personnel who are members of racial minority groups are not disproportionately demoted or dismissed as a result of the implementation of a race desegregation plan;

(7) The development of procedures to prevent student assignments within public schools (including assignments to ability groups) which discriminate on the basis of race;

(8) The development of disciplinary procedures which do not discriminate on the basis of race;

(9) The development of methods of encouraging the participation of students of all races in school activities; and

(10) The identification of Federal, State, and other resources which would assist in coping with educational problems occasioned by race desegregation (except that the recipient may assist in the preparation of applications for financial assistance only in the case of assistance under subpart F of this part).

(42 U.S.C. 2000c-2.)

§ 180.14 Authorized assistance—sex desegregation.

The recipient of a contract under this subpart for sex desegregation assistance may provide technical assistance (including training) under the contract only in the areas listed in this section and in other areas which the Commissioner determines in advance will aid in the preparation, adoption, and implementation of sex desegregation plans and in coping with educational problems occasioned by sex desegregation. The recipient may provide assistance in the following areas:

(a) The development of programs to increase the understanding of public

school personnel concerning the problems of sex bias in education and to develop methods of avoiding this bias in their work;

(b) The identification of sex bias and sex role stereotypes in textbooks and other curricular materials and the development of methods of countering their effects on students;

(c) The identification and resolution of educational problems which have arisen, or may arise, in meeting the requirements of Title IX and of State laws prohibiting sex discrimination;

(d) The preparation and dissemination of materials explaining the requirements of title IX to parents and students;

(e) The development of methods of encouraging student, parent, and community support for, and involvement in, the sex desegregation process;

(f) The recruitment of women and men for employment by public schools in positions in which they are underrepresented;

(g) The use of counseling materials and techniques which do not discriminate on the basis of sex; and

(h) The identification of Federal, State, and other resources which would assist in sex desegregation (except that the recipient may assist in the preparation of applications for financial assistance only in the case of assistance under subpart E of this part).

(42 U.S.C. 2000c-2.)

§ 180.15 Authorized assistance—national origin desegregation.

(a) The recipient of a contract under this subpart for national origin desegregation assistance may provide technical assistance (including training) under the contract only in the areas listed in paragraph (c) of this section and in other areas which the Commissioner determines in advance will aid in the preparation, adoption, and implementation of national origin desegregation plans and in coping with educational problems occasioned by national origin desegregation.

(b) If funds available under a contract are insufficient to provide assistance to all responsible governmental agencies which have requested authorized assistance, the recipient shall first assist agencies which are in the first year of implementing national origin desegregation plans adopted pursuant to a finding by a court, agency, or official with jurisdiction to make such a finding of discrimination on the basis of national origin.

(c) The recipient may provide assistance in the following areas:

(1) The development of procedures to identify and assess English language deficiencies of public school students which are a result of their national origin;

(2) The development of instructional programs for these students;

(3) The development of methods of encouraging student, parent, and community support for, and involvement in, the national origin desegregation process;

(4) The recruitment of members of national origin minority groups for employment in public schools; and

(5) The identification of Federal, State and other resources which would assist in national origin desegregation (except that the recipient may assist in the preparation of applications for financial assistance only in the case of assistance under subpart F of this part).

(42 U.S.C. 2000c-2.)

§ 180.16 Applications.

A State educational agency may submit an application for a contract under this subpart in response to a notice of closing date published in the FEDERAL REGISTER. The agency shall include in its application the following information:

(a) A description of the expected needs for race, sex, or national origin desegregation assistance (as applicable) on the part of responsible governmental agencies in its State, and a statement of the basis for its identification of those needs;

(b) A description of the assistance which it would provide in response to requests from responsible governmental agencies expected to need assistance;

(c) A description of activities it has undertaken which demonstrate its commitment to the race, sex, or national origin desegregation (as applicable) of public schools in its State;

(d) A statement of the qualifications of the project director and professional staff who would be employed under the contract, and a description of their responsibilities;

(e) a description of existing materials which it would use in providing assistance;

(f) Its plan for coordinating its assistance with related activities, including assistance provided by the race, sex, or national origin desegregation assistance center (as applicable) funded under subpart C of this part to serve its State; and

(g) A detailed budget which shows the cost of providing assistance in the most economical way in response to requests from responsible governmental agencies expected to need assistance.

(42 U.S.C. 2000c-2.)

§ 180.17 Criteria for awards—race desegregation.

In assessing the merits of an application submitted under this subpart to provide race desegregation assistance, the Commissioner will apply the criteria in this section.

(a) *Commitment to race desegregation* (45 points). The extent to which (1) the State educational agency demonstrates its leadership in facilitating race desegregation in its State as indicated by policies, and procedures for their implementation, adopted by the agency to assist in the race desegregation process (15 points); (2) the agency demonstrates that its assistance in the race desegregation process in its State has been effective (20 points); and (3) the project director would have access to the Chief State School Officer (10 points).

(b) *Proposed assistance* (35 points). The extent to which (1) the agency demonstrates its familiarity with the nature and magnitude of the needs for race desegregation assistance in its State (9 points); (2) the assistance which the agency would provide to meet the expected needs is likely to be successful (15 points); (3) the agency plans to use existing materials which are designed to meet these needs, and to share materials with the race desegregation assistance center serving its State (3 points); (4) the agency demonstrates its ability to respond to requests for assistance to meet needs which may arise after the award of a contract (4 points); and (5) the agency provides for effective coordination of its assistance with related activities, including those of the race desegregation assistance center serving its State (4 points).

(c) *Staffing* (10 points). (1) The extent to which the project director and professional staff who would be employed under the contract are capable of providing assistance to meet the needs identified in the application (7 points); and (2) whether these persons include members of racial minority groups (3 points).

(d) *Resource management* (10 points). The extent to which costs are reasonable in relation to expected benefits.

(42 U.S.C. 2000c-2.)

§ 180.18 Criteria for awards—sex desegregation.

In assessing the merits of an application submitted under this subpart to provide sex desegregation assistance, the Commissioner will apply the criteria in this section.

(a) *Commitment to sex desegregation* (25 points). The extent to which (1) the State educational agency demonstrates its leadership in facilitating sex desegregation in its State as indicated by policies, and procedures for their implementation, adopted by the agency to assist in the sex desegregation process (5 points); (2) the agency demonstrates that its assistance in the sex desegregation process in its State has been effective (10 points); (3) the agency has taken steps to eliminate sex bias and sex role stereotypes from

textbooks and other curricular materials used by public schools in its State (5 points); (4) the agency has taken steps to inform students and parents of the requirements of title IX (2 points); and (5) the project director would have access to the Chief State School Officer (3 points).

(b) *Proposed assistance* (45 points). The extent to which (1) the agency demonstrates its familiarity with the nature and magnitude of the needs for sex desegregation assistance in its State (10 points); (2) the assistance which the agency would provide to meet the expected needs is likely to be successful (15 points); (3) the agency plans to use existing materials which are designed to meet these needs, and to share materials with the sex desegregation assistance center serving its State (5 points); (4) the agency demonstrates its ability to respond to requests for assistance to meet needs which may arise after the award of a contract (5 points); and (5) the agency provides for effective coordination of its assistance with related activities, including those of the sex desegregation assistance center serving its State (10 points).

(c) *Staffing* (20 points). (1) The extent to which the project director and professional staff who would be employed under the contract are capable of providing assistance to meet the needs identified in the application (15 points); and (2) whether these persons include both women and men (5 points).

(d) *Resource management* (10 points). The extent to which costs are reasonable in relation to expected benefits.

(42 U.S.C. 2000c-2.)

§ 180.19 Criteria for awards—national origin desegregation.

In assessing the merits of an application submitted under this subpart to provide national origin desegregation assistance, the Commissioner will apply the criteria in this section.

(a) *Commitment to national origin desegregation* (25 points). The extent to which (1) the State educational agency demonstrates its leadership in facilitating national origin desegregation in its State as indicated by policies, and procedures for their implementation, adopted by the agency to assist in the national origin desegregation process, including those adopted to identify and remedy English language deficiencies of students in its State which are a result of their national origin (15 points); (2) the agency demonstrates that its assistance in the national origin desegregation process in its State has been effective (5 points); and (3) the project director will have access to the Chief State School Officer (5 points).

(b) *Proposed assistance* (50 points). The extent to which (1) the agency

demonstrates its familiarity with the nature and magnitude of the needs for national origin desegregation assistance in its State (10 points); (2) the assistance which the agency would provide to meet the expected needs is likely to be successful (25 points); (3) the agency plans to use existing materials which are designed to meet these needs, and to share materials with the national origin desegregation assistance center serving its State (5 points); (4) the agency demonstrates its ability to respond to requests for assistance to meet needs which may arise after the award of a contract (5 points); and (5) the agency provides for effective coordination of its assistance with related activities, including those of the national origin desegregation assistance center serving its State (5 points).

(c) *Staffing* (15 points). (1) The extent to which the project director and professional staff who would be employed under the contract are capable of providing assistance to meet the needs identified in the application (10 points); and (2) whether these persons include members of national origin minority groups (5 points).

(d) *Resource management* (10 points). The extent to which costs are reasonable in relation to expected benefits.

(42 U.S.C. 2000c-2.)

§ 180.20 Funding procedures.

(a) *Approval of applications*. The Commissioner will assess the merits of applications for race, sex, and national origin desegregation assistance on the basis of the criteria in § 180.17, and § 180.18, and § 180.19, respectively. On the basis of these assessments the Commissioner will make separate awards for race, sex and national origin desegregation assistance. The Commissioner will approve only those applications which receive a score of at least 60 points on the basis of the criteria in § 180.17, § 180.18, or § 180.19 (as applicable).

(b) *Amount of award*. (1) The Commissioner will set the amount of an award on the basis of the magnitude of the expected needs for race, sex, or national origin desegregation assistance (as applicable) in the State for which an approvable application was submitted, compared with the magnitude of the expected needs for that assistance in all States for which approvable applications were submitted. In assessing the magnitude of expected needs, the Commissioner will consider the needs described in the application and such other information as may be relevant.

(2) In setting the amount of an award for race desegregation assistance, the Commissioner will give the greatest weight to the expected needs of responsible governmental agencies

which will be, or are likely to be, in the first year of implementing race desegregation plans during the period of the contract.

(3) In setting the amount of an award for national origin desegregation assistance, the Commissioner will give the greatest weight to the expected needs of responsible governmental agencies which will be, or are likely to be, in the first year of implementing national origin desegregation plans adopted pursuant to findings by courts, agencies, or officials, with jurisdiction to make such findings, of discrimination on the basis of national origin.

(c) *Period of contracts*. The Commissioner will award a contract under this subpart for a period of not more than one year.

(42 U.S.C. 2000c-2.)

§ 180.21 Records.

(a) A recipient of a contract under this subpart shall maintain a record of all requests for assistance from responsible governmental agencies in its State.

(b) A recipient of a contract for race desegregation assistance shall maintain a record of the basis for its determination that each responsible governmental agency to which it provides assistance meets the requirements of § 180.13(a).

(42 U.S.C. 2000c-2.)

§ 180.22 Stipends and travel allowances.

The Commissioner will not consider the cost of stipends or travel allowances for participants in any technical assistance activity (including training) under contract awarded pursuant to this subpart to be an allowable cost.

(42 U.S.C. 2000c-2.)

§§ 180.23-180.30 [Reserved]

Subpart C—Race, Sex, and National Origin Desegregation Assistance Centers

§ 180.31 Eligible applicants.

Any public agency (other than a State educational agency or a school board) or private, nonprofit organization is eligible under this subpart to provide technical assistance (including training) in the preparation, adoption, and implementation of plans for race, sex, and/or national origin desegregation, including assistance in coping with educational problems occasioned by that desegregation.

(42 U.S.C. 2000c-2.)

§ 180.32 General requirements.

(a) A recipient of a contract under this subpart may use funds under the

contract to provide assistance only upon the request of a responsible governmental agency.

(b) The recipient may provide assistance under the contract only to the following persons:

(1) Public school personnel designated by the responsible governmental agency requesting assistance; and

(2) Students enrolled in the schools of the responsible governmental agency requesting assistance, parents of those students, and other members of the community in which those schools are located. However, the recipient may assist these persons only if this assistance is necessary to the success of assistance provided to public school personnel, and if the recipient assists them in conjunction with the public school personnel.

(42 U.S.C. 2000c-2.)

§ 180.33 Authorized assistance.

(a) *Race desegregation*. (1) A recipient of a contract under this subpart for race desegregation assistance may assist only a responsible governmental agency which has desegregated is desegregating, or is required to desegregate its schools pursuant to a finding by a court, agency, or official, with jurisdiction to make such a finding, of conditions of racial separation which are the result of State or local law or official action.

(42 U.S.C. 2000c(b), 2000c-2; *United States v. Jefferson County board of Education*, 372 F. 2d 836, 878-880 (5th Cir. 1966), cert. denied 389 U.S. 840 (1967).)

(2) The recipient may provide assistance under the contract only to persons described in § 180.32(b) who are, or are reasonably likely to be, directly affected by the preparation, adoption, or implementation of a race desegregation plan.

(3) If funds available under a contract are insufficient to provide assistance to all responsible governmental agencies which have requested authorized assistance, the recipient shall—

(i) First provide assistance in the preparation and adoption of race desegregation plans to agencies which are required to adopt these plans and have not yet done so; and

(ii) Then assist agencies which are in the first year of implementing race desegregation plans adopted pursuant to findings described in subparagraph (1) of this paragraph.

(4) The recipient may provide technical assistance (including training) under the contract only in the areas listed in § 180.13(d)(1) through (10) and in other areas which the Commissioner determines in advance will aid in the preparation, adoption, and implementation of race desegregation plans and in coping with educational problems occasioned by race desegregation. The recipient may not provide

assistance in connection with the provision of compensatory education, the development of basic skills, or the general improvement of the instructional program in any school.

(b) *Sex desegregation.* The recipient of a contract under this subpart for sex desegregation assistance may provide technical assistance (including training) under the contract only in the areas listed in § 180.14 (a) through (h) and in other areas which the Commissioner determines in advance will aid in the preparation, adoption, and implementation of sex desegregation plans and in coping with educational problems occasioned by sex desegregation.

(c) *National origin desegregation.* (1) The recipient of a contract under this subpart for national origin desegregation assistance may provide technical assistance (including training) under the contract only in the areas listed in § 180.15 (c) and in other areas which the Commissioner determines in advance will aid in the preparation, adoption, and implementation of national origin desegregation plans and in coping with educational problems occasioned by national origin desegregation.

(2) If funds available under a contract are insufficient to provide assistance to all responsible governmental agencies which have requested authorized assistance, the recipient shall—

(i) Provide assistance in the preparation and adoption of national origin desegregation plans to agencies which are required to adopt, and have not yet adopted, these plans pursuant to a finding by a court, agency, or official, with jurisdiction to make such a finding, of discrimination on the basis of national origin; and

(ii) Then assist agencies which are in the first year of implementing those required plans.

(42 U.S.C. 2000c-2.)

§ 180.34 Applications.

An agency or organization described in § 180.31 may submit an application for a contract to provide assistance under this subpart in a geographical service area in response to a notice of closing date published in the *FEDERAL REGISTER*. The Commissioner will include a description of the geographical service areas for which applications may be submitted in the notice of closing date. The applicant shall include in its application the following information:

(a) A description of its approach to providing the assistance described in § 180.13(d) (1) through (10) (for race desegregation), § 180.14 (a) through (h) (for sex desegregation), or § 180.15(c) (for national origin desegregation), as applicable;

(b) A description of its approach to providing assistance in coping with

other educational problems occasioned by race, sex, or national origin desegregation (as applicable) which have arisen or may arise in its service area;

(c) A statement of the qualifications of the project director, professional staff, and consultants who would be employed under the contract and a description of their responsibilities;

(d) A description of existing materials which it would use in providing assistance;

(e) Its management plan for providing assistance to public school personnel throughout its service area;

(f) Its plan for coordinating its assistance with related activities, including assistance provided by other race, sex, and national origin desegregation assistance centers funded under this subpart; and

(g) A detailed budget which shows the cost of providing assistance in the most economical way in response to requests from responsible governmental agencies.

(42 U.S.C. 2000c-2.)

§ 180.35 Criteria for awards—Race desegregation.

In assessing the merits of an application submitted under this subpart to provide race desegregation assistance, the Commissioner will apply the criteria in this section.

(a) *Proposed assistance* (35 points). The extent to which (1) the applicant's approach to providing assistance in each of the areas listed in the § 180.13(d) (1) through (10) shows promise of success (20 points); (2) the applicant's approach to providing assistance in coping with other educational problems occasioned by race desegregation shows promise of success (10 points); and (3) the applicant plans to use existing materials which are designed to address these problems (5 points).

(b) *Staffing* (15 points). (1) The extent to which the project director, professional staff, and consultants who would be employed under the contract are capable of providing assistance to public school personnel in the preparation and adoption of race desegregation plans and in coping with educational problems occasioned by race segregation (10 points); and (2) whether these persons include members of racial minority groups (5 points).

(c) *Management* (25 points). The extent to which (1) the applicant's management plan shows promise of effective provision of assistance to public school personnel throughout its service area (15 points); (2) the applicant clearly defines the responsibilities of its professional staff and consultants (5 points); and (3) the project director will exercise control over the provision of assistance (5 points).

(d) *Coordination* (15 points). The extent to which the applicant provides

for effective coordination of its assistance with that of (1) other race desegregation assistance centers funded under this subpart (5 points); (2) the sex and national origin desegregation assistance centers serving its service area (5 points); and (3) other related activities, including those provided by any State educational agency providing race desegregation assistance in its service area under this part, and any institute providing race desegregation training in its service area under this part (5 points).

(e) *Resource management* (10 points). The extent to which costs are reasonable in relation to expected benefits.

(42 U.S.C. 2000c-2.)

§ 180.36 Criteria for awards—sex desegregation.

In assessing the merits of an application submitted under this subpart to provide sex desegregation assistance, the Commissioner will apply the criteria in this section.

(a) *Proposed assistance* (30 points). The extent to which (1) the applicant's approach to providing assistance in each of the areas listed in § 180.14 (a) through (h) shows promise of success (20 points); (2) the applicant's approach to providing assistance in coping with other educational problems occasioned by sex desegregation shows promise of success (5 points); and (3) the applicant plans to use existing materials which are designed to address these problems (5 points).

(b) *Staffing* (20 points). (1) The extent to which the project director, professional staff, and consultants who would be employed under the contract are capable of providing assistance to public school personnel in coping with educational problems occasioned by sex desegregation (15 points); and (2) whether these persons include both women and men (5 points).

(c) *Management* (25 points). The extent to which (1) the applicant's management plan shows promise of effective provision of assistance to public school personnel throughout its service area (15 points); (2) the applicant clearly defines the responsibilities of its professional staff and consultants (5 points); and (3) the project director will exercise control over the provision of assistance (5 points).

(d) *Coordination* (15 points). The extent to which the applicant provides for effective coordination of its assistance with that of (1) other sex desegregation assistance centers funded under this subpart (5 points); (2) the race and national origin desegregation assistance centers serving its service area (5 points); and (3) other related assistance, including that provided by any State educational agency provid-

ing sex desegregation assistance in its service area under this part and any institute providing sex desegregation training in its service area under this part (5 points).

(e) *Resource management* (10 points). The extent to which costs are reasonable in relation to expected benefits.

(42 U.S.C. 2000c-2.)

§ 180.37 Criteria for awards—national origin desegregation.

In assessing the merits of an application submitted under this subpart to provide national origin desegregation assistance, the Commissioner will apply the criteria in this section.

(a) *Proposed assistance* (30 points). The extent to which (1) the applicant's approach to providing assistance in each of the areas listed in § 180.15(c) shows promise of success (20 points); (2) the applicant's approach to providing assistance in coping with other educational problems occasioned by national origin desegregation shows promise of success (5 points); and (3) the applicant plans to use existing materials which are designed to address these problems (5 points).

(b) *Staffing* (20 points). (1) The extent to which the project director, professional staff, and consultants who would be employed under the contract are capable of providing assistance to public school personnel in the preparation and adoption of national origin desegregation plans and in coping with educational problems occasioned by national origin desegregation (15 points); and (2) whether these persons include members of national origin minority groups (5 points).

(c) *Management* (25 points). The extent to which (1) the applicant's management plan shows promise of effective provision of assistance to public school personnel throughout its service area (15 points); (2) the applicant clearly defines the responsibilities of its professional staff and consultants (5 points); and (3) the project director will exercise control over the provision of assistance (5 points).

(d) *Coordination* (15 points). The extent to which the applicant provides for effective coordination of its assistance with that of (1) other national origin desegregation assistance centers funded under this subpart (5 points); (2) the race and sex desegregation assistance centers serving its service area (5 points); and (3) other related activities, including those provided by any State educational agency providing national origin desegregation assistance in its service area under this part (5 points).

(e) *Resource management* (10 points). The extent to which costs are reasonable in relation to expected benefits.

(42 U.S.C. 2000c-2.)

§ 180.38 Funding procedures.

(a) *New awards*. The Commissioner will assess the merits of applications for race, sex, and national origin desegregation assistance on the basis of the criteria in § 180.35, § 180.36, and § 180.37, respectively. On the basis of these assessments, the Commissioner will make separate awards for race, sex, and national origin desegregation assistance.

(b) *Period of contracts*. The Commissioner will award a contract under this subpart for a period of not more than one year. The Commissioner may provide for the continuation of that award for up to two additional years.

(c) *Continuation awards*. The Commissioner will approve the continuation of a contract awarded under paragraph (a) of this section only if the recipient has complied with the terms of the contract, has provided satisfactory assistance, and continues to show promise of success in providing that assistance.

(d) *Amount of award*. (1) The Commissioner will set the amount of an award for a geographical service area on the basis of the magnitude of expected needs for race, sex, or national origin desegregation assistance (as applicable) in the service area, compared with the magnitude of the expected needs for that assistance in all service areas.

(2) In setting the amount of an award for race desegregation assistance, the Commissioner will give the greatest weight to the expected needs of responsible governmental agencies which during the period of the contract—

(i) Are likely to have been required to adopt a race desegregation plan and not done so; and

(ii) Are likely to be in the first year of implementing race desegregation plans.

(3) In setting the amount of an award for national origin desegregation assistance, the Commissioner will give the greatest weight to the expected needs of responsible governmental agencies which during the period of the contract—

(i) Are likely to have been required to adopt national origin desegregation plans pursuant to findings of courts, agencies, or officials, with jurisdiction to make such findings, of discrimination on the basis of national origin, and not done so; and

(ii) Are likely to be in the first year of implementing required national origin desegregation plans.

(42 U.S.C. 2000c-2.)

§ 180.39 Records.

(a) A recipient of a contract under this subpart shall maintain a record of all requests for assistance from responsible governmental agencies in its service area.

(b) A recipient of a contract for race desegregation assistance shall maintain a record of the basis for its determination that each responsible governmental agency to which it provides assistance meets the requirements of § 180.33(a)(1).

(42 U.S.C. 2000c-2.)

§ 180.40 Stipends and travel allowances.

The Commissioner will not consider the cost of stipends or travel allowances for participants in any technical assistance activity (including training) under a contract awarded pursuant to this subpart to be an allowable cost.

(42 U.S.C. 2000c-2.)

§§ 180.41–180.50 [Reserved]

Subpart D—Race and Sex Desegregation Training Institutes

§ 180.51 Eligible applicants.

Any institution of higher education is eligible under this subpart to operate a race desegregation training institute or a sex desegregation training institute or both.

(42 U.S.C. 2000c-3.)

§ 180.52 Authorized training—race desegregation.

(a) A recipient of a grant under this subpart to operate a race desegregation training institute may provide training under the grant only to public school personnel who are employed by a responsible governmental agency—

(1) Which is designated in the application; and

(2) Which is required to adopt, and has not yet adopted, a race desegregation plan pursuant to a finding by a court, agency, or official, with jurisdiction to make such a finding, or conditions of racial separation resulting from State or local law or official action; or which is in the first year of implementing such a plan.

(b) The recipient may provide training under the grant only in areas which will improve the ability of the participants to deal effectively with educational problems occasioned by race desegregation. The recipient may not provide assistance in connection with the provision of compensatory education, the development of basic skills, or the general improvement of the instructional program in any school.

(42 U.S.C. 2000c-3.)

§ 180.53 Authorized training—sex desegregation.

(a) A recipient of a grant under this subpart to operate a sex desegregation training institute may provide training

under the grant only to public school personnel who are employed by a responsible governmental agency which is designated in the application.

(b) The recipient may provide training under the grant only in areas which will improve the ability of the participants to deal effectively with educational problems occasioned by sex desegregation.

(42 U.S.C. 2000c-3.)

§180.54 Applications.

An institution of higher education may submit an application for a grant under this subpart in response to a notice of closing date published in the *FEDERAL REGISTER*. The applicant shall include in its application the following information:

(a) A designation of the type of public school personnel who would participate in its training institute, the school or capacity in which they are employed, and evidence that these personnel would in fact participate in the training institute;

(b) A description of the specific needs of the proposed participants for training to assist them in dealing effectively with educational problems occasioned by race or sex desegregation (as applicable);

(c) A detailed description of the training it would provide and how that training would meet the needs of the participants, including any provisions for assessing their on-the-job performance;

(d) A description of the existing materials which it would use in conducting the training;

(e) A statement of the qualifications of the personnel who would be employed to provide the training;

(f) In the case of an application for a race desegregation training institute, evidence that the proposed participants meet the requirements of §180.52(a)(2);

(g) In the case of an application for a sex desegregation training institute, a description of steps taken by the responsible governmental agencies listed in the application which demonstrate their commitment to sex desegregation; and

(h) A detailed budget which shows the cost of conducting the training in the most economical way.

(42 U.S.C. 2000c-3.)

§180.55 Criteria for awards—race desegregation.

In determining whether to make an award under this subpart for a race desegregation training institute, the Commissioner will apply the criteria in this section.

(a) *Needs assessment* (30 points). The magnitude of the needs of the proposed participants for training in methods of dealing effectively with

educational problems occasioned by race desegregation.

(b) *Proposed training* (40 points). The extent to which (1) the training which the applicant proposes to conduct is likely to meet the identified needs of the participants (30 points); (2) the applicant plans to use existing materials which are designed to meet those needs (5 points); and (3) the training is likely to enable the participants to train other public school personnel to deal effectively with educational problems occasioned by race desegregation (5 points).

(c) *Staffing* (20 points). (1) The extent to which personnel who would be employed under the grant are capable of providing training to assist public school personnel in dealing effectively with educational problems occasioned by race desegregation (15 points); and (2) whether these persons include members of racial minority groups (5 points).

(d) *Resource management* (10 points). The extent to which costs of conducting the training are reasonable in relation to expected benefits.

(42 U.S.C. 2000c-3.)

§180.56 Criteria for awards—sex desegregation.

In determining whether to make an award under this subpart for a sex desegregation training institute, the Commissioner will apply the criteria in this section.

(a) *Needs assessment* (20 points). The magnitude of the needs of the proposed participants for training in methods of dealing effectively with educational problems occasioned by sex desegregation.

(b) *Proposed training* (35 points). The extent to which (1) the training which the applicant proposes to conduct is likely to meet the identified needs of the participants (25 points); (2) the applicant plans to use existing materials which are designed to meet these needs (5 points); and (3) the training is likely to enable the participants to train other public school personnel to deal effectively with educational problems occasioned by sex desegregation (5 points).

(c) *Commitment to sex desegregation* (15 points). The extent to which the applicant shows that the responsible governmental agencies listed in the application have taken steps to eliminate sex discrimination, sex bias, and sex role stereotypes from their schools.

(d) *Staffing* (20 points). (1) The extent to which the personnel who would be employed under the grant are capable of providing training to assist public school personnel in dealing effectively with educational problems occasioned by sex desegregation (15 points); and (2) whether these persons include both women and men (5 points).

(e) *Resource management* (10 points). The extent to which costs of conducting the training are reasonable in relation to expected benefits.

(42 U.S.C. 2000c-3.)

§180.57 Funding procedures.

The Commissioner will make separate awards under this subpart for race desegregation and sex desegregation training institutes on the basis of the applicants' ranking on the criteria in §180.55 and §180.56, respectively. However, the Commissioner will not make an award to an applicant unless its application receives a score of at least 60 points on the basis of these criteria.

(42 U.S.C. 2000c-3.)

§180.58 Stipends and travel allowances.

(a) *Stipends*. (1) The recipient of a grant under this subpart may pay a participant a stipend for the period of his or her attendance at the training institute only if—

(i) The participant receives no other compensation for that period or for work performed at the institute; and

(ii) The period of attendance for which the stipend is paid is at least 5 hours a day.

(2) The amount of a stipend authorized under this subpart is up to \$6 for each hour of a participant's attendance. However, the recipient may not pay any participant a stipend which exceeds either—

(i) \$30 for any day; or

(ii) \$150 for any week.

(b) *Travel allowances*. (1) The recipient may pay a participant who attends the training institute for at least 5 hours a day travel allowance to attend the institute.

(2) The amount of a travel allowance authorized under this subpart is the amount allowable for employees of educational institutions under the cost principles in Appendix C, Part 1, Section J.44 of Subchapter A of this chapter.

(3) If a participant leaves the training institute before completing the scheduled training, the recipient may pay the cost of the participant's transportation to his or her residence or place of employment only if the participant left because of circumstances not reasonably within his or her control.

(42 U.S.C. 2000c-3.)

§§ 180.59–180.60 [Reserved]

Subpart E—Grants to School Boards for Sex Desegregation

§180.61 Eligible applicants.

Any school board is eligible for a grant under this subpart.

(42 U.S.C. 2000c-4.)

§180.62 Authorized assistance.

A recipient of a grant under this subpart may use funds received under the grant only to employ a specialist to advise on educational problems incident to sex desegregation or to provide public school personnel inservice training in dealing with these problems or both.

(42 U.S.C. 2000c-4.)

§180.63 Applications.

A school board may submit an application for a grant under this subpart in response to a notice of closing date published in the *FEDERAL REGISTER*. The applicant shall include in its application the following information:

(a) A description of the specific educational problems for which it is requesting assistance;

(b) A detailed description of the uses to which it would put the requested assistance and how that assistance would address those problems;

(c) A statement of the financial and other resources available to it in addressing educational problems incident to sex desegregation, and the extent to which it has requested and received other sex desegregation assistance available under this part;

(d) A description of its long-range plan for the sex desegregation of its schools, how the requested assistance will help the applicant implement its plan, and what steps the applicant has already taken to implement the plan;

(e) A description of its efforts to involve parents, students, and community groups in developing the application;

(f) A statement of the qualifications of the personnel who would be employed under the grant; and (g) A detailed budget which shows the cost of undertaking the proposed activities in the most economical way.

(42 U.S.C. 2000c-4.)

§180.64 Criteria for awards.

In determining whether to make an award under this subpart, the Commissioner will apply the criteria in this section.

(a) *Needs assessment* (30 points). (1) The magnitude of the applicant's needs for the assistance available under this subpart in addressing educational problems incident to sex desegregation (20 points); (2) the extent to which the applicant: (i) lacks financial and other resources to address these problems (7 points); and (ii) has requested other sex desegregation assistance available under this part (3 points).

(b) *Project design* (25 points). The extent to which: (1) the activities which the applicant proposes to undertake are designed to address the educational problems identified in the

application, including the extent to which any specialist employed under the grant would have access to the superintendent and school board members (15 points); and (2) parents, students, and community groups have participated in developing the application (10 points).

(c) *Commitment to desegregation* (20 points). The extent to which the applicant demonstrates that: (1) The proposed activities are part of a comprehensive, long-range plan for the sex desegregation of its schools (10 points); and (2) it has already taken steps to implement this plan (10 points).

(d) *Staffing* (15 points). The extent to which the personnel who would be employed under the grant are capable of providing assistance in dealing with problems incident to sex desegregation.

(e) *Resource management* (10 points). The extent to which costs are reasonable in relation to expected benefits.

(42 U.S.C. 2000c-4.)

§180.65 Funding procedures.

The Commissioner will make awards for assistance under this subpart on the basis of the applicants' rankings on the criteria in §180.64. However, the Commissioner will not make an award to an applicant unless its application receives a score of at least 60 points on the basis of these criteria.

(42 U.S.C. 2000c-4.)

§§180.66-180.70 [Reserved]**Subpart F—Special Grants to School Boards for Race and National Origin Desegregation****§180.71 Eligible applicants.**

Any school board is eligible for a grant under this subpart if—

(a) The Commissioner finds that it is under a requirement to carry out a plan for race desegregation or national origin desegregation, as defined in §180.03; and

(b) The school board either has not yet adopted such a plan, or has not yet fully implemented it.

(42 U.S.C. 2000c-4.)

§180.72 Authorized activities.

(a) A school board may use funds received under the grant only to pay, in whole or in part, the cost of—

(1) Employing one or more specialists to advise in the school board's preparation, adoption, or implementation of a race or national origin desegregation plan designed to achieve compliance with the requirement on which the Commissioner's finding under §180.71(a) is based; and

(2) Providing public school personnel inservice training in dealing with problems incident to the school board's implementation of such a plan.

(42 U.S.C. 2000c-4.)

§180.73 Applications.

(a) A school board may submit an application for a grant under this subpart at any time.

(b) The applicant shall include in its application the following information:

(1) A description of the activities which it proposes to undertake with funds received under this subpart;

(2) A detailed description of the relationship between the proposed activities and the basis for the Commissioner's finding under §180.71(a);

(3) A timetable for the accomplishment of the proposed activities;

(4) A statement of the financial and other resources which the applicant could apply to the achievement of full compliance with the requirement on which the Commissioner's finding under §180.71(a) is based, and the extent to which it has requested and received other race or national origin desegregation assistance (as applicable) available under this part;

(5) A detailed budget which shows the cost of undertaking the proposed activities in the most economical way; and

(6) A statement of the circumstances which the applicant believes justify a finding of eligibility under §180.71(a).

(42 U.S.C. 2000c-4.)

§180.74 Funding procedures.

(a) The Commissioner may make a grant under this subpart at any time.

(b) In determining whether to make a grant under this subpart, and in fixing the amount of such a grant and the terms and conditions on which it will be made, the Commissioner will consider the following factors:

(1) The amount of funds available for grants under this subpart;

(2) Other applications for grants under this subpart which have been, or are likely to be, submitted;

(3) The availability of other financial resources with which the applicant could undertake the proposed activities;

(4) The nature, extent, and gravity of the problems to which the proposed activities are addressed; and

(5) The likelihood that activities authorized under this subpart will facilitate the applicant's achieving full compliance with the requirement on which the Commissioner's finding under §180.71(a) is based.

(42 U.S.C. 2000c-4.)

§§180.75-180.99 [Reserved]

[FR Doc. 78-7161 Filed 3-17-78; 8:45 am]

[4110-02]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

DESEGREGATION OF PUBLIC EDUCATION PROGRAM

Closing Date for Receipt of Applications

Under the authority of Title IV of the Civil Rights Act of 1964, as amended ("The Act"; 42 U.S.C. 2000c et seq.), the Commissioner invites applications for assistance for the following programs:

1. State Educational Agency programs for race, sex, and national origin desegregation assistance, under section 403 of the Act;
2. Desegregation Assistance Center programs for race, sex, and national origin desegregation assistance, under section 403 of the Act;
3. Training Institute programs for race and sex desegregation assistance, under section 404 of the Act; and
4. School Board Grants for sex desegregation assistance, under section 405 of the Act.

Applications by school boards for special grants for race and national origin desegregation assistance under section 405 of the Act are not covered by this Notice. Applicants for this program may apply at any time, but should first review the eligibility requirements contained in §180.71 of the Proposed Rule for Desegregation of Public Education programs, published in this issue of the *FEDERAL REGISTER*.

Closing date: May 19, 1978.

A. Application forms and information: Application forms are being prepared but are not yet available. We anticipate the application forms and program information packages will be ready for mailing on or about March 20, 1978.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages.

B. Applications sent by mail: An application sent by mail should be addressed to: U.S. Office of Education, Application Control Center, "Attention 13.405A for Training Institutes, 13.405B for School Board Grants, 13.405C for State Educational Agencies, and 13.405D for Desegregation Assistance Centers", Washington, D.C. 20202. Applications must be received by the Application Control Center on or before the closing date. It is suggested that applicants consider the use of registered or certified mail.

An application sent by mail will be considered to be received on time by the Application Control Center if:

- (1) The application was sent by registered or certified mail not later than

May 15, 1978, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before May 19, 1978 by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of these mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare or the U.S. Office of Education.

C. Hand-delivered applications: An application may be hand-delivered to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m., Washington, D.C. time, except Saturdays, Sundays, and Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

D. Program information: (1) An applicant for a race, sex, or national origin desegregation assistance center may apply to provide assistance in one of the following service areas.

(a) Service areas for race desegregation assistance:

- (i) Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island.
- (ii) New York, New Jersey, Puerto Rico, Virgin Islands.
- (iii) Pennsylvania, Delaware.
- (iv) Maryland, Virginia, West Virginia, District of Columbia.
- (v) Kentucky, Tennessee, North Carolina, South Carolina.
- (vi) Mississippi, Alabama, Georgia, Florida.
- (vii) Minnesota, Wisconsin, Michigan.
- (viii) Illinois, Indiana.
- (ix) Ohio.
- (x) Iowa, Nebraska, Kansas, Missouri.

- (xi) Arkansas, Louisiana, Oklahoma.
- (xii) New Mexico, Texas.
- (xiii) North Dakota, South Dakota, Montana, Colorado, Wyoming, Utah.
- (xiv) California, Arizona, Nevada, Hawaii, Guam, American Samoa, Trust Territory of the Pacific Islands, Commonwealth of the Northern Mariana Islands.
- (xv) Oregon, Washington, Idaho, Alaska.

(b) Service areas for sex desegregation assistance:

- (i) Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island.
- (ii) New York, New Jersey, Puerto Rico, Virgin Islands.
- (iii) Pennsylvania, Delaware, Maryland, Virginia, West Virginia, District of Columbia.

(iv) North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Kentucky, Tennessee.

(v) Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota.

(vi) Texas, Louisiana, Oklahoma, Arkansas, New Mexico.

(vii) Iowa, Nebraska, Kansas, Missouri.

(viii) North Dakota, South Dakota, Montana, Colorado, Wyoming, Utah.

(ix) California, Nevada, Arizona, Hawaii, Guam, American Samoa, Trust Territory of the Pacific Islands, Commonwealth of the Northern Mariana Islands.

(x) Oregon, Washington, Idaho, Alaska.

(c) Service areas for national origin desegregation assistance.

(i) Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Puerto Rico, Virgin Islands.

(ii) Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Georgia, Alabama, Mississippi, Florida.

(iii) Ohio, Indiana, Illinois, Michigan, Minnesota, Wisconsin, Missouri, Kansas, Iowa, Nebraska.

(iv) Texas, Louisiana, Arkansas.

(v) Montana, North Dakota, South Dakota, Wyoming, Colorado, Utah, Oklahoma.

(vi) New Mexico, Arizona, Nevada.

(vii) Southern California (that part of California south of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties).

(viii) Northern California (that part of California not included in Area (vii)).

(ix) Washington, Oregon, Idaho, Alaska, Hawaii, Guam, Trust Territory of the Pacific Islands, American Samoa, Commonwealth of the Northern Mariana Islands.

(2) The fiscal year 1978 appropriation for assistance under Title IV is \$34.7 million. It is anticipated that, of that amount, \$21.7 million will be expended for race desegregation assistance, \$8 million will be expended for sex desegregation assistance, and \$5 million will be expended for national origin desegregation assistance. The anticipated distribution of funds by program is as follows:

	Amount	Percent of 34.7 million
(a) State educational agencies	\$6,940,000	20
(b) Desegregation assistance centers	15,615,000	45
(c) Training institutes	5,205,000	15
(d) School board grants	8,940,000	20
Total	34,700,000	100

This distribution of funds is only an estimate and does not bind the Office of Education.

E. *Project periods:* Grants and contracts made pursuant to this notice will be for projects starting no earlier than July 1, 1978, and ending no later than September 30, 1979, but in no case for more than a 12-month period.

F. *Amended applications:* Applicants should base their applications on the proposed amended regulations for Title IV programs published in this issue of the FEDERAL REGISTER. Applicants will be given sufficient time to amend their applications to take into account any changes in the regula-

tions when they are published in final form.

G. *For information and forms contact:* Mr. Elton W. Ridge, Room 2001, FOB-6, 400 Maryland Avenue SW., Washington, D.C. 20202, 202-245-8484.

H. *Applicable regulations:* Awards made pursuant to this notice will be subject to the following regulations:

(1) Regulations relating generally to programs under Title IV of the Civil Rights Act of 1964 (45 CFR Part 180).

(2) The Office of Education General

Provisions regulations (45 CFR Parts 100, 100a and appendices), except to the extent that those regulations are inconsistent with 45 CFR Part 180.

(42 U.S.C. 2000c-2000c-5.)

(Catalog of Federal Domestic Assistance No. 13.405, Civil Rights Technical Assistance and Training Programs.)

Dated: February 27, 1978.

ERNEST L. BOYER,
U.S. Commissioner of Education.

[FR Doc. 78-7160 Filed 3-17-78; 8:45 am]

WORLD LEADER

It is a fact that the world is a better place today than it was a few years ago. The reason for this is the progress that has been made in many fields of human endeavor. The world is a more peaceful place, and the people of the world are more united than ever before.


The progress that has been made in many fields of human endeavor is a testament to the power of the human mind. It is a testament to the fact that we are capable of great things when we work together. The progress that has been made in many fields of human endeavor is a testament to the power of the human mind.

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January 1950
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