

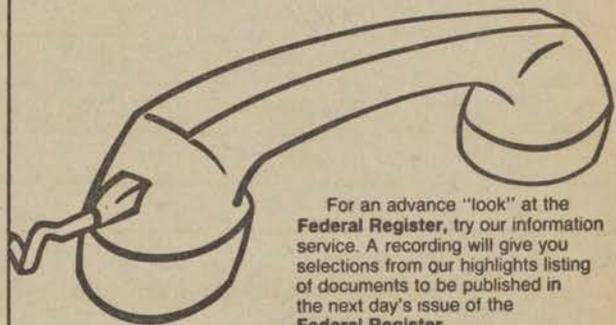
# Federal Register

MONDAY, APRIL 3, 1978



## highlights

**dial·a·reg**  
Coming to Chicago...April 10th



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**312-663-0884**

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

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

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

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

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

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

# FEDERAL REGISTER

**Table of Effective Dates and Time Periods—April 1978**

This table is for use in computing dates certain in connection with documents which are published in the FEDERAL REGISTER subject to advance notice requirements or which impose time limits on public response. Federal Agencies using this table in calculating time requirements for submissions must allow sufficient extra time for FEDERAL REGISTER scheduling procedures.

In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

A new table will be published monthly in the first issue of each month.

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April 25	May 10	May 25	June 9	June 26	July 24
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(This List Will Be Published Monthly In First Issue Of Month.)

**USDA—AGRICULTURE DEPARTMENT**  
 AMS—Agricultural Marketing Service  
 ARS—Agricultural Research Service  
 ASCS—Agricultural Stabilization and Conservation Service  
 APHIS—Animal and Plant Health Inspection Service  
 CCC—Commodity Credit Corporation  
 CEA—Commodity Exchange Authority  
 CSRS—Cooperative State Research Service  
 EMS—Export Marketing Service  
 ERS—Economic Research Service  
 FmHA—Farmers Home Administration  
 FCIC—Federal Crop Insurance Corporation  
 FAS—Foreign Agricultural Service  
 FNS—Food and Nutrition Service  
 FSQS—Food Safety and Quality Service  
 FS—Forest Service  
 PSA—Packers and Stockyards Administration  
 RDS—Rural Development Service  
 REA—Rural Electrification Administration

RTB—Rural Telephone Bank  
 SEA—Science and Education Administration  
 SCS—Soil Conservation Service  
**COMMERCE—COMMERCE DEPARTMENT**  
 Census—Census Bureau  
 EDA—Economic Development Administration  
 ITA—Industry and Trade Administration  
 MA—Maritime Administration  
 MBE—Minority Business Enterprise Office  
 NBS—National Bureau of Standards  
 NFP—National Fire Prevention and Control Administration  
 NOAA—National Oceanic and Atmospheric Administration  
 NSA—National Shipping Authority  
 NTIS—National Technical Information Service  
 PTO—Patent and Trademark Office  
 USTS—United States Travel Service  
**DOD—DEFENSE DEPARTMENT**  
 AF—Air Force Department  
 Army—Army Department

DCPA—Defense Civil Preparedness Agency  
 DIA—Defense Intelligence Agency  
 DLA—Defense Logistics Agency  
 EC—Engineers Corps  
 Navy—Navy Department  
**DOE—ENERGY DEPARTMENT**  
 BPA—Bonneville Power Administration  
 ERA—Economic Regulatory Administration  
 EIA—Energy Information Administration  
 ERO—Energy Research Office  
 ETO—Energy Technology Office  
 FERC—Federal Energy Regulatory Commission  
**HEW—HEALTH, EDUCATION, AND WELFARE DEPARTMENT**  
 ADAMHA—Alcohol, Drug Abuse, and Mental Health Administration  
 CDC—Center for Disease Control  
 FDA—Food and Drug Administration  
 HCFA—Health Care Financing Administration  
 HDSO—Human Development Services Office

## FEDERAL REGISTER

HRA—Health Resources Administration  
 HSA—Health Services Administration  
 MSI—Museum Services Institute  
 NIH—National Institutes of Health  
 OE—Office of Education  
 PHS—Public Health Service  
 RSA—Rehabilitation Services Administration  
 SSA—Social Security Administration

### HUD—HOUSING AND URBAN DEVELOPMENT DEPARTMENT

CARF—Consumer Affairs and Regulatory Functions, Office of Assistant Secretary  
 CPD—Community Planning and Development, Office of Assistant Secretary  
 FDAA—Federal Disaster Assistance Administration  
 FHEO—Fair Housing and Equal Opportunity, Office of Assistant Secretary  
 FHC—Federal Housing Commissioner, Office of Assistant Secretary for Housing  
 FIA—Federal Insurance Administration  
 GNMA—Government National Mortgage Association  
 ILSRO—Interstate Land Sales Registration Office  
 NCA—New Communities Administration  
 NCDC—New Community Development Corporation  
 NVACP—Neighborhoods Voluntary Associations and Consumer Protection, Office of Assistant Secretary

### INTERIOR—INTERIOR DEPARTMENT

BIA—Bureau of Indian Affairs  
 BLM—Bureau of Land Management  
 FWS—Fish and Wildlife Service  
 GS—Geological Survey  
 HCRS—Heritage Conservation and Recreation Service  
 Mines—Mines Bureau  
 NPS—National Park Service  
 OHA—Office of Hearings and Appeals  
 RB—Reclamation Bureau  
 SMRE—Surface Mining Reclamation and Enforcement Office

### JUSTICE—JUSTICE DEPARTMENT

DEA—Drug Enforcement Administration  
 INS—Immigration and Naturalization Service  
 LEAA—Law Enforcement Assistance Administration  
 NIC—National Institute of Corrections

### LABOR—LABOR DEPARTMENT

BLS—Bureau of Labor Statistics  
 BRB—Benefits Review Board  
 ESA—Employment Standards Administration  
 ETA—Employment and Training Administration  
 FCCPO—Federal Contract Compliance Programs Office  
 LMSEO—Labor Management Standards Enforcement Office

MSHA—Mine Safety and Health Administration  
 OSHA—Occupational Safety and Health Administration  
 P&WBP—Pension and Welfare Benefit Programs  
 W&H—Wage and Hour Division

### STATE—STATE DEPARTMENT

AID—Agency for International Development  
 FSGB—Foreign Service Grievance Board

### DOT—TRANSPORTATION DEPARTMENT

CG—Coast Guard  
 FAA—Federal Aviation Administration  
 FHWA—Federal Highway Administration  
 FRA—Federal Railroad Administration  
 MTB—Materials Transportation Bureau  
 NHTSA—National Highway Traffic Safety Administration  
 OHMO—Office of Hazardous Materials Operations  
 OPSO—Office of Pipeline Safety Operations  
 SLS—Saint Lawrence Seaway Development Corporation  
 UMTA—Urban Mass Transportation Administration

### TREASURY—TREASURY DEPARTMENT

ATF—Alcohol, Tobacco and Firearms Bureau  
 Customs—Customs Service  
 Comptroller—Comptroller of the Currency  
 ESO—Economic Stabilization Office (temporary)  
 FS—Fiscal Service  
 IRS—Internal Revenue Service  
 Mint—Mint Bureau  
 PDB—Public Debt Bureau  
 RSO—Revenue Sharing Office

### INDEPENDENT AGENCIES

ATBCB—Architectural and Transportation Barriers Compliance Board  
 CAB—Civil Aeronautics Board  
 CASB—Cost Accounting Standards Board  
 CEQ—Council on Environmental Quality  
 CFTC—Commodity Futures Trading Commission  
 CITA—Textile Agreements Implementation Committee  
 CPSC—Consumer Product Safety Commission  
 CRC—Civil Rights Commission  
 CSA—Community Services Administration  
 CSC—Civil Service Commission  
 CSC/FPRAC—Federal Prevailing Rate Advisory Committee  
 EEOC—Equal Employment Opportunity Commission  
 EXIMBANK—Export-Import Bank of the U.S.  
 EPA—Environmental Protection Agency

ESSA—Endangered Species Scientific Authority  
 ERDA—Energy Research and Development Administration  
 FCC—Federal Communications Commission  
 FCSC—Foreign Claims Settlement Commission  
 FDIC—Federal Deposit Insurance Corporation  
 FEA—Federal Energy Administration  
 FEC—Federal Election Commission  
 FHLBB—Federal Home Loan Bank Board  
 FMC—Federal Maritime Commission  
 FPC—Federal Power Commission  
 FRS—Federal Reserve System  
 FTC—Federal Trade Commission  
 GSA—General Services Administration  
 GSA/ADTS—Automated Data and Telecommunications Service  
 GSA/FPA—Federal Preparedness Agency  
 GSA/FSS—Federal Supply Service  
 GSA/NARS—National Archives and Records Service  
 GSA/PBS—Public Buildings Service  
 ICC—Interstate Commerce Commission  
 ICP—Interim Compliance Panel (Coal Mine Health and Safety)  
 ITC—International Trade Commission  
 LSC—Legal Services Corporation  
 NACEO—National Advisory Council on Economic Opportunity  
 NASA—National Aeronautics and Space Administration  
 NCUA—National Credit Union Administration  
 NFAH/NEA—National Endowment for the Arts  
 NFAH/NEH—National Endowment for the Humanities  
 NLRB—National Labor Relations Board  
 NRC—Nuclear Regulatory Commission  
 NSF—National Science Foundation  
 NTSB—National Transportation Safety Board  
 OFR—Office of the Federal Register  
 OMB—Office of Management and Budget  
 OPIC—Overseas Private Investment Corporation  
 PADC—Pennsylvania Avenue Development Corporation  
 PRC—Postal Rate Commission  
 PS—Postal Service  
 RB—Renegotiation Board  
 RRB—Railroad Retirement Board  
 ROAP—Reorganization, Office of Assistant to President  
 SBA—Small Business Administration  
 SEC—Securities and Exchange Commission  
 TVA—Tennessee Valley Authority  
 USIA—United States Information Agency  
 VA—Veterans Administration  
 WRC—Water Resources Council

# 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.

[1505-01]

## Title 1—General Provisions

### CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

#### CFR CHECKLIST

#### 1977 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1977. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

For a Checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the Cumulative List of CFR Sections Affected, which is revised monthly.

The rate for subscription service to all revised volumes issued for 1977 is \$350 domestic, \$75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

#### CFR Unit (Rev. as of Jan. 1, 1977):

Title	Price
1	\$1.65
2 (Reserved)	
3	3.00
4	3.25
5	4.70
7 Parts:	
0-45	5.30
46-51	4.20
52	5.20
53-209	5.80
210-699	6.10
700-749	4.10
750-899	1.80
900-944	4.25
945-980	2.40
981-999	2.50
1000-1059	4.25
1060-1119	4.40
1120-1199	3.20
1200-1499	4.20
1500-end	7.25
8	2.80
9	6.80
10 Parts:	
0-199	4.40
200-end	4.60
11 (Rev. 5/1/77)	2.30
12 Parts:	
1-299	7.40
300-end	7.30
13	4.20
14 Parts:	

Title	Price
1-59	6.00
60-199	5.10
200-1199	6.20
1200-end	2.20
15	5.35
16 Parts:	
0-149	5.50
150-999	4.25
1000-end	3.00

#### CFR Unit (Rev. as of April 1, 1977):

Title	Price
17	6.75
18 Parts:	
1-149	4.25
150-end	4.00
19	5.75
20 Parts:	
01-399	3.25
400-499	5.00
500-end	4.00
21 Parts:	
1-99	3.25
100-199	4.75
200-299	2.10
300-499	5.00
500-599	4.00
600-1299	3.50
1300-end	4.25
22	4.50
23	5.50
24 Parts:	
0-499	5.00
500-end	5.25
25	4.50
26 Parts:	
1 (§§ 1.0-1.169)	4.75
1 (§§ 1.170-1.300)	4.00
1 (§§ 1.301-1.400)	3.75
1 (§§ 1.401-1.500)	4.00
1 (§§ 1.501-1.640)	4.00
1 (§§ 1.641-1.850)	4.35
1 (§§ 1.851-1.1200)	5.25
1 (§§ 1.1201-end)	6.75
2-29	4.50
30-39	4.35
40-299	4.50
300-499	4.35
600-end	2.40
27	7.00

#### CFR Unit (Rev. as of July 1, 1977):

Title	Price
29 Parts:	
0-499	5.75
1900-1919	6.00
1920-end	4.50
30	6.00
32 Parts:	
1-39 (V. I) (Rev. 7/1/76)	4.75
(V. II) (Rev. 7/1/76)	7.50
(V. III) (Rev. 7/1/76)	5.25
400-589	5.00
590-699	4.00
700-799	8.25
1000-1399	2.75
1400-1599	4.25
1600-end	2.75
32A	3.75
33 Parts:	
1-199	7.00
200-end	5.30
34	1.70
35	4.00
36	4.50
37	3.00
38	6.00
39	3.50
40 Parts:	

Title	Price
0-49	4.25
50-59	5.75
60-99	5.00
10-17	4.25
100-399	4.75
400-end	5.75
41 Chapters:	
1-2	5.25
3-6	5.50
7	2.75
8	2.30
9 (Rev. 9/26/77)	5.00
10-17	4.25
18-100	4.50
101-end	5.75

#### CFR Unit (Rev. as of Oct. 1, 1977):

Title	Price
43 Parts:	
1-999	4.00
46 Parts:	
70-89	3.25
90-109	3.00
110-139	3.00
49 Parts:	
1-99	3.00

[3128-01]

## Title 10—Energy

### CHAPTER II—FEDERAL ENERGY ADMINISTRATION<sup>1</sup>

#### PART 430—ENERGY CONSERVATION PROGRAM FOR APPLIANCES

##### Indefinite Suspension of Final Test Procedures for Water Heaters

AGENCY: Department of Energy.

ACTION: Suspension of final rule.

**SUMMARY:** The Department of Energy, by separate notice issued today, is proposing an amendment to its test procedures for water heaters, 10 CFR Part 430, Subpart B. Pending the hearing on this proposal and prescription of the final rule, the provisions of 10 CFR 430.22(e)(2) are hereby suspended.

**EFFECTIVE DATE:** March 29, 1978.

**FOR FURTHER INFORMATION CONTACT:**

James A. Smith, (Office of Conservation and Solar Applications), Old Post Office Building, Room 307,

<sup>1</sup>EDITORIAL NOTE: It is contemplated that Chapter II will be renamed at a future date to reflect the fact that it contains regulations administered by the Department of Energy, including regulations administered by the Office of Conservation and Solar Applications.

12th Street and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-4635.

William J. Dennison, (Office of the General Counsel), 12th Street and Pennsylvania Avenue NW., Room 7148, Washington, D.C. 20461, 202-566-9750.

**SUPPLEMENTARY INFORMATION:** 10 CFR 430.22(e)(2) is hereby suspended until further notice.

Issued in Washington, D.C., March 29, 1978.

WILLIAM S. HEFFELFINGER,  
Director of Administration.

[FR Doc. 78-8659 Filed 3-31-78; 8:45 am]

#### [4910-13]

#### Title 14—Aeronautics and Space

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

[Docket No. 78-CE-4-AD; Amdt. 39-3163]

#### PART 39—AIRWORTHINESS DIRECTIVES

#### Cessna TP206, TU206, T207, and T210 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, superseding existing airworthiness directive (AD).

SUMMARY: This amendment supersedes airworthiness directive (AD) 77-06-02, and adopts a new AD applicable to Cessna TP206, TU206, T207, and T210 series airplanes. It requires inspection of turbocharger center housings replaced in accordance with AD 77-06-02, and modification of turbocharger center housings, not already modified per AD 77-06-02. This action will detect and correct those turbocharger center housings which were incorrectly modified because of inadequate instructions contained in Cessna Service Kit SK 210-75, and completes the modification program initiated by AD 77-06-02.

DATES: This amendment becomes effective: April 6, 1978. Compliance: Required within the next 25 hours time-in-service after the effective date of this AD.

ADDRESSES: Cessna Service Letter SE 77-42, dated December 2, 1977, referred to in this AD, may be obtained from Cessna Aircraft Co., Marketing Division, Attention: Customer Service Department, Wichita, Kans. 67201; telephone 316-685-9111.

FOR FURTHER INFORMATION CONTACT:

Donald L. Page, Aerospace Engineer,

Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3446.

**SUPPLEMENTARY INFORMATION:** AD 77-06-02 (42 FR 15894) required modification of affected turbochargers on Cessna TP206, TU206, T207, and T210 series airplanes in accordance with Cessna Service Kit SK 210-75 referenced in Cessna Service Letter SE 77-3, Supplement 2. The purpose of this modification was to remove from service those turbocharger center housings having thrust bearing anti-rotation pins which may break or work free causing contamination and failure of the oil pump and scavenge pump drive shaft. This condition will in turn cause engine oil starvation and power loss which may result in an aircraft accident. Subsequent to the issuance of AD 77-06-02, service reports have disclosed that failures of the turbocharger shaft have occurred due to improper installation of the compressor wheel when complying with Cessna Service Kit SK 210-75. These improper installations are attributable to inadequate instructions contained in that service kit. As a consequence the manufacturer has issued revised Service Kit SK 210-75B (reference Cessna Service Letter SE 77-42) incorporating correct compressor wheel installation instructions. It has also issued Cessna Service Kit SK 210-78 (reference Cessna Service Letter SE 77-42) which contains instructions for the inspection of those turbochargers previously modified in accordance with Service Kit SK 210-75 and the correction of any defective units found as a result of this inspection. Accordingly, since the condition described herein is likely to exist in other airplanes of the same type design, the FAA is issuing a new AD, applicable to Cessna TP206, TU206, T207, and T210 series airplanes, making compliance with the manufacturer's Service Kits SK 210-75B and SK 210-78 mandatory. The new AD will supersede AD 77-06-02. This AD was coordinated with the manufacturer prior to issuance. The FAA has determined that there is an immediate need for a regulation to assure safe operation of the affected airplanes. Therefore, a notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest, and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the FEDERAL REGISTER.

#### DRAFTING INFORMATION

The principal authors of this document are: Donald L. Page, Flight Standards Division, Central Region, and John L. Fitzgerald, Jr., Office of the Regional Counsel, Central Region.

#### ADOPTION OF THE AMENDMENT

In consideration of the foregoing, and 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 adding the following new airworthiness directive:

**CESNA:** Applies to TP206 (Serial Nos. P206-0191 through P20600647), TU206 (Serial Nos. U206-0487 through U20603693), T207 (Serial Nos. 20700001 through 20700378) and T210 (Serial Nos. T210-0001 through T210-0454 and Serial Nos. 21059200 through 21061758) series airplanes certificated in all categories.

To preclude engine oil pump failure due to contamination by the turbocharger thrust bearing anti-rotation pins and failure of the turbocharger shaft, within the next 25 hours' time-in-service after the effective date of this AD, accomplish the following:

A. Check the turbocharger nameplate or aircraft permanent maintenance records to determine if the turbocharger serial number is prefixed by any of the following letter combinations:

EF	EFR	FA	FAR	FH	FHR
EG	EGR	FB	FBR	FI	FIR
EH	EHR	FC	FCR	FJ	FJR
EI	EIR	FD	FDR	FK	FKR
EJ	EJR	FE	FER	FL	FLR
EK	EKR	FF	FFR	GA	GAR
EL	ELR	FG	FGR	GB	GBR

B. If the serial number on the turbocharger nameplate is not prefixed by any of the letter combinations set forth in Paragraph A, make an entry in the aircraft permanent maintenance records indicating this finding and no further action is required.

C. If the serial number on the turbocharger nameplate is prefixed by any of the letter combinations set forth in Paragraph A, check the aircraft permanent maintenance records to determine whether, when complying with AD 77-06-02, the turbocharger center housing was replaced by a mechanic or repair agency in accordance with Cessna Service Kit SK 210-75, dated February 24, 1977 (Reference Cessna Service Letter SE 77-3, Supplement No. 2 dated February 24, 1977) or by the turbocharger manufacturer (AiResearch).

D. If the turbocharger center housing was replaced by AiResearch, make an entry in the aircraft permanent maintenance records indicating this finding and no further action is required.

E. If the turbocharger center housing was replaced by a mechanic or repair agency using instructions in Cessna Service Kit SK 210-75, visually inspect the turbocharger for signs of damage and proper compressor wheel attachment in accordance with Cessna Service Kit SK 210-78 dated November 15, 1977, or later revision (Ref. Cessna Service Letter SE 77-42 dated December 2, 1977, or later revisions) for damage which may have resulted from incomplete compressor wheel locknut torquing procedures prescribed in Cessna Service Kit SK 210-75.

(1) If visual signs of damage are evident, return the turbocharger to AiResearch in accordance with Cessna Service Kit SK 210-78.

(2) If no visual signs of damage are present but the compressor wheel attachment does not meet the criteria set forth in Cessna Service Kit SK 210-78, conduct additional inspections prescribed therein. Units found acceptable as a result of this inspection.

tion may be returned to service after reassembly per this kit. Return unacceptable units to AiResearch in accordance with instructions in Cessna Service Kit SK 210-78.

(3) If no visual signs of damage are found and the compressor wheel attachment meets the criteria set forth in Cessna Service Kit SK 210-78, reassemble and identify the turbocharger in accordance with Cessna Service Kit SK 210-78.

F. If the turbocharger center housing has not been replaced in accordance with AD 77-06-02, replace the turbocharger center housing in accordance with Cessna Service Kit SK 210-75B dated October 27, 1977, or later revision incorporating a compressor wheel seating procedure. (Ref. Cessna Service Letter SE 77-42)

G. Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

H. Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment supersedes Amendment 39-2853 (42 FR 15894), AD 77-06-02.

This amendment becomes effective April 6, 1978.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and sec. 11.89 of the Federal Aviation regulations (14 CFR Sec. 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 Kansas City, Mo., on March 20, 1978.

C. R. MELUGIN, Jr.  
Director, Central Region.

[FR Doc. 78-8592 Filed 3-31-78; 8:45 am]

[4910-13]

[Docket No. 77-GL-20; Amdt. 39-31641]

**PART 39—AIRWORTHINESS DIRECTIVES**

**General Electric Co. CF6-6D, CF6-6D1 Engines**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires periodic inspection and modification of 11-13 Stage Compressor Spool, Part Number (P/N) 9021M66 (all assembly part numbers). This AD is needed to prevent possible 13th stage rim failures due to fatigue. There have been seven failures of the 13th stage rim; three were uncontained, two of which resulted in under cowl oil fires.

DATES: Effective April 6, 1978. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service bulletins may be obtained from: General Electric Co. Cincinnati, Ohio 45215.

Copies of the service information incorporated in this AD are contained in the Rules Docket, Office of the Regional Counsel, 2300 East Devon Avenue, Des Plaines, Ill. 60018; and at FAA Headquarters, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

**FOR FURTHER INFORMATION CONTACT:**

M. Mixell, Engineering and Manufacturing Branch, Flight Standards Division, AGL-214, Federal Aviation Administration, 2300 E. Devon Avenue, Des Plaines, Ill. 60018, telephone 312-694-4500, extension 308.

**SUPPLEMENTARY INFORMATION:**

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring modification of 11-13 Stage Compressor Spool installed in General Electric CF6-6D and CF6-6D1 engines was published in the FEDERAL REGISTER at 42 FR 55102. The proposal was prompted by several failures of the 11-13 stage spool 13th stage rim resulting in engine case penetrations.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Several comments were received from the affected air carriers indicating that the proposed June 30, 1979, compliance date would place undue burden upon the air carriers. The FAA has given careful consideration to this matter and does not agree. However, on the basis of recent investigations conducted by the General Electric Co. the FAA has determined that certain 11-13 stage spools have a higher probability of failure. Accordingly the proposal is being modified as follows: Those spools identified as having the probability of higher incidence of failure will be subjected to periodic inspection until modified. Consistent with this change the compliance date for modification is being extended to December 31, 1979.

In accordance with Departmental Regulatory Reform, dated March 23, 1976, an evaluation of the anticipated impacts has been made and it is expected within a normal range of pertinent considerations the amendment will be neither costly nor controversial.

**DRAFTING INFORMATION**

The principal authors of this document are M. Mixell, Flight Standards Division, Great Lakes Region, and J. Brennan, Office of the Regional Counsel, Great Lakes 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 adding the following new airworthiness directive:

GENERAL ELECTRIC. Applies to CF6-6D and CF6-6D1 engines installed in aircraft certificated in all categories.

To prevent failure of the 11-13 Stage Compressor Spool, P/N 9021M66 (all assembly part numbers), thirteenth stage rim compliance is required, unless previously accomplished, as follows:

(a) Modify the 11-13 spool in accordance with General Electric Service Bulletin 72-682 not later than December 31, 1979.

(b) Pending modification per (a) above inspect the following 11-13 spool serials in accordance with General Electric Service Bulletin 72-673 or 72-700 within the next 500 cycles in service after the effective date of this AD and thereafter each 700 cycles in service if previously inspected in accordance with General Electric Service Bulletin 72-700 or 1800 cycles in service if previously inspected in accordance with General Electric Service Bulletin 72-673.

MP31293A	MP034648	MP0A0123	MP0A0643
MP00268	MP034649	MP0A0129	MP0A0644
MP021392	MP034808	MP0A0134	MP0A0645
MP022819	MP034810	MP0A0138	MP0A0648
MP023561	MP034821	MP0A0140	MP0A0652
MP024832	MP034822	MP0A0141	MP0A0659
MP024833	MP034823	MP0A0161	MP0A0660
MP025436	MP035315	MP0A0277	MP0A0744
MP025458	MP035323	MP0A0278	MP0A0751
MP025472	MP035343	MP0A0280	MP0A0755
MP027903	MP035344	MP0A0281	MP0A0797
MP027906	MP035345	MP0A0286	MP0A0813
MP028163	MP035346	MP0A0287	MP0A0816
MP028175	MP035350	MP0A0292	MP0A0819
MP028176	MP035816	MP0A0293	MP0A0820
MP028574	MP035821	MP0A0354	MP0A0822
MP028711	MP035823	MP0A0396	MP0A0831
MP029244	MP035829	MP0A0411	MP0A0875
MP029245	MP035836	MP0A0446	MP0A0876
MP029246	MP035844	MP0A0450	MP0A0882
MP031291	MP035847	MP0A0458	MP0C0889
MP031292	MP035848	MP0A0459	MP0C3154
MP031304	MP035810	MP0A0571	MPX32453
MP031736	MP036814	MP0A0587	RP021891
MP032456	MP036829	MP0A0589	RP022426
MP033570	MP037109	MP0A0600	RP023605
MP034468	MP037135	MP0A0604	RP023614
MP034484			

The manufacturer's specifications and procedures identified in this directive are incorporated herein and made part hereof pursuant to 5 U.S.C. 553(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to General Electric Co., Cincinnati, Ohio 45215. These documents may also be examined at the Great Lakes Regional Office, 2300 East Devon Avenue, Des Plaines, Ill. 60018, and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20591. A historical file on this airworthiness directive which includes incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and the Great Lakes Region.

This amendment becomes effective April 6, 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 Des Plaines, Ill., on March 17, 1978.

LEON C. DAUGHERTY,  
*Acting Director,*  
*Great Lakes Region.*

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

[FR Doc. 78-8593 Filed 3-31-78; 8:45 am]

#### [4910-13]

[Docket No. 17549; Amdt. 39-3170]

### PART 39—AIRWORTHINESS DIRECTIVES

#### Hawker Siddeley Aviation, Ltd., DH/ BH/HS-125 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires replacement of the existing radome lightning diverter strips with new externally mounted light alloy strips on Hawker Siddeley Aviation, Ltd., Model DH/BH/HS-125 airplanes. The proposed AD is needed to prevent serious damage to the radome from lightning strikes which could result in loss of a radome and a possible hazard to persons and property on the ground.

DATES: Effective May 3, 1978. Compliance required as indicated.

ADDRESSES: The applicable service bulletin may be obtained from: Hawker Siddeley Aviation Inc., Suite 206, Blake Building, 1025 Connecticut Avenue NW., Washington, D.C., 20036, telephone: 202-223-9350.

A copy of the Service Bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

#### FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive, requiring replacement of the existing radome lightning diverter strips with new externally mounted light alloy strips on Hawker Siddeley Aviation,

Ltd., Model DH/BH/HS-125 airplanes, was published in the FEDERAL REGISTER at 43 FR 3132 on January 23, 1978. The proposal was prompted by reports of serious damage to the radome from lightning strikes which could result in a loss of a radome and a possible hazard to persons and property on the ground.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. Accordingly, the proposal is adopted without change.

The principal authors of this document are Mr. F. J. Karnowski, Europe, Africa, and Middle East Region, F. Kelley, Flight Standards Service, and S. Podberesky, Office of the Chief Counsel.

#### 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 adding the following new airworthiness directive:

HAWKER SIDDELEY AVIATION, LTD. Applies to Model DH/BH/HS-125 airplanes, certificated in all categories, all series, up to and including the 700A series, but excluding all 700A series airplanes except S/N 0201, 0202, 0203, and 0204, and also excluding S/N25/025.

Compliance is required as indicated, unless already accomplished.

To prevent possible lightning strike damage to the radome which could result in loss of the radome, within the next 150 hours time in service after the effective date of this AD, remove the lightning diverter strips from the radome and install new diverter strips in accordance with the section entitled "Accomplishment Instructions" and associated drawings of Hawker Siddeley Aviation, Ltd., Modification Service Bulletin 53-50(2626), dated August 26, 1977, including Revision 1 (pages 1, 5, 6, and 8) dated October 4, 1977, or an FAA-approved equivalent.

This amendment becomes effective May 3, 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 Washington, D.C., on March 27, 1978.

J. A. FERRARESE,  
*Acting Director,*  
*Flight Standards Service.*

[FR Doc. 78-8598 Filed 3-31-78; 8:45 am]

#### [4910-13]

[Docket No. 17524, Amdt. 39-3171]

### PART 39—AIRWORTHINESS DIRECTIVES

#### Rolls Royce Dart Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspections for wear, and replacement as necessary of the flame tube liners and suspension pins on Rolls Royce Dart engines Series 542 and 543, to prevent possible overheating and failure of the turbine rotors on these engines.

DATES: Effective May 3, 1978. Compliance required as indicated.

ADDRESSES: The applicable service bulletin may be obtained from: Rolls Royce, Ltd., P.O. Box 31, Derby DE28BJ, England. A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

#### FOR FURTHER INFORMATION CONTACT:

Don C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Tel. 513.38.30.

#### SUPPLEMENTARY INFORMATION:

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive, requiring inspections for wear, and replacement as necessary of the flame tube liners and suspension pins on certain Rolls Royce Dart engines Series 542 and 543, was published in the FEDERAL REGISTER at 43 FR 975, on January 5, 1978. The proposal was prompted by reports of failures in the flame tube support system on certain Rolls Royce Dart engines that resulted in overheating and failure of the high pressure turbine rotor.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. Accordingly, the proposal is adopted without change.

The principal authors of this document are P.A. Cormaci, Europe, Africa, and Middle East Region, F. Kelley, Flight Standards Service, and P. Lynch, Office of the Chief Counsel.

#### 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 adding the following new airworthiness directive:

**ROLLS ROYCE, LTD.** Applies to Dart engines Series 542-4, 542-10, 543-10, and variants, featuring any of the following, Modifications 1243, 1244, 1432, 1448, or 1607, used on, but not limited to Convair 600 and 640 aircraft, and Nihon YS-11 and YS-11A series aircraft.

Compliance is required as indicated.

To prevent excessive wear in flame tube liners and suspension pins that may result in loss of flame tube support causing overheating and failure of the turbine rotors, accomplish the following:

(a) Within the next 500 hours engine time in service after the effective date of this AD, unless already accomplished, inspect the flame tube liners and suspension pins for wear in accordance with the instructions contained in paragraph 4A of Rolls Royce Dart Service Bulletin Da 72-431, dated July 1, 1977 (hereafter RR SB 72-431), or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, care of American Embassy, APO New York, New York 09667 (hereafter FAA-approved equivalent).

(b) If, during an inspection required by this AD, flame tube liner or suspension pin wear is found to exceed the limits given in paragraph 4A(1) of RR SB 72-431, or an FAA-approved equivalent, before further flight, except that the aircraft may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the work can be performed, replace the affected part with a serviceable part and reinspect in accordance with either paragraph (c) or (d) of this AD, as applicable.

(c) If, during an inspection required by this AD, flame tube liner wear is 0.030 or greater inches on any one flame tube of any engine in the operator's fleet, determine the flame tube time in service since new or overhauled, and establish a fleet repetitive inspection time interval in accordance with paragraph 4.A(1)(c)(ii) or 4.A(2) as applicable, of RR SB 72-431 or an FAA-approved equivalent.

(d) If, during an inspection required by this AD, flame tube liner wear is less than 0.030 inches on any one flame tube of any engine in the operator's fleet, replace, if necessary, the affected parts according to paragraph (b) of this AD and reinspect in accordance with paragraph 4.A(4) of RR SB 72/431, or an FAA-approved equivalent, at intervals not to exceed 2000 hours engine time in service from the last inspection.

(e) If, during a repetitive inspection required by paragraph (c) or (d) of this AD, flame tube liner wear is 0.030 or greater inches on any one flame tube of an engine in the operator's fleet, reduce the Repetitive Inspection Interval for all engines in the fleet in accordance with paragraph 4.A(2) of RR SB 72-431, or an FAA-approved equivalent.

(f) Record the repetitive inspection time intervals established pursuant to paragraphs (c), (d), and (e) in the aircraft maintenance records.

This amendment becomes effective May 3, 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 Washington, D.C., on March 27, 1978.

J. A. FERRARESE,  
*Acting Director,*  
*Flight Standards Service.*

[FR Doc. 78-8597 Filed 3-31-78; 8:45 am]

[4910-13]

[Docket No. 78-SO-11]

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

**Designation of Bunnell, Fla., Transition Area**

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

**ACTION:** Final rule.

**SUMMARY:** This rule designates a 700-foot transition area in the vicinity of Bunnell, Fla. It will lower the base of controlled airspace from 1,200 to 700 feet above ground level. This action provides necessary controlled airspace for accommodation of Instrument Flight Rules (IFR) operations at the Flagler County Airport.

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

**ADDRESS:** Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320.

**FOR FURTHER INFORMATION CONTACT:**

Donald Ross, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320; telephone 404-763-7646.

**SUPPLEMENTARY INFORMATION:** A notice of proposed rulemaking was published in the FEDERAL REGISTER on February 9, 1978 (43 FR 5524) which proposed the designation of the Bunnell, Fla., 700-foot transition area. The transition area is required to provide controlled airspace for aircraft executing a new approach procedure to the Flagler County Airport. No objections were received from this notice.

**DRAFTING INFORMATION**

The principal authors of this document are Donald Ross, Airspace and Procedures Branch, Air Traffic Division, and Richard L. Faber, Office of Regional Counsel.

**ADOPTION OF AMENDMENT**

Accordingly, subpart G of part 71, § 71.181, of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., May 18, 1978, by adding the following:

**BUNNELL, FLA.**

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the Flagler County Airport (Lat. 29°27'35" N., Long. 81°12'30" W.) excluding that portion that coincides with the Daytona Beach, Fla., transition area.

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

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

Issued in East Point, Ga., on March 23, 1978.

PHILLIP M. SWATEK,  
*Director, Southern Region.*

[FR Doc. 78-8596 Filed 3-31-78; 8:45 am]

[1505-01]

[Airspace Docket No. 77-CE-27]

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

**Alteration of Transition Area—Columbia, Mo.**

*Correction*

In FR Doc. 78-5992, appearing at page 9594 in the issue for Thursday, March 9, 1978; on page 9595, first column, fourth line of the description of the transition area, the latitude reading "39°17'15'" should read "39°00'15'".

[4210-01]

**Title 24—Housing and Urban Development**  
**CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. R-78-520]

**DEBENTURE INTEREST RATES**  
**Provisions for Reduction**

**AGENCY:** Department of Housing and Urban Development.

**ACTION:** Final rule.

**SUMMARY:** This rule change provides for a reduced debenture interest rate applicable to all home and project mortgages and loans under the National Housing Act (the Act), as amended, except for those loans or mortgages insured under the Act's section 221(g)(4) provision, committed on or after January 1, 1978. The Secretary of the Treasury determines debenture interest rates in accordance with established procedure and the Act. The intended effect of this rule change is to reduce debenture interest rates for appropriate mortgages.

**EFFECTIVE DATE:** January 1, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Linda F. Brothers, Accounting Systems and Procedures Division, Office of Finance and Accounting, Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-755-5300.

**SUPPLEMENTARY INFORMATION:** The Secretary of the Treasury has determined in accordance with the provisions of section 224 of the National Housing Act, as amended, that the interest rate for the month of November 1977 is 7½% and has approved the establishment of debenture interest rates at 7½% to be effective as of January 1, 1978.

The Secretary has determined that advance publication and notice and public procedure are unnecessary since the debenture interest rate is set by the Secretary of the Treasury in accordance with a procedure established by statute.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

**NOTE.**— It is hereby certified that the economic and inflationary effects of these

amended regulations have been carefully evaluated in accordance with Executive Order No. 11821.

Accordingly, Chapter II is amended as follows:

**PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS**

**Subpart B—Contract Rights and Obligations**

1. Section 203.405 is amended to read as follows:

§ 203.405 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the day the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is higher.

The following interest rates are effective for the dates listed:

	On or after	Prior to
Effective rate (percent):		
6% .....	Jan. 1, 1971	July 1, 1971
5% .....	July 1, 1971	Jan. 1, 1972
5% .....	Jan. 1, 1972	July 1, 1972
5½% .....	July 1, 1972	Jan. 1, 1973
5% .....	Jan. 1, 1973	July 1, 1973
6% .....	July 1, 1973	Jan. 1, 1974
6% .....	Jan. 1, 1974	July 1, 1974
6% .....	July 1, 1974	July 1, 1975
7% .....	July 1, 1975	Jan. 1, 1976
7% .....	Jan. 1, 1976	July 1, 1976
7% .....	July 1, 1976	Jan. 1, 1977
8% .....	Jan. 1, 1977	July 1, 1977
7% .....	July 1, 1977	Jan. 1, 1978
7% .....	Jan. 1, 1978	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709.)

2. Section 203.479 is amended to read as follows:

§ 203.479 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

	On or after	Prior to
Effective rate (percent):		
6% .....	Jan. 1, 1971	July 1, 1971
5% .....	July 1, 1971	Jan. 1, 1972
5% .....	Jan. 1, 1972	July 1, 1972
5½% .....	July 1, 1972	Jan. 1, 1973
5% .....	Jan. 1, 1973	July 1, 1973
6% .....	July 1, 1973	Jan. 1, 1974
6% .....	Jan. 1, 1974	July 1, 1974
6% .....	July 1, 1974	July 1, 1975
7% .....	July 1, 1975	Jan. 1, 1976
7% .....	Jan. 1, 1976	July 1, 1976
7% .....	July 1, 1976	Jan. 1, 1977
8% .....	Jan. 1, 1977	July 1, 1977
7% .....	July 1, 1977	Jan. 1, 1978
7% .....	Jan. 1, 1978	

(Sec. 211, 52 Stat. 23; U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709.)

**PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE**

**Subpart B—Contract Rights and Obligations**

3. In 207.259 paragraph (e)(6) is amended to read as follows:

§ 207.259 Insurance benefits.

.....  
 (e) Issuance of debentures. \* \* \*

(6) Bear interest from the date of issue, payable semiannually on the 1st day of January and 1st day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

	On or after	Prior to
Effective rate (percent):		
6% .....	Jan. 1, 1971	July 1, 1971
5% .....	July 1, 1971	Jan. 1, 1972
5% .....	Jan. 1, 1972	July 1, 1972
5% .....	July 1, 1972	Jan. 1, 1973
5% .....	Jan. 1, 1973	July 1, 1973
6% .....	July 1, 1973	Jan. 1, 1974
6% .....	Jan. 1, 1974	July 1, 1974
6% .....	July 1, 1974	July 1, 1975
7% .....	July 1, 1975	Jan. 1, 1976
7% .....	Jan. 1, 1976	July 1, 1976
7% .....	July 1, 1976	Jan. 1, 1977
8% .....	Jan. 1, 1977	July 1, 1977
7% .....	July 1, 1977	Jan. 1, 1978
7% .....	Jan. 1, 1978	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713.)

**PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS**

**Subpart D—Contract Rights and Obligations—Projects**

4. Section 220.830 is amended to read as follows:

§ 220.830 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the 1st day of January and 1st day of July of each year at the rate in effect as of the date the commitment was issued or as of the date the loan was endorsed for insurance, whichever rate is higher. The following interest rates are effective for the dates listed:

	On or after	Prior to
Effective rate (percent):		
6% .....	Jan. 1, 1971	July 1, 1971
5% .....	July 1, 1971	Jan. 1, 1972

	On or after	Prior to
5% .....	Jan. 1, 1972	July 1, 1972
5½ .....	July 1, 1972	Jan. 1, 1973
5¾ .....	Jan. 1, 1973	July 1, 1973
6 .....	July 1, 1973	Jan. 1, 1974
6¼ .....	Jan. 1, 1974	July 1, 1974
6½ .....	July 1, 1974	July 1, 1975
7 .....	July 1, 1975	Jan. 1, 1976
7½ .....	Jan. 1, 1976	July 1, 1976
7¾ .....	July 1, 1976	Jan. 1, 1977
8 .....	Jan. 1, 1977	July 1, 1977
7¾ .....	July 1, 1977	Jan. 1, 1978
7½ .....	Jan. 1, 1978	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k.)

Issued at Washington, D.C., March 24, 1978.

LAWRENCE B. SIMONS,  
Assistant Secretary for  
Housing-  
Federal Housing Commissioner.  
[FR Doc. 78-8536 Filed 3-31-78; 8:45 am]

[4210-01]

**CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. R-78-521]

**PART 841—PUBLIC HOUSING PROGRAM; DEVELOPMENT PHASE**

**Appendix A—Prototype Costs Limits for Low Income Housing—Baltimore, Md. and Fort Totten, N. Dak.**

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development.

ACTION: Interim rule.

SUMMARY: On June 30, 1977, the Department published a revised Schedule A, "Prototype Cost Limits for Low-Income Housing," to Part 841. Consid-

eration of subsequent factual cost data and other information received from the Field Offices shows that prototype cost schedules should be revised to make the program feasible in the affected areas. This document creates new prototype cost limits for low income housing for a new prototype cost area to be designated Baltimore City, Md., and a correction of a typographical error in the Fort Totten, N. Dak., prototype cost schedule, which was revised November 2, 1977 (42 FR 57305).

DATES: Effective Date: April 3, 1978. Comment Due Date: All comments received on or before May 3, 1978 will be considered.

ADDRESS: Send comments to the Rules Docket Clerk, Department of Housing and Urban Development, Room 5218, 451 Seventh Street SW., Washington, D.C. 20410.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Robert P. Cunningham, Director, Office of Technical Support, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5730.

SUPPLEMENTARY INFORMATION: Based on information supplied by Field Offices and the public, a new prototype per unit cost schedule for Baltimore City, Md., and a correction to the Fort Totten, N. Dak., prototype per unit cost schedule are being published.

These costs, issued pursuant to section 6(b) of the U.S. Housing Act of 1937, represent per unit cost schedules for low income housing and are required to be published at least annually in the FEDERAL REGISTER.

Because of the need to maintain current prototype cost schedules, it is in the public interest to publish the

changes for effect. However, timely written comments will be considered, and additional amendments will be published if the Department determines that acceptance of the comments is appropriate.

Comments with respect to cost limits for a given location should be sent to the address indicated above.

A finding of inapplicability respecting the National Environmental Policy Act of 1969, has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Accordingly, the prototype cost limits for low income housing, pursuant to 24 CFR, Part 841, Appendix A, are amended as follows:

1. At 41 FR 33646, add a prototype per unit cost area and schedule as shown on the table set forth hereinafter entitled Prototype Per Unit Cost Schedule—Region III—Baltimore City, Md.

2. At 42 FR 57305, the three bedroom detached and semi-detached prototype cost limit for Fort Totten, N. Dak. was in error. The cost limit shall be \$32,500 in lieu of limit published.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); Sec. 6(b) of the U.S. Housing Act of 1937, 42 U.S.C. 1437(d).)

It is hereby certified that the economic and inflationary impacts of this amendment to Part 841 have been carefully evaluated in accordance with Executive Order No. 11821.

Issued at Washington, D.C., on March 22, 1978.

LAWRENCE B. SIMONS,  
Assistant Secretary for Housing-  
Federal Housing Commissioner.

## RULES AND REGULATIONS

REGION 121

Baltimore City	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	13,100	15,750	17,450	20,800	24,950	27,950	29,150
Row Dwellings	14,900	18,000	19,800	23,700	28,400	31,600	33,100
Walk-Up	13,700	16,950	19,250	22,800	26,500	29,050	30,600
Elevator-Structure	20,850	24,200	30,700				
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

RULES AND REGULATIONS

REGION VIII

North Dakota PERM. FACTOR	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	21,050	24,100	28,350	37,500	37,850	41,550	43,100
Row Dwellings	-	-	-	-	-	-	-
Walk-Up	-	-	-	-	-	-	-
Elevator-Structure	-	-	-	-	-	-	-
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

RULES AND REGULATIONS

NUMBER OF ROOMS

0 1 2 3 4 5 6

REGION III--CONTINUED

MARYLAND

BALTIMORE:

DETACHED AND SEMI-DETACHED	13,100	15,750	17,450	20,800	24,950	27,950	29,150
ROW DWELLINGS	12,650	15,250	16,800	20,100	24,100	26,800	28,170
WALKUP	13,700	16,950	19,250	22,800	26,500	29,050	30,650
ELEVATOR-STRUCTURE	20,850	24,200	30,700				

ABERDEEN:

DETACHED AND SEMI-DETACHED	12,950	15,500	17,250	20,550	24,650	27,550	28,750
ROW DWELLINGS	12,500	15,000	16,550	19,850	23,750	26,450	27,700
WALKUP	13,450	16,500	18,850	22,300	25,850	28,450	29,800
ELEVATOR-STRUCTURE	20,850	24,200	30,700				

HAGERSTOWN:

DETACHED AND SEMI-DETACHED	13,700	16,350	18,150	21,700	26,050	29,100	30,350
ROW DWELLINGS	13,150	15,800	17,500	20,900	25,050	27,850	29,200
WALKUP	14,400	17,800	20,150	23,950	27,800	30,500	32,200
ELEVATOR-STRUCTURE	20,300	23,600	29,850				

SALISBURY:

DETACHED AND SEMI-DETACHED	12,900	15,500	17,150	20,450	24,600	27,450	28,650
ROW DWELLINGS	12,500	14,900	16,500	19,750	23,700	26,400	27,600
WALKUP	13,850	17,150	19,400	23,100	26,750	29,350	30,950
ELEVATOR-STRUCTURE	21,100	24,550	31,050				

ANNAPOLIS:

DETACHED AND SEMI-DETACHED	12,500	14,900	16,550	19,800	23,800	26,550	27,650
ROW DWELLINGS	12,000	14,500	15,950	19,050	22,850	25,550	26,700
WALKUP	13,200	16,350	18,600	21,950	25,450	27,950	29,450
ELEVATOR-STRUCTURE	20,000	23,400	29,550				

PASADENA:

DETACHED AND SEMI-DETACHED	12,150	14,600	16,150	19,250	23,150	25,850	27,000
ROW DWELLINGS	11,750	14,050	15,500	18,550	22,300	24,450	25,600
WALKUP	12,600	15,300	17,250	20,600	23,850	26,200	27,650
ELEVATOR-STRUCTURE	20,100	23,400	29,600				

CUMBERLAND:

DETACHED AND SEMI-DETACHED	12,400	14,850	16,400	19,650	23,550	26,400	27,500
ROW DWELLINGS	11,950	14,350	15,800	18,950	22,750	25,350	26,500
WALKUP	12,950	16,050	18,150	21,550	24,950	27,400	28,900
ELEVATOR-STRUCTURE	19,650	22,850	29,000				

FREEDOM:

DETACHED AND SEMI-DETACHED	12,650	15,250	16,900	20,150	24,200	27,100	28,200
ROW DWELLINGS	12,300	14,700	16,300	19,400	23,350	26,000	27,200
WALKUP	13,350	16,400	18,700	22,200	25,550	28,100	29,750
ELEVATOR-STRUCTURE	20,300	23,600	29,850				

[FR Doc. 78-8896 Filed 3-31-78; 8:45 am]

[4830-01]

Title 26—Internal Revenue

CHAPTER 1—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7537]

SUBCHAPTER A—INCOME TAX

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

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

Tax Credit for Earned Income

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the earned income credit. Changes in the applicable tax law were made by the Tax Reduction Act of 1975, the Tax Reform Act of 1976, and the Tax Reduction and Simplification Act of 1977. These regulations provide necessary guidance to the public for compliance with the law.

DATES: The regulations are effective only for taxable years which begin both after December 31, 1974, and before January 1, 1979.

FOR FURTHER INFORMATION CONTACT:

William E. Mantle of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) 202-566-3734.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On July 12, 1976, the FEDERAL REGISTER published proposed amendments to the Income Tax Regulations (26 CFR part 1) under section 43 of the Internal Revenue Code of 1954. Amendments were also proposed to the Regulations on Procedure and Administration (26 CFR part 301) under section 6041(b) of the Code. The amendments were proposed to conform the regulations to section 204 of the Tax Reduction Act of 1975 (89 Stat. 30). No comments were received regarding the proposed amendments. The proposed amendments are thus adopted as revised by this Treasury decision.

Additionally, certain revisions in the proposed regulation amendments are made by this Treasury decision in order to conform the regulations to the amendments made to section 43 by section 401 (c) and (e) of the Tax Reform Act of 1976 (90 Stat. 1556, 1558) and section 103 (b) and (c) of the Tax Reduction and Simplification Act of 1977 (91 Stat. 139). These statutory amendments made only minor changes in the earned income credit and prescribe rules favorable to taxpayers. For this reason, and because there is a need for immediate guidance for taxpayers, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring further notice of proposed rulemaking, opportunity for public participation, and delay in effective date are found to be inapplicable.

ADDITIONAL INDIVIDUALS ELIGIBLE FOR CREDIT

Following publication of the proposed amendments, section 401(c) of the Tax Reform Act of 1976 (90 Stat. 1556) amended section 43 to make additional individuals eligible for the credit. Thus, an individual may be eligible for the credit if he maintains a household in the United States which is his principal place of abode and the principal place of abode of his child who is under age 19 or is a student. This rule applies regardless of whether the individual may claim a personal exemption deduction for the child.

Similarly, an individual may be eligible for the credit if he maintains a household in the United States which is his principal place of abode and the principal place of abode of his child who is disabled. However, in this case, the individual must be entitled to claim a personal exemption deduction for the child. The rules under section 72(m)(7) apply to determine disability.

EXTENSION OF CREDIT

Following publication of the proposed amendments and modification of the credit by the Tax Reform Act of 1976, sections 103 (b) and (c) of the Tax Reduction and Simplification Act of 1977 (91 Stat. 139) extended the availability of the credit for an additional year. Thus, the credit as modified by the Tax Reform Act of 1976 is available for taxable years ending after December 31, 1975, and beginning before January 1, 1979. The credit as in effect prior to the Tax Reform Act of 1976 modification is available for taxable years beginning after December 31, 1974, and ending before January 1, 1976.

DRAFTING INFORMATION

The principal author of this regulation was William E. Mantle of the Legislation and Regulations Division of

the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Adoption of amendments to the regulations

Accordingly, 26 CFR Part 1 and 26 CFR Part 301 are amended as follows:

Paragraph 1. Section 1.43 and the historical note, as set forth in paragraph 1 of the notice of proposed rulemaking, are deleted.

Par. 2. Section 1.43-1, as set forth in paragraph 1 of the notice of proposed rulemaking, is amended by revising the caption, by revising paragraph (a) and paragraph (b)(1)(ii), by redesignating paragraph (c)(2) as paragraph (c)(3), by deleting paragraph (c)(1) and by inserting in lieu thereof new paragraphs (c) (1) and (2), by revising the first two sentences of the example in paragraph (d), and by revising paragraph (e). These amendments read as follows:

§ 1.43-1 Earned income credit.

(a) Allowance of credit. Subject to the limitations of paragraph (b) of this section, an eligible individual (as defined in paragraphs (c) (1) and (2) of this section) is allowed as a credit against the tax imposed by chapter 1 for the taxable year, an amount equal to 10 percent of the first \$4,000 of earned income (as defined in paragraph (c)(3) of this section) for the taxable year.

(b) Limitations—(1) Amount of credit. . . .

(ii) The earned income (as defined in paragraph (c)(3) of this section) of the individual for the taxable year.

(c) Definitions.—(1) Eligible individual for taxable years beginning after December 31, 1974, and ending before January 1, 1976. For purposes of this section, with respect to taxable years beginning after December 31, 1974, and ending before January 1, 1976, an eligible individual is an individual who meets the following requirements of this subparagraph.

(i) For the entire taxable year, the individual maintains a household (within the meaning of section 44A(f)(1) and the regulations thereunder) in the United States, which household for the taxable year is the principal place of abode of that individual and of one or more of the children of that individual with respect to whom he is entitled to claim a deduction under section 151(e)(1)(B) and the regulations thereunder (relating to additional exemptions for dependents). The rules of § 1.152-1(b) and of section 44A(f)(1) and the regulations thereunder shall apply in determining whether such household is the principal place of abode of that individual and of one or more of his children. In addition, and only for purposes of determining a child's principal place of abode under this subparagraph, in the case of a child who is adopted during the taxable year (including a child who is placed with that individual during the taxable year by an authorized placement

agency for legal adoption pursuant to a formal application filed by that individual with the agency) or who becomes that individual's stepchild during the taxable year, such household is only required to be the child's principal place of abode during that portion of the taxable year when he is that individual's child. However, in the case of a foster child who is treated as a child of the individual by blood under section 152(b)(2), such household is required to be the child's principal place of abode for the entire taxable year. The rules of this subdivision are illustrated by the following provisions which relate to members of the Armed Forces. A member of the United States Armed Forces who maintains his household outside the United States for any part of the taxable year is not an eligible individual. However, if he maintains his household within the United States for the entire taxable year and he is only temporarily absent therefrom by reason of military service and such household is the principal place of abode both of himself and of his child with respect to whom he is entitled to claim a deduction under section 151(e)(1)(B), then he will be an eligible individual if he meets the requirements of subdivision (ii) of this subparagraph.

(ii) For the entire taxable year, the individual is not entitled to exclude any amount from gross income under section 911 and the regulations thereunder (relating to earned income from sources without the United States) or section 931 and the regulations thereunder (relating to income from sources within the possessions of the United States).

(2) *Eligible individual for taxable years ending after December 31, 1975, and beginning before January 1, 1979.* For purposes of this section, with respect to taxable years ending after December 31, 1975, and beginning before January 1, 1979, an eligible individual is an individual who meets the following requirements of this subparagraph.

(i) For the entire taxable year, the individual maintains a household (within the meaning of section 44A(f)(1) and the regulations thereunder) in the United States.

(ii) For the entire taxable year, the household must be the principal place of abode of the individual. The household must also be the principal place of abode of one or more of the children of that individual who either have not attained the age of 19 at the close of the calendar year in which the taxable year of the individual begins or are students, or are disabled within the meaning of section 72(m)(7) and the regulations thereunder. However, a child of the individual who has attained age 19, is not a student, and is disabled must be a child with respect to whom the individual is entitled to claim a deduction under section 151(e) and the regulations thereunder (relating to additional exemptions for dependents). For purposes of section 43 and this section, the children of the individual include a son, stepson, daughter, stepdaughter, adopted son, or an adopted daughter of the individual; a child who is placed with the individual by an authorized placement agency for legal adoption pursuant to a formal application filed by that individual with the agency; and a foster child of the individual. For purposes of this subdivision (ii), a foster child is a child who is in the care of a person or persons (other than the parents or adopted parents of the child) who care for the child as their own child. However, such a child is not a foster child if his natural or adopted

parents provide over half of the child's support for their taxable year beginning in the calendar year in which the taxable year of the person or persons caring for the child begins. The rules of § 1.152-1(b) and of section 44A(f)(1) and the regulations thereunder shall apply in determining whether the household maintained by the individual is the principal place of abode of the individual and of one or more of his children. In addition, and only for purposes of determining a child's principal place of abode under this subparagraph, in the case of a child who is adopted during the taxable year (including a child who is placed with that individual during the taxable year by an authorized placement agency for legal adoption pursuant to a formal application filed by that individual with the agency) or who becomes that individual's stepchild during the taxable year, such household is only required to be the child's principal place of abode during that portion of the taxable year when he is that individual's child. However, in the case of a foster child as defined in this subdivision (ii), such household is required to be the child's principal place of abode for the entire taxable year.

(iii) For the entire taxable year, the individual is not entitled to exclude any amount from gross income under section 911 and the regulations thereunder (relating to earned income from sources without the United States) or has made an election under section 911(e) for that section not to apply, and is not entitled to exclude any amount from gross income under section 931 and the regulations thereunder (relating to income from sources within the possessions of the United States).

(iv) The rules of this subparagraph are illustrated by the following examples:

*Example (1).* A, who is a member of the United States Armed Forces, maintains his household outside the United States for part of the taxable year. A is not an eligible individual. However, if A maintains his household within the United States for the entire taxable year and is only temporarily absent therefrom by reason of military service and if such household is his principal place of abode and the principal place of abode of his child who has not attained the age of 19 at the close of the calendar year in which the individual's taxable year begins or is a student, then the individual will be an eligible individual if he meets the requirements of subdivision (iii) of this subparagraph.

*Example (2).* B maintains his household within the United States for the entire taxable year. The household is B's principal place of abode and for the entire taxable year the principal place of abode of B's grandchild who is 12 years old and whose natural parents are deceased. The grandchild, who is not an adopted child, is in B's care and is cared for as B's own child. In these circumstances, the grandchild is B's foster child regardless of whether B provides sufficient support to claim the grandchild as a dependent and B will be an eligible individual if he meets the requirements of subdivision (iii) of this subparagraph.

*Example (3).* Assume the same facts as in example (2) except that the deceased parents have left an estate sufficient to provide for all or any part of the grandchild's material needs. In these circumstances, the grandchild is B's foster child and B will be an eligible individual if he meets the requirements of subdivision (iii) of this subparagraph.

*Example (4).* C maintains his household within the United States for the entire taxable year. The household is his principal place of abode and for the entire taxable year the principal place of abode of a 12 year old child whose natural parents are deceased and who is placed with C by a State agency to provide the child with foster care. C receives compensation from the State agency to cover all of the cost of maintaining the child in his home. The child is in C's care and is cared for as C's own child. In these circumstances, the child is C's foster child and C will be an eligible individual if he meets the requirements of subdivision (iii) of this subparagraph.

*Example (5).* Assume the same facts as in example (4) except that C receives no compensation from the State agency. In these circumstances, the child is C's foster child regardless of whether C provides sufficient support to claim the child as a dependent and C will be an eligible individual if he meets the requirements of subdivision (iii) of this subparagraph.

*Example (6).* D maintains his household within the United States for the entire taxable year. The household is D's principal place of abode and for the entire taxable year the principal place of abode of D's nephew who is 15 years old. Although D cares for his nephew as his own child, the nephew's natural parents provide over half of his support. Since the nephew's natural parents provide over half of his support the nephew is not D's foster child and D is not an eligible individual.

*Example (7).* Assume the same facts as in example (6) except that the nephew's grandparents provide over half of his support. Since D's nephew's natural parents do not provide over half of his support, he is D's foster child and D will be an eligible individual if D meets the requirements of subdivision (iii) of this subparagraph.

(3) *Earned income.* \* \* \*

(d) *Example.* \* \* \*

*Example.* A and B (married individuals) maintain a household within the United States which is their principal place of abode and the principal place of abode of their two children who are 12 and 14 years old. A and B are calendar year taxpayers and, for 1977, they file a joint return. \* \* \*

(e) *Effective dates.* The credit allowed by section 43 and paragraph (a) of this section shall apply only for taxable years which begin both after December 31, 1974, and before January 1, 1979.

*Par. 3.* Section 1.43-2 reserved by paragraph 1 in the notice of proposed rulemaking is deleted.

*Par. 4.* The amendments to § 301.6401 as set forth in paragraph 2 in the notice of proposed rulemaking are deleted.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Approved: March 20, 1978.

JEROME KURTZ,  
Commissioner of  
Internal Revenue.

ROBERT H. MUNDHEIM,  
General Counsel.

## § 1.43 [Deleted]

## § 1.43-1 Earned income credit.

(a) *Allowance of credit.* Subject to the limitations of paragraph (b) of this section, an eligible individual (as defined in paragraphs (c) (1) and (2) of this section) is allowed as a credit against the tax imposed by chapter 1 for the taxable year, an amount equal to 10 percent of the first \$4,000 of earned income (as defined in paragraph (c)(3) of this section) for the taxable year.

(b) *Limitations—(1) Amount of credit.* The amount of the credit allowed by section 43 and paragraph (a) of this section for the taxable year shall be reduced (but not below zero) by an amount equal to 10 percent of the excess over \$4,000 of the greater of—

(i) The adjusted gross income (within the meaning of section 62 and the regulations thereunder) of the individual for the taxable year, or

(ii) The earned income (as defined in paragraph (c)(3) of this section) of the individual for the taxable year.

Thus, if the individual has adjusted gross income or earned income of \$8,000 or more, he will not be entitled to the credit.

(2) *Married individuals.* No credit shall be allowed by section 43 and paragraph (a) of this section in the case of an eligible individual who is married (within the meaning of section 143 and the regulations thereunder) unless such individual and his spouse file a single return jointly for the taxable year (see section 6013 and the regulations thereunder relating to joint returns of income tax by husband and wife). The requirements of the preceding sentence shall not apply to an eligible individual who is not considered as married under section 143(b) and the regulations thereunder (relating to certain married individuals living apart).

(3) *Length of taxable year.* No credit shall be allowed by section 43 and paragraph (a) of this section in the case of a taxable year covering a period of less than 12 months. However, the rule of the preceding sentence shall not apply to a taxable year closed by reason of the death of the eligible individual.

(c) *Definition—(1) Eligible individual for taxable years beginning after December 31, 1974, and ending before January 1, 1976.* For purposes of this section, with respect to taxable years beginning after December 31, 1974, and ending before January 1, 1976, an eligible individual is an individual who meets the following requirements of this subparagraph.

(i) For the entire taxable year, the individual maintains a household (within the meaning of section 44A(f)(1) and the regulations thereun-

der) in the United States, which household for the taxable year is the principal place of abode of that individual and of one or more of the children of that individual with respect to whom he is entitled to claim a deduction under section 151(e)(1)(B) and the regulation thereunder (relating to additional exemptions for dependents). The rules of § 1.152-1(b) and of section 44A(f)(1) and the regulations thereunder shall apply in determining whether such household is the principal place of abode of that individual and of one or more of his children. In addition, and only for purposes of determining a child's principal place of abode under this subparagraph, in the case of a child who is adopted during the taxable year (including a child who is placed with that individual during the taxable year by an authorized placement agency for legal adoption pursuant to a formal application filed by that individual with the agency) or who becomes that individual's stepchild during the taxable year, such household is only required to be the child's principal place of abode during that portion of the taxable year when he is that individual's child. However, in the case of a foster child who is treated as a child of the individual by blood under section 152(b)(2), such household is required to be the child's principal place of abode for the entire taxable year. The rules of this subdivision are illustrated by the following provisions which relate to members of the Armed Forces. A member of the United States Armed Forces who maintains his household outside the United States for any part of the taxable year is not an eligible individual. However, if he maintains his household within the United States for the entire taxable year and he is only temporarily absent therefrom by reason of military service and such household is the principal place of abode both of himself and of his child with respect to whom he is entitled to claim a deduction under section 151(e)(1)(B), then he will be an eligible individual if he meets the requirements of subdivision (ii) of this subparagraph.

(ii) For the entire taxable year, the individual is not entitled to exclude any amount from gross income under section 911 and the regulations thereunder (relating to earned income from sources without the United States) or section 931 and the regulations thereunder (relating to income from sources within the possessions of the United States).

(2) *Eligible individual for taxable years ending after December 31, 1975, and beginning before January 1, 1979.* For purposes of this section, with respect to taxable years ending after December 31, 1975, and beginning before January 1, 1979, an eligible individual

is an individual who meets the following requirements of this subparagraph.

(i) For the entire taxable year, the individual maintains a household (within the meaning of section 44A(f)(1) and the regulations thereunder) in the United States.

(ii) For the entire taxable year, the household must be the principal place of abode of the individual. The household must also be the principal place of abode of one or more of the children of that individual who either have not attained the age of 19 at the close of the calendar year in which the taxable year of the individual begins or are students, or are disabled within the meaning of section 72(m)(7) and the regulations thereunder. However, a child of the individual who has attained age 19, is not a student, and is disabled must be a child with respect to whom the individual is entitled to claim a deduction under section 151(e) and the regulations thereunder (relating to additional exemptions for dependents). For purposes of section 43 and this section, the children of the individual include a son, stepson, daughter, stepdaughter, adopted son, or an adopted daughter of the individual; a child who is placed with the individual by an authorized placement agency for legal adoption pursuant to a formal application filed by that individual with the agency; and a foster child of the individual. For purposes of this subdivision (ii), a foster child is a child who is in the care of a person or persons (other than the parents or adopted parents of the child) who care for the child as their own child. However, such a child is not a foster child if his natural or adopted parents provide over half of the child's support for their taxable year beginning in the calendar year in which the taxable year of the person or persons caring for the child begins. The rules of § 1.152-1(b) and of section 44A(f)(1) and the regulations thereunder shall apply in determining whether the household maintained by the individual is the principal place of abode of the individual and of one or more of his children. In addition, and only for purposes of determining a child's principal place of abode under this subparagraph, in the case of a child who is adopted during the taxable year (including a child who is placed with that individual during the taxable year by an authorized placement agency for legal adoption pursuant to a formal application filed by that individual with the agency) or who becomes that individual's stepchild during the taxable year such household is only required to be the child's principal place of abode during that portion of the taxable year when he is that individual's child. However, in the case of a foster child as defined in this subdivi-

sion (ii), such household is required to be the child's principal place of abode for the entire taxable year.

(iii) For the entire taxable year, the individual is not entitled to exclude any amount from gross income under section 911 and the regulations thereunder (relating to earned income from sources without the United States) or has made an election under section 911(e) for that section not to apply, and is not entitled to exclude any amount from gross income under section 931 and the regulations thereunder (relating to income from sources within the possessions of the United States).

(iv) The rules of this subparagraph are illustrated by the following examples:

*Example (1).* A, who is a member of the United States Armed Forces, maintains his household outside the United States for part of the taxable year. A is not an eligible individual. However, if A maintains his household within the United States for the entire taxable year and is only temporarily absent therefrom by reason of military service and if such household is his principal place of abode and the principal place of abode of his child who has not attained the age of 19 at the close of the calendar year in which the individual's taxable year begins or is a student, then the individual will be an eligible individual if he meets the requirements of subdivision (iii) of this subparagraph.

*Example (2).* B maintains his household within the United States for the entire taxable year. The household is B's principal place of abode and for the entire taxable year the principal place of abode of B's grandchild who is 12 years old and whose natural parents are deceased. The grandchild, who is not an adopted child, is in B's care and is cared for as B's own child. In these circumstances, the grandchild is B's foster child regardless of whether B provides sufficient support to claim the grandchild as a dependent and B will be an eligible individual if he meets the requirements of subdivision (iii) of this subparagraph.

*Example (3).* Assume the same facts as in example (2) except that the deceased parents have left an estate sufficient to provide for all or any part of the grandchild's material needs. In these circumstances, the grandchild is B's foster child and B will be an eligible individual if he meets the requirements of subdivision (iii) of this subparagraph.

*Example (4).* C maintains his household within the United States for the entire taxable year. The household is his principal place of abode and for the entire taxable year the principal place of abode of a 12 year old child whose natural parents are deceased and who is placed with C by a State agency to provide the child with foster care. C receives compensation from the State agency to cover all of the cost of maintaining the child in his home. The child is in C's care and is cared for as C's own child. In these circumstances, the child is C's foster child and C will be an eligible individual if

he meets the requirements of subdivision (iii) of this subparagraph.

*Example (5).* Assume the same facts as in example (4) except that C receives no compensation from the State agency. In these circumstances, the child is C's foster child regardless of whether C provides sufficient support to claim the child as a dependent and C will be an eligible individual if he meets the requirements of subdivision (iii) of this subparagraph.

*Example (6).* D maintains his household within the United States for the entire taxable year. The household is D's principal place of abode and for the entire taxable year the principal place of abode of D's nephew who is 15 years old. Although D cares for his nephew as his own child, the nephew's natural parents provide over half of his support. Since the nephew's natural parents provide over half of his support the nephew is not D's foster child and D is not an eligible individual.

*Example (7).* Assume the same facts as in example (6) except that the nephew's grandparents provide over half of his support. Since D's nephew's natural parents do not provide over half of his support, he is D's foster child and D will be an eligible individual if D meets the requirements of subdivision (iii) of this subparagraph.

(3) *Earned income.* For purposes of this section, earned income means—

- (i) Wages, salaries, tips, other employee compensation, and
- (ii) Net earnings from self-employment (within the meaning of section 1402(a) and the regulations thereunder)

which are includible in the eligible individual's gross income for the taxable year in which the credit is claimed. However, earned income shall be computed without regard to any community property laws which may otherwise be applicable. Earned income shall be reduced by any net loss in earnings from self-employment. Earned income shall not include amounts received as a pension or an annuity, an amount to which section 871(a) and the regulations thereunder apply (relating to income of nonresident alien individuals not connected with United States business), or an amount excluded from gross income under section 105 and the regulations thereunder (relating to amounts received under accident and health plans).

(d) *Example.* The application of this section is illustrated by the following example. For purposes of this example, assume that the eligible individual's adjusted gross income is equal to his earned income and that he does not receive a pension or an annuity, or an amount to which section 871(a), 911, or 931 applies.

*Example.* A and B (married individuals) maintain a household within the United States which is their principal place of abode and the principal place of abode of their two children who are 12 and 14 years old. A and B are calendar year taxpayers

and, for 1977, they file a joint return. A and B have a total earned income of \$7,500 (computed without regard to any community property laws) and have adjusted gross income of less than \$7,500. The earned income credit of \$50 is determined as follows:

Basic credit (10 pct of \$4,000 under paragraph (a) of this section).....	\$400
Less: Reduction under paragraph (b)(1) of this section:	
Earned income for taxable year.....	\$7,500
Less.....	4,000
Excess earned income over \$4,000.....	3,500
10 pct of excess (\$3,500).....	350
Total credit.....	50

(e) *Effective dates.* The credit allowed by section 43 and paragraph (a) of this section shall apply only for taxable years which begin both after December 31, 1974, and before January 1, 1979.

#### § 1.43-2 [Deleted]

#### REGULATIONS ON PROCEDURE AND ADMINISTRATION

#### § 301.6401-1 [Amended]

PAR. 3. Subparagraph (2) of § 301.6401-1(a) is amended by inserting "43 (relating to earned income credit)," before "and 667(b)" and by striking out "and 39)" and inserting in lieu thereof ", 39, and 43)".

[FR Doc. 78-8662 Filed 3-31-78; 8:45 am]

#### [3810-71]

#### Title 32—National Defense

#### CHAPTER VI—DEPARTMENT OF THE NAVY

#### SUBCHAPTER B—NAVIGATION

#### PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

#### PART 707—SPECIAL RULES WITH RESPECT TO ADDITIONAL STATION AND SIGNAL LIGHTS

#### Miscellaneous Amendments; Corrections

AGENCY: Department of the Navy, Department of Defense.

ACTION: Correction.

SUMMARY: This correction adds a sentence, which had been inadvertently omitted, to the preamble sections of

the documents that revised parts 706 and 707, 32 CFR. The added sentences reflect determinations previously made regarding the publication for public comment of the proposed revisions.

**FOR FURTHER INFORMATION CONTACT:**

Commander E. M. Byrne, Administrative Law Division (Code 133), Department of the Navy, Washington, D.C. 20370, telephone number: 202-694-5745.

**SUPPLEMENTARY INFORMATION:** Prior to revising parts 706 and 707, 32 CFR, determinations were made, in accordance with 32 CFR parts 296 and 701, that publication for public comment of the proposed revisions was impracticable, unnecessary, and contrary to the public interest. Statements reflecting these determinations, however, were inadvertently omitted from the preamble sections of the documents promulgating these revisions. Accordingly, the following corrections are made.

1. In FR Doc. 77-19995 appearing at page 36434 in the *FEDERAL REGISTER* for Thursday, July 14, 1977, in the 35th line of the "Supplementary Information" section, after the phrase "5 U.S.C. 553," the following sentence is added:

Further, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this revision for public comment prior to adoption is impracticable, unnecessary, and contrary to the public interest, since the revision is based on technical findings that the design and placement of lights in a manner different from that prescribed herein will adversely affect the ships' special missions and military functions.

2. In FR Doc. 77-34805 appearing at page 61596 in the *FEDERAL REGISTER* for Tuesday, December 6, 1977, in the 36th line of the "Supplementary Information" section, after the phrase "do not apply," the following sentence is added:

Also, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this revision for public comment prior to adoption is impracticable, unnecessary, and contrary to the public interest, since the revision is based on technical findings that the selection and placement of different additional lights than those prescribed herein would adversely

affect the ships' missions and special military functions.

Dated: March 24, 1978.

K. D. LAWRENCE,  
Captain, JAGC, U.S. Navy  
Deputy Assistant Judge Advocate (Administrative Law).

[FR Doc. 78-8654 Filed 3-31-78; 8:45 am]

**[6560-01]**

**Title 40—Protection of Environment**

**CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY**

**SUBCHAPTER C—AIR PROGRAMS**

[FRL 846-4]

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

**California Plan Revision: Malfunction Regulations; Correction**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule; correction.

**SUMMARY:** The Environmental Protection Agency takes action to correct a clerical error made in an earlier final rulemaking *FEDERAL REGISTER* notice concerning malfunction regulations in the State of California. This correction adds specific portions of the regulatory section which were inadvertently deleted due to a clerical error.

**EFFECTIVE DATE:** January 24, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Allyn M. Davis, Acting Director, Air and Hazardous Materials Division, U.S. Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif., 94105. Attention: Wayne Blackard, telephone 415-556-7288.

In FR Doc. 78-1927 appearing at page 3275 in the issue of Tuesday, January 24, 1978, page 3277, middle column, Section (39) should be corrected by inserting the following two lines after (iii) Los Angeles County APCD. (A) Rule 430 and in front of 2. Section 52.271:

- (iv) Riverside County APCD.
- (A) Rule 430.

Dated: March 27, 1978.

DOUGLAS M. COSTLE,  
Administrator.

[FR Doc. 78-8649 Filed 3-31-78; 8:45 am]

**[6712-01]**

**Title 47—Telecommunications**

**CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION**

[Docket No. 21137]

**PART 95—PERSONAL RADIO SERVICES**

**Permitting use of automatic Morse Code identification equipment; correction**

**AGENCY:** Federal Communications Commission.

**ACTION:** Editorial order.

**SUMMARY:** The FCC is amending the General Mobile Radio Service rules, concerning station identification in the General Mobile Radio Service, to restore a paragraph which was inadvertently omitted in a previous action. The deleted paragraph, which was omitted in the Report and Order in Docket 21137, allowed General Mobile Radio Service licensees to select from among three alternative means of identification. We are restoring this paragraph because we did not intend to delete it.

**EFFECTIVE DATE:** April 5, 1978.

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

**FOR FURTHER INFORMATION CONTACT:**

Erika M. Ziebarth, Personal Radio Division, Safety and Special Radio Services Bureau, 202-634-6620.

**SUPPLEMENTARY INFORMATION:** See attached document.

Adopted: March 21, 1978.

Released: March 23, 1978.

*Order.* In the matter of amendment of part 95 of the Commission's rules and regulations to permit the use of automatic Morse code identification equipment, Docket No. 21137.

1. In a report and order in Docket 21137, released February 23, 1978, 43 FR 7432 (1978), the Commission revised the regulations in the various private land mobile radio services to permit the use of automatic Morse code identification equipment.

2. In the appendix to the report and order, a subsection of the General Mobile Radio Service station identification rule, § 95.71(e), was inadvertently deleted. The deleted subsection allowed General Mobile Radio Service licensees to choose from among three alternative means of identifying their stations.

3. This deletion was unintentional and was outside the scope of the proposals in Docket 21137. Further, the Commission received no comments pointing out the error. Finally, neither

the notice of proposed rulemaking nor the report and order in this Docket discussed this inadvertent amendment to the rules.

4. For the above reasons, we are issuing this order to correct the error by restoring the deleted subsection to the Commission's rules. Because this is an editorial revision to correct a previous error, the prior notice and public procedure provisions of the Administrative Procedure Act, 5 U.S.C. 553, are unnecessary. Authority for this action is contained in sections 4(i), 5(d), and 303 of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules.

5. Accordingly, we order, That § 95.71 of the Commission's rules is amended as set forth below, effective April 5, 1978.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (47 U.S.C. 154, 155, 303).)

FEDERAL COMMUNICATIONS  
COMMISSION,  
R. D. LICHTWARDT,  
Executive Director.

Part 95 of chapter 1 of title 47 of the Code of Federal Regulations is amended, as follows:

1. In § 95.71, a new paragraph (e) is added, to read as follows:

§ 95.71 Station identification.

\* \* \* \* \*

(e) In lieu of complying with the requirements of paragraph (a) of this section, base stations, fixed stations, and mobile units when communicating with base stations may identify as follows:

(1) Base stations and fixed station shall transmit their call signs at the end of each transmission or exchange of transmissions, or once each 15-minute period of a continuous exchange of communications.

(2) A mobile unit communicating with a base station on the same frequency shall transmit once during each exchange of transmissions any unit identifier which is on file in the station records of that base station.

(3) A mobile unit communicating with a base station on a different frequency shall transmit its call sign at the end of each transmission or exchange of transmissions, or once each 15-minute period of a continuous exchange of communications.

[FR Doc. 78-8652 Filed 3-31-78; 8:45 am]

[4910-60]

#### Title 49—Transportation

### CHAPTER I—MATERIALS TRANSPORTATION BUREAU

#### SUBCHAPTER D—PIPELINE SAFETY

[Amdt. 192-31; Docket No. OPSO-42]

### PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE

#### Design of Plastic Pipelines

AGENCY: Materials Transportation Bureau (MTB).

ACTION: Final rule.

SUMMARY: This amendment: (1) increases the maximum allowable operating temperature of thermoplastic pipe from 100° F to 140° F, (2) prohibits the operation of thermoplastic pipe at a temperature higher than its long-term hydrostatic test temperature, (3) establishes alternative temperature bases for determining the long-term hydrostatic strength of thermoplastic pipe, (4) establishes a single design factor for all plastic pipe, and (5) requires that thermoplastic pipe be marked to indicate its long-term hydrostatic strength and related temperature basis. A major benefit of the amendment is that it provides for use throughout the United States and Puerto Rico of properly designated thermoplastic service risers enclosed in metallic casings.

EFFECTIVE DATE: The effective date is May 18, 1978.

#### FOR FURTHER INFORMATION CONTACT:

Paul J. Cory, 202-426-2082.

SUPPLEMENTARY INFORMATION: This amendment results from a notice of proposed rulemaking, Notice No. 77-1 (42 FR 8386, Feb. 10, 1977) issued by the Office of Pipeline Safety Operations. The Notice proposed amendments to §§ 192.121 and 192.123(b)(2) of the Federal gas pipeline safety standards to: (1) remove the disparity between the long-term hydrostatic test temperature and maximum allowable operating temperature for thermoplastic pipe by prohibiting operation of the pipe at a temperature higher than its test temperature, (2) establish alternative temperature bases to facilitate the long-term hydrostatic testing of thermoplastic pipe, (3) increase the maximum allowable operating temperature of thermoplastic pipe, and (4) establish a single design factor for all plastic pipe. In addition, it was proposed that § 192.63 be amended to require that thermoplastic pipe be marked to show its strength and related temperature basis.

Interested persons were invited to participate in this rulemaking action by submitting written data, views, or arguments not later than March 28, 1977. In addition, the Technical Pipeline Safety Standards Committee (TPSSC) met in Washington, D.C., on June 7 and 8, 1977, to consider the proposal. The TPSSC's report is set forth below.

There were 36 persons who submitted written comments in response to Notice 77-1: 3 trade associations; 18 gas distribution companies; 2 State public utility commissions; 7 manufacturers of plastic pipe, plastic materials, or components of plastic pipe; 1 technical society; 3 gas transmission companies, 1 consultant on plastic, and 1 Federal agency. A discussion of significant comments and the recommendations of the TPSSC and their disposition in developing the final rules are set forth below by section.

#### SECTION 192.63

In conjunction with proposing to establish alternative temperature bases for the long-term hydrostatic testing of thermoplastic pipe, Notice 77-1 proposed that § 192.63 be amended to require that thermoplastic pipe be marked to show its long-term hydrostatic strength and related temperature basis. Only 3 commenters supported this rule change as proposed, while 11 others offered alternative marking suggestions. One commenter objected to the proposal, stating that marking strength and temperature could cause confusion and misapplication by field personnel and that the strength of pipe is only important to the engineer who tests, recommends, or approves the pipe. This comment was not adopted because the ability to identify the rated strength of pipe in the field is necessary to prevent inadvertent mixing of pipe of different strengths during installation. MTB believes that an additional marking to indicate the temperature basis of strength would not be so complex as to confuse field personnel. Also, with the amendment to § 192.123(b)(2) which ties allowable operating temperatures to test temperature, a temperature marking would serve to identify for field personnel the operating temperature limit on the pipe.

The majority of commenters and the TPSSC recommended that the proposed strength and temperature marking be accomplished by using the coded marking system for test temperatures above 73° F provided by section 9.2 of the 1975b edition of ASTM D2513, "Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing, and Fittings." Under this system, thermoplastic pipe is marked with code letters which represent certain strength and temperature values set forth in a table in ASTM D2513.

According to the commenters, two advantages of the new coded marking system are that the letters are easily read and they do not take up much additional space on the pipe. In addition to these reasons, MTB favors the new coded system because it is a new feature of the uniform marking system currently followed by the pipeline industry and required for thermoplastic pipe by § 192.63(a)(1). Although the new coded marking system would become mandatory under § 192.63(a)(1) if the 1975b edition of ASTM D2513 were incorporated by reference in part 192 as a pipe manufacturing specification (the 1974a edition is the latest edition now incorporated), such action cannot be taken within the scope of this proceeding. It is, however, being considered as part of a future notice of proposed rulemaking to update referenced specifications in part 192. Therefore, in the interim, a limited reference to the 1975b edition is being adopted under § 192.63(a). It requires that thermoplastic pipe installed after the amendment becomes effective must be marked in accordance with section 9.2 of the 1975b edition of ASTM D2513, unless the pipe falls under the "grandfather" provision of § 192.123(b)(2) for operating temperatures which is discussed below.

#### SECTION 192.121 (DESIGN FACTOR)

It was proposed that a single design factor within the range of 0.32 to 0.50 be used in the design formula for plastic pipe instead of the present factors of 0.32 for Class 1 locations, 0.25 for Class 2 and 3 locations, and 0.20 for Class 4 locations. Twelve commenters supported adoption of 0.32 as the single design factor. The 0.32 value was favored by these commenters because it would provide adequate design flexibility, and because a larger factor might contribute to harmful effects due to fluids in the gas other than water, secondary or combined stresses, or defects in the pipe. These commenters also stated that when combined with the proposal to determine hydrostatic strength on the basis of maximum allowable operating temperature, a design factor of 0.32 would provide a level of safety at least equal to that which is now required. They pointed out that a conservative factor is desirable, considering the possible chemical environment of plastic pipe and other unforeseeable effects.

At the same time, referring to pipe 2 inches or less in diameter, eight commenters said the 0.32 design factor would result in thinner pipe walls, and that the thin walls may cause problems in saddle fusion of side taps and service tees and in making butt fusion joints. As to this point, MTB believes that reduced pipe wall thickness should not present a major concern in

the fusion joining of plastic pipe as long as the various installation procedures currently being used in accordance with § 192.281 are properly followed.

Six commenters and the TPSSC suggested that a design factor of 0.40 be adopted, based on its many years of satisfactory use prior to adoption of the more conservative factors in § 192.121. The 0.40 value was favored also because most pipe with a diameter to wall thickness ratio of 11 (SDR-11) could be used in encased risers throughout the United States and Puerto Rico at the typical 60 psig design pressure, thereby providing a more efficient use of materials.

Two commenters suggested that the design factor for Class 3 and Class 4 locations be increased to 0.40 and for Class 1 and Class 2 locations, to 0.50. In this way, they argued, experience could be gained at higher stress levels with minimum risk to the public. This comment was not adopted because sufficient operating experience at higher stress levels in water lines and gas gathering lines is already available. Besides, an objective of the proposal was to establish a single factor for all locations. With a single factor, operators would be able to use the same pipe for identical design pressures throughout their systems, thus saving the cost of keeping a variety of pipe and matching components in inventory for different class locations.

Three commenters were in favor of a single design factor equal to 0.50. This view was stated for several reasons, but it was based primarily on the fact that plastic pipe does not have a history of pressure failures.

After considering the several arguments favoring either 0.40 or 0.50, MTB has adopted a 0.32 design factor in the final rule because as indicated by the majority of commenters, a more conservative increment is desirable for the allowable design stress of plastic pipe. The potential loss in strength with increasing temperature is reason enough to choose a conservative factor in designing plastic pipe to carry a hazardous gas. When the uncertain effects of added stresses, undetected pipe defects, and the environment are also considered, a conservative figure becomes even more desirable. The reason presented most often by the commenters for selecting a factor less conservative than 0.32 was that a factor of 0.40 would allow wider usage of SDR-11 pipe. However, after further study, MTB finds that a value of 0.32 will permit the use of some plastic materials for SDR-11 pipe in encased risers at 60 psig for most operating temperatures throughout the United States and Puerto Rico. While other lower strength materials will be excluded from such use, MTB believes that the potential benefits from a

wider choice of materials for SDR-11 applications are not large enough when weighed against the added risk of a higher design factor.

#### SECTION 192.121 (HYDROSTATIC STRENGTH) AND SECTION 192.123(b)(2)

It was proposed that the current maximum allowable operating temperature prescribed by § 192.123(b)(2) for thermoplastic pipe, 100° F, be increased to 120° F. This proposal was partially based on a petition by the ASME Gas Piping Standards Committee who had suggested that the temperature limit be raised to 140° F. In making the proposal, MTB also considered research data showing that the characteristics of thermoplastic pipe have been improved at temperatures above 120° F. Another factor bearing on the safety of raising the temperature limit for thermoplastic pipe was a concurrent proposal to require that the maximum allowable operating temperature not be higher than the temperature at which the pipe's long-term hydrostatic strength is determined under § 129.121.

The majority of commenters focused on whether the new temperature limit for thermoplastic pipe should be 120° F, as proposed by MTB, or instead, 140° F, as originally suggested by the ASME Gas Piping Standards Committee.

Commenters did not oppose the proposal that the long-term hydrostatic strength of thermoplastic pipe be precisely correlated with the intended maximum allowable operating temperature of the pipe. Therefore, this aspect of the proposed rulemaking has been adopted as final without change.

Three persons commented that rather than establish fixed temperature bases under § 129.121 for use in determining long-term hydrostatic strength, it would be more practical if the long-term strength were read from curves showing temperature versus strength. The commenters argued that by showing strength as a continuous function of temperature, curves would allow maximum use of the engineering properties of thermoplastic materials.

MTB asked the TPSSC to consider this alternative. The TPSSC said that using curves in determining long-term hydrostatic strength would make compliance with the proposed marking requirement difficult because the coded system of marking contained in ASTM D2513 is tied to specific temperatures. The TPSSC also said that curves might be susceptible to misinterpretation. MTB agrees with this opinion, and in view of the advantages of a uniform method of pipe marking, fixed temperature based are adopted in the amendment to § 192.121.

Only two commenters opposed increasing the maximum allowable operating temperature of thermoplastic

pipe above the current 100° F. One said that raising the temperature limit could foster the use of poorly designed or poorly installed field-fabricated risers, which could be hazardous for reasons apart from the operating temperature of thermoplastic pipe. The other commenter was concerned about the deteriorating effect of fire on thermoplastic risers encased in metal. This commenter stated that under fire conditions, thermosetting plastic provides longer pipe life and, thus, greater safety. While MTB views both of these comments as serious considerations, they are not strictly germane to the question posed by Notice 77-1 of whether thermoplastic pipe can safely withstand normal operating temperatures above 100° F. Safety problems in the design and installation of risers are covered by existing standards in Part 192 other than §§ 192.121 or 192.123. Also, the reported incidence of fires damaging outside service risers does not appear to warrant taking remedial rulemaking action. Even if some action were necessary, it seems futile to suggest that the problem could be resolved by keeping the existing temperature limit on the operation of thermoplastic pipe.

Nine of the commenters stated that the maximum allowable operating temperature of thermoplastic pipe should be no higher than 120° F. These commenters basically were concerned that the long-term hydrostatic strength of some thermoplastic materials at temperatures above 120° F cannot be accurately predicted. This fear was countered, however, by commenters who argued that the hydrostatic testing required by § 192.121 would preclude the use of weak materials. Other reasons advanced for adopting 120° F as the temperature limit (e.g., it would provide a greater opportunity to use thermoplastic fittings) appear to apply equally to a limit of 140° F.

The same number of commenters favored unrestricted adoption of 140° F as the temperature limit for thermoplastic pipe. According to these commenters, thermoplastic materials are available whose long-term hydrostatic strength can be accurately determined at 140° F. These commenters stated that the Plastic Pipe Institute has tested and rated at least five of the major thermoplastic materials for operation in gas service at 140° F, and any materials which cannot operate safely at this high temperature would not pass the strength test required by § 192.121. In addition, they emphasized that a 120° F limit would not be high enough to permit the use of metal encased thermoplastic risers in many areas of the southwest.

A few commenters and the TPSSC favored adoption of 140° F as the temperature limit, but with certain limita-

tions. One commenter objected to permitting its use belowground at that temperature. This commenter argued that any continuous operation belowground at such a high temperature, as might occur when pipe is installed near other utility lines, would cause a greater loss in strength than the cyclic temperatures likely to be experienced aboveground. Similarly, the TPSSC objected to belowground usage at 140° F because the additional stresses caused by temperature would be even higher for thermoplastic fittings used in conjunction with pipe in an underground piping system. The TPSSC pointed out that service risers, or the aboveground portion of a system, normally would not contain these fittings. Also, two commenters suggested that operating temperatures between 120° F and 140° F be allowed for only a small percentage of operating time. Their suggestion was intended to result in a conservative increase in allowable operating temperature that would not preclude aboveground installations in the Southwest.

MTB considered all the comments on establishing a new temperature limit in light of the tests which have been run by the Battelle Columbus Laboratories, the Plastic Pipe Institute, and others. These tests confirm that continuous exposure of thermoplastic pipe to a high temperature (e.g., 140° F) would be more harmful than cyclic exposure to the same temperature. More important, however, they show that thermoplastic materials now available for use in gas pipe and fittings would not be expected to fail during the service life of a pipeline even if it were continuously exposed to 140° F temperature. Another factor relevant to the temperature issue is that the hydrostatic strength test required by § 192.121 must be performed at a constant temperature, or under a worse condition than would be expected in actual service. The reliability of this test is proved by the satisfactory safety record of thermoplastic materials in gas service at 100° F and in water service (where a similar test is used) at even higher temperatures. Also, the hydrostatic test requirement takes on added significance as a check on the safety of operating at 140° F because of the amendment discussed above which requires close correlation between strength and allowable operating temperature.

As a consequence, MTB now believes there is insufficient reason to set a limit lower than 140° F on the operation of thermoplastic pipe. Also, MTB believes a sufficient reason has not been presented to restrict the use of thermoplastic pipe at 140° F to aboveground locations or for short periods of time. Almost all belowground operating temperatures will be cyclic rather than constant, and in the rela-

tively few cases where a continuous high temperature can be expected (as near a steam line), the experimental testing mentioned above shows that materials are available which can be used without failure. As to the problem of added stresses in fittings, while deserving attention, it is not relevant to the question of what is a safe operating temperature for thermoplastic pipe. Moreover, an operator is required to protect against this effect under § 192.143 which requires that fittings be designed in a manner comparable to pipe. Also, the research results mentioned above apply to thermoplastic materials used in fittings as well as pipe. Therefore, section 192.123(b)(2) is amended to permit the use of thermoplastic pipe at temperatures up to 140° F. Concurrently, the proposal to amend § 192.121 by establishing temperature bases for testing thermoplastic pipe is changed to include 140° F as one of the bases.

These changes do not mean, however, that now operators can practically disregard the effects of temperature on thermoplastic pipe. For instance, in the DuPont conducted field testing discussed in Notice 77-1, the plastic pipe inside a service riser was deliberately forced against the metal casing. Temperatures near the point of contact consistently exceeded 140° F, with only moderate air temperatures in direct sunlight. This result points up the need for careful attention in installing metal encased thermoplastic service risers to ensure that the pipe's maximum allowable operating temperature is not exceeded.

Several commenters and the TPSSC objected to the "grandfather" provision in § 192.123(b)(2) of the notice regarding the use of thermoplastic pipe manufactured before the proposed amendment becomes effective. The "grandfather" provision was intended to allow operators to continue to use this pipe at temperatures up to 100° F, as currently provided, even though it has been tested at only 73° F. The commenters pointed out, however, that as written in the notice, the provision would have the undesirable effect of precluding use of the pipe at any higher allowable temperature which could be established consistent with the proposed hydrostatic test temperature under § 192.121. Since this result was not intended, the proposed amendment to § 192.123(b)(2) is changed in the final rules to allow thermoplastic pipe which is manufactured before the effective date of the amendment as well as pipe manufactured thereafter to be used at the highest temperature for which it qualifies for use under § 192.121. At the same time, a revised "grandfather" provision is adopted so that operators will not have to needlessly re-qualify pipe for use at 100° F which is

not installed or which is on hand but not intended for use above that temperature.

In addition to the substantive changes to §§ 192.63, 192.121, and 192.123 discussed above, the units of measurement expressed in these sections are changed to conform to the International System of Units (SI). These changes are part of an orderly transition process whereby SI units will be used in Part 192 as new or amended regulations are adopted.

REPORT OF THE TECHNICAL PIPELINE SAFETY STANDARDS COMMITTEE

Section 4(b) of the Natural Gas Pipeline Safety Act of 1968 requires that all proposed standards and amendments to such standards pertaining to gas pipelines be submitted to the TPSSC and that the Committee be afforded a reasonable opportunity to prepare a report on the "technical feasibility, reasonableness, and practicability of each proposal." The proposed amendments were submitted to the Committee as Item 1 of 4 items at a meeting in Washington, D.C., on June 7 and 8, 1977. On July 11, 1977, the Committee filed the following favorable report:

This communication is the official report of the Technical Pipeline Safety Standards Committee concerning the Committee's action on two amendments to 49 CFR Part 192 proposed by the Office of Pipeline Safety Operations and other matters which the Committee decided should be brought to the attention of the Department of Transportation.

The following described actions were taken by the Committee at a meeting held in Washington, D.C., on June 7 and 8, 1977.

Item 1 of the agenda was a proposal by OPSO to amend the requirements of §§ 192.63, 192.121, and 192.123(b)(2) pertaining to design of plastic pipelines as published in Notice 77-1; Docket No. OPSO-42. By a unanimous affirmative vote, the Committee found the following language for §§ 192.63, 192.121, and 192.123(b)(2) technically feasible, reasonable, and practicable.

[The language suggested is adopted in the final rule except as discussed above.]

In consideration of the foregoing, Part 192 of Title 49 of the Code of Federal Regulations is amended as follows:

In section 192.63, paragraphs (b), (c), and (d) are redesignated paragraphs (c), (d), and (e) respectively; reference to paragraph (d) in the introductory text of paragraph (a) is changed to read "paragraph (e)." A new paragraph (b) is added to read as follows:

§ 192.63 Marking of materials.

(b) In addition to the requirements in paragraph (a), thermoplastic pipe

manufactured in accordance with the 1974a or earlier listed edition of ASTM D2513 must be marked as required by section 9.2 of ASTM D2513 (1975b edition) unless the pipe was manufactured before May 18, 1978, and is installed where operating temperatures are not above 38° C (100° F).

By revising section 192.121 to read as follows:

§ 192.121 Design of plastic pipe.

The design pressure for plastic pipe is determined in accordance with the following formula, subject to the limitations of § 192.123:

$$P = 2S t / (D - t) \times 0.32$$

P = Design pressure, gage, kPa (psi).  
S = For thermoplastic pipe the long-term hydrostatic strength determined in accordance with the listed specification at a temperature equal to 23° C (73° F), 38° C (100° F), 49° C (120° F), or 60° C (140° F); for reinforced thermosetting plastic pipe, 75,800 kPa (11,000 psi).

t = Specified wall thickness, mm (in.).  
D = Specified outside diameter, mm (in.).

By revising section 192.123 (a) introductory text, (b) (1) and (2), (c), and (d) to read as follows:

§ 192.123 Design limitations for plastic pipe.

(a) The design pressure may not exceed a gage pressure of 689 kPa (100 psig) for plastic pipe used in—

- (1) Below minus 29° C (-20° F); or
- (2) In the case of thermoplastic pipe, above the temperature at which the long-term hydrostatic strength used in the design formula under § 192.121 is determined, except that pipe manufactured before May 18, 1978, may be used at temperatures up to 38° C (100° F); or in the case of reinforced thermosetting plastic pipe, above 66° C (150° F).

(c) The wall thickness for thermoplastic pipe may not be less than 1.57 millimeters (0.062 in.).

(d) The wall thickness for reinforced thermosetting plastic pipe may not be less than that listed in the following table:

Nominal size in inches:	Minimum wall thickness in millimeters (inches)
2	1.52 (0.060)
3	1.52 (0.060)
4	1.78 (0.070)
6	2.54 (0.100)

NOTE.—MTB has determined that this document does not contain a major proposal requiring preparation of a regulatory analysis under DOT procedures.

(49 U.S.C. 1672; 49 U.S.C. 1804, App. A. of Part 1, 49 CFR.)

Issued in Washington, D.C., on March 28, 1978.

L. D. SANTMAN,  
Acting Director,  
Materials Transportation Bureau.  
[FR Doc. 78-8757 Filed 3-31-78; 8:45 am]

[3510-22]

Title 50—Wildlife and Fisheries

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

PART 230—WHALING

Taking of Bowhead Whales by Indians, Aleuts, or Eskimos for Subsistence Purposes

AGENCY: National Marine Fisheries Service.

ACTION: Final rule.

SUMMARY: The aboriginal exemption to the Schedule of the International Whaling Convention (Convention) which allows the taking of either 12 bowhead whales landed or 18 struck is allocated among the nine Alaskan Eskimo whaling villages which have traditionally participated in the subsistence hunt. In implementing the obligation of the United States under the Convention, these final regulations require appropriate licensing of whaling captains, call for reporting of various data, proscribe certain acts, set out penalties, and provide for, to the extent possible, the maximum utilization of all whales taken.

DATES: These regulations are effective April 3, 1978.

ADDRESSES: Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

William P. Jensen, Marine Mammal and Endangered Species Division, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20235, phone: 202-634-7461.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Whaling activities conducted by persons subject to the jurisdiction of the United States are governed by the Whaling Convention Act (WCA, 16 U.S.C. 916a-1) which implements the Convention domestically. The body of

the Convention sets out the rights and duties of Contracting Governments, and the Schedule to the Convention (Schedule), which is deemed to be a part thereof, contains regulations adopted by the International Whaling Commission (Commission).

Until recently, the Schedule expressly exempted aborigines, which includes Alaskan Eskimos, from the prohibitions imposed on "the taking of gray or right whales," provided that the meat and products of such whales were used exclusively for local consumption by the aborigines. The hunting of bowhead whales, a species of right whale, has been an important part of the culture and subsistence lifestyle of Alaskan Eskimos for centuries. Hunting occurs in U.S. waters off the coast of Alaska during the spring and fall as the bowhead whales migrate north and east through near shore leads (openings in the ice) in the spring and then west and south as ice forms in the fall. Residents of nine villages participate in the hunt as the bowhead whales pass their respective village. Weapons used in the hunt, the darting and shoulder guns, have not changed substantially since the peak of the commercial whaling era in the middle part of the last century. Skin covered whaling vessels known as umiaks remain the most commonly used vessel.

#### PROCEDURAL HISTORY

In June 1977, the Commission amended the Schedule to impose a prohibition on the taking of bowhead whales by deleting the words "or right" from the quoted provision of the Schedule. Since such a prohibition would have had a severe impact on Alaskan Eskimos, the United States considered objecting to the amendment, as permitted by the Convention. In aid of reaching a decision on what was considered to be a "major Federal action significantly affecting the quality of the human environment," an environmental impact statement was prepared, entitled "International Whaling Commission's Deletion of Native Exemption for the Subsistence Harvest of Bowhead Whales", pursuant to the National Environmental Policy Act (42 U.S.C. 4321-4347).

In October 1977, the United States decided not to object in light of its commitment to international conservation. Recognizing both the need to preserve the central elements of the Eskimo culture and to conserve the bowhead whale stocks, the United States believed that a limited subsistence hunting of bowhead whales should be permitted. Therefore, the United States set out to develop a comprehensive research program and conservation regime to control subsistence hunting for presentation to the Commission's Scientific Committee at its

meeting of November 21-25, 1977. In addition, the conservation regime was published as proposed regulations in the FEDERAL REGISTER (42 FR 60185) on November 25, 1977, under the authority of the Marine Mammal Protection Act (MMPA, 16 U.S.C. 1361-1407).

At a special meeting on December 6-8, 1977, the Commission adopted an amendment to the Schedule which allowed a limited taking of bowhead whales from the Bering Sea stock: 12 whales landed or 18 whales struck, whichever comes first. The amendment further prohibited the taking of any calf or any bowhead whale accompanied by a calf. The United States received official notice of the action on December 29, 1977. By the terms of the Convention, this amendment to the Schedule entered into effect at 12 (noon), March 20, 1978. In light of the Commission's action, the conservation regime published as proposed regulations under the MMPA was withdrawn on January 30, 1978 (43 FR 3921).

Pursuant to section 916k of the WCA, amendments to the Schedule must be published in the FEDERAL REGISTER. As the present Schedule now embraces whaling operations carried on by persons subject to the jurisdiction of the United States, the entire revised Schedule, as amended, was published on March 8, 1978 (43 FR 9481).

On March 6, 1978 (43 FR 9174), the National Marine Fisheries Service (NMFS) published proposed regulations to implement the amendment to the Schedule under the authority of the WCA.

#### PUBLIC COMMENTS

Comments on the proposed regulations were solicited from all interested parties. In view of the time which remained before the anticipated beginning of the spring hunt, these comments were to be received on or before March 20, 1978. The following parties submitted comments:

Alaska Eskimo Whaling Commission  
Marine Mammal Commission  
Friends of the Earth  
Connecticut Cetacean Society  
Alaska Legal Services Corporation  
Whale Center  
Alaska Conservation Society  
The Whale Protection Fund  
Environmental Defense Fund  
Defenders of Wildlife  
Floyd Durham  
Winton Weyapuk, Jr.

In addition, on March 23, 1978, a meeting was held with the legal representatives of the Alaska Eskimo Whaling Commission (AEWC) to clarify the intent of the AEWC comments. Copies of the comments received and the record of the aforementioned meeting are available for review at the offices of the National Marine Fisheries Service, 3300 Whitehaven Street NW.,

Room 410, Washington, D.C. In response to those comments, the following outlines the rationale underlying these final regulations:

#### QUOTAS

Several of the comments indicated that the village-by-village quota scheme did not assure a closure of the whaling season after the twelfth whale was landed or the eighteenth struck, and, as a result, the United States would not be meeting its obligation under the Convention.

The limited quota, which was adopted by the Commission, was in response to the subsistence and cultural needs of the Alaskan Eskimos and the need to protect the bowhead whale stocks from further depletion. Article IX of the Convention states that:

"Each Contracting Government shall take appropriate measures to ensure the application of the provisions of this Convention and the punishment of infractions against the said provisions in operations carried out by persons or by vessels under its jurisdiction."

Cognizant of the reasons for which the quota was adopted, NMFS has determined that a village-by-village quota, which assures to each whaling village the opportunity to engage in whaling, is the appropriate measure to carry out the intent of the Commission.

Historically, nine whaling villages have participated in the subsistence hunt as independent units, each one seeking to meet its own critical nutritional needs. In addition, participation in this hunt is an essential element of the Eskimo culture, which has remained substantially unchanged for centuries. The cultural aspects of the hunt pervade the entire Eskimo community, and are of paramount significance to the social structure of each village. A system, which provides an opportunity of meeting these needs, is consistent with the intent of the Commission to recognize the cultural and subsistence needs of Alaskan Eskimos.

No system is likely to be successful without the cooperation of that segment of society which is being regulated. The village-by-village quota has been viewed as equitable by the Eskimos. A system which could deprive a village of a fair opportunity to secure needed food for its inhabitants would undoubtedly be met with resistance. Should closure of the whaling season occur under such a system, there is a significant risk that any village adversely affected by rigid application of an undistributed quota would violate the quota if that village considered it necessary to meet critical nutritional needs of its inhabitants. Though violations would be punished, the difficulty involved in preventing these violations could result in an adverse impact on the bowhead whale stocks. Since the

Commission's prime concern is the protection of the bowhead whale stocks, a system, which is equitable, accepted by the Eskimos, and, therefore, subject to fewer infractions, has been adopted.

Irrespective of the overall quota, any excess of the village quota is a violation of the regulations. This arrangement complies with the obligation of the United States to punish infractions against the provisions of the Convention by assuring that all landings or strikes in excess of the 12/18 quota, as allocated, will be subject to sanction.

#### LICENSES

The licensing provision, § 230.73, has been revised to respond in part to the comments received on the manner in which Alaskan Eskimo whalers presently regulate their activities. The unique situation presented by Eskimo subsistence whaling, both geographically and culturally, dictates that normal licensing procedures be modified.

The nine villages involved in subsistence whaling are spread over a thousand miles of desolate terrain. Communication between representatives of the Federal government and inhabitants of the individual villages is impeded by a lack of modern communication facilities and, in some cases, language difficulties. The AEWC is an essential link between individual whalers and the outside community, particularly the Federal government. The whaling regulations of the AEWC, which are widely accepted by Eskimo whalers, provide a comprehensive set of controls on Eskimo whaling activities. Through its registration system, the AEWC is gathering information on individual whaling captains equivalent to that required of applicants for licenses in the proposed regulations.

Consequently, a provision has been added to § 230.73, which allows the Assistant Administrator to issue a license to captains registered with a whaling association if he determines that: (1) The association has established a system for regulating whaling activities of its members; (2) the system requires captains to provide information equivalent to that required of other applicants for licenses; and (3) the information has been made available to the Assistant Administrator or his representative. This provision operates in lieu of the formal application process in order to meet the exigencies posed by the imminence of the spring whaling season, to take advantage of the valuable resources resident in the AEWC, and to minimize Federal interference with traditional cultural community activities.

#### WASTE

Comments were received on both the manner in which a whale may be

taken and utilized. It was suggested that the final regulations be more specific with respect to these matters. The Convention does not require us to regulate wasteful taking. Moreover, the AEWC has specific regulations on this subject. The general proscription of wasteful manner in these final regulations contemplates the prohibition of whaling activities generally recognized as wasteful. The use of a rifle to strike a bowhead whale clearly is not likely to result in its landing and, therefore, falls within this proscription. Similarly, the use of a shoulder gun without implanting in the whale a dart with line and float attached, which could result in the loss of the whale, would be a violation of the regulations.

Due to the manner in which a proprietary interest in a whale is established (i.e., by using a darting gun to implant in the whale a dart with line and float attached), the great social value attached to this interest, and the limited number of whales that may be taken, NMFS has determined that detailed Federal regulations to supplement those regulations by which the Eskimos govern their whaling activities are not necessary to ensure that proper hunting methods are employed.

Comments regarding the inclusion of provisions governing the utilization of whales have been considered. In light of the number of whales which may be taken, the maximum utilization of each whale is likely as a practical matter and need not be a subject of Federal regulation.

#### SALVAGE OF STINKERS

In response to the comments received, this provision has been revised to reflect practical circumstances and to clarify the status of any stinker salvaged. The definition of stinker has been changed by deleting the words "on the ice," as stinkers are not found upon the ice. Section 230.75 does not require that all fragments of harpoons, lances, or explosive darts be searched for and retrieved from the salvaged whale. In order to confirm the identity of the captain that struck the whale, for the purposes of establishing the ownership of the whale and to confirm a reported strike, all such devices which are found during the salvage must be turned over to the Assistant Administrator or his representative. As parts of such devices may be reused, the Assistant Administrator or his representative will promptly return them unless they are considered evidence of an unreported strike. Whales salvaged as stinkers are presumed to be struck whales of the whaling village of domicile of the captain whose distinctive mark appears on the harpoon, lance, or explosive dart found in the whale. If not report-

ed earlier, the strike shall be deemed to have occurred at the time of recovery of the device.

#### HARASSMENT

It was suggested that "harassing" should be deleted from the definition of whaling. While whaling captains may not harass whales, it is important that the activities of others not party to a village whaling operation be subject to control. This is to ensure that only the permitted taking of bowhead whales occurs, and that no activity interferes with the successful landing of any bowhead whale struck. Activities such as shooting at whales from shore with rifles, which, as one commentator asserts takes place, or buzzing whales with airplanes are prohibited by retaining the word "harassing" in the definition of "whaling."

#### GENERAL

To the extent possible, other comments have been reflected in the final regulations. The word "native" as it appears before whaling captain has been deleted. In accord with an agreement among Eskimo whalers, the additional strike has been allocated to Barrow; it now has a quota of four strikes. We have been advised by the AEWC that the village of Nuigut, which whales in the fall, has agreed to relinquish its quota to the village of Wales on the understanding that it will be given preference in any reassignment of quotas under § 230.74(c). Section 230.74 has been revised accordingly. Written records required by § 230.76 are to be kept by each whaling captain and not his representative. In determining whether these reports comply with the requirements of the regulations, NMFS will take into account language difficulties. To notify more expeditiously all affected whaling captains of the attainment of a village quota, the Assistant Administrator shall notify the individual captains, and not their representative, using all reasonable means of communication.

The provision relating to inspection, formerly § 230.73(a)(1)(iii)(E), has been deleted. Its inclusion has been determined to be misleading as it could possibly be viewed as a waiver by the Assistant Administrator of all other reasonable searches and inspections. All searches and inspections shall be carried out to the extent permitted by law.

Due to the imminence of the spring whaling season and the need to ensure an equitable distribution of the limited number of bowhead whales that are permitted to be taken, it is found for good cause shown that the thirty day delay in the effective date of these regulations may be waived. Consequently, these regulations are effective April 13, 1978.

50 CFR Part 230 is amended by revising § 230.10(b) to read as follows:

§ 230.10 Licenses and scientific permits [Amended].

(b) No permit or license shall be issued except as provided in § 230.13 and §§ 230.70 through 230.77. Licenses issued under § 230.73 shall be governed solely by the requirements of §§ 230.70 through 230.77.

50 CFR Part 230 is amended by adding a new undesignated center heading, entitled NATIVE SUBSISTENCE, which reads as follows:

NATIVE SUBSISTENCE

Sec.	
230.70	General.
230.71	Definitions.
230.72	Prohibited Acts.
230.73	Licenses and Certificates of Inclusion.
230.74	Quotas.
230.75	Salvage of Stinkers.
230.76	Reporting by Whaling Captains.
230.77	Penalties.

AUTHORITY: Whaling Convention Act (WCA 16 U.S.C. 916a-1).

NATIVE SUBSISTENCE [NEW]

§ 230.70 General.

The provisions of §§ 230.70 through 230.77, which govern native subsistence whaling for bowhead whales, shall expire on December 31, 1978.

§ 230.71 Definitions.

(a) As used in §§ 230.70 through 230.77 of this Part 230:

(1) "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration;

(2) "Assistant Administrator" means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration;

(3) "Bowhead" means a whale of the Bering Sea stock of bowhead whales, *Balaena mysticetus*;

(4) "Calf" means any bowhead which is less than 21 feet in length as measured from the point of the upper jaw and the notch between the tail flukes;

(5) "Landing" means bringing a bowhead or any parts thereof onto the ice or land in the course of whaling operations;

(6) "Whaling captain" or "captain" means any Indian, Aleut, or Eskimo domiciled in a whaling village who is in charge of a vessel and a whaling crew;

(7) "Stinker" means a dead unclaimed bowhead found upon a beach, stranded in shallow water, or floating at sea;

(8) "Strike" means hitting a bowhead with a harpoon, lance, or explosive dart;

(9) "Whaling" means the hunting, striking, harassing, killing, or landing

of bowheads, but does not include the salvage or processing of any stinker;

(10) "Whaling crew" means those persons under the control of a captain, who collectively participate as a unit in whaling;

(11) "Whaling village" means any of the villages of Gambell, Savoonga, Wales, Kivalina, Point Hope, Wainwright, Barrow, Nuigsut, and Kaktovik in the State of Alaska; and

(12) "Wasteful manner" means a method of whaling which is not likely to result in the landing of a struck bowhead or which does not include all reasonable effort to retrieve the bowhead.

§ 230.72 Prohibited acts.

(a) No person shall engage in whaling except:

(1) A whaling captain licensed in accordance with the provisions of § 230.73;

(2) A whaling captain included under the terms of a license issued in accordance with the provisions of § 230.73; or

(3) A member of a whaling crew under the control of a captain referred to in subparagraphs (1) and (2) of this paragraph.

(b) No whaling captain shall engage in whaling for any calf or any bowhead whale accompanied by a calf.

(c) No whaling captain shall engage in whaling in a wasteful manner.

(d) No whaling captain shall continue to whale after, (1) the quota set forth in § 230.74 for his village of domicile is reached, or (2) the license under which he is whaling is suspended as provided in § 230.73(e).

(e) No whaling captain shall claim domicile in more than one whaling village.

(f) No person may salvage a stinker without complying with the provisions of § 230.75.

(g) No whaling captain shall engage in whaling with a harpoon, lance, or explosive dart which does not bear a permanent distinctive mark described by the captain in a document submitted to the Assistant Administrator identifying the captain as the owner thereof.

§ 230.73 Licenses and certificates of inclusion.

(a) A license may be issued to a whaling captain or a representative of one or more captains who applies on their behalf.

(1) Applications for a license shall contain:

(i) Name, address, and telephone number, if any, of the applicant. If the applicant is an organization or corporate entity, a copy of the corporate or organizational charter shall be included;

(ii) The name and village of domicile of the applicant (if he is a whaling

captain) and of each captain represented by the applicant;

(iii) A statement by the applicant (if he is a whaling captain) and each whaling captain represented by the applicant:

(A) That he understands and will comply with the regulations of this part;

(B) That the whaling crew contains at least five members;

(C) That any vessel to be used contains adequate equipment for whaling and that there are adequate provisions for the whaling crew; and

(D) That no member of the whaling crew will receive money for participation in the native subsistence whaling;

(iv) A description of the distinctive marking to be placed on each harpoon, lance, and explosive dart of each captain covered by the application.

(2) The application for a license shall be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235.

(3) A license fee of \$100 is required. A check in this amount made payable to the National Marine Fisheries Service must accompany the application.

(4) The Assistant Administrator shall determine the adequacy and completeness of an application, and if found to be inadequate or incomplete will promptly notify the applicant.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Assistant Administrator may issue a license, on his own initiative, to whaling captains registered with or belonging to a whaling association representing a significant number of whaling captains if the Assistant Administrator, in his discretion, determines that: (1) The association has established a system for regulating whaling activities of its members; (2) the system requires the captains to provide information equivalent to that required to be submitted by an applicant under paragraph (a) of this section; and (3) such information has been made available to the Assistant Administrator or his representative.

(c) A license issued under this section shall contain a limitation on the number of whales that may be landed or struck, as provided in § 230.74.

(d) Upon issuance of a license, the Assistant Administrator shall issue a certificate of inclusion to each native whaling captain represented by the license holder. Each certificate shall state the whaling village of domicile claimed by the captain and describe the distinctive mark to be permanently affixed to the equipment of the captain. Such certificates are not transferable.

(e) A license issued under this section shall be valid for whaling in 1978 only. The Administrator may suspend any license issued pursuant to this sec-

tion if he, in his discretion, determines that a change in circumstances resulting from unauthorized whaling activities in 1978 creates an emergency presenting an imminent hazard to the viability of the bowhead population. Immediately upon such determination, the Administrator shall advise all holders of licenses and certificates of inclusion of the suspension and the reasons therefor. Any affected license holder shall, upon request, be entitled forthwith to an informal hearing to determine whether the suspension should be modified or lifted.

#### § 230.74 Quotas.

(a) During the calendar year 1978, the quota for bowheads is allocated among whaling villages as follows:

- (1) Kaktovik—1 whale landed or 2 struck, whichever occurs first
- (2) Nuigsut—0 whale landed or 0 struck, whichever occurs first
- (3) Barrow—3 whales landed or 4 struck, whichever occurs first
- (4) Wainwright—2 whales landed or 2 struck, whichever occurs first
- (5) Point Hope—2 whales landed or 2 struck, whichever occurs first
- (6) Kivalina—1 whale landed or 2 struck, whichever occurs first
- (7) Gambell—1 whale landed or 2 struck, whichever occurs first
- (8) Savoonga—1 whale landed or 2 struck, whichever occurs first
- (9) Wales—1 whale landed or 2 struck, whichever occurs first

(b) When the number of bowheads struck or landed by whaling captains domiciled in a whaling village equals the quota for such whaling village as set forth in paragraph (a) of this section, whaling by all captains domiciled in that whaling village shall cease. All license holders and certificate holders shall be notified promptly by the Assistant Administrator using all reasonable means of communication. Licenses and certificates of inclusion held by whaling captains domiciled in

a whaling village which has reached its quota shall not be valid after the quota for that whaling village has been reached.

(c) If for any reason the landing or struck quota for a whaling village is not reached, the part of the quota which remains may be reassigned, upon request of such village, to a second whaling village by the Administrator: *Provided*, That no other whaling village has exceeded its quota at the time of the reassignment. In making such reassignment the Administrator shall consult with representatives of as many whaling villages as time reasonably permits and shall initially give preference to the village of Nuigsut.

#### § 230.75 Salvage of stinkers.

(a) Any person salvaging a stinker shall submit to the Assistant Administrator or his representative an oral or written report describing the circumstances of the salvage within 12 hours of such salvage. He shall provide promptly to the Assistant Administrator or his representative each harpoon, lance, or explosive dart found in or attached to the stinker who shall return the device to the owner thereof promptly unless it is retained as evidence of a possible violation.

(b) There shall be a rebuttable presumption that a stinker has been struck by the captain whose mark appears on the harpoon, lance or explosive dart found in or attached thereto, and, if no strike has been reported by such captain, such strike shall be deemed to have occurred at the time of recovery of the device.

#### § 230.76 Reporting by whaling captains.

(a) All whaling captains shall provide to the Assistant Administrator or his representative an oral or written report within 12 hours of the striking, attempted striking, or landing of a

bowhead. The Assistant Administrator is authorized to provide Technological assistance to facilitate prompt reporting. The report shall include at least the following information:

(1) The number, dates, and locations of each strike, attempted strike, or landing;

(2) The length (as measured from the point of the upper jaw and the notch between the tail flukes), the extreme width of the flukes, and the sex of the bowhead(s) landed;

(3) The length and sex of a fetus, if present in a landed bowhead;

(4) An explanation of circumstances associated with the striking or attempted striking of any bowhead not landed; and

(5) The number of bowheads sighted by the whaling captain or any member of the whaling crew.

(b) Each captain shall keep a written record of the information required in paragraph (a) of this section, and shall forward the record to the Assistant Administrator within a reasonable time after whaling for bowheads has ceased for the season. In any event the report shall be submitted by July 15 for the preceding spring whaling season and by December 15 for the preceding fall whaling season.

#### § 230.77 Penalties.

Any person who whales in contravention of these regulations, or violates any other provision of the Whaling Convention Act or of these regulations shall be subject to the penalties set forth in 16 U.S.C. 916 e and 916 f, and any other penalties provided by law.

Dated: March 30, 1978.

JACK W. GEHRINGER,  
Deputy Director, National  
Marine Fisheries Service.

[FR Doc. 78-8736 Filed 3-31-78; 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.

[3128-01]

## DEPARTMENT OF ENERGY

Office of Conservation and Solar  
Applications

[10 CFR Part 430]

### ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Proposed Rulemaking and Public Hearing  
Regarding Test Procedures for Water Heaters

AGENCY: Department of Energy.

ACTION: Proposed rule.

**SUMMARY:** The Department of Energy hereby proposes to amend its test procedures for water heaters. These test procedures are a part of the appliance energy efficiency program established pursuant to the Energy Policy and Conservation Act, which requires that standard methods of testing be prescribed for covered appliances.

**DATES:** Comments by May 22, 1978; requests to speak by May 3, 1978; statements by May 15, 1978; hearing to be held on May 16, 1978.

**ADDRESSES:** Comments and requests to speak at the hearing to: Office of Public Hearing Management, Box SA, Department of Energy, Room 2313, 2000 M Street NW., Washington, D.C. 20461; statements to: Office of Public Hearing Management, Box SA, Department of Energy, Room 2313, 2000 M Street NW., Washington, D.C. 20461; hearing to be held at: Room 2105, 2000 M Street NW., Washington, D.C.

#### FOR FURTHER INFORMATION CONTACT:

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

Robert C. Gillette (Hearing Procedures) 2000 M Street NW., Room 222A, Washington, D.C. 20461, 202-254-5201.

Jim Merna (Media Relations), 12th and Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461, 202-566-9833.

William J. Dennison (Office of the General Counsel), 12th and Pennsyl-

vania Avenue NW., Room 7148, Washington, D.C. 20461, 202-566-9750.

#### SUPPLEMENTARY INFORMATION:

##### A. BACKGROUND

On October 1, 1977, the Department of Energy (DOE) assumed the authority of the Federal Energy Administration (FEA) for the energy conservation program for appliances, pursuant to section 301 of the Department of Energy Organization Act (DOE Act) (Pub. L. 95-91). The energy conservation program for appliances was established by FEA pursuant to title III, part B of the Energy Policy and Conservation Act (Act) (Pub. L. 94-163). Section 323 (42 U.S.C. 6293) of the Act requires that standard methods of testing be prescribed for covered appliances.

FEA proposed test procedures for water heaters by notice issued April 21, 1977 (42 FR 21576, April 27, 1977), and a public hearing on the proposed test procedures was held on June 13, 1977. Final test procedures for water heaters were prescribed by FEA on September 27, 1977 (42 FR 54110, October 4, 1977).

DOE is today proposing to amend section 430.22(e)(2) of the final test procedures for water heaters and Appendix E to subpart B of part 430 in order to specify a different method of determining the energy factor for water heaters.

##### B. DISCUSSION

A review of the final test procedures for water heaters revealed an error in the derivation of the energy factor. In both the proposed and final test procedures, the energy factor was computed by dividing the daily water heating energy consumption by the average daily energy consumption. The energy factor was intended to relate a water heater's useful output of services to its energy consumption. As currently formulated, the numerator of the equation used to determine the energy factor actually reflects a portion of the water heater's energy consumption rather than the water heater's useful output of services.

One approach to determining the useful output of a water heater is to determine the energy imparted by a water heater to the volume of water delivered by the water heater. The final water heater test procedures are

based upon an average daily hot water usage of 64.3 gallons and an average temperature difference between the water heater inlet temperature and water heater outlet temperature of 90° F. Under these conditions, the useful output of a water heater would be the product of (a) 64.3 gallons per day, (b) a 90° F. temperature rise, and (c) the specific heat of water. The energy factor could be determined by dividing this measure of the useful output of a water heater by the energy consumption of the water heater.

Because of the importance of the energy factor to the efficiency target program and to any future energy efficiency standard program for appliances, DOE has decided to propose the methodology for determining the energy factor discussed above as an amendment to the final test procedures. As an ancillary matter, by separate notice also published today, DOE is suspending section 430.22(e)(2) of Title 10, Code of Federal Regulations, until the amendments proposed today are either adopted or withdrawn. No other provisions of Title 10 are affected by this suspension.

##### C. COMMENT PROCEDURE

1. *Written comment.* Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposed amendments set forth in this notice to Office of Public Hearing Management, Box SA, Washington, D.C. 20461. Comments may suggest alternative methods of determining the energy factor for water heaters, but any suggestions should discuss how they relate the useful output of services to the energy consumption of a water heater.

Comments should be identified on the outside of the envelope and on documents submitted to DOE with the designation "Water Heaters-Proposed Amendments." Fifteen copies should be submitted. All comments received by May 22, 1978, before 4:30 p.m., e.d.t., and all other relevant information, will be considered by DOE before final action is taken on the proposed regulation.

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

2. *Public hearings*—a. *Request procedures.* The time and place of the public hearing are indicated at the beginning of this preamble. The hearing will be continued, if necessary, on May 17, 1978.

DOE invites any person who has an interest in the proposed amendment issued today, or who is a representative of a group or class of persons that has an interest in today's proposed amendment, to make a written request for an opportunity to make an oral presentation. Such a request may be hand delivered to Office of Public Hearing Management, Box SA, Department of Energy, Room 2313, 2000 M Street NW., Washington, D.C. 20461, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. A request should be labeled both on the document and on the envelope "Water Heaters — Proposed Amendments."

The person making the request should briefly describe the interest concerned; if appropriate, state why she or he is a proper representative of a group or class of persons that has such an interest; and give a concise summary of the proposed oral presentation and a telephone number where she or he may be contacted through May 15, 1978.

DOE will notify, before 4:30 p.m., e.d.t., May 9, 1978, each person selected to appear at a hearing. Each person selected to be heard must submit 100 copies of her or his statement to the address and by the date given in the beginning of this preamble. In the event any person wishing to testify cannot meet the 100-copy requirement, alternative arrangements can be made with the Economic Regulatory Administration (ERA) in advance of the hearing by so indicating in the letter requesting an oral presentation or by calling the ERA at 202-254-3345.

b. *Conduct of hearings.* DOE reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of the persons presenting statements. Any decision made by DOE with respect to the subject matter of the hearing will be based on all information available to DOE. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if she or he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial state-

ments were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing to Public Hearing Management, Box SA, DOE, 2000 M Street NW., Washington, D.C., before 4:30 p.m., e.d.t., May 9, 1978. DOE will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The presiding officer, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Freedom of Information Office, Room 2107, 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. Any person may purchase a copy of the transcript from the reporter.

**D. ENVIRONMENTAL AND INFLATIONARY REVIEW**

Pursuant to section 7(c)(2) of the FEA Act, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator has no comments.

The National Environmental Policy Act of 1969 requires DOE to assess the environmental impacts of any proposal issued by the Department for "major Federal actions significantly affecting the quality of the human environment." Since test procedures under the energy conservation program for appliances will be used only to standardize the measurement of energy usage and will not affect the quality or distribution of energy usage, DOE has determined that the action of prescribing test procedures, by itself, will not result in any environmental impacts. On this basis, DOE has determined that, with respect to prescribing test procedures under the energy conservation program for appliances, no environmental impact statement is required.

The proposed rule has been reviewed in accordance with Executive Order 11821 as amended by Executive Order 11949, and OMB Circular No. A-107 and has been determined not to be a major proposal requiring evaluation of

its economic impact as provided for therein.

(Energy Policy and Conservation Act, Pub. L. 94-163, as amended by Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended by Pub. L. 94-385; Department of Energy Organization Act, Pub. L. 95-91; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, it is proposed to amend Part 430 of Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., March 27, 1978.

WILLIAM S. HEFFELFINGER,  
Director of Administration.

1. Section 430.22 is amended by revising paragraph (e)(2) to read as follows:

(e) \* \* \*

(2) The energy factor for water heaters shall be—

(i) For a gas or oil water heater, the quotient of the daily hot water energy consumption determined according to section 4.6 of Appendix E of this subpart divided by the average daily energy consumption as determined according to section 4.5.3 of Appendix E of this subpart, the resulting quotient then being rounded off to the nearest 0.01; and

(ii) For an electric water heater, the quotient of the daily hot water energy consumption determined according to section 4.6 of Appendix E of this subpart divided by the product of the average daily energy consumption as determined according to section 4.5.4 of Appendix E of this subpart times 3,412 Btu per kilowatt-hour, the resulting quotient then being rounded off to the nearest 0.01.

2. Appendix E to Subpart B of Part 430 is amended by adding a new section 4.6, to read as follows:

4.6 *Daily hot water energy consumption.* Calculate the daily hot water energy consumption,  $C_d$ , the energy content of the nominal daily hot water usage, expressed in Btu per day and defined as:

$$C_d = k \times U \times \Delta T_d$$

Where:

$k$  is as defined in section 4.1.1; and  $\Delta T_d$  and  $U$  are as defined in section 4.3.

[FR Doc. 78-8591 Filed 3-31-78; 8:45 am]

[4810-33]

**DEPARTMENT OF THE TREASURY**

Comptroller of the Currency

[12 CFR Part 9]

**FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS**

Extension of Comment Period

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Extension of comment period.

**SUMMARY:** On February 7, 1978, the Comptroller of the Currency published for comment in the FEDERAL REGISTER (43 FR 5004) a proposed amendment which would require that national banks establish uniform procedures and records relating to the handling of securities transactions for trust department accounts and for customers. Similar proposals were published by the Board of Governors of the Federal Reserve System and the Federal Deposit Insurance Corporation.

To encourage maximum public participation in this matter, the Comptroller, in conjunction with the Board of Governors of the Federal Reserve System and the Federal Deposit Insurance Corporation, has decided to extend the closing date of the comment period from March 31, 1978 to May 1, 1978.

**DATE:** Comments must be received on or before May 1, 1978.

**ADDRESS:** Comments should be sent to: Mr. Dean E. Miller, Deputy Comptroller for Trust Operations, Office of the Comptroller of the Currency, 409 L'Enfant Plaza SW., Washington, D.C. 20219.

**FOR FURTHER INFORMATION CONTACT:**

Dean E. Miller, Deputy Comptroller for Trust Operations, Comptroller of the Currency, Washington, D.C. 20219, 202-447-1731.

Dated: March 28, 1978.

JOHN G. HEIMANN,  
Comptroller of the Currency.

[FR Doc. 78-8583 Filed 3-31-78; 8:45 am]

[4910-13]

**DEPARTMENT OF TRANSPORTATION**

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 78-SW-1]

**AIRWORTHINESS DIRECTIVES**

Bell Models 205A-1 and 212 Helicopters

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This notice proposes to issue an Airworthiness Directive (AD) requiring a one-time inspection of certain forward and aft cross tubes for surface marks or scores and replacement of certain Model 212 aft cross tubes at 1000 hours' time in service for skid landing gear used on Bell Models 205A-1 and 212 helicopters. Cracks may develop as a result of the surface marks and may cause failure of a cross tube. Failure of a cross tube during a

landing may result in a rotor blade hitting the ground with serious consequences. Two reports of cross tube failures on the Model 212 helicopter have been received.

**DATES:** Comments and letters must be received by April 28, 1978. Proposed effective date of the AD will be June 15, 1978.

**ADDRESSES:** Send comments on this proposal in triplicate to: Regional Counsel, ASW-7, Attention Docket 78-SW-1, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101.

**FOR FURTHER INFORMATION CONTACT:**

James H. Major, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex., telephone number 817-624-4911, extension 517.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before April 28, 1978, will be considered by the Director before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments concerning the proposal will be available, both before and after the closing date for comments, in the Office of the Regional Counsel for examination by interested persons.

The FAA proposes to issue an AD requiring 1000-hour replacement time for certain Model 212 aft cross tubes and requiring a one-time inspection of certain forward and aft cross tubes on or before attaining 1000 hours' time in service for Bell Models 205A-1 and 212 helicopters that are equipped with skid landing gear. Reports of Bell Model 212 helicopter aft cross tube fractures at 2155 and 3093 hours' time in service have been received. Other reports of aft cross tube fractures have been received by Bell Helicopter Textron. These tube fractures may have been caused by surface circumferential tool marks or scores found on the tube surface. The Model 212 forward cross tubes may have these same type of tool marks or scores. In addition, the Model 205A-1 helicopters use these same forward and aft cross tubes and may possibly have tool marks and scores and may develop cracks in these marks. Bell Helicopter Textron Service Bulletin No. 212-77-17 has been issued to establish a 1000-hour retire-

ment time for the aft cross tubes on Model 212 skid landing gear. Bell Technical Bulletin Nos. 212-77-8 and 205-77-3 have been issued for a one-time inspection for tool marks or scores in the forward cross tubes prior to or on attaining 1000 hours' time in service with attendant replacement of cross tubes having tool marks or scores.

The agency also believes Model 205A-1 aft cross tubes must be inspected for these same type of tool marks and scores with attendant replacement of tubes having tool marks and scores. Bell has recently manufactured forward and aft cross tubes that do not contain surface tool marks and that have "shot-peened" surfaces for improved fatigue resistance.

**DRAFTING INFORMATION**

The principal authors of this document are James H. Major, Aerospace Engineer, Flight Standards Division, and James O. Price, General Attorney, Southwest Region, FAA.

**THE PROPOSED AMENDMENT**

Accordingly, the Federal Aviation Administration proposes to amend § 39.13) by adding the following new airworthiness directive:

**BELL.** Applies to Bell Models 205A-1 and 212 helicopters certificated in all categories that are equipped with skid landing gear.

Compliance required as indicated.

To prevent possible failure of the skid landing gear forward and aft cross tubes as a result of a crack from possible surface circumferential tool marks or scores, accomplish the following:

(a) For aft cross tube assemblies, P/N 205-050-400-7, -29, -35, and -705, installed on Model 212 helicopters:

(1) Remove and replace aft cross tubes with 900 or more hours' total time in service on the effective date of this airworthiness directive (AD) within the next 100 hours' time in service.

(2) Remove and replace aft cross tubes with less than 900 hours' time in service on the effective date of this AD, prior to attaining 1000 hours' total time in service.

(3) Remove and replace subsequent replacement aft cross tubes prior to attaining 1000 hours' total time in service.

(b) For aft cross tube assemblies, P/N 205-050-400-7, -29, -35, and -705, installed on Model 20A-1 and for forward cross tube assemblies, P/N 205-050-400-5, -13, -37, -39, -701, and -703, installed on Models 205A-1 or 212 helicopters, accomplish the following one-time inspection of the tube assembly surface, 17 inches either side of the helicopter centerline, for surface circumferential tool marks or scores, using a light and 10 power or higher magnifying glass or an equivalent inspection method.

(1) Inspect tubes with 900 or more hours' total time in service on the effective date of this AD within the next 100 hours' time in service.

(2) Inspect tubes with less than 900 hours' total time in service on the effective date of this AD, prior to attaining 1000 hours' total time in service.

(3) Compliance with Bell Helicopter Textron Technical Bulletin Nos. 205-77-3 or

212-77-8, paragraph 1, fulfills compliance with paragraph (b) of this AD for the forward cross tube assembly.

(4) Remove tubes, having surface circumferential tool marks or scores, before further flight and install tubes free of circumferential tool marks or scores.

(c) Operators not having kept time in service records on individual cross tubes should use skid gear assembly time in service for the purposes of this AD.

(d) This AD only pertains to skid landing gear cross tube assemblies stated in paragraphs (a) and (b) of this AD.

(Bell Helicopter Textron Service Bulletin No. 212-77-17, dated December 14, 1977, and Technical Bulletin No. 212-77-8, dated September 13, 1977, pertain to this subject.)

(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 11.85).

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 Fort Worth, Tex., on March 20, 1978.

HENRY L. NEWMAN,  
Director, Southwest Region.

[FR Doc. 78-8594 Filed 3-31-78 8:45 am]

[4910-13]

[14 CFR Part 71]

[Docket No. 78-SO-111]

TRANSITION AREA, GRENADA, MISS.

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will designate the Grenada, Miss., transition area and will lower the base of controlled airspace in the vicinity of the airport from 1,200 to 700 feet to accommodate Instrument Flight Rule (IFR) operations. A public use instrument approach procedure is being developed for the Grenada Municipal Airport and the additional controlled airspace is required to protect aircraft conducting Instrument Flight Rule (IFR) operations.

DATE: Comments must be received on or before May 30, 1978.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320.

FOR FURTHER INFORMATION CONTACT:

William F. Herring, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, At-

lanta, Ga. 30320; telephone 404-763-7646.

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, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before May 30, 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. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

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 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 G of part 71 of the Federal Aviation Regulations (14 CFR part 71) to designate the Grenada, Miss., 700-foot transition area. This action will provide additional controlled airspace to accommodate aircraft performing IFR operations at Grenada Municipal Airport. If the proposed designation is acceptable, the airport operating status will be changed from VFR to IFR.

DRAFTING INFORMATION

The principal authors of this document are William F. Herring, Airspace and Procedures Branch, Air Traffic Division, and Keith S. May, Office of Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend subpart G, § 71.181 (43 FR 440) of part 71 of the Federal Aviation Administra-

tion Regulations (14 CFR part 71) by adding the following:

GRENADA, MISS.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Grenada Municipal Airport (Lat. 33°39'40" N., Long. 89°47'55" W.).

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

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

Issued in East Point, Ga., on March 22, 1978.

PHILLIP M. SWATEK,  
Director, Southern Region.

[FR Doc. 78-8595 Filed 3-31-78; 8:45 am]

[4910-13]

[14 CFR Parts 121 and 129]

[Docket No. 17676; Ref. Notice No. 78-4A]

AIRCRAFT AND AIRPORT SECURITY

Extension of Comment Period

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice extending comment period.

SUMMARY: This notice extends the period for submission of comments in response to Notice No. 78-4 by 15 days. This action is responsive to the requests of several organizations who petitioned the agency for additional time to study the proposal prior to submitting their comments.

ADDRESS: Send comments in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Rules Docket, AGC-24, Docket No. 17676, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Robert P. Jones, Air Operations Security Division, Civil Aviation Security Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-8409.

SUPPLEMENTARY INFORMATION: Notice No. 78-4 was published in the FEDERAL REGISTER on March 6, 1978 (43 FR 9160). This notice invited interested persons to comment on a proposal to amend the regulations pertaining to aircraft security by extending them to cover (a) charter flights conducted by domestic, flag, supplemental, and foreign air carriers; and (2) all intra-

state operations conducted by a commercial operator who engages in common carriage with a specified frequency between two points entirely within any State. In addition, Notice No. 78-4 proposed to require that these flights be provided with appropriate law enforcement support by either airport operators or certificate holders to support passenger screening operations. The agency specified that comments must be received no later than April 6, 1978.

By telex dated March 16, 1978, Reeve Aleutian Airways, Inc., Wien Air Alaska, and Alaska Airlines, Inc., requested an extension of the comment period for Notice No. 78-4 through May 1, 1978, to conduct a thorough study of the proposal and its impact on their operations.

By letter dated March 16, 1978, KLM Royal Dutch Airlines requested an extension of the comment period through June 6, 1978, to outline its position on the proposal.

By letter dated March 16, 1978, the Airport Security Council of New York City requested an extension of the comment period through June 5, 1978, so member carriers can outline their positions and communicate with their overseas headquarters.

By letter dated March 20, 1978, Alitalia requested an extension of the comment period through June 5, 1978, so the proposal can be reviewed by its security office in Rome.

By letter dated March 23, 1978, the Air Transport Association of America requested an extension of the comment period through June 1, 1978, in order to elicit meaningful comments from its members.

These requests indicate that all commenters have a substantive interest in the proposal and that good cause exists for granting an additional time to submit comments. Although the FAA was requested to extend the comment period by up to 60 days, the agency believes that an extension of 15 days is consistent with the public interest since it gives interested parties some additional time to submit their comments while assuring that a final decision can be made on the proposal as soon as practicable. Therefore, the period for submission of comments is hereby extended and will close on April 21, 1978.

In the event the proposals contained in Notice No. 78-4 are adopted, the agency will attempt to approve all security programs for Part 121 certificate holders within 15 days after submission, rather than 30 days as indicated in the preamble to the proposal (43 FR 9162). If the agency can accomplish this, Part 129 operators would then be required to implement appropriate procedures 45 days after the effective date of the amendment, rather than 60 days as indicated in proposed

§ 129.25(a)(2). In this way, passenger screening and law enforcement support could begin at the same time for both Part 121 and 129 certificate holders.

#### DRAFTING INFORMATION

The principal authors of this document are Robert P. Jones, Civil Aviation Security Service and Marshall S. Filler, Office of the Chief Counsel.

(Sections 313(a), 315, 316, and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1356, 1357, and 1421), section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)), and section 11.45 of the Federal Aviation Regulations, 14 CFR section 11.45.)

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

Issued in Washington, D.C., on March 30, 1978.

JOSEPH K. BLANK,  
Acting Director, Civil  
Aviation Security Service.

[FR Doc. 78-8771 Filed 3-31-78; 8:45 am]

#### [1505-01]

##### CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208, 212, 214, 371, 372a,  
373, 378, 378a]

[EDR-348; SPDR-64; Docket No. 32242;  
Dated: March 14, 1978]

##### CHARTER AIR TRANSPORTATION

###### Proposed Rulemaking

###### Correction

In FR Doc. 78-7199, appearing at page 11215 in the issue for Friday, March 17, 1978, "ERD" should read as set forth above.

#### [6320-01]

[14 CFR Part 298]

[EDR-341A; Docket No. 31397; Dated:  
March 28, 1978]

##### CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS; HAWAII AND ALASKA

###### Supplemental Notice of Proposed Rulemaking

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: This supplemental notice invites comment from the public on a proposal to increase the authorized size of aircraft for all-cargo air taxi op-

erations in the States of Hawaii and Alaska from 7,500 pounds maximum payload capacity to 18,000 pounds. This change would eliminate the exception for Hawaii and Alaska which had previously been proposed in this docket, so that the Board may be able to decide whether to adopt the proposed rule change for all 50 States.

DATES: Comments by: May 3, 1978. Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

ADDRESSES: Twenty copies of comments should be sent to Docket 31397, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. as soon as they are received.

#### FOR FURTHER INFORMATION CONTACT:

Simon J. Eilenberg, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202-673-5442.

The proposed rules contained in EDR-341 would exclude cargo air taxis within the States of Hawaii and Alaska from the effect of the increased weight limit to 18,000 pounds. Aloha Airlines, in its answer to the petition which initiated this proceeding, had argued that whatever the validity of petitioners' arguments for increasing air taxi cargo size in other markets may be, they were not valid in Hawaii. Aloha claimed that air taxis and the two certificated carriers compete in the same Hawaiian markets, and that an increase in the weight limit for these all-cargo air taxis would cause significant diversion from the cargo services of the scheduled carriers. Aloha also claimed that there was no need for further air cargo capacity in Hawaii, since the certificated carriers had excess cargo capacity.

Wien Air Alaska and Reeve Aleutian Airways, in their respective answers to the petition, both opposed expansion of the rulemaking beyond the change requested by the petitioners, which excluded Alaska and Hawaii. Both of these subsidized Alaskan certificated carriers stated that recent Board congressional testimony, as well as the Board's historical separate regulatory policy for Alaska, have argued for protecting them. The Alaskan carriers argued that they already provide the type of cargo and feeder service proposed for the larger air taxis, and therefore this proposal would have a devastating impact on them. In the absence of any request for the inclusion

of Hawaii or Alaska in the scope of the proposal, we decided to limit the proposed rule to the relief requested by petitioners. However, after the Board issued EDR-341, Hawaiian Airlines—the only certificated carrier providing all-cargo operations—announced that it was phasing out its all-cargo operations, so that cargo on scheduled service in Hawaii would now be carried only in the unused cargo capacity of passenger flights. For this reason, the State of Hawaii, the County of Maui, the Commuter Airline Association of America, and the Hawaii Air Cargo Shippers Association have filed comments in this proceeding urging the Board to amend its proposed increase of all-cargo air taxi size to be equally applicable in Hawaii as in the 48 contiguous States.

The State of Hawaii argues that the elimination of scheduled all-cargo service by Hawaiian Airlines will have untold economic consequences for the State, particularly since certain cargo cannot be carried on combination passenger flights, and since night freighter service (previously provided by Hawaiian) is especially needed by the State's agriculture industry. The State also contends that the previous restrictive air taxi weight limit exceptions have precluded all-cargo air taxi operators from entering the interisland market, to the detriment of shippers and communities in Hawaii.

The Board has now decided that there is no good reason why Hawaii or Alaska should be excluded from the scope of the proposed rule. We therefore now invite the comments of the Hawaiian and Alaskan certificated carriers and air taxi operators—as well as shippers, civic parties and other interested persons in Hawaii and Alaska—on the proposal to increase the aircraft size of all-cargo air taxis to 18,000 pounds. The continued exclusion of either of those States from this proceeding would needlessly preclude us from even being able to consider the adoption of a uniform 50-State rule change.

The petitioners, in both their initial and reply comments, have requested that the rulemaking be expedited. Since only a 30-day comment period has been allowed in this supplemental notice, there will be no undue delay in the proceeding by including the issue of Hawaii or Alaska.

PROPOSED RULES

The Board proposes to amend Part 298 of its Economic Regulations (14 CFR Part 298) as follows:

1. Paragraph (i) of § 298.2 would be revised and 2. paragraph (1) of § 298.2 would be amended by adding a second proviso at the end of the paragraph to read as follows:

§ 298.2 Definitions.

- (i) "Large aircraft" means:
  - (1) Any aircraft used in passenger service having a maximum seating capacity of more than 30, or a maximum payload capacity of more than 7,500 pounds: *Provided, however,* That for the purposes of this part, large aircraft shall include all models of the Convair 240, 340, and 440; Martin 202 and 404; F-27 and FH-227; and Hawker Siddeley 748; and shall also include any other aircraft with a maximum zero fuel weight in excess of 35,000 pounds, except as provided in § 298.2(i)(2) below.
  - (2) Any aircraft used solely in all-cargo service having a maximum payload capacity of more than 18,000 pounds.

(1) "Maximum payload capacity" means \* \* \*

*Provided further, however,* That for any aircraft used solely in all-cargo service under the exemption provided by this part, the maximum payload capacity shall be 18,000 pounds, based upon an aircraft having a maximum zero fuel weight of 55,000 pounds or less, or any aircraft developed subsequent to September 15, 1977, which has a higher zero fuel weight, but only a designed maximum payload of 18,000 pounds or less.

3. Section 298.31 would be revised to read as follows:

§ 298.31 Scope of service and equipment authorized.

Nothing in this part shall be construed as authorizing the operation of large aircraft in air transportation, and the exemption provided by this part to air taxi operators which register and reregister with the Board extends only to the direct operation in air transportation in accordance with the limitations and conditions of this part of aircraft having maximum passenger capacities and maximum payload capacities as defined in §§ 298.2(i) and 298.2(1) of Subpart A of this part.

4. Paragraph (a) of § 298.34 would be revised to read as follows:

§ 298.34 Limitations on air taxi service in Alaska.

(a) An air taxi operator shall not provide or offer to provide air transportation between points both of which are in the State of Alaska, or one of which is in Alaska and the other in Canada, unless the air taxi operator also holds authority from the State of Alaska to operate aircraft used in passenger service having a maximum seating capacity of more than 30, or a maximum payload capacity of more than 7,500 pounds, or to operate aircraft used in all-cargo service having a maximum payload capac-

ity of more than 18,000 pounds, as a common carrier in intrastate commerce, or has applied to the Board for, and received, special exemption authority (see Subpart D of Part 302 of the Procedural Regulations).

(Sec. 204, 416, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 771, (49 U.S.C. 1324, 1386).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
*Secretary.*

[FR Doc. 78-8708 Filed 3-31-78; 8:45 am]

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

[LR-100-77]

NEW JOBS CREDIT

Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the new jobs credit. The new jobs credit was enacted by the Tax Reduction and Simplification Act of 1977. These regulations would provide the public with the guidance needed to comply with the law and would affect all partners, beneficiaries of estates and trusts, and shareholders of subchapter S corporations seeking the benefit of a new jobs credit earned by the partnership, estate or trust, or subchapter S corporation.

DATES: Written comments and requests for a public hearing must be delivered or mailed by June 2, 1978. The new regulations are proposed to be effective for taxable years beginning after December 31, 1976, and would apply to credit carrybacks from such years.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-100-77), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

Robert M. Fowler of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3458, not a toll-free number.

SUPPLEMENTARY INFORMATION:

## BACKGROUND

This document contains proposed amendments to the Income Tax Regulations (26 CFR part 1) in order to conform the regulations to section 53 of the Internal Revenue Code of 1954, relating to the new jobs credit, as added by the provisions of section 202 of the Tax Reduction and Simplification Act of 1977 (91 Stat. 141).

The Tax Reduction and Simplification Act of 1977 enacted a new jobs credit. Section 53(b) limits the amount of a credit that is passed through to a partner, a beneficiary of an estate or trust, or a shareholder of a subchapter S corporation to the proportionate part of the taxpayer's income for the year allocable to the taxpayer's interest in the partnership, estate, trust, or subchapter S corporation.

## COMMENTS AND REQUESTS FOR A PUBLIC HEARING

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the FEDERAL REGISTER.

## DRAFTING INFORMATION

The principal author of these proposed regulations was Mr. Robert M. Fowler of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the proposed regulations, both on matters of substance and style.

## Proposed amendments to the regulations

Accordingly, 26 CFR Part 1 is amended by adding new § 1.53-1 to read as follows:

## § 1.53-1 Separate rule for pass-through of jobs credit.

(a) *In general.* Under section 53(b), in the case of a credit earned under section 44B by a partnership, estate or trust, or subchapter S corporation, the amount of the credit that may be taken into account by a partner, beneficiary, or shareholder may not exceed a limitation separately computed with respect to a partner's, beneficiary's, or shareholder's interest in the entity. The separate computation is required not only for the taxable year with respect to which the credit is earned but also for each taxable year to which an unused credit attributable to an inter-

est in such an entity is carried back or over. This section prescribes rules, under the authority of section 44B(b), relating to computation of the separate limitation.

(b) *Application of credit earned.* A credit earned under section 44B by a partnership, estate or trust, or subchapter S corporation shall be applied by a partner, beneficiary, or shareholder, to the extent allowed under section 53(b), before applying any other credit earned under section 44B. For example, if an individual has a new jobs credit from a proprietorship of \$2,000 and from a partnership (after applying section 53(b)) of \$1,800, but the credit must be limited under section 53(a) to \$3,000, the entire \$1,800 credit from the partnership would be applied before any part of the \$2,000 amount is applied.

(c) *Amount of separate limitation.* The amount of the separate limitation is equal to the partner's, beneficiary's, or shareholder's limitation under section 53(a) for the taxable year multiplied by a fraction. The numerator of the fraction is the portion of the taxpayer's taxable income for the year attributable to the taxpayer's interest in the entity. The denominator of the fraction is the taxpayer's total taxable income for the year reduced by the zero bracket amount, if any.

(d) *Portion of taxable income attributable to an interest in a partnership, estate or trust, or subchapter S corporation.*—(1) *General rule.* The portion of a taxpayer's taxable income attributable to an interest in a partnership, estate or trust, or subchapter S corporation is the amount of income from the entity that taxpayer is required to include in gross income, reduced by—

(i) The amount of the deductions allowed to the taxpayer that are attributable to the taxpayer's interest in the entity; and

(ii) A proportionate share of the deductions allowed to the taxpayer not attributable to a specific activity (as defined in paragraph (e)).

If a deduction comprises both an item that is attributable to the taxpayer's interest in the entity and an item or items that are not attributable to the interest in the entity, and if the deduction is limited by a provision of the Code (such as section 170(b), relating to limitations on charitable contributions), the deduction must be prorated among the items taken into account in computing the deduction. For example, if an individual makes a charitable contribution of \$5,000 and his distributive share of a partnership includes \$2,000 in charitable contributions made by the partnership, and if the charitable contribution deduction is limited to \$3,500 under section 170(b), then the portion of the deduction allowed to the taxpayer that is not attributable to a specific activity is

\$2,500 ( $\$3,500 \times (\$5,000 \div \$7,000)$ ) and the portion of the deduction allowed to the taxpayer that is attributable to the interest in the partnership is \$1,000 ( $\$3,500 \times (\$2,000 \div \$7,000)$ ).

(2) *Deductions attributable to an interest in an entity.* Examples of deductions that are attributable to the taxpayer's interest in an entity include (but are not limited to) a deduction under section 1202 attributable to a net capital gain passed through the entity, and a deduction attributable to a deductible item (such as a charitable contribution) that has been passed through the entity.

(3) *Computation of the proportionate share of deductions not attributable to a specific activity.* The proportionate share of a deduction of the taxpayer not attributable to a specific activity is obtained by multiplying the amount of the deduction by a fraction. The numerator of the fraction is the income from the entity that the taxpayer is required to include in gross income, reduced by the amount of the deductions of the taxpayer that are attributable to the taxpayer's interest in the entity. The denominator is the taxpayer's gross income reduced by the amount of all the deductions attributable to specific activities.

(4) *Examples.* The method of determining the amount of taxable income attributable to an interest in a partnership, estate or trust, or subchapter S corporation is illustrated by the following examples:

*Example (1).* (a) A, a single individual, is a shareholder in S Corporation, a subchapter S corporation. A is required to include the following amounts from S corporation in his gross income:

Salary .....	\$3,000
Undistributed taxable income:	
Ordinary income .....	8,000
Net capital gain .....	2,000
Total .....	10,000
Total .....	13,000

## A has income from other activities:

Ordinary income .....	6,000
Net capital gain .....	4,000
Total .....	10,000

(b) In order to determine the taxable income attributable to A's interest in S Corporation, it is necessary to reduce the amount of income from S Corporation that A is required to include in gross income by the amount of A's deductions attributable to the interest in S Corporation and by a proportionate share of A's deductions not attributable to a specific activity. These computations are made in paragraph (c) of this example. However, before the computation reducing A's income by a proportionate share of the deductions

not attributable to a specific activity can be made, the ratio described in paragraph (d)(3) of section must be determined. The numerator of the ratio (the amount of income from S Corporation that A is required to include in gross income, reduced by the amount of the deductions attributable to A's interest in S Corporation) is obtained in paragraph (c) of this example in the process of computing A's taxable income attributable to the interest in S Corporation. The determination of the denominator (A's gross income reduced by the amount of all deductions attributable to specific activities), however, requires a separate computation, which follows:

Gross income:	
Income from S Corporation.....	\$13,000
Income from other sources.....	10,000
<b>Total</b> .....	<b>23,000</b>
Less: Deductions attributable to specific activities:	
Section 1202 deduction (50 pct. of \$6,000).....	3,000
A's gross income reduced by the amount of the deductions attributable to specific activities (denominator of the ratio for determining the proportionate share of deductions not attributable to a specific activity).....	20,000

**(c) Computation of the amount of A's taxable income attributable to the interest in S Corporation:**

Income from S Corporation that A is required to include in gross income:	
Ordinary income.....	\$11,000
Net capital gain.....	2,000
<b>Total</b> .....	<b>13,000</b>
Less: Deductions of the taxpayer attributable to the interest in S Corporation:	
Section 1202 deduction (50 pct. of \$2,000).....	1,000
(Numerator of the ratio for determining the proportionate share of deductions not attributable to a specific activity).....	12,000
Less: Proportionate share of the deductions of the taxpayer not attributable to a specific activity:	
Personal exemption deduction (\$750 × \$12,000/\$20,000).....	450
Zero bracket amount (\$2,200 × \$12,000/\$20,000).....	1,320
<b>Total</b> .....	<b>1,770</b>
Portion of A's taxable income attributable to interest in S Corporation.....	10,230

**Example (2).** (a) C, a married individual with two children, is a partner in the CD Company. C's distributive share of the CD Company consists of the following:

Ordinary income (other than guaranteed payment).....	\$38,420
Guaranteed payment.....	20,000
Net long-term capital gain.....	6,000
Net short-term capital loss.....	2,000
Dividends qualifying for exclusion.....	100
Charitable contributions.....	500

C also has items of income from other sources and deductions, as follows:

Ordinary income.....	\$21,680
Short-term capital gain.....	2,000
Dividends qualifying for exclusion.....	400
Deductions:	
Deductible medical expenses.....	16,000
Charitable contributions.....	4,000
Alimony.....	18,000
Interest and taxes on home.....	8,000
Loss relating to another specific activity.....	4,000

(b) In order to determine C's taxable income attributable to the interest in the partnership, it is necessary to reduce the amount of income from the partnership that C is required to include in gross income by the amount of C's deductions attributable to the interest in the partnership and by a proportionate share of C's deductions not attributable to a specific activity. These computations are made in paragraph (c) of this example. However, before the computation reducing C's income by a proportionate share of the deductions not attributable to a specific activity can be made, the ratio described in paragraph (d)(3) of this section must be determined. The numerator of the ratio is determined in paragraph (c) of this example in the process of computing C's taxable income attributable to the interest in the partnership. The denominator, however, requires a separate computation, reducing C's gross income by the amount of all deductions attributable to specific activities. This computation is as follows:

Gross income: Income from the partnership:	
Ordinary income.....	\$58,420
Net long-term capital gain.....	6,000
<b>Total</b> .....	<b>64,500</b>
Dividends.....	100
Less: Proportionate share of dividend exclusion (\$100 × \$100/\$500).....	20
<b>Total</b> .....	<b>80</b>
Income from other sources:	
Ordinary income.....	21,680
Net short-term capital gain.....	2,000
<b>Total</b> .....	<b>24,000</b>
Dividends.....	400
Less: Proportionate share of dividend exclusion (\$100 × \$400/\$500).....	80
<b>Total</b> .....	<b>88,500</b>
Less: Deductions attributable to specific activities:	
Net short-term capital loss passed through the partnership.....	2,000
Loss related to another specific activity.....	4,000
Section 1202 deduction attributable to the interest in the partnership.....	2,000
Charitable contribution deduction passed through the partnership.....	500
<b>Total</b> .....	<b>8,500</b>
C's gross income, reduced by the amount of the deductions attributable to specific activities (denominator of the ratio for determining the proportionate share of deductions not attributable to a specific activity).....	80,000

**(c) Computation of the amount of C's taxable income attributable to the interest in the partnership:**

Distributive share of ordinary income (other than guaranteed payments).....	\$38,420
Guaranteed payment.....	20,000
Distributive share of dividends less share of exclusion.....	80
Distributive share of net long-term capital gain.....	6,000
<b>Total</b> .....	<b>64,500</b>
Less: Deductions of the partner attributable to the interest in the partnership:	
Section 1202 deduction (50 pct of \$4,000).....	2,000
Charitable contribution passed through the partnership.....	500
Net short-term capital loss passed through the partnership.....	2,000
<b>Total</b> .....	<b>4,500</b>
(Numerator of the ratio for determining the proportionate share of deductions not attributable to a specific activity).....	60,000
Less: Proportionate share of the deductions of the partner not attributable to a specific activity:	
Section 1202 deduction (\$1,000 × \$60,000/\$80,000).....	750
Deductible medical expenses (16,000 × \$60,000/\$80,000).....	12,000
Charitable contributions (\$4,000 × \$60,000/\$80,000).....	3,000
Alimony (\$18,000 × \$60,000/\$80,000).....	13,500
Interest and taxes on home (\$8,000 × \$60,000/\$80,000).....	6,000
Personal exemption deduction (\$3,000 × \$60,000/\$80,000).....	2,250
<b>Total</b> .....	<b>37,500</b>
Portion of C's taxable income attributable to the interest in the partnership.....	22,500

C has a deduction under section 1202 of \$3,000. Of that deduction, \$2,000 is attributable directly to C's interest in the partnership (50 percent of the net capital gain that would result from offsetting the \$6,000 net long-term capital gain and the \$2,000 net short-term capital loss that are attributable to C's interest in the partnership). Since the remaining \$1,000 deduction under section 1202 cannot be attributed directly to either C's income from the partnership or any other specific activity, it must be treated as a deduction not attributable to a specific activity.

(e) *Deductions not attributable to a specific activity.*—(1) "Specific activity" defined. A "specific activity" means a course of continuous conduct involving a particular line of endeavor, whether or not the activity is carried on for profit. Examples of a specific activity are:

- (i) A trade or business carried on by the taxpayer;
- (ii) A trade or business carried on by an entity in which the taxpayer has an interest;
- (iii) An activity with respect to which the taxpayer is entitled to a deduction under section 212;

(iv) The operation of a farm as a hobby.

(2) *Types of deductions not attributable to a specific activity.* Examples of deductions not attributable to a specific activity include charitable contributions made by the partner, beneficiary, or shareholder; medical expenses; alimony; interest on personal debts of the partner, beneficiary, or shareholder; and real estate taxes on the personal residence of the partner, beneficiary, or shareholder. For purposes of this section, in cases in which deductions are not itemized, the zero bracket amount is considered to be a deduction not attributable to a specific activity.

JEROME KURTZ,  
Commissioner of  
Internal Revenue.

[FR Doc. 78-8563 Filed 3-31-78; 8:45 am]

[4830-01]

[26 CFR Part 601]

[LR-60-78]

#### STATEMENT OF PROCEDURAL RULES

##### Establishment of Single Level of Administrative Appeal

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed amendments to procedural rules.

SUMMARY: This document contains proposed amendments to the statement of Procedural Rules relating to elimination of district conferences and availability of, and procedures in, Appellate Division conferences. These amendments are proposed to eliminate the near duplication of procedures presently existing in district and Appellate Division conferences. The amendments would affect all persons desiring, and presently entitled to, a district or Appellate Division conference in the course of determining their tax liabilities, and would provide them with the guidance needed to comply with Internal Revenue Service procedures in this regard.

DATES: Written comments must be delivered or mailed by June 2, 1978. The amendments are proposed to apply to conferences held after September 30, 1978. It is proposed that no district conferences be held after September 30, 1978. All cases pending in district conference as of the close of business on September 30, 1978, would be transferred to the Appellate Division.

ADDRESS: Send comments to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-60-78), Washington, D.C. 20224.

#### FOR FURTHER INFORMATION CONTACT:

William A. McCellan of the Appellate Division, Office of Assistant Commissioner (Compliance), Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: CP:AP:CM, 202-566-4468, not a toll-free call.

#### SUPPLEMENTARY INFORMATION:

##### BACKGROUND

This document contains proposed amendments to the Statement of Procedural rules (26 CFR Part 601), relating to district and Appellate Division conferences. These amendments would eliminate the district conference procedure and make certain correlative changes to Appellate Division conference procedures. The amendments are to be issued under the authority contained in 5 U.S.C. 301 and 5 U.S.C. 552.

Presently, the Internal Revenue Service provides taxpayers with two opportunities to appeal administratively proposed adjustments in tax liability. After a return is examined, a taxpayer may contest the examiner's findings through conference in the district director's office. If the district conference does not produce agreement, or if the taxpayer does not desire a district conference, the taxpayer may request consideration of the case by the regional Appellate Division, where the taxpayer also has the opportunity for conference. The Internal Revenue Service believes that, by combining this two-tier procedure into a single level of appeal, significant improvements will be made in the administrative appeals system, which will benefit both taxpayers and the Internal Revenue Service. The proposed amendments to the Statement of Procedural Rules would provide for this merger of the two administrative appeals functions.

##### DESCRIPTION OF PROPOSAL

In general, the proposed amendments provide for a single appeals function under the jurisdiction of the Regional Director of Appeals. Under the proposed system, taxpayers will continue to enjoy all rights and opportunities presently afforded under district conference procedures, and will also be afforded the benefits of Appellate Division conferences. This has been achieved by eliminating the district conference and by making the appropriate changes in the Appellate Division conference procedures. Thus, the proposed amendments provide that, in all cases in which a taxpayer is now afforded a district conference, the taxpayer may have a conference with an Appeals Officer in the Appellate Division where full settlement authority can be exercised. Similarly, as in present district conference procedures, no written protest will be required to

obtain an Appellate Division conference in an office audit case, or in a field audit case where the total amount of proposed additional tax, proposed overassessment, or claimed refund does not exceed \$2,500 for any taxable period. While not expressly provided in the proposed amendments, Appellate Division conferences will be offered to taxpayers at all the same locations as district conferences are now offered. In addition, taxpayers will be offered, at the least, the same opportunity to seek technical advice from the National Office as presently exists. Also, future procedures will be issued to provide that in all other cases in which a conference in the district director's office or regional office is presently afforded, including Collection and Employee Plans and Exempt Organization cases, an Appellate Division conference will be offered.

##### BENEFITS OF PROPOSAL

It is expected that the proposal will provide significant benefits both to taxpayers and to the Internal Revenue Service. For the taxpayer, the single appeals system will save the time, effort, and money presently required to participate in two conferences which, for the most part, are duplicate procedures. It must be emphasized that, under the single level system, taxpayers will continue to enjoy all rights and benefits, other than district conference, as are presently provided under the two-tier procedure. Moreover, the merged system will provide all taxpayers with the opportunity to obtain full settlement of their disputes at the first conference. In addition, having this conference under the jurisdiction of the Appellate Division will maintain and emphasize the separateness and independence of the appeals function of the Internal Revenue Service from its examination function. For the Internal Revenue Service, the merged system will also conserve the resources presently used in providing this duplicative procedure, resources which can be used more effectively in the administration of the tax laws.

##### COMMENTS—PUBLIC HEARING

Before adopting these proposed amendments, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held in accordance with the notice of hearing published in this issue of the FEDERAL REGISTER.

##### DRAFTING INFORMATION

The principal author of these proposed amendments was Mark L. Yecies

of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service participated in developing the amendments, both on matters of substance and style.

PROPOSED AMENDMENTS TO THE STATEMENT OF PROCEDURAL RULES

The proposed amendments to the Statement of Procedural Rules (26 CFR Part 601) are as follows:

PARAGRAPH 1. Section 601.103 is amended by revising paragraphs (b) and (c)(1). These revised provisions read as follows:

§ 601.103 Summary of general tax procedure.

\* \* \* \* \*

(b) *Examination and determination of tax liability.* After the returns are filed and processed in internal revenue service centers, some returns are selected for examination. If adjustments are proposed with which the taxpayer does not agree, ordinarily the taxpayer is afforded certain appeal rights. If the tax involved is an income, profits, estate, gift, or chapter 42 tax, and if the taxpayer waives restrictions on the assessment and collection of the tax (see § 601.105(b)), the deficiency will be immediately assessed.

(c) *Disputed liability—(1) General.* The taxpayer is given an opportunity to request that the case be considered by the regional Appellate Division, provided that Division has jurisdiction (see § 601.106(a)(3)). If the taxpayer requests such consideration, the case will be referred to the regional Appellate Division which will afford the taxpayer the opportunity for a conference. The determination of tax liability by the Appellate Division is final insofar as the taxpayer's appellate rights within the Service are concerned. Upon protest of cases under the jurisdiction of the Direction of International Operations, exclusive settlement authority is vested in the regional Appellate Division having jurisdiction of the place where the taxpayer requests the Appellate Division conference. If the taxpayer does not specify a location for the conference, or if the location specified is outside the territorial limits of the United States, the Washington, D.C., branch office of the Appellate Division for the Mid-Atlantic region assumes jurisdiction.

\* \* \* \* \*

PAR. 2. Section 601.105 is amended in the following respects:

1. Paragraph (b)(2)(i) is amended to read as set forth below.

2. Paragraph (b)(4) is amended by deleting the third sentence.

3. Paragraph (b)(5)(iii) is amended by deleting the words "or conferee" from both the fourth and last sentences of (a) thereof, and by deleting the words "or the conferee" from the second sentence of (b) thereof.

4. Paragraph (b)(5)(iv) is amended by deleting the words "or conferee" each time they appear in (a), (b), and (c) thereof.

5. Paragraph (c) is revised to read as set forth below.

6. Paragraph (d)(2)(i) is revised to read as set forth below.

7. Paragraph (d)(2)(ii) is deleted.

8. Paragraph (f) is amended by deleting the words "and conference" from the caption, and by deleting the words "or conference" from the second sentence.

9. Paragraph (l) is amended by revising the first sentence to read as set forth below and by deleting the second sentence.

§ 601.105 Examination of returns and claims for refund, credit or abatement; determination of correct tax liability.

\* \* \* \* \*

(b) *Examination of returns. \* \* \**

(2) *Office audit—(i) Adjustments by Audit Division at service center.* Certain individual income tax returns identified as containing potential unallowable items are audited by Audit Divisions at regional service centers. Correspondence audit techniques are used. If the taxpayer requests an interview to discuss the proposed adjustments, the case is transferred to the taxpayer's district office. If the taxpayer does not agree to the proposed adjustments, regular appeals procedures apply.

\* \* \* \* \*

(c) *District procedure—(1) Office audit.* (i) In a correspondence audit the taxpayer is furnished with a report of the examiner's findings by a form letter. The taxpayer is asked to sign and return an agreement if the taxpayer accepts the findings. The letter also provides a detailed explanation of the alternatives available if the taxpayer does not accept the findings, including consideration of the case by the regional Appellate Division, and requests the taxpayer to inform the district director, within the specified period, of the choice of action. An Appellate division conference will be granted to the taxpayer upon request without submission of a written protest.

(ii) If, at the conclusion of an office interview audit, the taxpayer does not agree with the adjustments proposed, the examiner will fully explain the alternatives available which include, if practicable, an immediate interview with a supervisor or an immediate con-

ference with an Appellate Division Appeals Officer. If an immediate interview or Appellate division conference is not practicable, or is not requested by the taxpayer, the examination report will be mailed to the taxpayer under cover of an appropriate transmittal letter. This letter provides a detailed explanation of the alternatives available, including consideration of the case by the regional Appellate Division, and requests the taxpayer to inform the district director, within the specified period, of the choice of action. An Appellate Division conference will be granted to the taxpayer upon request without submission of a written protest.

(2) *Field audit.* (i) If, at the conclusion of an examination, the taxpayer does not agree with the adjustments proposed, the examiner will prepare a complete examination report fully explaining all proposed adjustments. Before the report is sent to the taxpayer, the case file will be submitted to the district Review Staff for appropriate review. Following such review, the taxpayer will be sent a copy of the examination report under cover of a transmittal (30-day) letter, providing a detailed explanation of the alternatives available, including consideration of the case by the regional Appellate Division, and requesting the taxpayer to inform the district director, within the specified period, of the choice of action.

(ii) If the total amount of proposed additional tax, proposed overassessment, or claimed refund (or, in an offer in compromise, the total amount of assessed tax, penalty, and interest sought to be compromised) does not exceed \$2,500 for any taxable period, the taxpayer will be granted an Appellate Division conference on request. A written protest is not required.

(iii) If the total amount of proposed additional tax, proposed overassessment, or claimed refund (or, in an offer in compromise, the total amount of assessed tax, penalty, and interest sought to be compromised) exceeds \$2,500 for any taxable period, the taxpayer, on request, will be granted an Appellate Division conference, provided a written protest is filed setting forth the facts, law, and arguments upon which the taxpayer relies.

(d) *Thirty-day letters and protests. \* \* \**

(2) *Protests.* (i) No written protest is required to obtain an Appellate Division conference in an office audit case. However, in a field audit case, a written protest is required to obtain an Appellate Division conference if the total amount of proposed additional tax, proposed overassessment, or claimed refund (or, in an offer in compromise, the total amount of assessed tax, penalty, and interest sought to be compromised) exceeds \$2,500 for any

taxable period. Instructions for preparation of protests are sent with the transmittal (30-day) letter.

(1) *Small Tax Court case referred to district Audit Divisions.* In a "small tax case" (as defined in Rule 171 of the Rules of Practice and Procedure of the U.S. Tax Court) in which a district director has issued the statutory notice of deficiency, the district Audit Division (unless regional counsel decides otherwise) may attempt to resolve the case after service of the petition and before referral of the case to the Appellate Division. \* \* \*

PAR. 3. Section 601.106 is amended in the following respects:

1. Paragraph (a)(1) is amended by revising the fourth sentence to read as set forth below and by deleting the fifth sentence.

2. Paragraph (b) is amended by deleting the ninth sentence and by deleting the last three sentences.

3. Paragraph (f)(5) is amended by revising the first sentence to read as set forth below.

4. Paragraph (f)(7) is revised to read as set forth below.

5. Paragraph (g)(4) is deleted.

6. Paragraph (i) is deleted.

#### § 601.106 Appellate functions.

(a) *General.* (1) \* \* \* A written protest is required in a field audit case if the total amount of proposed additional tax, proposed overassessment, or claimed refund (or, in an offer in compromise, the total amount of assessed tax, penalty, and interest sought to be compromised) exceeds \$2,500 for any taxable period. \* \* \*

#### (f) *Conference and practice requirements.* \* \* \*

(5) *Rule V.* In order to bring an unagreed income, estate, or gift tax case in prestatutory notice status, an unagreed employment or excise tax case, or an offer in compromise before the Appellate Division, the taxpayer or the taxpayer's representative should first request Appellate Division consideration and, when required, file with the district office, Service Center, or Office of International Operations a written protest setting forth specifically the reasons for the refusal to accept the findings. \* \* \*

(7) *Rule VII.* Where the taxpayer has had the benefit of a conference before the Appellate Division in the prestatutory notice status, or where the opportunity for such a conference was accorded but not availed of, there will be no conference granted before the Appellate Division in the 90-day

status after the mailing of the statutory notice of deficiency, in the absence of unusual circumstances.

#### § 601.108 [Amended]

PAR. 4. Section 601.108(a) is amended by deleting the words "district conference and" from the second sentence.

PAR. 5. Section 601.109 is amended in the following respects:

1. Paragraphs (b) (1) and (3), and (c)(1) are revised to read as set forth below.

2. Paragraph (c)(2) is amended by deleting the words "Form L-296 letter" each time they appear and by inserting in their place the words "Letter 1005 (DO)".

#### § 601.109 Bankruptcy and receivership cases.

(b) *Procedure in office of district director.* (1) While the district director is required by section 6871 of the Code to make immediate assessment of any deficiency in income, estate, or gift taxes, such assessment is not made as a jeopardy assessment (see paragraph (h) of § 601.105), and the provisions of section 6861 of the Code do not apply to any assessment made under section 6871. Therefore, the notice of deficiency provided for in section 6861(b) will not be mailed to the taxpayer. Nevertheless, Letter 1005 (DO) will be prepared and addressed in the name of the taxpayer, immediately followed by the name of the trustee, receiver, debtor in possession, or other person designated to be in control of the assets or affairs of the debtor by the court in which the bankruptcy or receivership proceeding is pending. Such letter will state how the deficiency was computed, advise that within 30 days a written protest under penalties of perjury may be filed with the district director showing wherein the deficiency is claimed to be incorrect, and advise that upon request an Appellate Division conference will be granted with respect to such deficiency. If, after protest is filed (in triplicate) and an Appellate Division conference is held, adjustment appears necessary in the deficiency, appropriate action will be taken. Except where the interests of the Government require otherwise, Letters 1005 (DO) are issued by the office of the district director.

(3) If after such assessment a claim for abatement is filed and such claim is accompanied by a request in writing for a conference, an Appellate Division conference will be granted. Ordinarily, only one conference will be held, unless it develops that additional in-

formation can be furnished which has a material bearing upon the tax liability in which event the conference will be continued to a later date.

(c) *Procedure before the Appellate Division.* (1) If an income, estate, or gift tax case is under consideration by a field office of the Appellate Division (whether before or after issuance of a statutory notice of deficiency) at the time of either (i) the adjudication of bankruptcy of the taxpayer in any liquidating proceeding; (ii) the filing with a court of competent jurisdiction or (where approval is required by the Bankruptcy Act) the approval of a petition of, or against, the taxpayer in any other proceeding under the Bankruptcy Act; or (iii) the appointment of any receiver, then the case will be returned to the district director for assessment (if not previously made), for issuance of the Letter 1005 (DO), and for filing proof of claim in the proceeding. Excise and employment tax cases pending in the Appellate Division at such time will likewise be returned to the district director for assessment (if not previously made) and for filing proof of claim in the proceeding. A petition for redetermination of a deficiency may not be filed in the Tax Court after the adjudication of bankruptcy, the filing or (where approval is required by the Bankruptcy Act) the approval of a petition of, or the approval of a petition against, the taxpayer in any other bankruptcy proceeding, or the appointment of a receiver. See section 6871(b) of the Code. However, the Tax Court is not deprived of jurisdiction where the adjudication of bankruptcy, the filing or (where approval is required by the Bankruptcy Act) the approval of a petition of, or the approval of a petition against, the taxpayer in any other bankruptcy proceeding, or the appointment of a receiver, occurred after the filing of the petition. In such a case, the jurisdiction of the bankruptcy or receivership court and the Tax Court is concurrent.

PAR. 6. Section 601.203 is amended by revising paragraph (d) to read as follows:

#### § 601.203 Offers in compromise.

(d) *Conferences.* Before filing a formal offer in compromise, a taxpayer may request a meeting in the office which would have jurisdiction over the offer to explore the possibilities of compromising unpaid tax liability. After all investigations have been made, the taxpayer may also request a meeting in the office having jurisdiction of the offer to determine the amount which may be accepted as a

compromise. If agreement is not reached at such meeting and the district director has processing jurisdiction over the offer, the taxpayer will be informed that the taxpayer may request consideration of the case by the regional office of the Appellate Division. The request may be in writing or oral. If the tax, penalty, and assessed (but not accrued) interest sought to be compromised exceeds \$2,500 for any return, taxable year or taxable period, a written protest is required. Taxpayers and their representatives are required to comply with the applicable conference and practice requirements. See Subpart E of this part.

§ 601.403 [Amended]

PAR. 7. Section 601.403(c)(2) is amended by deleting the words "district conference," from the sixth sentence.

JEROME KURTZ,  
Commissioner of  
Internal Revenue.

[FR Doc. 78-8661 Filed 3-31-78; 8:45 am]

[4830-01]

[26 CFR Part 601]

[LR-60-78]

STATEMENT OF PROCEDURAL RULES

Establishment of Single Level of Administrative Appeal; Public Hearing on Proposed Amendments

AGENCY: Internal Revenue Service, Treasury.

ACTION: Public hearing on proposed amendments to procedural rules.

SUMMARY: This document provides notice of a public hearing on proposed amendments to the Statement of Procedural Rules relating to the elimination of district conferences from the administrative appeals procedure and the availability of, and procedures in, Appellate Division conferences.

DATES: The public hearing will be held on June 20, 1978, beginning at 10:30 a.m. Outlines of oral comments must be delivered or mailed by June 21, 1978.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. The outline for oral comments on the proposed amendments to the Statement of Procedural Rules should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-60-78), 1111 Constitution Avenue NW., 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, telephone 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed amendments to the Statement of Procedural Rules (26 CFR part 601) which would eliminate the district conference from the administrative appeals procedure and make certain correlative changes to Appellate Division conference procedures. These proposed amendments appear in this issue of the FEDERAL REGISTER.

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 amendments and who desire to present oral comments at the hearing on the proposed amendments must submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject. As stated above, this outline must be delivered or mailed by June 2, 1978. Outlines of oral comments will be acknowledged by telephone upon receipt. Those who submit outlines but receive no acknowledgement within a reasonable amount of time after mailing should contact Mr. Bradley or Mr. Hayden.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time taken by questions from the panel for the Government and answers to these questions.

Because of controlled access restrictions, those attending the hearing 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 30, 1978.

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

[FR Doc. 78-8660 Filed 3-31-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION  
AGENCY

[40 CFR Part 52]

[FRL 875-11]

APPROVAL AND PROMULGATION OF  
IMPLEMENTATION PLANS

Revisions to the Northern Sonoma County Air Pollution Control District's Rules and Regulations in the State of California

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Rule-making.

SUMMARY: Revisions to the Northern Sonoma County Air Pollution Control District's (APCD) rules and regulations have been submitted to the Environmental Protection Agency (EPA) by the California Air Resources Board for the purpose of revising the California State Implementation Plan (SIP). The intended effect of these revisions is to update the rules and regulations and to correct deficiencies in the SIP. The EPA invites public comments on these rules, especially as to their consistency with the clean Air Act.

DATES: Comments may be submitted on or before May 3, 1978.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air & Hazardous Materials Division, Air Programs Branch, California SIP Section (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105. Copies of the proposed revisions are available for public inspection during normal business hours at the EPA Region IX office at the above address and at the following locations:

Northern Sonoma County Air Pollution Control District, 421 March Avenue, Healdsburg, Calif. 95448.

California Air Resources Board, 1102 "Q" Street, P.O. Box 2815, Sacramento, Calif. 95814.

Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

David R. Souten, Chief, California SIP Section, EPA, Region IX, 415-556-7288.

SUPPLEMENTARY INFORMATION: The California Air Resources Board submitted the following rules and regulations on the indicated dates:

OCTOBER 13, 1977

REGULATION 1

- Rule 420—Particulate Matter.
- Rule 450—Sulfide Emission Standards for Draft Pulp Mills.
- Rule 455—Geothermal Emission Standards.

NOVEMBER 4, 1977

REGULATION 1

- Rule 240(e)—Mandatory Monitoring Requirements.
- Rule 310—Permit Fee Schedules.
- Appendix B—Sonoma County Geothermal Zone 1.
- Appendix D—Continuous Monitoring.

In addition, regulations were submitted concerning new source review and emergency episodes. These regulations will be considered in separate FEDERAL REGISTER actions.

The State also submitted regulations concerning New Source Performance

Standards (NSPS) on November 4, 1977. These NSPS regulations implement Section 111 of the Clean Air Act, and are not appropriate for inclusion in a State Implementation Plan under section 110 of the Act. Therefore, these regulations will be neither approved nor disapproved by EPA as part of an applicable implementation plan. They will, however, be reviewed in determining whether to delegate authority to implement and enforce the NSPS regulations in the APCD under the appropriate provisions of section 111. Announcement of such delegation would appear in a separate FEDERAL REGISTER notice.

Pursuant to section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations submitted as revisions to the SIP. The Regional Administrator hereby issues this notice setting forth these revisions, including rule deletions caused thereby, as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Comments received on or before May 3, 1978 will be considered. Comments received will be available for public inspection at the EPA Region IX Office and the EPA Public Information Reference Unit.

AUTHORITY: Secs. 110 and 301(a), Clean Air Act as amended (42 U.S.C. §§ 7410 and 7601(a)).

Dated: March 7, 1978.

SHEILA M. PRINDIVILLE,  
Acting Regional Administrator.

[FR Doc. 78-8577 Filed 3-31-78; 8:45 am]

[6560-01]

[40 CFR Part 52]-

[FRL 874-8]

**APPROVAL AND PROMULGATION OF  
IMPLEMENTATION PLANS**

Revisions to the Mendocino County Air Pollution Control District's Rules and Regulations in the State of California.

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: Revisions to the Mendocino County Air Pollution Control District's (APCD) rules and regulations have been submitted to the Environmental Protection Agency (EPA) by the California Air Resources Board for the purpose of revising the California State Implementation Plan (SIP). The intended effect of these revisions is to update the rules and regulations and to correct deficiencies in the SIP. The EPA invites public comments on these rules, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted on or before May 3, 1978.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air & Hazardous Materials Division, Air Programs Branch, California SIP Section (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105. Copies of the proposed revisions are available for public inspection during normal business hours at the EPA Region IX office at the above address and at the following locations:

Mendocino County Air Pollution Control District, Courthouse Square, Ukiah Calif. 95482.

California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, Calif. 95814.

Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460

**FOR FURTHER INFORMATION CONTACT:**

David R. Souten, Chief, California SIP Section, EPA, Region IX, 415-556-7288.

SUPPLEMENTARY INFORMATION: The California Air Resources Board submitted the following and regulations on November 4, 1977:

**REGULATION 1**

Rule 240(e)—Mandatory Monitoring Requirements.

Rule 420—Particular Matter.

Rule 450—Sulfide Emission Standards for Kraft Pulp Mills.

Rule 455—Geothermal Emission Standards. Appendix B—Sonoma County Geothermal Standards.

Appendix D—Continuous Monitoring.

In addition, regulations were submitted concerning new source review and emergency episodes. These regulations will be considered in separate FEDERAL REGISTER actions.

The State also submitted regulations concerning New Source Performance Standards (NSPS) on November 4, 1977. These NSPS regulations implement section 111 of the Clean Air Act, and are not appropriate for inclusion in a State Implementation Plan under section 110 of the Act. Therefore, these regulations will be neither approved nor disapproved by EPA as part of an applicable implementation plan. They will, however, be reviewed in determining whether to delegate authority to implement and enforce the NSPS regulations in the APCD under the appropriate provisions of section 111. Announcement of such delegation would appear in a separate FEDERAL REGISTER notice.

Pursuant to section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations submitted as revisions to the SIP. The Regional Administrator hereby issues this notice setting forth these revisions, including rule deletions caused

thereby, as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Comments received on or before May 3, 1978 will be considered. Comments received will be available for public inspection at the EPA Region IX Office and the EPA Public Information Reference Unit.

AUTHORITY: Secs. 110 and 301(a) of the Clean Air Act as amended (42 U.S.C. §§ 7410 and 7601(a)).

Dated: March 7, 1978.

SHEILA M. PRINDIVILLE,  
Acting Regional Administrator.

[FR Doc. 78-8578 Filed 3-31-78; 8:45 am]

[6560-01]

[40 CFR Part 52]

[FRL 874-7]

**APPROVAL AND PROMULGATION OF  
IMPLEMENTATION PLANS**

Revisions to the Humboldt County Air Pollution Control District's Rules and Regulations in the State of California

AGENCY: Environmental Protection Agency.

ACTIONS: Notice of proposed rulemaking.

SUMMARY: Revisions to the Humboldt County Air Pollution Control District's (APCD) rules and regulations have been submitted to the Environmental Protection Agency (EPA) by the California Air Resources Board for the purpose of revising the California State Implementation Plan (SIP). The intended effect of these revisions is to update the rules and regulations and to correct deficiencies in the SIP. The EPA invites public comments on these rules, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted on or before May 3, 1978.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105. Copies of the proposed revisions are available for public inspection during normal business hours at the EPA Region IX Office at the above address and at the following locations: Humboldt County Air Pollution Control District, 5600 South Broadway, Eureka, Calif. 95501; California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, Calif. 95814; Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:**

David R. Souten, Chief, California

SIP Section, EPA, Region IX, 415-556-7288.

**SUPPLEMENTARY INFORMATION:**  
The California Air Resources Board submitted the following rules and regulations on November 4, 1977:

**REGULATION 1**

- Rule 240(e)—Mandatory Monitoring Requirements.
- Rule 420—Particulate Matter.
- Rule 450—Sulfide Emission Standards for Kraft Pulp Mills.
- Rule 455—Geothermal Emission Standards.
- Appendix B—Sonoma County Geothermal Zone I.
- Appendix D—Continuous Monitoring.

In addition, regulations were submitted concerning new source review and emergency episodes. These regulations will be considered in separate FEDERAL REGISTER actions.

The State also submitted regulations concerning new source performance standards (NSPS) on November 4, 1977. These NSPS regulations implement section 111 of the Clean Air Act, and are not appropriate for inclusion in a State implementation plan under section 110 of the Act. Therefore, these regulations will be neither approved nor disapproved by EPA as part of an applicable implementation plan. They will, however, be reviewed in determining whether to delegate authority to implement and enforce the NSPS regulations in the APCD under the appropriate provisions of section 111. Announcement of such delegation would appear in a separate FEDERAL REGISTER notice.

Pursuant to section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations submitted as revisions to the SIP. The Regional Administrator hereby issues this notice setting forth these revisions, including rule deletions caused thereby, as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Comments received on or before May 3, 1978, will be considered. Comments received will be available for public inspection at the EPA Region IX Office and the EPA Public Information Reference Unit.

Authority: Sections 110 and 301(a) of the Clean Air Act as amended (42 U.S.C. §§ 7410 and 7601(a)).

Dated: March 7, 1978.

SHEILA M. PRINDIVILLE,  
*Acting Regional Administrator.*  
[FR Doc. 78-8579 Filed 3-31-78; 8:45 am]

[6560-01]

[40 CFR Part 52]

[FRL 874-61]

**APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

**Revisions to the Del Norte County Air Pollution Control District's Rules and Regulations in the State of California**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** Revisions to the Del Norte County Air Pollution Control District's (APCD) rules and regulations have been submitted to the Environmental Protection Agency (EPA) by the California Air Resources Board for the purpose of revising the California State Implementation plan (SIP). The intended effect of these revisions is to update the rules and regulations and to correct deficiencies in the SIP. The EPA invites public comments on these rules, especially as to their consistency with the Clean Air Act.

**DATES:** Comments may be submitted on or before May 3, 1978.

**ADDRESSES:** Comments may be sent to: Regional Administrator, Attn.: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105. Copies of the proposed revisions are available for public inspection during normal business hours at the EPA Region IX Office at the above address and at the following locations: Del Norte County Air Pollution Control District, Courthouse, Crescent City, Calif. 95531; California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, Calif 95814; Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:**

David R. Souten, Chief, California SIP Section, EPA, Region IX, 415-556-7288.

**SUPPLEMENTARY INFORMATION:**  
The California Air Resources Board submitted the following rules and regulations on November 4, 1977:

**REGULATION 1**

- Rule 240(e)—Mandatory Monitoring Requirements.
- Rule 420—Particulate Matter.
- Rule 450—Sulfide Emission Standards for Kraft Pulp Mills.
- Rule 455—Geothermal Emission Standards.
- Appendix B—Sonoma County Geothermal Zone I.
- Appendix D—Continuous Monitoring.

In addition, regulations were submitted concerning new source review and emergency episodes. These regulations will be considered in separate FEDERAL REGISTER actions.

The State also submitted regulations concerning new source performance standards (NSPS) on November 4, 1977. These NSPS regulations implement section 111 of the Clean Air Act, and are not appropriate for inclusion in a State implementation plan under section 110 of the Act. Therefore, these regulations will be neither approved nor disapproved by EPA as part of an applicable implementation plan. They will, however, be reviewed in determining whether to delegate authority to implement and enforce the NSPS regulations in the APCD under the appropriate provisions of section 111. Announcement of such delegation would appear in a separate FEDERAL REGISTER notice.

Pursuant to section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations submitted as revisions to the SIP. The Regional Administrator hereby issues this notice setting forth these revisions, including rule deletions caused thereby, as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Comments received on or before May 3, 1978, will be considered. Comments received will be available for public inspection at the EPA Region IX Office and the EPA Public Information Reference Unit.

Authority: Sections 110 and 301(a) of the Clean Air Act as amended (42 U.S.C. §§ 7410 and 7601(a)).

Dated: March 7, 1978.

SHEILA M. PRINDIVILLE,  
*Acting Regional Administrator.*  
[FR Doc. 78-8580 Filed 3-31-78; 8:45 am]

[6560-01]

[40 CFR Part 52]

[FRL 875-21]

**APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

**Revisions to the Trinity County Air Pollution Control District's Rules and Regulations in the State of California.**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** Revisions to the Trinity County Air Pollution Control District's (APCD) rules and regulations have been submitted to the Environmental Protection Agency (EPA) by the California Air Resources Board for

the purpose of revising the California State Implementation Plan (SIP). The intended effect of these revisions is to update the rules and regulations and to correct deficiencies in the SIP. The EPA invites public comments on these rules, especially as to their consistency with the Clean Air Act.

**DATE:** Comments may be submitted on or before May 3, 1978.

**ADDRESSES:** Comments may be sent to: Regional Administrator, Attn: Air and Hazardous Materials Division, Air Programs Branch, California SIP section (A-4), Environmental Protection Agency, region IX, 215 Fremont Street, San Francisco, Calif. 94105. Copies of the proposed revisions are available for public inspection during normal business hours at the EPA region IX office at the above address and at the following locations: Trinity County Air Pollution Control District, 400 Barbara Avenue, Weaverville, Calif. 96093; California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, Calif. 95814; and Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:**

David R. Souten, Chief, California SIP section, EPA, region IX, 415-556-7288.

**SUPPLEMENTARY INFORMATION:** The California Air Resources Board submitted the following rules and regulations on November 4, 1977:

**REGULATION 1**

- Rule 240(e)—Mandatory Monitoring Requirements.
- Rule 420—Particulate Matter.
- Rule 450—Sulfide Emission Standards for Kraft Pulp Mills.
- Rule 455—Geothermal Emission Standards.
- Appendix B—Sonoma County Geothermal Zone I.
- Appendix D—Continuous Monitoring.

In addition regulations were submitted concerning new source review and emergency episodes. These regulations will be considered in separate FEDERAL REGISTER actions.

The State also submitted regulations concerning New Source Performance Standards (NSPS) on November 4, 1977. These NSPS regulations implement section 111 of the Clean Air Act, and are not appropriate for inclusion in a State Implementation Plan under section 110 of the Act. Therefore, these regulations will be neither approved nor disapproved by EPA as part of an applicable implementation plan. They will, however, be reviewed in determining whether to delegate authority to implement and enforce the NSPS regulations in the APCD under the appropriate provisions of section 111. Announcement of such delegation would appear in a separate FEDERAL REGISTER notice.

Pursuant to section 110 of the Clean Air Act as amended, and 40 CFR part 51, the Administrator is required to approve or disapprove the regulations submitted as revisions to the SIP. The Regional Administrator hereby issues this notice setting forth these revisions, including rule deletions caused thereby, as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the region IX office. Comments received on or before May 3, 1978, will be considered. Comments received will be available for public inspection at the EPA region IX office and the EPA Public Information Reference Unit.

**AUTHORITY:** Sections 110 and 301(a) of the Clean Air Act as amended (42 U.S.C. §§ 7410 and 7601(a)).

**Dated:** March 7, 1978.

SHEILA M. PRINDIVILLE,  
*Acting Regional Administrator.*

[FR Doc. 78-8581 Filed 3-31-78; 8:45 am]

[6560-01]

[40 CFR Part 52]

[FRL 875-41]

**APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS—NEW HAMPSHIRE**

**Extension of Comment Period**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Extension of Comment Period.

**SUMMARY:** This notice extends the period for comments on the notice, published February 28, 1978 (43 FR 8161), proposing disapproval of a State Implementation Plan (SIP) revision to increase the allowable sulfur content of fossil fuel burned by sources in the State of New Hampshire, insofar as the SIP revision applies to the Berlin-Gorham Division of the Brown Co., Berlin, N.H. The comment period is being extended in order to provide sufficient time for the affected source and other interested parties to review the air quality impact of the SIP revision and submission of comments and/or additional technical information.

**DATE:** Comments must be received on or before May 30, 1978.

**ADDRESS:** Comments should be submitted to the Regional Administrator, Region I, Environmental Protection Agency, Room 2203, JFK Federal Building, Boston, Mass. 02203.

**FOR FURTHER INFORMATION CONTACT:**

David Stonefield, Air Branch, EPA Region I, Room 2113, JFK Federal Building, Boston, Mass. 02203, 617-223-5609.

**Dated:** March 24, 1978.

REBECCA W. HANMER,  
*Acting Regional Administrator.*

[FR Doc. 78-8582 Filed 3-31-78; 8:45 am]

[6712-01]

**FEDERAL COMMUNICATIONS COMMISSION**

[47 CFR Part 67]

[Docket No. 21263; FCC 78-2331]

**JURISDICTIONAL SEPARATIONS**

**Integration of Rates and Services for Provision of Communications by Authorized Common Carriers between the United States Mainland and Hawaii, Alaska, and Puerto Rico/Virgin Islands**

**AGENCY:** Federal Communications Commission.

**ACTION:** Memorandum Opinion and Order, Docket 21263.

**SUMMARY:** This document announces that the Federal-State Joint Board has issued a supplemental data request regarding its investigation of what changes, if any, should be made in the existing National Association Regulatory Utility Commissioners (NARUC)-FCC Separations Manual to make it applicable to Alaska and Hawaii. In addition, the Joint Board is extending the time for filing a previously requested study from April 1, 1978 to June 1, 1978, and sets the date for comments on the Study to be submitted on June 1, 1978.

**EFFECTIVE DATE:** Supplemental data to be submitted by April 1, 1978. Previously requested study for calendar year 1979 shall be submitted by June 1, 1978, and comments may be filed by July 14, 1978.

**ADDRESS:** Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:**

Francis L. Young, Room 514, 202-632-6457.

**MEMORANDUM OPINION AND ORDER**

Adopted: February 23, 1978.

Released: March 29, 1978.

In the matter of Integration of Rates and Services for the Provision of Communications by Authorized Common Carriers between the United States Mainland and Hawaii, Alaska, and Puerto Rico/Virgin Islands, Docket No. 21263.

1. By "Memorandum Opinion and Order," 43 FR 4646, February 3, 1978, the Joint Board convened in this proceeding requested certain statistical data of the carriers serving Alaska,

Hawaii, and the Mainland.<sup>1</sup> Subsequently, the Joint Board staff members have identified several additional studies (Appendix A) as being useful in the analysis of the question before it. The Joint Board believes that some of the parties may be experiencing difficulty in submitting, by April 1, 1978, the studies previously requested. The Joint Board is, therefore, identifying a study set forth in the February Order which it believes necessary for its further planning (Appendix B) and is setting a specific date for submission of that study. The Joint Board believes that some parties may desire to comment on this study and is therefore, establishing a date by which comments concerning the submissions may be filed.

2. Studies resulting from the data requests set forth in Appendix A of this order are to be submitted by April 1, 1978. In the event all data cannot be submitted by April 1, 1978, data available at that time shall be submitted along with a schedule detailing when the remaining studies will be submitted. This schedule should include justification(s) for the subsequent submission date(s).

3. The studies resulting from the data request set forth in Appendix B must be submitted no later than June 1, 1978. Any party may file comments relating to the June 1 submission no later than July 14, 1978. The comments submitted should be restricted to the June 1 submission and are not to be confused with the comments the Joint Board will solicit in the second phase of this proceeding.

4. Accordingly, it is ordered, That studies required to meet the data requests set forth in Appendix A shall be submitted on or before April 1, 1978.

5. It is further ordered, That studies required to meet the data request set forth in Appendix B shall be submitted on or before June 1, 1978, and comments on the studies shall be submitted on or before July 14, 1978.

6. It is further ordered, That an original and two copies of all studies shall be filed with the Secretary, Federal Communications Commission, and one copy shall be filed with each of the State Commission members of this Joint Board. Copies of these filings shall be available for public inspection during regular business hours in the Commission's Reference Room at its headquarters at 1919 M Street NW., Washington, D.C.

FEDERAL COMMUNICATIONS  
COMMISSION,  
WILLIAM J. TRICARICO,  
Secretary.

APPENDIX A

The following statistical studies shall be submitted by A.T.&T. The submission

<sup>1</sup> See also 43 FR 5011, February 7, 1978.

should be accompanied by a description of each study methodology and should include: (a) An assessment of the validity of the data, (b) a statement of significant assumptions made, (c) the basis for any projections or approximations made, and (d) the identification of any data which originate from non-Bell System sources. The measure of all traffic volumes shall be in hundred-call-seconds (CCS) unless otherwise requested.

STUDY

ATT-IR-1—Volume of Toll Messages

Furnish a tabulation showing the monthly interstate toll messages originating in the years 1976 and 1977 when available for each of the states. The originating messages may be considered as sent-paid and received collect for purposes of responding to this request. The destination of all messages will be Hawaii and Alaska.

ATT-IR-2—Message Holding Times

For ATT-IR-1, furnish a graph and tabular data showing the relative volume by message holding times. If available, show the relative distribution by grade of service, i.e., business, residence and coin for each of the states.

ATT-IR-3—Interstate Toll Length of Haul

For each state within the mainland 48, furnish the average interstate length of haul and associated traffic volume.

ATT-IR-4—Average Revenue Per Message

Show the average revenue per toll message to Hawaii and Alaska by each state for originating messages within the other states. The ARPM should be for each month during the years 1976 and 1977 when available.

ATT-IR-5—Message Toll In-to-Out Ratio

For each state in the mainland 48, furnish the message toll in-to-out ratio (measured in CCS) for all message toll calls to Hawaii and Alaska during 1976 and 1977.

ATT-IR-6—Interstate Toll Traffic by Time of Day

Furnish a tabulation showing the monthly distribution, by time of day rate periods, of interstate message volume under rate schedules in effect during 1976 and 1977. This request shall reflect all messages to Hawaii and Alaska originating in each of the other states. Also, show the distribution of operator-handled and customer-dialed station and person messages by time of day rate periods.

ATT-IR-7

For the total originating traffic volume from the mainland to Hawaii and Alaska: (1) Identify each point of interconnection with the mainland. (2) Provide the traffic volume associated with each of these points.

ATT-IR-8

Furnish a tabulation of the request JB-61 in Docket 20981 for only the Long Lines Department of AT&T. This request should include additional plant for service to Hawaii and Alaska.

ATT-IR-9

Provide: (1) The book cost of all IXC plant dedicated to provide service for Alaska and Hawaii (separately) as of year-end 1972, (2) the cost of any IXC plant added for service to Hawaii and Alaska respectively for each year of the 1973 to 1977 period, and (3)

for the costs indicated above, the equivalent in voice grade circuit miles in the period 1972-1977.

ATT-IR-10

Provide the measured system stimulation study done by the Bell System and presented to the NARUC Committee on Communications in 1974.

ATT-IR-11

Submit a study showing the elasticity of demand for message toll service to Hawaii for the three rate bands and to Alaska for the five mileage bands presently in effect. The study should also measure elasticity during the different discount periods.

APPENDIX B

For the calendar year 1979, all parties shall submit the results of a separations study, based upon the existing NARUC-FCC separations manual, and under the assumption that Step 3 rate integration will be in effect beginning January 1, 1979. Since traffic and cost projections must necessarily be made, the bases for these estimates should be documented. The study results should indicate:

(1) Revenues, revenue requirements, and earned rate of return for each of these operations: (a) Interstate toll, (b) intrastate toll, (c) local exchange, and (d) total.

(2) A comparison of the effects upon the rates charged for local and intrastate toll service given the following assumptions pertaining to the settlement procedure in effect in 1979: (a) The settlement ratios used prior to Step 1, (b) the settlement ratios now in effect, (c) settlements based upon the NARUC-FCC Manual.

[FR Doc. 78-8706 Filed 3-31-78; 8:45 am]

[4910-59]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety  
Administration

[49 CFR Part 571]

[Docket No. 78-03; Notice 3]

NEW PNEUMATIC TIRES—PASSENGER CARS

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

ACTION: Notice of proposed rulemaking.

SUMMARY: Pursuant to a petition by Michelin Tire Corp., this notice proposes amendments to Federal Motor Vehicle Safety Standard No. 109, New Pneumatic Tires—Passenger Cars, which would modify Appendix A of the standard by adding four new tire size designations and would revise the table in Figure 1 of the standard by adding a new wheel size and its corresponding bead unseating test dimension. Adoption of the amendment would permit production of the new tire sizes specified in the amendment.

DATES: Comment closing date: May 3, 1978. Proposed effective date: Date of issuance of final rule.

**ADDRESS:** Comments should refer to the docket number and be submitted to Room 5108, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

**FOR FURTHER INFORMATION CONTACT:**

John A. Diehl, Crash Avoidance Division, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1714.

**SUPPLEMENTARY INFORMATION:**

According to agency practice, the National Highway Traffic Safety Administration (NHTSA) responds to petitions for adding new tire sizes to Appendix A of Standard No. 109 by quarterly issuing final rules under an abbreviated rulemaking procedure for expediting such routine amendments. Guidelines for this procedure (October 5, 1968; 33 FR 14964, as amended August 31, 1974; 39 FR 28980) provide that these final rules become effective 30 days after their date of publication if no comments objecting to them are received by the agency during this 30-day period. If objections are received, regular rulemaking procedures for issuing and amending motor vehicle safety standards (49 CFR Part 553) are to be initiated.

Pursuant to a petition from the Michelin Tire Corp. (October 3, 1977), a final rule amending Appendix A by adding five new metric tire size designations was published on February 6, 1978 (43 FR 4860; Docket No. 78-02, Notice 2) under the abbreviated rulemaking procedure. Objections to this amendment, as summarized below, were timely submitted by Armstrong Rubber Co. (February 27, 1978), Dunlop Tire & Rubber Corp. (February 24, 1978, and March 6, 1978), and General Motors Corp. (March 7, 1978). Accordingly, the amendment did not become effective. This notice initiates regular rulemaking procedures for amending Standard No. 109.

Each of the three commenters objecting to the February 6 notice requested that the NHTSA initiate a regular rulemaking procedure for amending Standard No. 109, encompassing both Michelin's petition for addition of the new tire sizes published in that notice and two recent petitions from the Rubber Manufacturer's Association (RMA) (November 18, 1977 and January 17, 1978) requesting addition to the Standard No. 109 tables of two other metric tire sizes (P215/65R390) and P195/65R370). However, before the comment due date for the February 6 notice, the agency published a notice of proposed rulemaking which responded to the RMA petitions (March 2, 1978; 43 FR 8570). Comments that were submitted on the February 6 notice and relate to

either the Michelin petition, RMA petition, or both will be considered in determining what final action should be taken in the rulemaking on those petitions.

Armstrong and General Motors objected to the introduction of the two new metric rim sizes (R365 and R390) associated with the new tire sizes designated in the notice. The rationale given for the objections was that serious safety problems could occur as a result of accidental mixing of these metric rim sizes with English unit tires. Specifically, the dimension of the two rims are very nearly the same as those of two existing English unit rims (14 and 15 inch diameter rims), so that it would be technically possible to mount existing English size tires on the proposed new metric size rims. Conversely, it would also be possible to mount the new size metric tires designated in the February 6 notice on existing English unit rims of closely similar dimensions. The major safety problem noted in the objections as potentially arising from such tire and rim intermixing was tire explosion during tire mounting. In addition, Dunlop objected that the "TR" rim contour designated in the February 6 notice is one for which the European Tyre and Rim Technical Organization (ETRTO) has not established minimum and maximum well depths, information alleged in the objection to be essential to preventing misapplication of the 14 and 15 inch bead tires on 365 and 390 mm. rims, respectively. Michelin has subsequently informed the NHTSA that it has requested the ETRTO to establish these well-depth dimensions. Armstrong commented that safety problems could arise from the fact that the valve hole dimension (10 mm.) for the "TR" rim is very close to that of the nearest English unit rim (0.41 inch) so that improper valve installation would be technically possible, with consequent loss of inflation pressure. General Motors objected to the absence of a prefix "P" for each of the new tire sizes designated in the February 6 notice. General Motors urged that this prefix be made mandatory to distinguish International Standards Organization (ISO) metric tire size designations from other metric tire size designations. Armstrong objected to the inclusion of two of new tire sizes, 195/60R390 and P205/60R390, as "not being compatible" with tires published in existing Standard No. 109 tables and as not having been approved, to its knowledge, by any recognized technical standardizing body.

The objections to the February 6 notice summarized above will be considered by the NHTSA in preparing the final rule on the amendments to Standard No. 109 proposed by this notice. Certain other objections to the February 6 notice are summarized below.

The amendments proposed in this notice differ in several respects from the amendments in the February 6 notice. First, this notice applies to only four of the five new tire size designations specified in the February 6 notice. The fifth tire size, P205/60R390, is not included in this notice since Michelin has withdrawn its request to add this tire size. Michelin's withdrawal of its request was in response to objections by Armstrong and General Motors.

Second, pursuant to Michelin's request, this notice proposes a revision of the table in Figure 1 of Standard No. 109 to specify the "Dimension 'A'" corresponding to the 365 mm. rim size proposed in the notice to be added to the table. This information is necessary to enable performance of the test for tubeless tire resistance to bead unseating (set forth in section 4.2.2.3 of Standard No. 109) on the new tire size 180/65R365 proposed under Table I-PP of this notice. The other three proposed new tire sizes have a 390 mm. rim. The "Dimension 'A'" of the bead unseating test for this rim size was proposed on March 2, 1978 (43 FR 8570, at 8671). Objections to the absence of "Dimension 'A'" specifications in the February 6 notice were made by Armstrong and by General Motors. The February 6 notice did not include these specifications because the abbreviated rulemaking procedure is restricted to publication of new tire size designations.

Third, again pursuant to Michelin's request, this notice specifies the "JM" rim profile as an alternative to the "TR" rim in the headings of each table setting forth the proposed new tire sizes. "JM" is a millimetric rim profile established by the Tire and Rim Association, Inc. (October 7, 1977, "Design Guide of Tire and Rim Association") "TR" is a millimetric rim profile established by the ETRTO (1978 ETRTO Data Book, p. RP.11). There are slight differences in the rim contours of the JM and TR rims. In requesting the agency to include both rims in the proposed amendments to Standard No. 9 set forth in this notice, we understand Michelin to be suggesting that the "JM" and "TR" rim profiles are equally appropriate for use in mounting any of the metric tire sizes proposed in this notice. Neither of these rims has been introduced into the U.S. market to date. The JM rim contour has been proposed as appropriate for metric tires other than the tires proposed in this notice only once before (March 2, 1978; 43 FR 8570, at 8572). This notice is the first time that the "TR" rim has been proposed as appropriate for any tire sizes added or sought to be added to the tables in Appendix A of Standard No. 109. Comments are requested on the alternative use of these rim profiles.

Fourth, the heading of each table setting forth new tire sizes in the February 6 notice erroneously identified the rim contour as the "TRX" rim. This should have read "TR" rim. This typographical error has been corrected in this notice.

The NHTSA has reviewed the environmental and economic impacts of this proposal. There should be not

negative environmental impacts. Further, since there are minor technical amendments of the standard which will permit the production of four new tire sizes and enable the bead unseating test for one of these tires, there should be no costs associated with their implementation.

In consideration of the foregoing, it is proposed that Title 49 of the Code

of Federal Regulations, Part 571.109 (Standard No. 109, New Pneumatic Tires—Passenger Cars) be amended as follows:

§ 571.109 [Amended]

1. Table I, Appendix A is amended by the addition of the following new tables:

TABLE I—NN

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

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

<sup>1</sup>The letters "H", "S", or "V" may be included in any specified tire size designation adjacent to the "R."

<sup>2</sup>Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I—PP

Tire load ratings, test rims, minimum size factors, and section widths for all millimetric "65 series" radial ply tires (TR or JM rim)

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

<sup>1</sup>The letters "H", "S", or "V" may be included in any specified tire size designation adjacent to the "R."

<sup>2</sup>Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

2. The Table in Figure 1 is revised to add the following wheel size and corresponding bead unseating test dimension:

Dimension "A" for tires with maximum inflation pressure (other than 60 lb/in <sup>2</sup> )	
Wheel size: 365mm.....	10.5

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a succinct and concise fashion.

In the case of comments that contain materials for which confidential treatment is requested, those materials should be deleted from the copies submitted to the docket. A copy of the complete comments should be submitted to the Office of the Chief Counsel at the above address, with an indica-

tion of which portions of the comments are the subject of the request for confidentiality.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. The agency has limited the comment period to 30 days since a 30-day comment period has already been provided on the proposed new tire size designations. Persons who have previously submitted objections to or comments on the amendments proposed in this notice need not resubmit such objections or comments.

The principal authors of this notice are John Diehl of the Crash Avoidance Division and Nancy Eager of the Office of Chief Counsel.

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

Issued on March 28, 1978.

MICHAEL FINKELSTEIN,  
Acting Associate  
Administrator for Rulemaking.

[FR Doc. 78-8559 Filed 3-29-78; 8:45 am]

[4910-59]

[49 CFR Chapter V]

[Docket No. 78-07; Notice 2]

**FIVE YEAR PLAN FOR MOTOR VEHICLE SAFETY AND FUEL ECONOMY RULEMAKING AND INVITATION FOR FINANCIAL ASSISTANCE**

**Extension of Deadline for Applications**

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

ACTION: Extension of deadline for applications for financial assistance.

SUMMARY: This notice extends from April 10 to April 20, 1978, the deadline for submitting applications for financial assistance in preparing comments on the National Highway Traffic Safety Administration's recently-published (43 FR 11100, March 16, 1978) five year rulemaking plan. The extension was deemed desirable in view of a delay in the delivery of copies of the rulemaking plan to this agency. The agency intends to mail copies of the

## PROPOSED RULES

plan to a wide variety of interested persons, including many who may wish to submit assistance applications.

**DATES:** Applications for financial assistance are due on April 20, 1978.

**ADDRESSES:** Applications for financial assistance should be submitted to Ms. Jeanette Feldman, Public and Consumer Affairs, National Highway Traffic Safety Administration, Room 5232, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0670.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Joseph Delahanty, Chief, Special Projects Planning Staff, Plans and Programs, National Highway Traffic Safety Administration, Room 5212, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1570.

(Sec. 9, Pub. L. 89-670, 80 Stat. 931 (49 U.S.C. 1657); sec. 301, Pub. L. 94-163, 89 Stat. 901 (15 U.S.C. 2002); secs. 103, 112, 119, 203, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407, 1423); delegation of authority at 49 CFR 1.50.)

Issued on March 28, 1978.

HOWARD J. DUGOFF,  
*Acting Administrator.*

[FR Doc. 78-8705 Filed 3-29-78; 4:40 am]

[1505-01]

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric  
Administration**

[50 CFR Part 227]

**SEA TURTLES**

**Proposed Threatened Status; Reopening of  
Comment Period**

*Correction*

In FR Doc 78-8157 appearing at page 12735 in the issue of Monday, March 27, 1978, insert immediately before the date in the third column the following signature and title:

LYNN A. GREENWALT,  
*Director, Fish and Wildlife  
Service, Department of the Interior.*

# notices

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

[3410-11]

## DEPARTMENT OF AGRICULTURE

Forest Service

### CANNERY CREEK AQUACULTURE SITE

#### Cannery Creek Timber Sale; Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Cannery Creek Aquaculture Facilities and Timber Sale, Report Number USDA-FS-FES (Adm) R10-77-03.

This environmental statement concerns a proposed timber sale involving the harvesting of 1.560 million board feet of timber, and construction of an aquaculture facility.

This final environmental statement was transmitted to the EPA on March 27, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th St. & Independence Ave., SW., Washington, D.C. 20013.

USDA, Forest Service, Alaska Region, Federal Building, Juneau, Alaska 99802.

Forest Supervisor, Chugach National Forest, 2221 E. Northern Lights Blvd., Anchorage, Alaska 99504.

Forest Supervisor, Tongass National Forest, Chatham Area, Federal Building, Sitka, Alaska 99835.

Forest Supervisor, Stikine Area, Tongass National Forest, Federal Building, Petersburg, Alaska 99833.

Forest Supervisor, Ketchikan Area, Tongass National Forest, Federal Building, Room 313, Ketchikan, Alaska 99901.

A limited number of single copies are available upon request to Clay G. Beal, Forest Supervisor, Chugach National Forest, 2221 E. Northern Lights Blvd., Room 230, Anchorage, Alaska 99504.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

EINAR L. ROGET,  
Associate Deputy Chief.

MARCH 27, 1978.

[FR Doc. 78-8630 Filed 3-31-78; 8:45 am]

[3410-11]

## LOG EXPORT RESTRICTIONS

Proposed Policy

AGENCY: Forest Service, USDA.

ACTION: Proposed policy.

SUMMARY: This is Forest Service proposed policy to implement 36 CFR 223.10 which sets forth the Secretary of Agriculture's log export and substitution regulations.

DATE: Comments must be received on or before May 3, 1978.

ADDRESS: Submit comments to: Chief John R. McGuire, Forest Service, Department of Agriculture, P.O. Box 2417, Washington, D.C. 20013. All written submissions made pursuant to this notice will be available for public inspection in the Timber Management Staff, South Agriculture Building, Room 3207, Washington, D.C., during regular business hours.

### FOR FURTHER INFORMATION CONTACT:

Peter Wagner, Timber Management Staff, Forest Service, Department of Agriculture, P.O. Box 2417, Washington, D.C. 20013, Phone: 202-447-4051.

**SUPPLEMENTARY INFORMATION:** This is Forest Service proposed policy to supplement 36 CFR 223.10. While the provisions of 36 CFR 223.10 have been in effect for some time, there has been no Manual material to complement them. The proposed Manual covers many policy and procedural matters, the most important being: (1) Method for determining surplus species, (2) branding requirements, (3) transfers of historic export and purchase quotas between purchasers, (4) administration of substitution provisions, and (5) penalties for export violations.

The final policy will be published as an amendment to the Forest Service Manual.

The proposed policy changes are: Replace FSM 2430.8 through 2430.88 with the following:

### 2430.8 TIMBER EXPORT RESTRICTIONS

1. *Authority.* The authority for export restrictions is found in the annual Interior and Related Agencies Appropriation Act and in 36 CFR 223.10.

2. *Objective.* The objective of regulation 36 CFR 223.10 is to implement provisions of the Interior and Related Agencies Appropriation Act which prohibits the use of Forest Service appropriations for sale of unprocessed timber to be exported or to be substituted for exported timber. Language limiting the use of appropriate funds has been incorporated in the Appropriation Acts since fiscal year 1974.

This regulation replaced previous language developed under the Morse Amendment.

Some provisions are similar to the prior regulation. The significant differences are in the exempt volume provision of the Morse amendment and the control of substitution incorporated in the above regulation. Pub. L. 93-120 and subsequent Appropriation Acts replace part IV of the Foreign Assistance Act of 1968 (Morse Amendment) which allowed up to 350 million board feet per year to be sold from Federal lands, which includes lands administered by the Bureau of Land Management, west of the 100th Meridian without export restrictions. Although the previous law authorized the Secretary of Agriculture to issue regulations to restrict substitution, the Secretary of Agriculture did not do so until required to by Pub. L. 93-120.

3. *Policy.* Implementation of export and substitution restrictions is through award of the timber sale contract and administration of the contract requirements. Export and substitutions provisions will be included in all contracts in excess of \$2,000 in advertised value with advance notice in each applicable prospectus (FSM 2431.4) and advertisement (FSM 2431.54). The regulation includes administrative use sales and timber settlements as well as commercial sales; also, timber sale set-asides under the Small Business Act.

Those contracts awarded prior to March 8, 1974, may contain volume available for export either as surplus species or exempt volume which may be disposed of as the purchaser desires. There is no requirement that exportable volume be exported, or if exported, that it be exported in a particular year. Contract provisions on export continue for the duration of each contract period, including adjustments to or extensions thereof.

Instructions to bidders will specify that the bidder must complete the Certification of Nonsubstitution of Timber Purchased (form 2400-43) to be eligible for award of the sale.

### 2430.81 DETERMINATION OF SURPLUS SPECIES

The above regulation contains provisions for species to be declared "surplus" and thereby exempt from the domestic processing requirement. The required hearings and determination of surplus are administered by the Secretary of Agriculture. Hearings will normally not be held until after a notice has been published in the FEDERAL REGISTER to determine if hearings are needed. Regional Foresters should be alert

for indications of conditions which indicate a particular species or grade of timber is surplus to the needs of domestic users and processors or that a previous determination of surplus volume should be reviewed through the public hearing(s). The Regional Forester's recommendations should be transmitted to the Chief.

The species currently declared to be surplus to domestic needs are Port-Orford-cedar and Alaska yellow-cedar. In addition, western redcedar has been declared surplus in Alaska only. Species declared surplus are not subject to domestic processing requirement and consequently may be exported in log form.

#### 2430.82 ADMINISTRATION OF EXPORT RESTRICTIONS

By signing the Certification of Nonsubstitution of Timber Purchased (form 2400-43) and the contract, the purchaser accepts the obligations and restrictions contained therein. As with any other contract provision, the Forest Service representative must determine that the purchaser has complied with the contract. The key to effective administration of C8.641 or C8.642 is the branding and painting required in C6.82. Since branding and painting are the only means of identifying Forest Service logs, it is critical that this provision be enforced on all forests west of the 100th Meridian. This requirement applies to both scaled and tree measured contracts.

All products from the sale area shall be branded before removal with the assigned sale brand. Painting domestic processing products and branding exempt products shall be done before removal from the sale area unless product sorting after removal has been approved. When sorting after removal from the sale area has been approved, branding of exempt products and painting of domestic products shall be done prior to scaling. Both ends of all restricted logs will be hammerbranded with an approved brand and one end will be painted with durable quality highway-yellow paint. Exempt logs will not be painted with highway-yellow paint, but will be hammerbranded on each end with an approved brand different from that used on the restricted logs. Requirements for painting and branding logs will be set forth in contracts with provision for the Forest Service to waive or adjust such requirements to meet existing situations.

For timber to be measured after cutting, the scaling record used for computing stumpage charges converted to Scribner long-log scale will be used as the basic accounting record for compliance with the export exemption limit. Accordingly, the record will be subtotaled respectively for restricted and exempt log volumes. The Forest Service will arrange for this if the Forest Service performs the scaling. If not, the purchaser will arrange for the appropriate record to be made and furnished to the Forest Service by an approved scaling service. Where sample scaling is used and sampling frequency must be increased because of the stratification between exempt and restricted logs, the purchaser will pay for any additional scaling required.

When timber is measured prior to cutting, the purchaser will be required to arrange for scaling the exempt logs. This arrangement can be with the Forest Service or with an approved scaling service. In either event, the purchaser will pay for the scaling service.

The exemption limit stated in a contract will not be subject to adjustment up or down, as a consequence of the total volume cut overrunning or underrunning contract volume estimates, unless the entire estimated sale volume is exempt. It is the purchaser's responsibility to supervise operations so that the exemption limit is not violated. It is impractical to sort exempt logs so that their total volume coincides exactly with the exemption limit. Therefore, individual contracts will provide an average tolerance of 6 thousand board feet, Scribner scale, as locally applied.

#### 2430.82a DEFINITIONS

The Timber Export and Substitution Regulation contains several terms which are defined in the regulation. There have been questions concerning these and other terms.

**Export—Timber** will be considered to be exported when it is no longer under the control of the purchaser because of some transaction which gives control of the timber to an exporter or, if the purchaser is an exporter, when the logs are loaded aboard a shipping vessel.

**Purchaser**—The term "Purchaser" includes affiliates. Affiliates are under the same or common control wholly or in part. Questionable situations should be reviewed by the Field Office of General Counsel for determination of affiliation.

**Unprocessed Timber**—As used in the regulation, unprocessed timber does not include species declared surplus or logs of lesser quality than sawmill grade 4 as published in the 1972 Official Log Scaling and Grading Rules used by West Coast Log Scaling and Grading Bureaus. Alaska is the only exception. Logs which are "culls," "cull peelers," or "chip culls" or "utility grades" may be exported without processing except in Alaska where these logs must be chipped prior to export.

Special products such as timbers, poles, piling, etc., of any size are considered processed for purposes of this regulation when the product is processed into its final form and meets the requirement of a specific order.

#### 2430.82b LOG EXPORT SURVEILLANCE

The purpose of the surveillance program is enforcement of the log export regulation. Preplanned surveillance is necessary for enforcement and also acts as a preventative measure for possible violations. Surveillance action may vary from a simple situation such as a single port or yard to a complex situation of numerous ports and yards. Regional Foresters will establish procedures, controls and training guidance, reporting requirements (FSM 2430.84), areas of responsibility, and staffing requirements for the surveillance program in their Region.

1. Regional Minimum Standards. As a minimum, Regional standards should contain the following:

- Specific areas of surveillance responsibility designated for each Forest Supervisor.
- Require specific written instructions prepared for Forest Officers designated for surveillance duties.
- Assign a surveillance frequency of at least monthly and increasing with the amount of export activity in the area.
- Records should include a brand registration book for both domestic and exempt brands. Brands from other forests, Regions, BLM, State, etc., should also be maintained for area of surveillance activity.

e. Restriction that brands will not be issued to a new sale until at least 18 months have lapsed since closing last sale.

f. Specific instructions requiring suspension of sale when improper marking, branding, and painting by purchaser is noted and suspension to continue until corrected.

g. The scheme to insure open communications between surveillance officers, Districts, forests, Regions, and agencies to coordinate controls.

h. Require that suspected logs in violation of the regulation be marked to be readily identified later if necessary and include pictures when possible.

i. Assign person responsible to make contacts with export port personnel, scalars, port superintendents, tugboat companies, and export yarding personnel.

When a violation is found, the responsible line officer or acting should make personal contact with the violator. Contacts should not be left entirely to the surveillance officer or staff.

Suspected export violations must be investigated and reported immediately. It is not enough to know a violation has occurred. Immediate action may prevent a violation and the violator should be required to correct the situation.

2. Minimum Requirements. A report containing the following minimum requirements must be prepared on violations:

- Chronological sequence of events.
- Reason why restricted logs were in or on the way to export yards. Circumstances surrounding violation stated in writing by violator as well as surveillance officer.
- Recorded contacts with violator by line officer or acting noting that action was not left entirely to surveillance officer or staff.
- Statement of follow-up action taken or planned by surveillance officer, District, and purchaser.

The surveillance program is not the responsibility of designated surveillance officers alone. Regional and forest staff, District Rangers, and District staff must take an active part and be kept informed of activities concerning areas of their responsibility. Inter-Regional coordination is also a necessity and the responsibility of Regional Foresters.

#### 2430.83 ADMINISTRATION OF SUBSTITUTION RESTRICTIONS

Paragraph (e) of Regulation 36 CFR 223.10 defines "substitution," "historic levels" and "tributary area."

Historic levels are always associated with a tributary area to a processing facility. The total volume in Forest Service timber sales purchased in a tributary area in calendar years 1971, 1972, and 1973 divided by three would be the historic level of Forest Service purchases. The total volume of private timber sold into export in the same area for the same 3 years divided by three is the historic export level. The procedure is the same regardless of the volume purchased or exported in any one year.

In establishing historic levels for purchasers who did not purchase and/or export National Forest timber in one or more of the years in the 1971-1973 base period, the historic level is based upon the 3-year base, regardless of whether or not the purchaser was in existence. For example, the historic levels for a purchaser who did not buy any

National Forest sales in 1971<sup>1</sup> and who did not export<sup>2</sup> any private timber in 1973 would be calculated as follows:

Calendar year	Purchases (MBF)	Private timber exported (MBF)
1971.....	0	400
1972.....	3,500	500
1973.....	4,000	0
<b>Total.....</b>	<b>7,500</b>	<b>900</b>
Historic level.....	2,500	300

The historic level of purchases and export may be zero for new firms or firms that did not buy any National Forest timber or remove National Forest timber or export any private timber during the base period. A firm may not purchase or remove National Forest timber in any amount in any calendar year when that firm exports private timber in excess of 110 percent of their historic level of exports. Firms with a historic export level of zero are prevented from buying any National Forest timber in any year in which they export private timber. (110 percent  $\times$  0 = 0.)

A purchaser cannot remove timber or operate a National Forest sale and export private timber in excess of 110 percent of his historic level during any calendar year without breaching C8.641 (3/74) or C8.642# (3/74). (Sales without C8.641 (3/74) or C8.642# (3/74) would, of course, not be affected by this prohibition.)

The volume of surplus species is included in determining the historic average volume, as is the volume of minor species such as alder, as long as it meets the minimum quality as specified in the regulation.

The tributary area for a given purchaser is determined from his historic sources of logs in the 1971-1973 base period.

For a purchaser who is either a logger or a nonmanufacturer and disposes of his logs to several mills, the tributary area may be large and contain several mills, whereas a purchaser with a mill who has purchased his needed logs within a minimum haul distance of his mill will have a relatively small tributary area.

The tributary area for two mills will be combined for joint venture purchases if the timber from such sales is hauled to both mills for processing.

#### 2430.83a TRANSFERS OF HISTORIC EXPORT AND PURCHASE QUOTAS

The historic levels of purchases and exports are not assets owned by a purchaser and hence are not available for sale. However, there are circumstances under which the historic levels may logically be transferred from one entity to another.

The general rule on such transfers is that a historic level goes along with the business entity which established the level. Therefore, if two firms combined in a joint venture, or if two corporations merged, or if a large purchaser bought out a small purchaser (and the small purchaser ceased to exist), the historic level would accrue to the successor in interest. In contrast, a purchaser could not simply sell his purchase history or export level and continue to operate.

<sup>1</sup>Sale date is the award date as it appears on the front page of the timber sale contract.

<sup>2</sup>See definition of "export" in FSM 2480.82a.

There will, of course, be many transactions which fall in between the clear examples just given. These questionable cases shall be reviewed by the Regional Forester who should seek advice from the Field Office of the General Counsel.

The guiding principle should be that the historic export and purchase level remains with the firm which was in existence during the 1971-1973 base period. If the firm remains involved in the forest products business, the historic export and purchase levels remain with the firm. If the firm which established the historic levels is liquidated, then the historic levels may be transferred to a successor in interest, if any. If there is no successor in interest the export level dissolves. If the successor in interest is not involved in the forest products business he retains the quota, but for practical purposes the quota does not exist.

Frequently, the firm selling assets or going out of business will have active timber sales. These sales may be disposed of as follows:

1. If the party taking over the sales is a bona fide successor in interest, the sales may be transferred. For determining export quotas, the sales will be charged to the calendar year in which they were actually purchased. Original sale volumes will be used.

2. If the party taking over the sales is not a bona fide successor in interest, or if a different party takes over one or more sales, third party agreement procedures (FSM 2433.34) must be used. In this case the volume remaining on each active sale must be credited to the calendar year in which the third party agreement is approved. The third party agreements should not be approved if they would result in an export violation.

#### 2430.84 REPORTS AND RECORDS

The procedures for bidding on National Forest timber sales are described in paragraph (f) of 36 CFR 223.10. At the time bids are submitted, the bidder must enclose with his bid a signed Certification of Nonsubstitution of Timber Purchased (form 2400-43). Special provision C8.641 (3/74) or C8.642# (3/74) which is to be included in all formally advertised sales west of the 100th Meridian provides the agreements specified in (f) 2, 3 and 4 of the regulation. Forms 2400-44 and 2400-45 should be used to supply this information. It is the purchaser's responsibility to maintain his records to show clearly the sources and disposition of timber so that he does not exceed his historic level of export and that replacement does not occur.

The purchaser is required to maintain and upon request furnish the Forest Service the following information needed by the Forest Service to check on compliance with contract provisions:

1. Copies of purchaser's executed log-sale invoices showing points of log delivery, volumes by species, and log brands involved.

2. In the event the purchaser sells or trades any of the restricted logs, he is required to condition such transactions by requiring each buyer, exchange, or recipient to execute an agreement which shall provide for domestic processing. Executed copies of such agreements will be filed with the Forest Service.

3. Each purchaser is required to retain for 3 years the records of all sales or trades of logs from his sale for inspection and use by the Forest Service.

4. A certified statement showing disposition details of all logs removed from Nation-

al Forest land is required from purchasers. Such a statement is to be filed with the Forest Service prior to termination of the sale contract.

As provided in paragraph (g), item (1) of the regulation and C8.841 and C8.842#, the purchaser must provide the Forest Service in writing the name and addresses of firms to which the timber will be delivered. This information is to be provided prior to beginning operations on the sale. It should be recognized that the purchaser may later change the outlets for his timber. There should be no pressure to restrict such a change provided the appropriate notice is given the Forest Service in advance.

Also, prior to beginning operations the purchaser must provide a record of all sales (name of sale, advertised volume) purchased for delivery to said location in calendar years 1971, 1972, and 1973 and the volume of private timber under the purchaser's or its affiliates' control, tributary to the same locations, which was exported during the 1971-1973 period. This information should be examined to verify the purchaser has not exceeded 110 percent of his historic level in purchasing the sale which means he would have falsely certified at the time of bidding. Discrepancies, false certifications or violations of the timber export and substitution regulation will be investigated, documented in report format and submitted to the Regional Forester for disposition.

#### 2430.85 PENALTIES

Export of nonexempt National Forest logs is a violation of 36 CFR 261. Although not a penalty, purchasers who are found to have breached the terms of their contracts may be suspended or debarred from further Federal timber sales (FSM 2431.75a). Where appropriate, contracts so breached may be terminated. Bidders, purchasers, purchaser's log buyers, exchanges, or recipients of logs who are found to have filed erroneous certifications will be subject to the penalties set forth in 18 U.S.C. 1001.

REXFORD A. RESLER,  
Associate Chief.

MARCH 22, 1978.

[FR Doc. 78-8632 Filed 3-31-78; 8:45 am]

[6320-01]

#### CIVIL AERONAUTICS BOARD

[Docket 32293]

BOSTON/NEW YORK/PHILADELPHIA/WASHINGTON-PUERTO RICO/VIRGIN ISLANDS INVESTIGATION

#### Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 20, 1978, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for in-

formation and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Pricing and Domestic Aviation will circulate its material on or before April 11, 1978, and the other parties on or before April 18, 1978. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Pricing and Domestic Aviation, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., March 28, 1978.

WILLIAM A. KANE, JR.,  
Administrative Law Judge.

[FR Doc. 78-8689 Filed 3-31-78; 8:45 am]

[6335-01]

**COMMISSION ON CIVIL RIGHTS**

**ALABAMA 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 Alabama Advisory Committee (SAC) of the Commission will convene at 1:30 p.m. and will end at 4 p.m. on April 24, 1978, Ramada Inn East, 1355 Eastern Bypass I-85 (Main Mast Room), Montgomery, Ala. 36109.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, 75 Piedmont Avenue NE., Atlanta, Ga. 30303.

The purpose of this meeting is to: (1) Review of film report "Where Are Women and Blacks"; (2) planning of follow-up activities related to dissemination of film.

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

Dated at Washington, D.C., March 29, 1978.

JOHN I. BINKLEY,  
Advisory Committee  
Management Officer.

[FR Doc. 78-8694 Filed 3-31-78; 8:45 am]

[6335-01]

**COLORADO 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 Colorado Advisory Committee (SAC) of the Commission will convene at 9 a.m. and will end at 2 p.m. on April 22, 1978, at Executive Tower, 1405 Curtis Drive, Room 1706, Denver, Colo. 80202.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Rocky Mountains Regional Office of the Commission, Executive Tower Inn, Suite 1700, 1405 Curtis Street, Denver, Colo. 80202.

The purpose of this meeting is to plan for balance of fiscal year 1978 and 1979.

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

Dated at Washington, D.C., March 28, 1978.

JOHN I. BINKLEY,  
Advisory Committee  
Management Officer.

[FR Doc. 78-8704 Filed 3-31-78; 8:45 am]

[6335-01]

**IDAHO 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 Idaho Advisory Committee (SAC) of the Commission will convene at 1 p.m. and will end at 5 p.m. on April 29, 1978, Rodeway Inn of Boise, 29 and Chinden Boulevard, Boise, Idaho 83704.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northwestern Regional Office of the Commission, 915 Second Avenue, Room 2852, Seattle, Wash. 98174.

The purpose of this meeting is to plan for hearing for Idaho migrant study.

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

Dated at Washington, D.C., March 28, 1978.

JOHN I. BINKLEY,  
Advisory Committee  
Management Officer.

[FR Doc. 78-8702 Filed 3-31-78; 8:45 am]

[6335-01]

**ILLINOIS 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 Illinois Advisory Committee (SAC) of the Commission will convene at 10 a.m. and will end at 3 p.m. on April 17, 1978, Continental Regency, 500 Hamilton Boulevard, Peoria, Ill. 61602.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission,

230 South Dearborn Street, 32nd Floor, Chicago, Ill. 60604.

The purpose of this meeting is to: (1) Plan and outline activities for the remaining fiscal year 1978 and the participation in the insurance redlining project; (2) discuss and set priorities for fiscal year 1979 projects. Afternoon session will be devoted to the participation of Peoria citizens and members of community groups to review the status of civil rights issues in Peoria.

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

Dated at Washington, D.C., March 28, 1978.

JOHN I. BINKLEY,  
Advisory Committee  
Management Officer.

[FR Doc. 78-8697 Filed 3-31-78; 8:45 am]

[6335-01]

**MICHIGAN 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 Michigan Advisory Committee (SAC) of the Commission will convene at 11 a.m. and will end at 4 p.m. on April 19, 1978, at University Kellogg, Centerm Room 102, Michigan State, East Lansing, Mich.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Ill. 60604.

The purpose of this meeting is to discuss fiscal year 1980 program planning and insurance redlining project and unfinished business-committee projects.

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

Dated at Washington, D.C., March 28, 1978.

JOHN I. BINKLEY,  
Advisory Committee  
Management Officer.

[FR Doc. 78-8696 Filed 3-31-78; 8:45 am]

[6335-01]

**MINNESOTA 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 Minnesota Advisory Committee (SAC) of the Commission will convene at 4 p.m. and will end at 8 p.m. on April 21, 1978, at the Radisson Hotel, 11 East

Kellogg Boulevard, St. Paul, Minn. 55101.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Ill. 60604.

The purpose of this meeting is to: (1) Assess impact of Indian report; (2) Discuss desegregation problems of Minneapolis schools and plan action; (3) Discuss insurance redlining project; and (4) Discuss criminal justice project.

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

Dated at Washington, D.C., March 28, 1978.

JOHN I. BINKLEY,  
Advisory Committee  
Management Officer.

[FR Doc. 78-8695 Filed 3-31-78; 8:45 am]

[6335-01]

NEW HAMPSHIRE 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 Hampshire Advisory Committee (SAC) of the Commission will convene at 12 noon and will end at 5 p.m. on April 26, 1978, at the Federal Building, Concord, N.H.

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

The purpose of this meeting is to get reports from subcommittees.

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

Dated at Washington, D.C., March 29, 1978.

JOHN I. BINKLEY,  
Advisory Committee  
Management Officer.

[FR Doc. 78-8691 Filed 3-31-78; 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 Conference of the New York Advisory Committee (SAC) of the Commission will convene at 8:30 a.m., and will end at 5:30 p.m. on May 6, 1978, at Murray Bergtrum High School, 411 Pearl Street, New York, N.Y. 10038.

Persons wishing to attend this opening meeting should contact the Com-

mittee 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 a Public Forum on Proposals for change.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 28, 1978.

JOHN I. BINKLEY,  
Advisory Committee  
Management Officer.

[FR Doc. 78-8698 Filed 3-31-78; 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 12:30 p.m. on April 28, 1978, and will end at 5 p.m. on April 29, 1978, at Tappan Zee Inn, Exit 11 Thruway Interstate 87, Nyack, N.Y.

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 program planning.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 28, 1978.

JOHN I. BINKLEY,  
Advisory Committee  
Management Officer.

[FR Doc. 78-8701 Filed 3-31-78; 8:45 am]

[6335-01]

REGIONAL 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 Conference of the Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee Advisory Committees (SAC) of the Commission will convene at 6 p.m. on April 27, 1978, and will end at 2 p.m. on April 29, 1978, at Atlanta Marriott Motor Hotel, Courtland and Cain Streets, Atlanta, Ga. 30303.

Persons wishing to attend this conference should contact the Committee Chairperson, or the Southern Regional Office of the Commission, 75 Piedmont Avenue NE., Atlanta, Ga. 30303.

The purpose of this meeting is that it will be a Regional Conference.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 29, 1978.

JOHN I. BINKLEY,  
Advisory Committee  
Management Officer.

[FR Doc. 78-8690 Filed 3-31-78; 8:45 am]

[6335-01]

REGIONAL 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 Conference of the Arizona, California, Hawaii, and Nevada Advisory Committee (SAC) of the Commission will convene at 10 a.m., and will end at 4 p.m. on April 22, 1978, and will reconvene again at 9 a.m., and will end at 3 p.m. on April 23, 1978, Jack Tar Hotel, Jack Tar Square, Cathedral Hill, San Francisco, Calif. 94101.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Western Regional Office of the Commission, 312 North Spring Street, Room 1015, Los Angeles, Calif. 90012.

The purpose of this conference is to discuss program planning for fiscal year 1979.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 29, 1978.

JOHN I. BINKLEY,  
Advisory Committee  
Management Officer.

[FR Doc. 78-8693 Filed 3-31-78; 8:45 am]

[6335-01]

REGIONAL 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 conference of the Washington, Arkansas, Oregon, and Idaho Advisory Committees (SAC) of the Commission will convene at 9 a.m. on April 20, 1978, and will end at 4:30 p.m. on April 21, 1978, at 915 Second Avenue, Suite 2854, Seattle, Wash. 98174.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northwestern Regional Office of the Commission, 915 Second Avenue, Room 2852, Seattle, Wash. 98174.

The purpose of this meeting is to plan for regional and national Commission programs for next year.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 28, 1978.

JOHN I. BINKLEY,  
Advisory Committee  
Management Officer.

[FR Doc. 78-8703 Filed 3-31-78; 8:45 am]

[6335-01]

**RHODE ISLAND 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 Rhode Island Advisory Committee (SAC) of the Commission will convene at 4 p.m., and will end at 6 p.m. on April 11, 1978, at Central Congregational Church, 296 Angell Street, Providence, R.I.

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 plans on all subcommittees.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 28, 1978.

JOHN I. BINKLEY,  
Advisory Committee  
Management Officer.

[FR Doc. 78-8699 Filed 3-31-78; 8:45 am]

[6335-01]

**UTAH 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 Utah Advisory Committee (SAC) of the Commission will convene at 7 p.m., and will end at 9:30 p.m. on April 27, 1978, at 440 East 1st South Library, Salt Lake City Board of Education, Salt Lake City, Utah.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Rocky Mountain Regional Office of the Commission, 1405 Curtis Street, Suite 1700, Denver, Colo. 80202.

The purpose of this meeting is to review plans and programs for Fiscal Years 1978, 1979, and 1980.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 29, 1978.

JOHN I. BINKLEY,  
Advisory Committee  
Management Officer.

[FR Doc. 78-8692 Filed 3-31-78; 8:45 am]

[6335-01]

**VERMONT 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 Vermont Advisory Committee (SAC) of the Commission will convene at 7:30 p.m., and will end at 11 p.m. on April 26, 1978, in the Tavern Motor Inn, Montpelier, Vt.

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 receive reports from subcommittees.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 28, 1978.

JOHN I. BINKLEY,  
Advisory Committee  
Management Officer.

[FR Doc. 78-8700 Filed 3-31-78; 8:45 am]

[3510-24]

**DEPARTMENT OF COMMERCE**

*Economic Development Administration*

**SENTRY MANUFACTURING CO. ET AL.**

*Petitions for Determinations of Eligibility To Apply for Trade Adjustment Assistance*

Petitions have been accepted for filing from three firms: (1) Sentry Manufacturing Co., Crystal Park, Chickasha, Okla. 73018, a producer of quartz crystals (accepted March 22, 1978); (2) Gaylor Manufacturing Co., P.O. Box 672, Ashland, Va. 23005, a producer of men's shirts and women's blouses (accepted March 23, 1978); and (3) Joseph J. Mazer & Co., 23 West 36th Street, New York, N.Y. 10018, a producer of costume jewelry (accepted March 24, 1978). The petitions were accepted pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR part 315).

Consequently, the U.S. Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm con-

tributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the 10th calendar day following the publication of this notice.

JACK W. OSBURN, Jr.,  
Chief, Trade Act Certification  
Division, Office of Planning  
and Program Support.

[FR Doc. 78-8605 Filed 3-31-78; 8:45 am]

[3510-25]

**COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS**

**EXTENSION OF INTERIM MULTIFIBER TEXTILE AGREEMENT WITH THE REPUBLIC OF CHINA**

MARCH 31, 1978.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton, wool and man-made fiber textile products from the Republic of China during the six-month period beginning on January 1, 1978, pursuant to an extended interim multifiber textile agreement.

SUMMARY: On March 30, 1978, the Governments of the United States and the Republic of China exchanged notes extending for an additional three-months, through June 30, 1978, the interim bilateral cotton, wool and man-made fiber textile agreement previously established to cover the period beginning on January 1, 1978 and extending through March 31, 1978 (see 42 FR 64922). During the period of the extension representatives of the two governments will meet further to complete negotiation of a longer-term agreement.

The extended interim bilateral agreement establishes six-month levels of restraint, among other categories, for cotton textile products in Categories 313, 335, 340, 341, 347, and 348; wool textile products in Categories 434, 440, 445, and 446; and man-made fiber textile products in Categories 633, 634, 635, 638, 639, 640, 641, 643, 644 645/646, 647, and 648, produced or manufactured in the Republic of China. Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to limit imports for consumption, or withdrawal from

warehouse for consumption of cotton, wool and man-made fiber textile products in the aforementioned categories to the designated amounts during the six-month period beginning on January 1, 1978.

(A description of the new 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), and March 3, 1978 (43 FR 8828).)

EFFECTIVE DATE: April 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Donald R. Foote, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

ROBERT E. SHEPHERD,  
Chairman, Committee for the  
Implementation of Textile  
Agreements, and Deputy Assistant  
Secretary for Domestic  
Business Development.

COMMITTEE FOR THE  
IMPLEMENTATION  
OF TEXTILE AGREEMENTS,  
March 31, 1978.

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

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive issued to you on December 23, 1977 by the Chairman of the 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 the Republic of China.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as amended on December 15, 1977, pursuant to the extended interim Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 16, 1977, between the Governments of the United States and the Republic of China, 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 January 1, 1978 and for the six-month period extending through June 30, 1978, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products, exported from the Republic of China, in the following categories in excess of the indicated levels of restraint:

Category	6-mo level of restraint <sup>1</sup>
313	19,407,708 yd.
335	21,376 doz.
340	292,000 doz.
341	158,292 doz.
347	139,594 doz.
348	219,522 doz.
434	177,778 units.
440	5,992 doz.
445	5,024 doz.
446	28,882 doz.
633	23,878 doz.
634	314,520 doz.
635	261,094 doz.
638	676,103 doz.

Category	6-mo level of restraint <sup>1</sup>
639	2,516,690 doz.
640	1,459,690 doz.
641	292,498 doz.
643	330,870 units.
644	396,184 units.
645/646	2,013,786 doz.
647	846,974 doz.
648	1,433,004 doz.

<sup>1</sup>The levels of restraint have not been adjusted to account for any imports entered after Dec. 31, 1977.

A detailed description of the 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) and March 3, 1978 (43 FR 8828).

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of China 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,

ROBERT E. SHEPHERD,  
Chairman, Committee for the Imple-  
mentation of Textile Agreements,  
and Deputy Assistant Secretary for  
Domestic Business Development.

[FR Doc. 78-8895 Filed 3-31-78; 10:24 am]

[3710-08]

## DEPARTMENT OF DEFENSE

Department of the Army

### WINTER NAVIGATION BOARD ON GREAT LAKES-ST. LAWRENCE SEAWAY

Open Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Winter Navigation Board to be held on May 9, 1978, at the Detroit Metropolitan Airport Host International Hotel in Romulus, Mich. The meeting will be in session from 10 a.m., e.s.t. until 4:30 p.m.

The Winter Navigation Board is a multi-agency organization which includes representatives of Federal agencies and non-Federal public and private interests. It was established to direct the Great Lakes-St. Lawrence Seaway navigation season extension demonstration investigations being conducted pursuant to Pub. L. 91-611, 93-251, and 94-587.

The primary purpose of the meeting is to discuss the completion of the Demonstration Program by September 30, 1979, as presently authorized. In particular, the status of the engineering and environmental efforts involved with Demonstration activities in the St. Lawrence River in FY-79, will be reviewed. The other major topic to be discussed is the preliminary draft Survey Report addressing year-round navigation on the Great Lakes-St.

Lawrence Seaway System. Items to be discussed include the report, the Environmental Plan of Action, and Great Lakes and connecting channels and St. Lawrence River levels and flows.

The meeting will be open to the public, subject to the following limitations:

(a) As the seating capacity of the meeting room is limited, it is desired that advance notice of intent to attend be provided. This will assure adequate and appropriate arrangements for all attendants.

(b) Written statements, to be made part of the minutes, may be submitted prior to, or up to 10 days following, the meeting, but oral participation by the public is limited because of the time schedule.

Inquiries may be addressed to Mr. David Westheuser, U.S. Army Engineer District, Detroit, Corps of Engineers, P.O. Box 1027, Detroit, Mich. 48231, telephone 313-226-6770.

Dated: March 23, 1973.

By authority of the Secretary of the Army.

JOHN V. FERRY,  
Major, U.S. Army, Acting Direc-  
tor, Administrative Manage-  
ment, TAGCEN.

[FR Doc. 78-8607 Filed 3-31-78; 8:45 am]

[4310-55]

## ENDANGERED SPECIES SCIENTIFIC AUTHORITY

EXPORT FINDINGS FOR 1978-79

Public Hearing on May 1, 1978

AGENCY: Endangered Species Scientific Authority.

ACTION: Notice.

TEXT: The Endangered Species Scientific Authority (ESSA) will hold an informal public hearing on May 1, 1978. The hearing will concern information needed to satisfy the ESSA that export will not be detrimental to the survival of bobcat, lynx, and river otter harvested in 1978-79 and American ginseng harvested in 1978. The hearing is one of several steps being taken by the ESSA to ensure maximum public input for its determination, as described in 43 FR 11097.

The hearing will be held from 9:30 a.m. until 6 p.m. on Monday, May 1, 1978, at the following address:

Main Auditorium, Main Interior Building,  
18th and C Streets NW., Washington, D.C.  
20240.

Statements should be limited to information and analysis relevant to ESSA findings on export of these four species in the coming season. Appointments to speak may be made with the Office of the Executive Secretary, Endangered Species Scientific Authority,

18th and C Streets NW., Washington, D.C. 20240. Participants without prior appointments will be given opportunity to speak, but only to the extent that time allows following speakers with appointments.

Dated: March 29, 1978.

WILLIAM Y. BROWN,  
*Executive Secretary, Endangered  
Species Scientific Authority.*

[FR Doc. 78-8648 Filed 3-31-78; 8:45 am]

## DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[6740-02]

[Docket No. CP78-241]

### SOUTHERN NATURAL GAS CO.

#### Application

MARCH 28, 1978.

Take notice that on March 20, 1978, Southern Natural Gas Co. (Applicant), P.O. Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP78-241 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation, on a best efforts basis, of up to 12,000 Mcf of natural gas per day (at 14.73 psia) for Transcontinental Gas Pipe Line Corp. (Transco), acting individually and as agent of the owners of certain working interests in wells located on State Lease No. 6655 in the Bolivar Point Area, Plaquemines Parish, La., all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Transco has arranged to purchase certain gas production from the above-mentioned wells which is inaccessible to Transco's transmission facilities. The application further states that Applicant maintains existing authorized transmission facilities in the Bolivar Point Area, and that Applicant would transport the gas from a point on its 20-inch Main Pass—Franklinton Line located at M.P.14.053 in Plaquemines Parish, La., and redeliver equivalent volumes, less 3½ percent to account for fuel, company-used and lost and unaccounted for gas, to Transco at the existing authorized point of interconnection between Applicant's and Transco's facilities near Jonesboro, Ga.

It is indicated that Transco would pay applicant for performing the proposed transportation service a rate of 30.8 cents per Mcf of gas redelivered to Transco at Jonesboro, Ga.

Applicant indicates that the gas to be transported hereunder is (1) gas attributable to working interests owned by participants in a joint venture known as the Transmac Exploration and Development Program (Transmac), and (2) gas owned by Transco.

Any person desiring to be heard or

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

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

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

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc. 78-8636 Filed 3-31-78; 8:45 am]

[6560-01]

## ENVIRONMENTAL PROTECTION AGENCY

[FRL 874-3]

### IDENTIFICATION OF WATER QUALITY STANDARDS FOR MARINE WATERS

#### Notice of Availability

Section 48(a) of the Clean Water Act of 1977 (Pub. L. 95-217) adds a new paragraph (6) to section 304(a) of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500 (33 U.S.C. 1251 et seq.)). This new paragraph requires the Administrator of EPA, for purposes of section 301(h), to publish and revise, "... information identifying each water quality standard in effect under this Act or State Law, the specific pollutants associated with such water quality standard, and the particular waters to which such water quality standard applies."

Section 301(h) of the Clean Water Act, 33 U.S.C. section 1251 et seq., which was added by section 44 of the Clean Water Act of 1977 (Pub. L. 95-217), authorizes EPA to issue a National Pollutant Discharge Elimination System Permit which modifies EPA secondary treatment limitations for publicly owned treatment works which discharge into "marine" waters, as defined in 301(h), if the treatment works can demonstrate that it meets eight statutory tests. One of these tests is that "there is an applicable water quality standard specific to the pollutant for which the modification is requested, which has been identified under section 304(a)(6) of the Act."

EPA has interpreted its task under section 304(a)(6) to be primarily one of providing assistance to applicants for modified permits under section 301(h) by extracting from the vast number of State water quality standards developed under section 303 of the Act, or section 10 of the Act prior to October 28, 1972, those criteria and designated uses which apply to marine waters. To accomplish this goal, the Agency has developed a list of "Water Quality Standards for Marine Waters" which is available from EPA to applicants for section 301(h) modifications and other interested persons. At the present time, this list includes all federally approved water quality standards applicable to marine waters and all state approved, but not federally disapproved, water quality standards in effect as of December 31, 1977. It will be periodically updated by EPA.

The list prepared by EPA to comply with section 304(a)(6) represents a compilation of all State water quality standards applicable to marine and estuarine waters as determined by the individual States. It should not be in any way construed as expressing any Agency opinion as to whether the waters listed are "marine" waters within the meaning of section 301(h) of the Act or whether dischargers into the waters listed qualify for modified permit under section 301(h). Such determinations will be made during the development of regulations implementing section 301(h) and in acting on individual applications for section 301(h) modifications. Similarly, the inclusion of a State water quality standard on the list should not be interpreted as automatically qualifying it as a "state water quality standard" for purposes of section 301(h)(1) or section 301(h) regulations. Applicants for modified permits and other interested persons are urged to refer to section 301(h) and any regulations implementing that section, for further guidance as to what standards will apply in actions on applications submitted under that section.

The marine water quality standards are available at each of the 10 EPA

Regional Office libraries (Attachment A) and in Washington, D.C., in EPA's Public Information Reference Unit, Room 2922 Waterside Mall, 401 M Street SW., Washington, D.C. A limited number are available from the Agency and will be distributed as requested while the supply lasts. Questions should be directed to Mr. Kenneth M. Mackenthun, Director, Criteria and Standards Division (WH-585), 401 M Street SW., Washington, D.C. 20460, 202-755-0100.

(Section 304(a)(6), Federal Water Pollution Control Act, (Pub. L. 92-500 (33 U.S.C. 1251 et seq.)), as amended by sec. 48, Clean Water Act of 1977 (Pub. L. 95-217).

Dated: March 27, 1978.

THOMAS C. JORLING,  
Assistant Administrator  
for Water and Hazardous Materials.

ATTACHMENT A—EPA REGIONAL OFFICE  
LIBRARIES

REGION I

U.S. Environmental Protection Agency,  
John F. Kennedy Federal Building,  
Boston, Mass. 02203.

REGION II

U.S. Environmental Protection Agency, 28  
Federal Plaza, New York, N.Y. 10007.

REGION III

U.S. Environmental Protection Agency,  
Curtis Building, 6th & Walnut Streets,  
Philadelphia, Pa. 19106.

REGION IV

U.S. Environmental Protection Agency, 345  
Courtland Street NE., Atlanta, Ga. 30308.

REGION V

U.S. Environmental Protection Agency, 230  
South Dearborn Street, Chicago, Ill.  
60604.

REGION VI

U.S. Environmental Protection Agency,  
First International Building, 1201 Elm  
Street, Dallas, Tex. 75270.

REGION VII

U.S. Environmental Protection Agency, 1735  
Baltimore Street, Kansas City, Mo. 64108.

REGION VIII

U.S. Environmental Protection Agency, 1860  
Lincoln Street, Denver, Colo. 80203.

REGION IX

U.S. Environmental Protection Agency, 215  
Fremont Street, San Francisco, Calif.  
94111.

REGION X

U.S. Environmental Protection Agency, 1200  
6th Avenue, Seattle, Wash. 98101.

[FR Doc. 78-8575 Filed 3-31-78; 8:45 am]

[6560-01]

[FRL 874-4; Opp-30144]

PESTICIDE PROGRAMS

Receipt of Application To Register Pesticide  
Product Containing New Active Ingredient

Union Carbide Corporation, 1730 Pennsylvania Ave., NW., Washington, D.C. 20006, has submitted to the Environmental Protection Agency (EPA) an application to register the pesticide product STANDAK 75 WP (EPA File Symbol 1016-TO), containing the active ingredient 2-methyl-2-(methylsulfonyl)-propanol O-[(methylamino)carbonyloxy], which has not been included in any previously registered pesticide products. The application proposes that the product be classified for restricted use as an insecticide/nematocide on certain agricultural crops at varying dosage rates. PM12

Notice of receipt of this application does not indicate a decision by the Agency on the application. Interested persons are invited to submit written comments on this application to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460. The comments must be received on or before May 3, 1978 and should bear a notation indicating the EPA File Symbol "1016-TO". Comments received within the specified time period will be considered before a final decision is made with respect to the pending application. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Specific questions concerning this application and the data submitted should be directed to the Product Manager (PM) 12, Registration Division (WH-567), Office of Pesticide Programs, at the above address or by telephone at 202-426-9425. The label furnished by Union Carbide Corporation, as well as all written comments filed pursuant to this notice, will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Notice of approval or denial of this application to register STANDAK 75 WP will be announced in the FEDERAL REGISTER. Except for such material protected by Section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the test data and other information submitted in support of registration as well as other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedures for requesting such data will be given in the FEDERAL REGISTER if an application is approved.

Dated: March 27, 1978.

HERBERT S. HARRISON,  
Acting Director,  
Registration Division.

[FR Doc. 78-8576 Filed 3-31-78; 8:45 am]

[6560-01]

[FRL 876-2; OPP-66041A]

PESTICIDE PROGRAMS

Cancellation of Registration of Pesticide  
Products: Correction Notice

In FR Doc. 78-3358, appearing at page 5567 in the issue for Thursday, February 9, 1978, on page 5568, the following correction should be made.

Detete the entries for EPA Registrations Nos. 352-246, 352-274, and 352-320, appearing in the center and right columns. Cancellation of these three products was published as a separate action in a previous FEDERAL REGISTER notice on August 15, 1977 (42 FR 41320).

Dated: March 28, 1978.

EDWIN L. JOHNSON,  
Deputy Assistant  
Administrator  
for Pesticide Programs.

[FR Doc. 78-8879 Filed 3-31-78; 9:09 am]

[6560-01]

[FRL 874-5; OTS-082003]

TOXIC SUBSTANCES CONTROL ACT

Security of Confidential Business Information

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of proposed data security procedures. Notice of public meeting.

SUMMARY: The Toxic Substances Control Act (TSCA) Data Security Task Force has developed draft procedures for the security of confidential business information submitted under TSCA. Copies of these draft procedures are available by calling or writing the address below.

The Environmental Protection Agency would like to receive public comment upon these draft procedures after which it will adopt final procedures. A public meeting will be held April 24, 1978, during which interested members of the public may comment upon these draft procedures.

DATES: Comments by April 30, 1978. Public meeting on April 24, 1978.

ADDRESSES: Comments should be sent to: Federal Register Section, Office of Toxic Substances (TS-557), Attention: Joan Urquhart, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Comments should bear the identifying

notation OTS-082003. Copies of the draft procedures are available by calling or writing the Director, Industry Assistance Office (TS-788), Environmental Protection Agency, Office of Toxic Substances, 401 M Street SW., Washington, D.C. 20460, telephone, 800-424-9065. In Washington, D.C., call 554-1404.

The public meeting on April 24, 1978, will be held from 1 p.m. to 4 p.m. in room 3906-3908 at the Environmental Protection Agency, Waterside Mall, 401 M Street SW., Washington, D.C. Space may be reserved by calling Mrs. Vickie Briggs at 202-755-2890. Remaining space will be on a first-come, first-served basis. Because a large number of people are expected, participants are asked to limit representation to one or two persons each.

**FOR FURTHER INFORMATION CONTACT:**

Roger M. Connor, Environmental Protection Agency, Office of Toxic Substances (TS-788), 401 M Street SW., Washington, D.C. 20460, telephone, 202-755-1500.

**SUPPLEMENTARY INFORMATION:**

Under the Toxic Substances Control Act (TSCA) Section 8(b), the Environmental Protection Agency (EPA) must compile an inventory of chemical substances. In response to public comments on the proposed regulation, EPA set up a Data Security Task Force to develop procedures for handling confidential business information submitted under TSCA. A notice was published in the FEDERAL REGISTER on November 7, 1977, regarding the mandate of the Task Force and soliciting comments (42 FR 57984). A public

meeting was held on November 18, 1977, at which interested members of the public presented statements. On January 12, 1978, EPA published a notice of availability of interim procedures that ERA would use until adoption of final procedures (43 FR 1836).

The Task Force has studied security procedures in use by other Federal agencies and private chemical companies. Under an EPA contract, a computer security firm has performed an analysis of computer security problems. All of this information, as well as comments submitted by persons responding to earlier notices in the FEDERAL REGISTER, has been considered by the Task Force in drafting these procedures.

The draft procedures address four specific areas: Physical security and procedures within EPA, contractor security, security at other Federal agencies receiving confidential business information from EPA, and computer security both by EPA and by EPA contractors. These draft procedures supplement the basic requirements in EPA's regulations on Freedom of Information Act requests and confidentiality in 40 CFR Part 2 (see 41 FR 36902 and proposed amendments in 43 FR 2637).

All comments received within the comment period will be considered. EPA anticipates that the final procedures will be ready by May 30, 1978.

Dated: March 28, 1978.

STEVEN D. JELLINEK,  
Assistant Administrator  
for Toxic Substances.

[FR Doc. 78-8574 Filed 3-31-78; 8:45 am]

[Canadian List No. 371]

**CANADIAN STANDARD BROADCAST STATION**

**Notification List**

List of new stations, proposed changed in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

MARCH 8, 1978.

Call letters	Location	Power kilowatts	Antenna	Schedule	Class	Ground system		Proposed date of commencement of operation
						Antenna height (feet)	Number of radials Length (feet)	
CJOB (PO 10D/2.5N, DA-N, ND-D-185, N. 49°46'47", W. 97°13'03").	Winnipeg, Manitoba, N. 49°39'14", W. 97°11'30".	680 kHz 50D/25N	DA-2.....	U	II	.....	.....	E.I.O. 3.8.79
CFVR (in operation on new frequency).	Abbotsford, British Columbia, N. 49°01'08", W. 122°13'46".	850 kHz 10	DA-2.....	U	II	.....	.....	
CFLP (PN N. 48°23'09", W. 68°41'22").	Rimouski, Quebec, N. 48°23'07", W. 68°41'12" (correction of geographical coordinates and assignment of call letters).	1000 kHz 10	DA-2.....	U	II	.....	.....	E.I.O. 8.3.78

[6712-01]

**FEDERAL COMMUNICATIONS COMMISSION**

**AM BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING**

Adopted: March 24, 1978.

Released: March 29, 1978.

The following application requests authority to restore the AM broadcast service formerly provided by station KFDR, Grand Coulee, Wash.:

BP-21,050 New, Grand Coulee, Wash., North Central Washington Broadcasters, Inc. Req: 1490 kHz, 250 W, 1 kW-LS, U.

Pursuant to the provisions of §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with this application, must be tendered no later than May 19, 1978.

The attention of any party in interest desiring to file pleadings concerning this application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION.  
WILLIAM J. TRICARICO,  
Secretary.

[FR Doc. 78-8644 Filed 3-31-78; 8:45 am]

Call letters	Location	Power kilowatts	Antenna	Schedule	Class	Antenna height (feet)	Ground system Number of radials	Length (feet)	Proposed date of commencement of operation
CFVR (delete).	Abbotsford, British Columbia, N. 49°04'02", W. 122°17'09".	1240 kHz 1D/0.25N	DA-D.....		U	IV			
			ND-N-190.....						
CKGO (in operation on new frequency).	Hope, British Columbia, N. 49°23'15", W. 121°25'42".	1240 kHz 1D/0.25N	ND-183.....		U	IV	150	120	264(ave)
(New)	Trenton, Ontario N. 44°02'41", W. 77°34'47".	1270 kHz 1	DA-2.....		U	III			E.I.O. 3.8.79
CFYQ (change of call letters from CJCR, List 370 incorrectly notified CIYQ).	Gander, Newfoundland, N. 48°58'30", W. 54°36'47".	1350 kHz 1	ND-185.....		U	III	135	120	283(ave)
(New)	Timmins, Ontario, N. 48°26'11", W. 81°20'14"	1450 kHz 1D/0.25N	ND-188.....		U	IV	163	120	272 E.I.O. 3.8.79
CKGO (delete)	Hope, British Columbia, N. 49°23'15", W. 121°25'42".	1490 kHz 0.25	ND-186.....		U	IV	150	120	264(ave)

WALLACE E. JOHNSON,  
Chief, Broadcast Bureau,  
Federal Communications Commission.

[FR Doc. 78-8647 Filed 3-31-78; 8:45 am]

[6712-01]

[CC Docket Nos. 78-112, 78-113, File Nos. 22067-CD-P-77, 21791-CD-PD-77]

**CONTACT-COLORADO SPRINGS, INC., AND PUEBLO TELEPHONE SECRETARIAL SERVICE, INC.**

**Memorandum Opinion and Order Designating Application for Consolidated Hearing on Stated Issues**

Adopted: March 21, 1978.

Released: March 28, 1978.

In re applications of Contact-Colorado Springs, Inc., for a construction permit to establish a new one-way signaling station on frequency 152.24 MHz in the domestic public land mobile radio service at Pueblo, Colo., CC Docket No. 78-112, File No. 22067-CD-P-77, Pueblo Telephone Secretarial Service, Inc., for a construction permit to establish a new one-way signaling station on frequency 152.24 MHz in the Domestic Public Land Mobile Radio Service at Pueblo, Colo., CC Docket No. 78-113, File No. 21791-CD-P-77.

1. The Commission by the Chief of the Common Carrier Bureau acting pursuant to delegated authority, has before it an application filed on July 27, 1977, by Pueblo Telephone Secretarial Service, Inc., File No. 21791-CD-P-77, and an application filed on August 31, 1977, by Contact-Colorado Springs, Inc., File No. 22067-CD-P-77. Each application is for a construction permit to establish a new one-way signaling station on frequency 152.24 MHz in the domestic public land mobile radio service at Pueblo, Colo.

2. Since the above-referenced applications request assignment of the same frequency, a comparative hearing must be held to determine which applicant would best serve the public interest. *Ashbacker Radio Corp. v. FCC*, 326 U.S. 327 (1945). In this regard, we find the applicants to be legally, financially, technically, and otherwise qualified to construct and operate the proposed facilities.

3. In view of the foregoing: *It is ordered*, Pursuant to section 309(e) of the Communications Act of 1934, as amended, that the application of Contact-Colorado Springs, Inc., File No. 22067-CD-P-77, and the application of Pueblo Telephone Secretarial Service, Inc., File No. 21791-CD-P-77, are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) To determine, on a comparative basis, the areas and populations that each applicant will serve within the prospective 43 dBu contours, based upon the standards set forth in § 21.504(a) of the Commission's rules,<sup>1</sup> and to determine the need for the proposed services in said areas;

<sup>1</sup>Section 21.504(a) of the Commission's rules and regulations describes a field strength contour of 43 decibels above 1 microvolt per meter as the limits of the reliable service area for base stations engaged in one-way communications service. Propagation data set forth in § 21.504(b) are the proper bases for establishing the location of

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the above-referenced applications, would best serve the public interest, convenience and necessity.

4. *It is further ordered*, That the hearing shall be held at the Commission's offices in Washington, D.C., at a time and place and before an Administrative Law Judge to be specified in a subsequent order.

5. *It is further ordered*, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

6. *It is further ordered*, That the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this memorandum opinion and order.

PHILIP V. PERMUT,  
Deputy Chief,  
Common Carrier Bureau.

[FR Doc. 78-8646 Filed 3-31-78; 8:45 am]

[6712-01]

[CC Docket Nos. 78-110, 78-111; File Nos. 4752-C2-P-(2)-70, 2546-C2-P-70]

**MINNESOTA MOBILE TELEPHONE CO. AND NORTHWESTERN BELL TELEPHONE CO.**

**Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues**

Adopted March 21, 1978.

Released: March 28, 1978.

service contours (F50,50) for the facilities involved in this proceeding.

In re applications of Minnesota Mobile Telephone Co. for a construction permit to establish new air-ground facilities in the domestic public land mobile radio service at Minneapolis, Minn. CC Docket No. 78-110, File No. 4752-C2-P-(2)-70; Northwestern Bell Telephone Co. for a construction permit to establish new air-ground facilities in the domestic public land mobile radio service at Minneapolis, Minn., CC Docket No. 78-111, File No. 2546-C2-P-70.

1. The Commission, by the Chief of the Common Carrier Bureau acting pursuant to delegated authority, has before it an application filed on November 5, 1969,<sup>1</sup> by Northwestern Bell Telephone Co., File No. 2546-C2-P-70, and an application filed on February 19, 1970, by Minnesota Mobile Telephone Co., File No. 4752-C2-P-(2)-70. Each application is for a construction permit to establish new air-ground facilities in the domestic public land mobile radio service (DPLMRS) at Minneapolis, Minn. Ram Broadcasting of Minnesota, Inc., had also applied to establish new air-ground facilities in the DPLMRS at Minneapolis, Minn., but subsequently withdrew its application. Amendments to the applications presently under consideration were requested and received during the processing period.

2. Since the above-referenced applications request authority to serve the same location,<sup>2</sup> a comparative hearing must be held to determine which applicant would best serve the public interest. *Ashbacker Radio Corp. v. FCC*, 326 U.S. 327 (1945). In this regard, we find the applicants to be legally, financially, technically, and otherwise qualified to construct and operate the proposed facilities.

3. In view of the foregoing: *It is ordered*, Pursuant to section 309(e) of the Communications Act of 1934, as amended, that the application of Minnesota Mobile Telephone Co., File No. 4752-C2-P-(2)-70, and the application of Northwestern Bell Telephone Co., File No. 2546-C2-P-70, are designated for hearing in a consolidated proceeding upon the following issues:

- (a) To determine, on a comparative basis, the nature and extent of service proposed by each applicant, including the maintenance, personnel, and facilities pertaining thereto; and
- (b) To determine, in light of the evidence adduced pursuant to the foregoing

<sup>1</sup>This application originally appeared on public notice on November 17, 1969, as a developmental application. It reappeared on public notice on February 24, 1970, subsequent to the release of Docket No. 16073, 22 FCC 2d 716 (1969), which established air-ground communications as a regular service.

<sup>2</sup>In Docket No. 16073, the Commission decided that no more than one licensee may be authorized to operate at any given location. 22 FCC 2d at 720.

ing issues, what disposition of the above-referenced applications, would best serve the public interest, convenience and necessity.

4. *It is further ordered*, That the hearing shall be held at the Commission's offices in Washington, D.C., at a time and place and before an Administrative Law Judge to be specified in a subsequent order.

5. *It is further ordered*, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

6. *It is further ordered*, That the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this memorandum opinion and order.

PHILIP V. PERMUT,  
Deputy Chief,  
Common Carrier Bureau.

[FR Doc. 78-8645 Filed 3-31-78; 8:45 am]

[6730-01]

**FEDERAL MARITIME COMMISSION**  
**CITY OF LONG BEACH AND GREAT LAKES**  
**CORP. ET AL.**

**Notice of Agreements Filed**

The Federal Maritime Commission hereby gives notice that the following agreements have 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 each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreements 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 each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 24, 1978. 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

agreements and the statement should indicate that this has been done.

AGREEMENT NO.: T-3065-1.

FILING PARTY: Mr. Leslie E. Still, Jr., Deputy City Attorney, City Hall, 333 West Ocean Boulevard, Long Beach, Calif. 90802.

SUMMARY: Agreement No. T-3065-1, between City of Long Beach and Great Lakes Carbon Corp. (GLCC), modifies the basic agreement between the parties which provides for the 25-year lease of certain premises at Long Beach, Calif., to be used to conduct a proprietary dry bulk petroleum derivative stockpiling and storage operation. The purpose of this modification is to provide for the construction of a dust control system to be amortized by GLCC over the remaining life of the lease. The rental provisions have been amended to include a monthly rental of 0.933 percent of the total actual cost of construction of the dust control system to be paid by GLCC.

AGREEMENT NO.: T-3614.

FILING PARTY: Joseph D. Patello, Port Attorney, Port of San Diego, P.O. Box 488, San Diego, Calif. 92112.

SUMMARY: Agreement No. T-3614, between the San Diego Unified Port District (Port) and Paco Terminals, Inc. (Paco), provides for a terminal operator agreement between the parties. The purpose of this agreement is to set forth the scope and obligation of Paco as a terminal operator upon facilities owned by the Port. Paco will publish its own tariff pursuant to the performance of terminal services under this agreement. In no instance shall such rates, charges, classifications, rules, regulations and practices be subject to approval by Port. Paco will be required only to pay Port for wharf storage and wharf demurrage charges in accordance with Port's tariff as may be applicable to cargoes handled by Paco upon Port facilities.

AGREEMENT NO.: T-3615.

FILING PARTY: Mr. Joseph D. Patello, Port Attorney, Port of San Diego, P.O. Box 488, San Diego, Calif. 92112.

SUMMARY: Agreement No. T-3615, between the San Diego Unified Port District (Port) and Paco Terminals, Inc. (Paco) provides for the Port's three-year, four-month renewable term lease to Paco of certain premises at San Diego, Calif., to be used for receiving, handling, and storing of copper concentrate in bulk and other commodities. As compensation for the first rental period, Paco shall pay the Port a sum per month calculated on the basis of 17 cents per square foot per year for the leased premises. For each successive rental period, the rental shall be a sum agreed upon by

the parties as provided for in the agreement. In addition to this land rental, Paco shall pay the Port \$417 per month for the asphalt paving improvements, plus all Port tariff charges when incurred by Paco in connection with Paco's use of the Port's marine terminal and other machinery, equipment, and facilities.

AGREEMENT NO.: T-3616.

FILING PARTY: Ronaldo Rodriguez Ossorio, Esq., General Counsel, Puerto Rico Ports Authority, G.P.O. Box 2829, San Juan, P.R. 00936.

SUMMARY: Agreement No. T-3616, between the Puerto Rico Ports Authority (Port) and Fred Imbert, Inc. (Imbert), provides for the Port's six-year renewable term lease to Imbert of certain premises at Pier 13, San Juan, P.R., to be used for the purpose of loading and discharging vessels, handling and temporary storage of outbound and inbound cargo and supplies, and handling passengers, all subject to the Port's tariff. This lease confers upon Imbert the right of preference in the use of a berthing and open storage area (29,250 square feet) and cargo sheds A and B (29,250 square feet), as well as the exclusive use of an office building (545 square feet), Gear Shed (2,087 square feet), and open space (3,617 square feet). The Port shall permit others to use the berthing area when not in use by Imbert. As compensation, Imbert shall pay the Port \$554.11 per month for the preferential rights and \$589.13 per month for the exclusive rights granted under the agreement, plus all harbor dues, wharfage, dockage, demurrage, and other charges assessed according to the Port's tariff, subject to a minimum annual dockage and wharfage guarantee of \$85,000 per annum.

AGREEMENT NO.: T-3617.

FILING PARTY: Mr. Gustavo A. Gelpi, Feldstein, Gelpi, Toro & Hernandez, P.O. Box 2552, Old San Juan, P.R. 00903.

SUMMARY: Agreement No. T-3617, between Puerto Rico Drydock & Marine Terminals, Inc. (PRDD) and Seatrain Lines of Puerto Rico, Inc. (Seatrain), provides for the one-year renewable sublease to Seatrain of approximately 7.8 acres of land including two buildings situated thereon, as described in the agreement. Seatrain will use the premises in connection with its shipping enterprise and related products. As rental, PRDD will receive \$300,000 per year.

AGREEMENT NO.: 9848-8.

FILING PARTY: Mr. J. Durel Landry, Jr., Vice President—Traffic, Delta Steamship Lines, Inc., 1700 International Trade Mart, New Orleans, La. 70150.

SUMMARY: Agreement No. 9848-8, by and among Delta Steamship Lines,

Inc., Companhia de Navegacao Lloyd Brasileiro and Companhia Maritima Nacional, modifies the basic pooling, sailing and equal access agreement in the southbound trade from U.S. Gulf ports to ports in Brazil, in order to exclude from the pool provisions cargo of uncommon size and service which necessitate employment by any of the parties of specially designed vessel or vessel to serve the trade.

AGREEMENT NO.: 10039-5.

FILING PARTY: J. Durel Landry, Jr., Vice President—Traffic, Delta Steamship Lines, Inc., 1700 International Trade Mart, New Orleans, La. 70150.

SUMMARY: Agreement No. 10039-5, among Delta Steamship Lines, Inc., Empresa Lineas Maritimas Argentinas (ELMA) and A. Bottacchi S.A. de Navegacion C.F.I.I., modifies the basic pooling agreement to (1) admit Bottacchi to membership, (2) allow ELMA and Bottacchi to participate jointly as a single party and, (3) make language changes consonant with the above.

AGREEMENT NO.: 10236-1.

FILING PARTY: Seymour H. Kligler, Esq., Brauner Baron Rosenzweig Kligler & Sparber, 120 Broadway, New York, N.Y. 10005.

SUMMARY: Agreement No. 10236-1 is an agreement among the parties to the Latin American Discussion Agreement to extend the duration of that agreement to April 22, 1979.

AGREEMENT NO.: 10320-1.

FILING PARTY: Frank R. A. Levier, Executive Administrator, Inter-American Freight Conference, Av. Rio Branco, 156-270, Andar-Grupos 2707/2711, Rio de Janeiro, Brazil.

SUMMARY: Agreement No. 10320-1, among the member lines of the Brazil/U.S. Gulf Pooling Agreement, amends the basic pooling agreement by providing for the participation in the agreement of the following third-flag lines: Empresa Lineas Maritimas Argentinas S.A., A. Bottacchi S.A. de Navegacion C.F.I.E. I., Montemar S.A. Comercial y Maritima and Nopal Atlantic Lines, Ltd. The amendment also sets forth the individual shares agreed to by the above named lines and the minimum sailing and port call requirements established by and for the lines.

By order of the Federal Maritime Commission.

Dated: March 29, 1978.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 78-8666 Filed 3-31-78; 8:45 am]

[6730-01]

[Independent Ocean Freight Forwarder License No. 1768]

LAND JOY INTERNATIONAL FORWARDERS, INC.

Order of Revocation

The bond issued in favor of Land Joy International Forwarders, Inc., P.O. Box 66-0422, Miami, Fla. 33166, FMC No. 1768, was cancelled effective March 22, 1978.

By letter dated February 22, 1978, the licensee was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1768 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before March 22, 1978.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The licensee has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) section 5.01(d) dated August 8, 1977;

It is ordered, That Independent Ocean Freight Forwarder License No. 1768 be and is hereby revoked effective March 22, 1978.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1768 issued to Land Joy International Forwarders, Inc. be returned to the Commission for cancellation.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Land Joy International forwarders, Inc.

ROBERT M. SKALL,  
Deputy Director, Bureau of  
Certification and Licensing.

[FR Doc. 78-8667 Filed 3-31-78; 8:45 am]

[6730-01]

PUGET SOUND TUG & BARGE CO.

Application for Exemption

Notice is hereby given that the following application for exemption has been filed with the Commission for approval pursuant to section 35 of the Shipping Act, 1916, as amended (80 Stat. 1358, 46 U.S.C. 833a).

Interested parties may inspect and obtain a copy of this application at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, Room 11413; or may inspect a copy of the ap-

plication at the Field Offices, New York, N.Y.; New Orleans, La.; San Francisco, Calif.; Chicago, Ill.; and Hato Rey, P.R. Comments with reference to the application, including a request for hearing if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 on or before April 24, 1978. A copy of any such statement shall also be forwarded to the party filing the application (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of application filed by:

William P. Roush, Vice President, Common Carrier, Rates and Regulations, Crowley Maritime Corp., One Market Plaza, San Francisco, Calif. 94105.

Puget Sound Tug & Barge Co. has made application, pursuant to section 35 of the Shipping Act, 1916, for exemption from the Intercoastal Shipping Act, 1933, and the Shipping Act, 1916, and regulations applicable thereunder, to amend its currently effective exemption (41 FR 6070), scheduled to expire December 31, 1978, and extend it for a period at least through 1983 or the completion date of the natural gas pipeline from Alaska's Prudhoe Bay through Canada to the United States, whichever is later. Applicant has been performing transportation between ports on navigable waters in the Lower 48 States and the Alaska North Slope under an exemption from tariff filing requirements granted December 11, 1975.

By Order of the Federal Maritime Commission.

Dated: March 29, 1978.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 78-8665 Filed 3-31-78; 8:45 am]

[4110-89]

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

Assistant Secretary for Education

**COMMENTS ON COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY**

Pursuant to section 406(g)(2)(B), General Education Provisions Act, notice is hereby given as follows:

The National Center for Education Statistics, and the U.S. Office of Education have proposed collections of information and data acquisition activities which will request information from educational agencies or institutions.

The purpose of publishing this notice in the FEDERAL REGISTER is to comply with paragraph (g)(2)(B) of the "Control of Paperwork" amendment which provides that each educational agency or institution subject to

a request under the collection of information and data acquisition activity and their representative organizations shall have an opportunity, during a 30-day period before the transmittal of the request to the Director of the Office of Management and Budget, to comment to the Administrator of the National Center for Education Statistics on the collection of information and data acquisition activity.

These data acquisition activities are subject to review by the HEW Education Data Acquisition Council and the Office of Management and Budget.

Descriptions of the proposed collections of information and data acquisition activities follow below.

Written comments on the proposed activities are invited. Comments should refer to the specific sponsoring agency and form number and must be received on or before May 3, 1978, and should be addressed to Administrator, National Center for Education Statistics, ATTN: Manager, Information Acquisition, Planning, and Utilization, Room 3001, 400 Maryland Avenue SW., Washington, D.C. 20202.

Further information may be obtained from Elizabeth M. Proctor of the National Center for Education Statistics, 202-245-1022.

Dated: March 28, 1978.

MARIE D. ELDRIDGE,  
Administrator, National Center  
for Education Statistics.

**DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY**

**1. TITLE OF PROPOSED ACTIVITY**

Survey of characteristics of students in noncollegiate postsecondary schools.

**2. AGENCY/BUREAU/OFFICE**

National center for education statistics.

**3. AGENCY FORM NUMBER**

NCES 2389.

**4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY**

"\* \* \* The (National) center (for education statistics) shall \* \* \* collect, collate, and, from time to time, report full and complete statistics on the condition of education in the United States \* \* \*." (Sec. 501(a) of Pub. L. 93-380; 20 U.S.C. 1221e-1).

**5. VOLUNTARY/OBLIGATORY NATURE OF THE RESPONSE**

Voluntary.

**6. HOW INFORMATION TO BE COLLECTED WILL BE USED**

Information collected on student characteristics will be used as the basis

for various types of analysis. For example, the U.S. Office of Education and private researchers will examine (1) the reasons postsecondary vocational education students did not take a vocational program when it was available to them in high school, and (2) the education and work histories of students to determine if secondary and postsecondary students take jobs in the fields for which they are trained. Data on men and women students enrolled in various types of programs will be used as supporting data for the U.S. Office of Education's final report to Congress on sex stereotyping in vocational education. Demographic data on students, analyzed by school accreditation status, by reasons for dropping out, and by reasons for selecting the program and the school, are some of the concerns of Congressional committees in formulating policy. The Congressional Budget Office also use these data for its reports on tax credits for schools. Private researchers, such as the National Commission on Allied Health Education, use the information collected as baseline data for their own reports.

**7. DATA ACQUISITION PLAN**

(a) Method of collection: Mail.

(b) Time of collection: January-April 1979.

(c) Frequency: Biennially.

**8. RESPONDENTS**

Letter requesting cooperation and list of students:

(a) Type: Public and private noncollegiate postsecondary school directors.

(b) Number: 600.

(c) Estimated average man-hours per respondent: 30 minutes.

(a) Type: Public and private noncollegiate postsecondary school students.

(b) Number: 6,000.

(c) Estimated average man-hours per respondent; 11 minutes.

**9. INFORMATION TO BE COLLECTED**

(a) Age, sex, ethnic group, highest level of education.

(b) Vocational education experience in high school.

(c) Program of training and occupation for which being trained.

(d) Reasons for selecting school and program.

(e) Length of program.

(f) Work and education plans.

(g) Labor force information.

(h) Parents' highest level of education and occupation.

**DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY**

**1. TITLE OF PROPOSED ACTIVITY**

Institutional Progress Report for Basic Educational Opportunity Grants.

## 2. AGENCY/BUREAU/OFFICE

Office of education/bureau of student financial assistance/basic educational opportunity grant program.

## 3. AGENCY FORM NUMBER

OE 255-3.

## 4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

"The Commissioner shall, during the period beginning July 1, 1972, and ending September 30, 1979, pay each student who has been accepted for enrollment in, or is in good standing at, an institution of higher education (according to the prescribed standards, regulations, and practices of that institution) for each academic year during which that student is in attendance at that institution as an undergraduate, a basic grant in the amount for which that student is eligible, as determined pursuant to paragraph (2)." (Sec 411(a)(1), Pub. L. 92-318 as amended).

"Payments under this section shall be made in accordance with regulations promulgated by the Commissioner for such purpose, in such manner as will best accomplish the purposes of the section." (Sec 411(b)(3)(A), Pub. L. 92-318).

"The institution shall submit such reports and information as the Commissioner may reasonably require in connection with the funds advanced to it in accordance with 190.74 and shall comply with such procedures as the Commissioner may find necessary to insure the correctness of such reports." (45 CFR 190.91) (20 U.S.C. 1070a)

## 5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Required to maintain benefits.

## 6. HOW INFORMATION TO BE COLLECTED WILL BE USED

**Allocation of Funds:** The allocation process is intended to provide for a gradual increase of obligation ceilings in accordance with current institutional reports of actual demand. Since the deadline for student applications for Basic Educational Opportunity Grant Program (BEOG) assistance is March, 1979, institutional requirements for funds are not finalized until after the application deadline. In addition, the gradual increase of authorization will avoid allocation of funds which are in excess of actual need. For these reasons, periodic submission of the Progress Report is essential to assure allocation of funds in accordance with actual need and to maintain close monitoring of Program funds.

In the context of the program processes and requirements described above, the Progress Report basically serves two major purposes. First, it is a financial report whereby periodic ad-

justments may be effected in the authorizations of BEOG funds for a particular institution. Adjustments are based on cumulative payments to BEOG students and estimated demand for additional funds.

Second, the Progress Report requests certain data that is necessary to make accurate projections of the total demand for Program funds assuming full funding. This estimate of demand will be used to develop a payment schedule for the calculation of students' awards. Because of the entitlement concept of the Program, where all eligible students will receive awards, the data used to develop the payment schedule must be highly accurate to prevent a mismatch of the appropriation with Program needs.

## 7. DATA ACQUISITION PLAN

- (a) Method of collection: Mail.
- (b) Time of collection: 1978-1979.
- (c) Frequency: Three (3) times annually, October, February, June.

## 8. RESPONDENTS

- (a) Type: Postsecondary education institutions.
- (b) Number: 5,000.
- (c) Estimated average man-hours per respondent: 1/2.

## 9. INFORMATION TO BE COLLECTED

- (a) General information: Type of institution and control, enrollment (full and part-time), length of academic year and educational costs.
- (b) Operational data: BEOG expenditures, additional funds required, number of student eligibility reports submitted, and number of BEOG recipients. Twelve (12) of the thirty (30) items requested are pre-printed and require changes where applicable to be annotated.

## DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

## 1. TITLE OF PROPOSED ACTIVITY

Financial status report and performance report—vocational education formula grants.

## 2. AGENCY/BUREAU/OFFICE

Office of education, bureau of occupational and adult education.

## 3. AGENCY FORM NUMBER

OE forms 345, 346-2, 346-3, and 346-4.

## 4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

"Section 106(a)(3) \* \* \* The State will comply with any request of the Commissioner for making such reports as the Commissioner may reasonably require to carry out his functions under the Act." (Pub. L. 94-482, Title II, section 202; 20 U.S.C. 2306).

## 5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Required to obtain or maintain benefits.

## 6. HOW INFORMATION TO BE COLLECTED WILL BE USED

The Financial Status Report will be used primarily to monitor the status of federal funds and to insure that legislatively mandated purposes, minimum percentages, and fund matching requirements are met. The Performance Report will provide an interim reporting mechanism to determine accomplishments under the Act. The information will be a major source of data for the annual report to Congress on the status of vocation education required by section 112(c) of the Act.

## 7. DATA ACQUISITION PLAN

- (a) Method of collection: Mail.
- (b) Time of collection: December 31, 1978, for all reports except OE Form 346-4 (Placement of Program Completions) which will be collected on May 1, 1979.
- (c) Frequency: Single time.

## 8. RESPONDENTS

- (a) Type: State boards of vocational education.
- (b) Number: 56.
- (c) Estimated average man-hours per respondent: 45.

## 9. INFORMATION TO BE COLLECTED

The Financial Status Report will be the standard OMB Circular No. A-102 report form with instructions supplemented to require a breakout of outlays by legislative purpose. The Performance Report will consist of the following statistical reports: Teachers by vocational assignment and level of education; Program enrollments by sex, ethnic group, and level of education; and Placement of Program Completions by major program area.

## DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

## 1. TITLE OF PROPOSED ACTIVITY

State plan for education information centers.

## 2. AGENCY/BUREAU/OFFICE

U.S. Office of Education, Bureau of Higher Education and Continuing Education, Division of Student Services and Veterans Programs.

## 3. AGENCY FORM NUMBER

OE-610.

## 4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

"Section 418B. (b) Any State desiring to receive a grant under this sub-

part shall submit for the approval of the Commissioner a State plan. . . . (20 U.S.C. 1070d-2) Pub. L. 94-482.

**5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE**

Required to obtain benefits.

**6. HOW INFORMATION COLLECTED WILL BE USED**

Before a grant may be made, the Commissioner must approve the State plan for planning, establishing, and operating Educational Information Centers which will provide educational information, guidance, counseling, and referral services for all individuals.

**7. DATA ACQUISITION PLAN**

- (a) Method of collection: Mail.
- (b) Time of collection: Spring.
- (c) Frequency: Annually.

**8. RESPONDENTS**

- (a) Type: State agencies or Institutions of Higher Education.
- (b) Number: 56.
- (c) Estimated average man-hours per respondent: 100.

**9. INFORMATION TO BE COLLECTED**

The plan for developing a comprehensive strategy, or the strategy itself, for establishment or expansion of Educational Information Center(s). Assurances concerning the source and availability of State, local, and private funds to meet the non-Federal share of the cost of the Center(s).

**DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY**

**1. TITLE OF PROPOSED ACTIVITY**

Student confirmation report.

**2. AGENCY BUREAU/OFFICE**

U.S. Office of Education/Bureau of Student Financial Assistance/ Division of Program Operations.

**3. AGENCY FORM NUMBER**

OE 1072.

**4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY**

"Section 427(a) A loan by an eligible lender shall be insurable by the Commissioner \* \* \* only if—(1) made to a student who (A) \* \* \* is in good standing as determined by the institution, (B) is carrying at least one-half of the normal fulltime workload as determined by the institution, \* \* \*" (20 U.S.C. 1077) Pub. L. 94-482.

**5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE**

Obligatory.

**6. HOW INFORMATION COLLECTED WILL BE USED**

The information reported enables the Office of Education to provide information to the lenders concerning the status of their student borrowers in relationship to the start of repayments.

**7. DATA ACQUISITION PLAN**

- (a) Method of collection: Mail.
- (b) Time of collection: Spring and Fall.
- (c) Frequency: Semiannual.

**8. RESPONDENTS**

- (a) Type: Postsecondary institutions.
- (b) Number: 14,000.
- (c) Estimated average man-hours per respondent: 1½.

**9. INFORMATION TO BE COLLECTED**

The Office of Education computer fills in the student's name, social security number, date of birth, and currently known status. If the enrollment status of the student has changed the institution shows the change and the date of change.

[FR Doc. 78-8600 Filed 3-31-78; 8:45 am]

[4110-02]

**Office of Education**

**COMMUNITY EDUCATION ADVISORY COUNCIL**

**Meeting**

**AGENCY:** Office of Education, HEW, Community Education Advisory Council.

**ACTION:** This notice sets forth the schedule and proposed agenda of the forthcoming meeting of the Community Education Advisory Council. It also describes the functions of the Council. Notice of these meetings is required under section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-634. This document is intended to notify the general public of their opportunity to attend.

**DATES:** Meeting: April 25-26, 1978.

**ADDRESS:** April 25: Room 1655, Marquette Inn, 710 Marquette Avenue, South, Minneapolis, Minn. April 26: Continental Room, Northstar Inn, 618 2nd Avenue, South, Minneapolis, Minn.

**FOR FURTHER INFORMATION CONTACT:**

Martha S. Methee, Office of Education, Department of Health, Education, and Welfare, Room 5622-ROB No. 3, 7th and D Streets SW., Washington, D.C. 20202, telephone: 202-245-0691.

**SUPPLEMENTARY INFORMATION:** The Community Education Advisory

Council is authorized under Pub. L. 93-380. The Council is established to advise the Commissioner of Education on policy matters relating to the interest of community schools. All sessions of this meeting will be open to the public. On both days the meetings will begin at 9 a.m. and end at 4:30 p.m.

It was decided by the Council during their last meeting held in Washington, D.C., on January 17-18, 1978, that there was a need for the development of a model(s) designed to identify strategies for enhancing cooperative efforts between the community schools and other agencies (both private and public) within the community and to identify problem areas where community schools may offer a solution. This model(s) would demonstrate the ability of community schools to work with these identified agencies in the delivery of services to the community. Ultimately, the Council plans to present this model(s) to selected associations and organizations in an attempt to inform them of the benefits which can be derived through working cooperatively with community schools and the process used for achieving this cooperation.

In working toward this goal, the Planning Committee of the Council held a meeting in Minneapolis on March 13. During the meeting the Committee was briefed on cooperative activities in the Minneapolis area. The Council will invite agencies who are working cooperatively with the Minneapolis community education programs to appear before the Council during the first day (April 25) of this meeting. The Council will then be able to speak with these persons on the benefits they have received through working cooperatively with community education; the problems they have had in working out these arrangements; and how they initially became involved with community education.

Another interest of the Council is the development of methods which can be used in promoting an awareness of the community education concept throughout the country. On the morning of April 26, the Council will meet with the Executive Committee of the National Community Education Association for the purpose of developing strategies for implementing this goal.

The afternoon of April 26 will be devoted to an update of activities relating to the Federal Community Education Program and the content of meetings scheduled for the future.

The proposed agenda includes:

(1) Presentations by selected agencies working cooperatively with community education programs in the Minneapolis area;

(2) The development of methods for promoting an awareness of the community education concept;

(3) Update on legislative matters;

(4) Assessment of Evaluation Study to Date;

(5) Status of Grants Review Process for Fiscal Year 1978;

(6) Review of Annual Report to Congress for Calendar Year 1977;

(7) Schedule of future meetings; and,

(8) Other Administrative Matters and Related Business.

Records shall be kept of all Council proceedings and shall be available for public inspection in Room 5622, Regional Office Building 3, 7th and D Streets SW., Washington, D.C. 20202.

Signed at Washington, D.C., on March 29, 1978.

RON CASTALDI,  
*Acting Director,*

*Community Education Program.*

[FR Doc. 78-8637 Filed 3-31-78; 8:45 am]

[4210-01]

**DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT**

Federal Disaster Assistance Administration

[FDAA-551-DR; Docket No. NFD-6157]

**ARIZONA**

**Amendment to Notice of Major Disaster  
Declaration**

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of Major Disaster Declaration for the State of Arizona (FDAA-551-DR), dated March 4, 1978.

DATE: March 8, 1978.

FOR FURTHER INFORMATION  
CONTACT:

Frank J. Muckenaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: The Notice of major disaster for the State of Arizona dated March 4, 1978, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 4, 1978:

The Counties of: Gila, Graham, Greenlee, Navajo, and Yavapai.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

THOMAS R. CASEY,

*Acting Administrator, Federal  
Disaster Assistance Administration.*

[FR Doc. 78-8604 Filed 3-30-78; 8:45 am]

[4210-01]

[FDAA-551-DR; Docket No. NFD-616]

**ARIZONA**

**Major Disaster and Related Determinations**

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Arizona (FDAA-551-DR), dated March 4, 1978, and related determinations.

DATE: March 4, 1978.

FOR FURTHER INFORMATION  
CONTACT:

Frank J. Muckenaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143), notice is hereby given that on March 4, 1978 the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Arizona resulting from severe storms and flooding beginning about February 28, 1978, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Arizona.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Robert C. Stevens, FDAA Region IX, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area to have been adversely affected by this declared major disaster.

The County of Maricopa.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

THOMAS R. CASEY,

*Acting Administrator, Federal  
Disaster Assistance Administration.*

[FR Doc. 78-8602 Filed 3-30-78; 8:45 am]

[4210-01]

[FDAA-547-DR; Docket No. NFD-614-7]

**CALIFORNIA**

**Amendment to Notice of Major Disaster  
Declaration**

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of Major Disaster Declaration for the State of California (FDAA-547-DR), dated February 15, 1978.

DATED: March 6, 1978.

FOR FURTHER INFORMATION  
CONTACT:

Frank J. Muckenaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: The Notice of major disaster for the State of California dated February 15, 1978, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 15, 1978:

The Counties of:

Kings, Monterey, and the Monterey County Flood Control District in San Luis Obispo County.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance).

WILLIAM H. WILCOX,  
*Administrator, Federal Disaster  
Assistance Administration.*

[FR Doc. 78-8603 Filed 3-30-78; 8:45 am]

[4310-84]

**DEPARTMENT OF THE INTERIOR**

Bureau of Land Management

**BATTLE MOUNTAIN DISTRICT GRAZING  
ADVISORY BOARD**

**Meeting**

Notice is hereby given, in accordance with Pub. L. 94-579, that the Battle Mountain District Grazing Advisory Board will hold a meeting and field tour May 9 and 10, 1978, at 9 a.m. at the District Office, 2nd and Scott Streets, Battle Mountain, Nev.

The agenda for the meeting will include the election of Board officers, and a discussion and recommendation on allotment management plans and the use of range betterment funds.

Information on the wild horse, lands, archeological, minerals, wildlife, recreational and wilderness programs will be presented to the Board. This will be for information only, and no

recommendations will be made by the Board.

The first day of the meeting will be held at the district office. The second day will consist of field trip in the Shoshone-Eureka resource area to review recommendations on allotment management plans, and proposed range improvements.

The meeting will be open to the public. Any person may attend, appear before, or file a written statement.

Date signed: March 24, 1978.

SHERIDAN HANSEN,  
Acting District Manager.

[FR Doc. 78-8640 Filed 3-31-78; 8:45 am]

[7020-02]

**INTERNATIONAL TRADE  
COMMISSION**

[AA1921-177]

**ICE HOCKEY STICKS FROM FINLAND**

**Determination**

MARCH 28, 1978.

On December 28, 1977, the United States International Trade Commission received advice from the Department of the Treasury that ice hockey sticks from Finland are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). Accordingly, on January 5, 1978, the Commission instituted investigation No. AA1921-177 under section 201(a) of said act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notices of the institution of the investigation and of the public hearing held in connection therewith were published in the FEDERAL REGISTER on January 11, 1978 (43 FR 1655). On February 23, 1978, a hearing was held in Washington, D.C., at which all persons who requested the opportunity were permitted to appear by counsel or in person.

In arriving at its determination, the Commission gave due consideration to all written submissions from interested persons and information adduced at the hearing as well as information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of information obtained in investigation No. AA1921-177, Chairman Daniel Minchew, Vice Chairman Joseph O. Parker, and Commissioners George M. Moore, Catherine Bedell, Italo H. Ablondi, and Bill Alberger determined unanimously that an industry in the United States is not being and is not likely to be injured, and is not prevented from being

established, by reason of the importation of ice hockey sticks from Finland that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS FOR THE NEGATIVE DETERMINATION OF CHAIRMAN DANIEL MINCHEW, AND COMMISSIONERS GEORGE M. MOORE, CATHERINE BEDELL, ITALO H. ABLONDI, AND BILL ALBERGER

In order for the United States International Trade Commission (Commission) to find in the affirmative in an investigation under the Antidumping Act, 1921, as amended (19 USC 160(a)), it is necessary to find that an industry in the United States is being or is likely to be injured, or is prevented from being established,<sup>1</sup> and the injury or likelihood thereof must be by reason of imports at less than fair value (LTFV).

**DETERMINATION**

On the basis of the information obtained in this investigation, we determine that an industry in the United States is not being and is not likely to be injured by reason of the importation of ice hockey sticks from Finland which are being, or are likely to be, sold at LTFV.

**THE IMPORTED ARTICLE AND THE  
DOMESTIC INDUSTRY**

We consider the relevant industry to consist of the facilities in the United States devoted to the production or assembly of ice hockey sticks. Such sticks are currently produced or assembled in four plants operated by three firms: the Northland Group, Inc., of Chaska, Minnesota, the complainant in this case; Christian Brothers, Inc., of Warroad, Minnesota; and Koho Sporting Goods, Inc., of Farmingdale, Long Island, New York. Northland produces or assembles ice hockey sticks at its plants in Chaska, Minn. and Richford, Vt. Christian Brothers' plant is at Warroad. Koho's production facilities are at Farmingdale. During parts of 1974 and 1975, Adirondak, Inc., produced ice hockey sticks at Dodgeville, N.Y.

**LTFV SALES**

The Department of the Treasury (Treasury) investigation of LTFV imports of ice hockey sticks from Finland covered sales made during the period October 1, 1976, through March 31, 1977. The price comparisons on which Treasury based its determination were made on sales by only one Finnish exporter of ice hockey sticks,

<sup>1</sup> Prevention of establishment of an industry is not an issue in this investigation and will not be discussed further in this opinion.

Koho Tuote Oy (Koho). Treasury examined 98 percent of Koho's sales to the United States during the period investigated and found LTFV margins on 99 percent of the ice hockey sticks sold by that manufacturer. Margins, as amended by Treasury on March 7, ranged from negligible to 19 percent of the purchase price of the ice hockey sticks. The weighted average LTFV margin on those sales examined amounted to 12.2 percent of the purchase price of the merchandise. Sales by Koho accounted for 75 percent of all sales of ice hockey sticks to the United States from Finland during the period investigated by Treasury. The two other Finnish producers that exported ice hockey sticks to the United States—Oy Montreal and Karhu-Titan Oy—accounted for 25 percent of Finnish exports to the United States during October 1976-March 1977. Their sales were not used by Treasury in making its price comparisons, but they were not excluded from the Treasury LTFV determination.

**THE QUESTION OF INJURY OR LIKELIHOOD  
THEREOF BY REASON OF LTFV SALES**

*Imports*—Total U.S. imports of ice hockey sticks from Finland dropped by a substantial amount between 1976 and 1977 and were nearly a third lower in 1977 than they had been in 1974. Domestic shipments of U.S. imports from Finland were lower in 1976 and 1977 than they had been in either 1974 or 1975, and in 1977, such shipments were more than a third below the 1974 level. The ratio of domestic shipments of U.S. imports from Finland to apparent U.S. consumption was lower in 1977 than it had been in either 1975 or 1976. Domestic shipments of U.S. imports by Koho declined sharply from 1974 to 1975, and in 1977 were still over a third below their 1974 level.

*Production and Shipments*—U.S. production of ice hockey sticks rose by over 25 percent from 1976 to 1977 and, in 1977, was at its second highest level of the 1973-77 period. Apparent U.S. consumption fell by nearly 50 percent between 1974 and 1976, and recovered only slightly in 1977. Therefore, the overall decline in production between 1974 and 1977 should be attributed more to a deteriorating market for ice hockey sticks in the United States than to increased imports. U.S. producers' shipments of domestically produced ice hockey sticks declined far less than did U.S. consumption or U.S. imports, and recovered in 1977 to nearly the level they had enjoyed in 1974.

*Employment*—U.S. employment increased by nearly 25 percent between 1976 and 1977, reflecting increased domestic production of ice hockey sticks. In general, employment trends show

greater declines and slower increases than production trends due to increasing worker productivity since 1975.

**Profit and Loss Experience**—In the aggregate, the two U.S. producers that reported data on their profit-and-loss experience on their ice hockey stick operations, have improved their net financial position since 1975, from a net loss position to a net profit position. The losses experienced by Northland each year during 1973-75 are, according to Northland, attributable to mismanagement prior to the purchase by the Northland Group of the Northland ice hockey stick operation from Larson Industries. Those losses have become smaller each year since 1975, and were at their lowest level of the period in 1977. Christian Brothers reported profits each year during the period. Those profits declined in 1977 but, since Christian Brothers does not generally compete with ice hockey sticks made in Finland due to the substantially higher prices of sticks from Finland, the decline in Christian Brothers' profits in 1977 should not be attributed to imports at LTFV from Finland.

**Market Share**—U.S. producers' share of the market increased substantially between 1974 and 1976, but declined somewhat between 1976 and 1977. These market fluctuations are attributable to Canadian competition. The Finnish market share like that of the U.S., dropped in 1977, but overall maintained a relatively constant level for the four-year period 1974-77.

**Prices**—In general, ice hockey sticks from Finland sell at substantially higher prices than do ice hockey sticks made in the United States. Although in a few instances the Finnish products undersold the U.S. product in the U.S. sporting goods store and pro shop market, nearly all of the purchasers interviewed stated that customer preferences for a better quality ice hockey stick and brand name recognition, rather than price, played the largest part in their selection of Koho sticks over their domestic competitors.

The Commission did obtain evidence that Koho sells to professional ice hockey teams at lower prices than Northland. However, these particular Koho sticks are assembled at Koho's plant on Long Island, and the imported parts were not the subject of Treasury's LTFV price comparisons or determination.

Although price was reported to be a major consideration in the purchase of ice hockey sticks by retail chain stores, evidence of underselling in that market by Finnish ice hockey sticks has not been found. Finnish ice hockey sticks generally are sold for higher prices to chain stores than their U.S. counterparts.

The prices of U.S.-produced ice hockey sticks rose by nearly 50 per-

cent between 1973 and 1977, or by an average of over 10 percent a year, indicating the absence of any price suppression or depression in the U.S. market.

**Lost Sales**—The Commission was unable to verify complainant's allegations of lost sales to Finnish competition. In the pro shop market, data obtained from questionnaires shows Northland's share of that market in 1977 is actually higher than in any of the four years 1974-77. One chain store, alleged as a major lost customer, reduced its purchases of Finnish sticks by an even greater extent than it reduced purchases of U.S. made sticks between 1976 and 1977. Thus, the domestic industry gained market share with this one customer.

Complainant alleged significant losses to Koho in the professional ice hockey team market. We were told that lost sales in this market led to lost sales in other markets due to brand recognition, with Koho sticks receiving wide media coverage. Apparently, complainant was not aware that sticks sold to professional teams by Koho were assembled from imported parts at its U.S. facility on Long Island. Those parts were not covered by the Treasury investigation or finding.

**Likelihood of Injury**—Evidence has been presented to the Commission that Finnish exports to other countries have grown substantially in recent years and that growth shows no sign of abating. In view of the higher prices for which Finnish ice hockey sticks are sold in export markets outside the United States, it does not appear that Finland's exports to the United States will surge upward in the foreseeable future.

#### CONCLUSION

It is clear from the above consideration that the U.S. industry producing ice hockey sticks in the United States is not being injured and is not likely to be injured by reason of the importation of ice hockey sticks from Finland found by Treasury to be, or likely to be, sold in the United States at LTFV. We, therefore, find in the negative.

#### ADDITIONAL VIEWS OF CHAIRMAN DANIEL MINCHEW

The issue of whether the Commission has authority to exclude a foreign manufacturer from an affirmative determination under the Antidumping Act was raised at the public hearing by counsel for Karhu-Titan Oy (Karhu), a Finnish hockey stick manufacturer, and for Titan Hockey Canada Ltd. (Titan), the exclusive North American distributor of Karhu sticks. Post hearing briefs filed on behalf of complainant and on behalf of Karhu and Titan addressed this question at the request of several

Commissioners. While the Commission's unanimous negative determination makes the issue moot in this investigation, a comment on this question may be useful.

I believe that the Commission has the legal authority to exclude a foreign manufacturer from an affirmative determination under the Antidumping Act. The Commission has wide discretion under the statute to make its determinations on a case by case basis.<sup>1</sup> While the scope of the Commission's investigation is determined by the Treasury Department, the Commission has made affirmative determinations of narrower product coverage than was involved in the Treasury LTFV determination. An affirmative determination was made with respect to fish netting which excluded fish nets in investigation No. AA1921-85.<sup>2</sup> In their statement of reasons for their affirmative determination, then Chairman Bedell, Vice Chairman Parker, and Commissioner Moore stated at page 3:

In our opinion an industry in the United States is being injured by reason of the importation of manmade-fiber fish netting from Japan that is being sold at less than fair value (LTFV) within the meaning of the Antidumping Act. Since imports of fish nets are negligible and we have no evidence that imports are likely to increase, at this time, we believe that no U.S. industry is being, or is likely to be injured, by reason of the importation of manmade-fiber fish nets sold at LTFV.

Commissioner Moore expressed his view that certain methionine for use in making medicine for humans should be excluded from a unanimous Commission affirmative determination in Synthetic Methionine from Japan, investigation No. AA1921-115, May 1973, at page 3.

The Commission's affirmative determination in Steel Wire Rope from Japan, investigation No. AA1921-124, September 1973, excluded copper coated steel wire cord of stranded construction used to reinforce automotive and truck tires. In a clarification of its determination published in the FEDERAL REGISTER on October 4, 1973, the Commission stated as follows:

The Commission wishes to clarify the above determination with the explanation that it did not intend to include in its affirmative determination an imported product described as brass electroplated steel truck tire cord of cable construction specially packaged for protection against moisture and atmosphere.

The evidence presented to the Commission establishes that the tire cord in question is a highly specialized product used in the rubber industry for making truck tires. Brass plating of the individual wires facili-

<sup>1</sup>See S. Rep. No. 93-1298, 93 Cong., 2d Sess. pages 179-181 (1974).

<sup>2</sup>Fish Nets and Netting of Manmade Fibers from Japan. T. C. Publication 477, April 1972.

tates the chemical bond between the rubber and the metal. The specialized nature of the product makes it unsuitable for the ordinary uses of steel wire rope of comparable size.

The evidence also establishes that there is no domestic source producing a competitive tire cord. The imported tire cord has not prevented domestic firms from going forward with plans to build facilities to produce a comparable tire cord in the United States.

It is also noted that the complainants in this proceeding stated at the hearing (TR-7) and in their brief (p. 5) that this product was not included in their complaint, and that they "do not consider it part of the steel wire rope industry as we will define it."

Similarly, in the same way that the Commission has excluded certain products from an affirmative determination, it can obviously exclude a foreign manufacturer from an affirmative determination, if there is a showing that the market is different, and therefore the product manufactured by the particular foreign manufacturer does not compete with those of the domestic industry. The question is whether the merchandise manufactured by the foreign manufacturer is sufficiently different from the merchandise manufactured by the other foreign producers to provide a basis for excluding the particular foreign manufacturer from an affirmative determination. This is a question for the Commission to determine on a case by case basis. Complainant's opinion of whether a particular foreign manufacturer should be excluded from an affirmative determination is without legal significance. An antidumping investigation involves interested persons rather than parties, and the domestic industry frequently includes other producers as well as the complainant. It is not an adversary proceeding. It is for Treasury and the Commission, not the complainant, to determine the scope of the investigation. Even if the complainant wants to release a foreign manufacturer from an investigation, it has no power to do so. Further, a complainant does not have access to all the information obtained in the investigation, and, therefore, it does not have the evidence to determine which foreign manufacturers are injuring the domestic industry.

In summary, while I think that it is clear that the Commission has the authority to exclude foreign manufacturers when there is a showing that the market for its product is different, a stringent, though not impossible, test should be applied. I would expect the Commission to invoke this authority only rarely.

STATEMENT OF REASONS FOR THE NEGATIVE DETERMINATION OF VICE CHAIRMAN JOSEPH O. PARKER

After receiving advice from the department of the Treasury on Decem-

ber 28, 1977, that ice hockey sticks from Finland are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended, the U.S. International Trade Commission, on January 5, 1978, instituted investigation No. AA1921-177 under section 201(a) of the Antidumping Act, 1921, as amended, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise.

#### DETERMINATION

On the basis of the information obtained in this investigation, I determine that an industry in the United States is not being injured and is not likely to be injured, and is not prevented from being established,<sup>1</sup> by reason of the importation of ice hockey sticks from Finland that the Secretary of the Treasury has determined are being, or are likely to be, sold at LTFV within the meaning of the Antidumping Act, 1921, as amended.

The petition, on the basis of which the Treasury investigation was instituted, was filed by the Northland Group, Inc., of Chaska, Minn., a domestic producer of ice hockey sticks. Presently, there are two other domestic producers of ice hockey sticks: Christian Bros., Inc., of Warroad, Minn., and Koho Sporting Goods, Inc., of Farmingdale, N.Y. During parts of 1974 and 1975, a fourth firm, Adirondak, Inc., produced ice hockey sticks at Dodgeville, N.Y.

Treasury's investigation of LTFV imports of ice hockey sticks from Finland covered sales made during the period October 1, 1976, through March 31, 1977. The price comparisons on which Treasury based its determination were made on sales by only one Finnish exporter of ice hockey sticks, Koho Tuote Oy. Treasury examined 98 percent of Koho's sales to the United States during the period under investigation and found LTFV margins on 99 percent of the ice hockey sticks sold by that manufacturer. Margins, as reported by Treasury, ranged from negligible to 19 percent of the purchase price of the ice hockey sticks. The weighted average LTFV margin on those sales examined amounted to 12.2 percent of the purchase price of the merchandise. Sales by Koho accounted for 75 percent of all sales of ice hockey sticks to the United States from Finland during the period investigated by Treasury. The two other Finnish producers that exported ice hockey sticks to the United States—Oy Montreal and Karhu-Titan Oy—ac-

counted for 25 percent of Finnish exports to the United States during October 1976-March 1977. Their sales were not used by Treasury in making its LTFV price comparisons, but they were not excluded from the Treasury LTFV determination.

In order to make an affirmative determination in this investigation under the Antidumping Act, the Commission must determine that an industry in the United States is being or is likely to be injured by reason of the importation of the subject merchandise that the Secretary of the Treasury has determined is being, or is likely to be, sold at LTFV. Petitioner, the Northland Group, Inc., alleges that injury is presently being suffered by the domestic industry by reason of LTFV imports from Finland in the following ways: lost sales; declining market share; price suppression; declining profitability; declining capacity utilization, and declining employment.<sup>2</sup>

The market for ice hockey sticks is divided into three distinct segments: the professional teams, the pro shops, and chainstores. While the professional-team market is the smallest of these three, it is important because of "its influence on demand in the other two."<sup>3</sup> Information developed during the Commission's investigation revealed that Northland's share of the professional-team market has decreased since 1975, as a result of increased sales of domestically assembled hockey sticks by Koho Sporting Goods, Inc. Although the parts for these sticks were imported from Finland, they were not subject to the LTFV determination of the Department of the Treasury.

Pro shops account for the bulk of U.S. producers' and importers' sales of hockey sticks. None of the pro shops responding to the Commission's questionnaire indicated that they had switched from domestically produced hockey sticks to those imported from Finland on the basis of price. Quality and brand-name recognition were cited as the bases on which their purchases were made. While price is probably more of a consideration in the chainstore market than in the pro shop market, the Commission investigation did not establish any specific instances in which sales were lost in the chainstore market as a result of lower prices of hockey sticks imported from Finland.

As noted, Northland has alleged that the domestic industry is suffering injury by reason of declining market share. In 1975, domestic producers accounted for substantially less than

<sup>1</sup> Prevention of establishment of an industry is not an issue in this investigation and will not be discussed further.

<sup>2</sup> In the matter of Ice Hockey Sticks from Finland, brief of the Northland Group, Inc., petitioner, Mar. 10, 1978.

<sup>3</sup> Ibid., p. 5.

half of apparent U.S. consumption, and in 1976, increased their share to more than 50 percent. While the share of apparent consumption supplied by domestic producers declined slightly in 1977, the share supplied by imports from Finland also declined. However, the share supplied by imports from Canada rose in 1977. Thus, in both 1976 and 1977, domestic producers accounted for a larger percentage of domestic consumption than they had in 1974 and 1975, and the slight decrease in their market share in 1977 is attributable to increased market penetration by Canadian imports, not to imports from Finland.

The third form of injury alleged by Northland is price suppression. Information established by the Commission's investigation revealed that the prices of hockey sticks imported from Finland are generally higher than those of domestically produced sticks. Koho Sporting Goods, Inc., does undersell domestic producers on sticks supplied to the professional-team market, but these custom-made sticks are assembled in the United States and were not covered by the LTFV determination made by the Secretary of the Treasury. Among domestic producers, sticks produced by Christian Bros. generally undersell those produced by Northland. The Commission's investigation also revealed that since 1975 the average unit value of domestic shipments of imported hockey sticks from Finland has been higher than the average unit value of sticks imported from Canada and Sweden.

The average unit value of shipments imported from Finland increased by more than 75 percent between 1974 and 1977 and was considerably higher than the average unit value of shipments of domestically produced sticks, which increased by approximately 45 percent in the same period. The price of Northland's highest quality stick increased by more than 15 percent between the second quarter of 1976 and the second quarter of 1977. It is clear from the foregoing that petitioners failed to establish, and the Commission investigation did not reveal, any price suppression caused by LTFV imports from Finland.

Petitioner also alleges declining profitability by reason of LTFV imports from Finland. Information supplied to the Commission by petitioner, however, establishes that its operations have progressively improved since 1975, when the present owners purchased Northland. Christian Bros. reported to the Commission that its operations resulted in a profit in each year during 1973-77. While Christian Bros.' profit declined in 1977, there is no indication that this was the result of LTFV imports from Finland, since Christian Bros.' lower priced sticks do not generally compete with the higher

priced imports from Finland. The investigation did not establish any other information from which the Commission could conclude that there was a decline in profitability in the domestic industry by reason of LTFV imports from Finland.

The last of the indicia of injury by reason of LTFV imports from Finland cited by petitioner are declining capacity utilization and declining employment. However, the Commission's investigation revealed that petitioner's capacity and its capacity utilization increased in both 1976 and 1977. Neither of the other domestic producers, Christian Bros. or Koho, suffered any decline in capacity utilization in 1976 or 1977. There was a decline in employment in 1976, when apparent domestic consumption of hockey sticks fell to 1.8 million (about 50 percent of consumption in 1974 and a low for the period 1974-77). In 1977, however, employment in the domestic industry increased by nearly 25 percent. In 1977, petitioner's employment increased by over one-third. The Commission's investigation did not reveal any other indication that capacity utilization or employment had been adversely affected by reason of LTFV imports from Finland.

The Commission's investigation did not reveal any information which would establish that an industry is likely to be injured by reason of LTFV imports from Finland within the meaning of the statute. The most recent data available indicate that domestic consumption, production, shipments, and employment are increasing, but that the ratio of shipments from Finland to domestic consumption is declining. Information has been presented to the Commission that Koho receives substantially higher prices for its exports to countries other than the United States and that its exports to other countries have been increasing in recent years.

On the basis of the above considerations, I have determined that an industry in the United States is not being and is not likely to be injured, and is not prevented from being established, by reason of the importation of ice hockey sticks from Finland that the Secretary of the Treasury has determined are being, or are likely to be, sold at LTFV.

Issued: March 29, 1978.

By order of the Commission.

KENNETH R. MASON,  
Secretary.

[FR Doc. 78-8669 Filed 3-31-78; 8:45 am]

[6820-35]

## LEGAL SERVICES CORPORATION

### RECIPIENTS OF FUNDS

#### Instruction

AGENCY: Legal Services Corporation.

ACTION: Instruction to all recipients of legal services corporation funds.

SUMMARY: This instruction implements section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 706, with regard to recipients of funds from the Legal Services Corporation. The Legal Services Corporation was created by Act of Congress, 42 U.S.C. 2996, and is entirely supported by funds provided by Congressional appropriation. The instruction is intended to insure that federally assisted legal services programs and activities are operated without discrimination on the basis of handicap.

DATES: Comments must be received by May 18, 1978.

ADDRESS: Legal Services Corporation, 733 15th Street NW., Suite 700, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT:

Linda Davis, 202-376-5113.

I. *Purpose.* This instruction is designed to insure that every recipient of corporation funds complies with section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794.

II. *Policy.* No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination by any recipient.

III. *Definitions.*—"Facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or interest in such property.

"Handicapped person" means any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

As used in the above paragraph, the phrase: (i) "Physical or mental impairment" means (A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; or (B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(ii) "Major life activities" means functions such as caring for one's self,

performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(iii) "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(iv) "Is regarded as having an impairment" means (A) has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation; (B) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment.

"Qualified handicapped person" means: (1) With respect to employment, a handicapped person who, with reasonable accommodation, can perform the essential functions of the job in question; (2) With respect to other services, a handicapped person who meets the essential eligibility requirements for the receipt of such services.

IV. *Self-Evaluation.* A recipient shall, within one year of the effective date of this instruction: (a) Evaluate, with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons, the extent to which its current facilities, policies and practices comply with the requirements of this instruction;

(b) Develop a plan that will insure compliance with this instruction in the future; and

(c) Submit the plan to the Regional Office of the Legal Services Corporation that has responsibility for the Region within which the recipient is located.

V. *Availability of Legal Assistance.* (a) A recipient shall conduct its activities so that legal services are readily available to handicapped persons. This paragraph does not require a recipient to make each of its existing facilities or every part of those facilities accessible to and usable by handicapped persons.

(b) A recipient may comply with the requirement of paragraph (a) of this section through such means as home visits, delivery of services at alternate accessible sites, alteration of existing facilities, or any other methods that result in making its services available to handicapped persons. A recipient is not required to make structural changes in existing facilities when other methods are effective in achieving compliance with paragraph (a) of this section.

(c) A recipient shall determine the cost of structural changes required to make existing facilities accessible to handicapped persons, but shall not make such changes without prior approval of the Regional Office.

(d) A recipient shall make every reasonable effort to insure that new facilities that it rents or purchases are accessible to handicapped persons.

(e) A recipient shall adopt procedures to insure that handicapped persons obtain information about the availability of legal services from the recipient.

VI. *Employment.* (a) A recipient shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the accommodation would impose an undue hardship on the operation of the program.

(b) Reasonable accommodation may include:

(1) Making facilities used by employees readily accessible to and usable by handicapped persons, and

(2) Job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions.

(c) In determining whether an accommodation would impose an undue hardship on the operation of a recipient's program, factors to be considered include:

(1) The overall size of the recipient's program with respect to number of employees, number and type of facilities, and size of budget; and

(2) The nature and cost of the accommodation needed.

(d) A recipient may not deny any employment opportunity to a qualified handicapped employee or applicant if the basis of the denial is a need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.

(e) Any recruitment materials published or used by a recipient shall include a statement that the recipient does not discriminate on the basis of handicap in violation of Section 504 of the Rehabilitation Act of 1973.

ALICE DANIEL,  
General Counsel,  
Legal Services Corporation.

[FR Doc. 78-8584 Filed 3-31-78; 8:45 am]

[7590-01]

**NUCLEAR REGULATORY  
COMMISSION**

[Docket No. 50-313]

**ARKANSAS POWER & LIGHT CO.**

**Issuance of Amendment to Facility Operating  
License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 32 to Facility Operating License No. DPR-51, issued to Arkansas Power & Light Co. (AP&L or the licensee), which revised the Tech-

nical Specifications for operation of Arkansas Nuclear One, Unit No. 1 (ANO-1 or the facility) located in Pope County, Ark. The amendment is effective as of its date of issuance.

The amendment revised the Technical Specifications for the facility to incorporate the requirement for a ten second closure time for the dampers of the ANO-1 control room ventilation system and to include surveillance requirements for the isolation system. The ten second isolation time is a slight relaxation of the AP&L commitment in the ANO-1 Final Safety Analysis Report, but represents a significant improvement over the system as installed. A separate but related issue, that of toxic gas intrusion at ANO-1, is being addressed by separate correspondence.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's letter dated December 8, 1977, and the application for amendment dated February 27, 1978, (2) Amendment No. 32 to License No. DPR-51, 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 Arkansas Polytechnic College, Russellville, Ark. 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 24th day of March 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,  
Chief, Operating Reactors  
Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-8608 Filed 3-31-78; 8:45 am]

[7590-01]

[Docket Nos. 50-373 and 50-374]

**COMMONWEALTH EDISON CO., LaSALLE COUNTY STATION****Availability of Draft Environmental Statement**

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR part 51, notice is hereby given that a Draft Environmental Statement, prepared by the Commission's Office of Nuclear Reactor Regulation, related to the proposed operation of LaSalle County Station, Units Nos. 1 and 2, located in LaSalle County, Ill., is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and at the Illinois Valley Community College Library, Rural Route No. 1, Oglesby, Ill. The Draft Environmental Statement is also being made available at the State Clearinghouse, Bureau of the Budget, 103 State House, Springfield, Ill. Copies of the Draft Environmental Statement may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Division of Document Control.

The applicant's Environmental Report, as supplemented, submitted by Commonwealth Edison Co., is also available for public inspection at the above designated locations. Notice of availability of the applicant's Environmental Report was published in the FEDERAL REGISTER on June 9, 1977 (42 FR 29576).

Pursuant to 10 CFR part 51, interested persons may submit comments on the applicant's Environmental Report, as supplemented, and on the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by May 22, 1978. Comments by Federal, State, and local officials or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C., and the Illinois Valley Community College Library, Oglesby, Ill. Upon consideration of these comments, the Commission's staff will prepare a Final Environmental Statement, availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analy-

sis, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Md., this 27th day of March 1978.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,  
*Chief, Environmental Projects  
Branch No. 1, Division of Site  
Safety and Environmental  
Analysis.*

[FR Doc. 78-8609 Filed 3-31-78; 8:45 am]

[7590-01]

[Dockets Nos. 50-270 and 50-287]

**DUKE POWER CO.****Granting of Relief From ASME Section XI Inservice Inspection (Testing) Requirements**

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to Duke Power Co. The relief relates to the inservice inspection (testing) program for the Oconee Nuclear Station, Units Nos. 2 and 3, located in Oconee County, S.C. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR part 50. The relief is effective as of its date of issuance.

The relief is granted, on an interim basis, pending completion of our detailed review, from those inservice inspection and testing requirements of the ASME Code that the licensee has determined to be impractical within the limitations of design, geometry, and materials of construction of components, because compliance would result in hardships and unusual difficulties without a compensating increase in the level of quality or safety.

The request for relief 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 letter granting relief. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of this relief 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 this action.

For further details with respect to this action, see (1) the requests for

relief dated July 8, September 21, 1977 and March 6, 1978, and (2) the Commission's letter to the licensee dated March 27, 1978.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Oconee County Library, 201 South Spring, Walhalla, S.C. 29691. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 27th day of March 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,  
*Chief, Operating Reactors  
Branch No. 4, Division of Op-  
erating Reactors.*

[FR Doc. 78-8610 Filed 3-31-78; 8:45 am]

[7590-01]

[Docket Nos. 50-250 and 50-251]

**FLORIDA POWER AND LIGHT CO.****Issuance of Amendments to Facility Operating Licenses**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 34 and 28 to Facility Operating License Nos. DPR-31 and DPR-41 issued to Florida Power and Light Co., for operation of the Turkey Point Nuclear Generating Station, Unit Nos. 3 and 4, located in Dade County, Fla. The amendments are effective as of the date of issuance.

The amendments to the operating licenses revised the Technical Specifications of Turkey Point, Unit Nos. 3 and 4, to correct the hot channel factor envelope for the facility.

The application for the amendments 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 amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated March 6, 1978, (2) Amendment Nos. 34 and 28 to License Nos. DPR-31 and DPR-41, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Environmental & Urban Affairs Library, Florida International University, Miami, Fla. 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 8th day of March 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,  
Chief, Operating Reactors  
Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-8611 Filed 3-31-78; 8:45 am]

[7590-01]

[Docket No. 50-2511]

**FLORIDA POWER & LIGHT CO.; TURKEY POINT  
PLANT UNIT NO. 4**

**Order for Modification of License**

**I**

The Florida Power & Light Co. (the Licensee) is the holder of Facility Operating License No. DPR-41 which authorizes the operation of the nuclear power reactor known as Turkey Point Unit No. 4 (the facility) at steady state reactor power levels not in excess of 2,200 thermal megawatts (rated power). The facility is a pressurized water reactor (PWR) located at the licensee's site in Dade County, Fla.

**II**

On February 8, 1977, the Nuclear Regulatory Commission ordered Turkey Point Unit No. 4 to perform an inspection of steam generators at the end of the then current fuel cycle or within 120 equivalent days of power operation from February 8, 1977, whichever occurred first. On May 3, 1977, the Nuclear Regulatory Commission issued a supplementary order granting approval for resumption of reactor operation until the end of the third fuel cycle and continuing the other requirements of the Order of February 8, 1977, in force. On August 3, 1977, the Nuclear Regulatory Commission issued an Order for modification of License permitting continued operation of Turkey Point Unit No. 4 for 6 equivalent months of Cycle 4 operation. On August 11, 1977, an Order was issued correcting the Order of

August 3, 1977. On February 10, 1978, an Order was issued permitting an additional 6 equivalent weeks of operation and on February 17, 1978, an Order was issued to authorize operation of Unit No. 4 from February 11, 1978 to February 14, 1978, with a limit of 0.35 gpm of primary to secondary leakage through any steam generator. On February 14, 1978, Turkey Point Unit No. 4 was shut down for inspection of the three steam generators in accordance with the above Orders. The Orders required Nuclear Regulatory Commission approval before resuming reactor power operation after the shutdown.

On March 1, 1978, the licensee submitted a report describing the results of their inspections and tests of the steam generators, as well as their analysis and evaluation of the data. The NRC staff has evaluated this information and has assessed continued operation of the facility. This evaluation is set forth in a concurrently issued Safety Evaluation Report. The licensee also submitted a revised ECCS performance analysis taking into account additional tube plugging. Based on its review, the staff has concluded that operation of the facility, under the conditions previously imposed, may be continued for an additional period of 6 months and that the limitations contained in this Order will provide reasonable assurance that the public health and safety will not be endangered by continued operation of Unit No. 4. This Order continues in effect the leakage and radiiodine concentration limits previously imposed.

Copies of the following documents are available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Environmental and Urban Affairs Library, Florida International University, Miami, Fla.: (1) the licensee's report of the steam generator inspections dated March 1, 1978, and the request for further operation dated March 3, 1978, (2) this Order for Modification of License, in the Matter of Florida Power & Light Co. (Turkey Point Plant, Unit No. 4), Docket No. 50-251, and (3) our Safety Evaluation Report dated March 8, 1978, applicable to our Order dated March 8, 1978.

**III**

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR parts 2 and 50, *It Is Ordered*, That paragraph 3.d.1 of Facility Operating License No. DPR-41 is hereby amended to read as follows:

**D. STEAM GENERATOR OPERATION**

1. Turkey Point Unit No. 4 shall be brought to the cold shutdown condition in order to perform an inspection

of the steam generators after six (6) additional equivalent full power months of operation. Nuclear Regulatory Commission approval shall be obtained before resuming power operation following this inspection. For the purpose of this requirement, equivalent operation is defined as operation with a primary coolant temperature greater than 350° F.

Dated in Bethesda, Md., this 8th day of March 1978.

For The Nuclear Regulatory Commission.

EDSON G. CASE,  
Acting Director, Office of  
Nuclear Reactor Regulation.

[FR Doc. 78-8612 Filed 3-31-78; 8:45 am]

[7590-01]

[Docket No. 50-316]

**INDIANA & MICHIGAN ELECTRIC CO. AND  
INDIANA & MICHIGAN POWER CO.**

**Issuance of Amendment to Facility Operating  
License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. DPR-74, issued to Indiana & Michigan Electric Co. and Indiana & Michigan Power Co., which authorizes power operation not to exceed 1695 megawatts thermal (50 percent of rated core power level of 3391 megawatts thermal) for the Donald C. Cook Nuclear Plant, Unit No. 2 (the facility) located in Berrien County, Mich. The amendment is effective as of its date of issuance. This action is a part of the licensing action encompassed in the "Notice of Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing Pursuant to 10 CFR Part 50, Appendix D, Section C."

Amendment No. 2 to Facility Operating License No. DPR-74 contained conditions 3.B.1-3.B.4 requiring staff approval prior to power operation in excess of 20 percent of rated power. These conditions relate to the environmental qualification of certain safety-related electrical equipment inside containment for a postulated steamline break accident. Items 3.B.3 and 3.B.4 have been resolved to the satisfaction of the Commission and the appropriate restrictions have been removed in Amendment No. 4. Items 3.B.1 and 3.B.2 of Amendment No. 2 have been superseded by conditions 4.A and 4.B of Amendment No. 4 which require that the results of additional environmental testing of specific instrument transmitters and terminations in safety-related circuits inside containment be provided for staff review on or before June 6, 1978.

The application for the amendment complies with the standards and re-

quirements 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.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR part 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) Amendment No. 4 to License No. DPR-74, and (2) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Mich. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Md., this 24th day of March 1978.

For the Nuclear Regulatory Commission.

KARL KNIEL,  
Chief, Light Water Reactors  
Branch No. 2, Division of Project  
Management.

[FR Doc. 78-8613 Filed 3-31-78; 8:45 am]

#### [7590-01]

##### INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

###### Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear powerplants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operation and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA codes of practice and safety guides are developed in the following way. The IAEA receives and collates relevant existing information used by Member Countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review

Committee to the extent necessary to develop a draft acceptable to them. This draft code of practice or safety guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the Member States. The Senior Advisory Group then considers the Member State comments, again modifies the draft as necessary to reach agreement and forwards it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guides SG-G6, "Emergency Preparedness of Public Authorities," and Safety Guide SG-O6, "Emergency Arrangements of the Operating Organization," have been developed. An IAEA Working Group, consisting of Mr. J. H. Aitken of Canada, Mr. Hugh Orchard of the United Kingdom, Mr. W. Jeschki of Switzerland developed SG-G6 from an IAEA collation during a meeting on January 31-February 10, 1978; and an IAEA Working Group, consisting of Mr. Bodege of the Federal Republic of Germany, Mr. M. R. Rao of India, Mr. S. Ekholm of Sweden and Mr. E. A. Belvin (Tennessee Valley Authority) of the United States of America developed SG-O6 from an IAEA collation during a meeting on January 31-February 10, 1978, and we are soliciting public comment on them. Comments on these drafts received by April 20, 1978, will be useful to the U.S. representatives to the Technical Review Committees and Senior Advisory Group in evaluating their adequacy prior to the next IAEA discussion.

Single copies of these drafts may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a).)

Dated at Rockville, Md., this 23rd day of March 1978.

For the Nuclear Regulatory Commission.

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

[FR Doc. 78-8614 Filed 3-31-78; 8:45 am]

#### [7590-01]

[Docket No. 50-320]

##### METROPOLITAN EDISON CO. ET AL. (THREE MILE ISLAND NUCLEAR STATION, UNIT 2)

###### Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment 3 to Facility Operating

License No. DPR-73, issued to the Metropolitan Edison Co., Jersey Central Power & Light Co., and Pennsylvania Electric Co., for operating of the Three Mile Island Nuclear Station, Unit 2 (the facility), located in Dauphin County, Pa. The amendment is effective as of its date of issuance.

The license is amended by deleting certain conditions which have been satisfied, by adding a new condition and clarifying another, and by correcting a typographical error.

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. This amendment removes certain temporary restrictions on operating at full rated power which were conditions to the Facility Operating License No. DPR-73, issuance of which was covered by the Notice of Issuance published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7073).

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), and environmental 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) Amendment No. 3 to Facility Operating License No. DPR-73, and (2) the Commission's related safety evaluation supporting Amendment No. 3 to Facility Operating License No. DPR-73. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the State Library of Pennsylvania, Commonwealth and Walnut Streets, Harrisburg, Pa. 17126. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Md., this 24th day of March 1978.

For the Nuclear Regulatory Commission.

STEVEN A. VARGA,  
Chief, Light Water Reactors  
Branch 4, Division of Project  
Management.

[FR Doc. 78-8615 Filed 3-31-78; 8:45 am]

## [7590-01]

[Docket No. STN 50-437]

## OFFSHORE POWER SYSTEMS

## Manufacturing License for Floating Nuclear Power Plants; Reconstitution of Board

Dr. Marvin M. Mann was a Member of the Atomic Safety and Licensing Board for the above proceeding. Dr. Mann is unable to continue his service on this Board.

Accordingly, Mr. Lester Kornblith, Jr., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed a Member of this Board. Reconstitution of the Board in this manner is in accordance with section 2.721 of the Commission's Rules of Practice, as amended.

Dated at Bethesda, Md., this 28th day of March 1978.

JAMES R. YORE,  
Chairman, Atomic Safety and  
Licensing Board Panel.

[FR Doc. 78-8616 Filed 3-31-78; 8:45 am]

## [7590-01]

[Docket No. 50-344]

## PORTLAND GENERAL ELECTRIC CO. ET AL.

## Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 21 to Facility Operating License No. NPF-1 issued to Portland General Electric Co., the city of Eugene, Oreg., and Pacific Power & Light Co. which revised Technical Specifications for operation of the Trojan Nuclear Plant (the facility), located in Columbia County, Oreg. The amendment is effective as of its date of issuance.

This amendment (1) deletes the requirement to submit Annual Reports, (2) deletes reference to Regulatory Guide 1.16 for reporting requirements and substitutes textual material therefor, and (3) deletes the Technical Specification section on the Respiratory Protection Program.

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 February 15, 1978, (2) Amendment No. 21 to License No. NPF-1 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. 20555, and at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oreg. 97051. 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 9th day of March 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,  
Chief, Operating Reactors  
Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-8617 Filed 3-31-78; 8:45 am]

## [7590-01]

[Docket No. 50-286]

## POWER AUTHORITY OF THE STATE OF NEW YORK

## Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. DPR-64, issued to the Power Authority of the State of New York (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 3, located in Buchanan, Westchester County, N.Y. The amendment is effective as of its date of issuance.

The amendment authorizes modifications to the Indian Point Unit No. 3 spent fuel pool, increasing its capacity from 264 to 840 fuel assemblies, and revises the Technical Specifications appropriately.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on January 5, 1978 (43 FR 1016). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an environmental impact appraisal for this action and has concluded that an environmental impact statement is not warranted because there will be no significant environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility dated February 1975.

For further details with respect to this action, see (1) the application for amendment dated September 1, 1977, as supplemented October 18, 1977, December 12, 1977, January 30, 1978 and February 2, 1978, (2) Amendment No. 13 to License No. DPR-64, (3) the Commission's related Safety Evaluation, and (4) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the White Plains Public Library, 100 Martine Avenue, White Plains, N.Y. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 22nd day of March 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,  
Chief, Operating Reactors  
Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-8618 Filed 3-31-78; 8:45 am]

## [7590-01]

[Docket Nos. STN 50-477 and STN 50-478]

## PUBLIC SERVICE ELECTRIC &amp; GAS CO.; ATLANTIC GENERATING STATION, UNITS 1 AND 2

## Reconstitution of Board

Dr. Marvin M. Mann was a Member of the Atomic Safety and Licensing Board for the above proceeding. Dr. Mann is unable to continue his service on this Board.

Accordingly, Mr. Lester Kornblith, Jr., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed a Member of this Board. Reconstitution of the Board in this manner is in accordance with section 2.721 of the Commission's Rules of Practice, as amended.

Dated at Bethesda, Md., this 28th day of March 1978.

JAMES R. YORE,  
Chairman, Atomic Safety and  
Licensing Board Panel.

[FR Doc. 78-8619 Filed 3-31-78; 8:45 am]

[7590-01]

[Docket No. 50-2061]

**SOUTHERN CALIFORNIA EDISON CO. AND  
SAN DIEGO GAS AND ELECTRIC CO.**

**Issuance of Amendment to Provisional  
Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 32 to Provisional Operating License No. DPR-13, issued to Southern California Edison Co. and San Diego Gas and Electric Co. (the licensee), which revised the license for operation of the San Onofre Nuclear Generating Station, Unit 1 (SO-1), the facility, located in San Diego County, Calif. The amendment is effective as of its date of issuance.

The amendment revises condition 3.E of the license to clarify the requirement for reinspection of the steam generators. The amendment is for clarification purposes and does not change the substance of this license condition or our previous Safety Evaluation relating to inspection of steam generators issued with Amendment No. 25 to the license on April 1, 1977.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (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) Amendment No. 32 to License No. DPR-13, (2) the Commission's concurrently issued related Safety Evaluation, and (3) the Commission's Safety Evaluation issued with Amendment No. 25 on April 1, 1977. 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 Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, Calif. 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 24th day of March, 1978.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,  
Chief, Operating Reactors  
Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-8620 Filed 3-31-78; 8:45 am]

[7590-01]

[Docket No. 50-3051]

**WISCONSIN PUBLIC SERVICE CORP. ET AL.**

**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. DPR-43 issued to Wisconsin Public Service Corp., Wisconsin Power & Light Co., and Madison Gas & Electric Co. which revised Technical Specifications for operation of the Kewaunee Nuclear Powerplant located in Kewaunee, Wis. The amendment is effective as of the date of issuance.

The amendment incorporates fire protection Technical Specifications on the existing fire protection equipment and adds administrative controls related to fire protection at the facility. This action is being taken pending completion of the Commission's overall fire protection review of the facility.

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 the issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated May 2, 1977, as supplemented July 12 and December 16, 1977, (2) Amendment No. 20 to Facility Operating License No. DPR-43, and (3) the Commission's related Safety

Evaluation dated November 25, 1977. All of 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 Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wis. 54216. 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 3d day of March 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,  
Chief, Operating Reactors  
Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-8622 Filed 3-31-78; 8:45 am]

[7590-01]

[Byproduct Material License No. 29-13613-02]

**RADIATION TECHNOLOGY, INC.**

**Order Convening Evidentiary Hearing**

In the matter of Radiation Technology, Inc., Lake Denmark Road, Rockaway, N.J. 07866.

The parties have conferred and have determined that May 3rd is a convenient date to commence an evidentiary hearing in this proceeding.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Nuclear Regulatory Commission, that an evidentiary hearing in this proceeding shall convene at 9:00 a.m. on Wednesday, May 3, 1978 in Courtroom No. 4 in the Morris County Courthouse, Morristown, N.J. It is contemplated that the evidentiary hearing shall continue in session May 3, 4, and 5, 1978. The issues to be considered at the evidentiary hearings are as specified in the Commission's Notice of hearing issued on April 15, 1977 (42 FR 21,119, April 25, 1977).

Issued: March 28, 1978, Bethesda, Md.

For the Nuclear Regulatory Commission.

SAMUEL W. JENSCH,  
Administrative Law Judge.

[FR Doc. 78-8641 Filed 3-31-78; 8:45 am]

[7590-01]

[NUREG-75/087]

**REVISION TO THE STANDARD REVIEW PLAN**

**Notice of Issuance and Availability**

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated De-

ember 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to Section No. 6.2.1 of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is \$70, including first-year supplements. Annual subscriptions for supplements alone are \$30. Individual sections are available at current prices. The domestic price for Revision No. 1 to Section No. 6.2.1 is \$4. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552 (a)).

Dated at Bethesda, Md., this 23d day of March 1978.

For the U.S. Nuclear Regulatory Commission.

R. J. MATTSON,  
*Director, Division of Systems  
Safety Office of Nuclear Reactor  
Regulation.*

[FR Doc. 78-8626 Filed 3-31-78; 8:45 am]

[7590-01]

REVISION TO THE STANDARD REVIEW PLAN

[NUREG-75/087]

Notice of Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to Section No. 9.5.2 of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear

power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is \$70, including first-year supplements. Annual subscriptions for supplements alone are \$30. Individual sections are available at current prices. The domestic price for Revision No. 1 to Section No. 9.5.2 is \$4. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda, Md., this 23d day of March 1978.

For the U.S. Nuclear Regulatory Commission.

ROGER J. MATTSON,  
*Director, Division of Systems  
Safety, Office of Nuclear Reactor  
Regulation.*

[FR Doc. 78-8625 Filed 3-31-78; 8:45 am]

[7590-01]

REVISION TO THE STANDARD REVIEW PLAN

[NUREG-75/087]

Notice of Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to Section No. 9.5.8 of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory matters

widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is \$70, including first-year supplements. Annual subscriptions for supplements alone are \$30. Individual sections are available at current prices. The domestic price for Revision No. 1 to Section No. 9.5.8 is \$4. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda, Md., this 23d day of March 1978.

For the U.S. Nuclear Regulatory Commission.

ROGER J. MATTSON,  
*Director, Division of Systems  
Safety, Office of Nuclear Reactor  
Regulation.*

[FR Doc. 78-8624 Filed 3-31-78; 8:45 am]

[7590-01]

[NUREG-75/087]

REVISION TO THE STANDARD REVIEW PLAN

Notice of Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to section No. 9.5.5 of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear powerplants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which

changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Powerplants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is \$70, including first-year supplements. Annual subscriptions for supplements alone are \$30. Individual sections are available at current prices. The domestic price for Revision No. 1 to section No. 9.5.5 is \$4. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda this 23d day of March 1978.

For the U.S. Nuclear Regulatory Commission.

ROGER J. MATTSON,  
Director, Division of Systems  
Safety, Office of Nuclear Reactor  
Regulation.

[FR Doc. 78-8623 Filed 3-31-78; 8:45 am]

[7590-01]

[Docket No. 50-346]

**TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO., DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1**

**Issuance of Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 9 to the Facility Operating License No. NPF-3, issued to the Toledo Edison Co. and the Cleveland Electric Illuminating Co., for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio. Amendment No. 9 becomes effective 30 days after the date of issuance.

The amendment incorporates fire protection Technical Specifications on the existing fire protection equipment and adds administrative controls related to fire protection at the facility. This action is being taken pending completion of the Commission's overall fire protection review of the facility.

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 1, which are set forth in the li-

cense 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 Toledo Edison Co.'s application for amendment dated December 12, 1977, (2) Amendment No. 9 to License No. NPF-3, and (3) the Commission's related Safety Evaluation supporting Amendment No. 9 to License No. NPF-3. 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 Ida Rupp Public Library, 310 Madison Street, Port Clinton, Ohio 43452. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Md., this 22d day of March 1978.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,  
Chief, Light Water Reactors  
Branch No. 1, Division of Project  
Management.

[FR Doc. 78-8621 Filed 3-31-78; 8:45 am]

[7590-01]

[NUREG-75/087]

**REVISION TO THE STANDARD REVIEW PLAN**

**Notice of Issuance and Availability**

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published revision No. 1 to section No. 15.4.1 of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear powerplants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The

purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield Va. 22161. The domestic price is \$70, including first-year supplements. Annual subscriptions for supplements alone are \$30. Individual sections are available at current prices. The domestic price for revision No. 1 to section No. 15.4.1 is \$4. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda this 23rd day of March 1978.

For the U.S. Nuclear Regulatory Commission.

ROGER J. MATTSON,  
Director, Division of Systems  
Safety, Office of Nuclear Reactor  
Regulation.

[FR Doc. 78-8658 Filed 3-31-78; 8:45 am]

[7590-01]

[NUREG-75/087]

**REVISION TO THE STANDARD REVIEW PLAN**

**Notice of Issuance and Availability**

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published revision No. 1 to section No. 15.4.8 of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear powerplants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Re-

ports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield Va. 22161. The domestic price is \$70, including first-year supplements. Annual subscriptions for supplements alone are \$30. Individual sections are available at current prices. The domestic price for revision No. 1 to section No. 15.4.8 is \$4. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda this 23rd day of March 1978.

For the U.S. Nuclear Regulatory Commission.

ROGER J. MATTSON,  
*Director, Division of Systems  
Safety, Office of Nuclear Reactor  
Regulation.*

[FR Doc. 78-8657 Filed 3-31-78; 8:45 am]

[7590-01]

[NUREG-75/087]

REVISION TO THE STANDARD REVIEW PLAN

Notice of Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to section No. 6.5.4 of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is \$70, including first-year supplements. Annual subscriptions for supplements

alone are \$30. Individual sections are available at current prices. The domestic price for Revision No. 1 to section No. 6.5.4 is \$4. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda, Md. this 24th day of March 1978.

For the U.S. Nuclear Regulatory Commission.

DANIEL R. MULLER,  
*Deputy Director, Division of Site  
Safety and Environmental  
Analysis, Office of Nuclear Reactor  
Regulation.*

[FR Doc. 78-8642 Filed 3-31-78; 8:45 am]

[7590-01]

[NUREG-75/087]

REVISION TO THE STANDARD REVIEW PLAN

Notice of Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to section No. 15.4.9 of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is \$70, including first-year supplements. Annual subscriptions for supplements alone are \$30. Individual sections are available at current prices. The domestic price for Revision No. 1 to section No. 15.4.9 is \$4. Foreign price information is available from NTIS. A copy of the Standard Review Plan including

all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda, Md. this 23rd day of March 1978.

For the U.S. Nuclear Regulatory Commission.

ROGER J. MATTSON,  
*Director, Division of Systems  
Safety, Office of Nuclear Reactor  
Regulation.*

[FR Doc. 78-8655 Filed 3-31-78; 8:45 am]

[7590-01]

[NUREG-75/087]

REVISION TO THE STANDARD REVIEW PLAN

Notice of Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to section No. 15.4.2 of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is \$70, including first-year supplements. Annual subscriptions for supplements alone are \$30. Individual sections are available at current prices. The domestic price for Revision No. 1 to section No. 15.4.2 is \$4. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda, Md. this 23rd day of March 1978.

For the U.S. Nuclear Regulatory Commission.

ROGER J. MATTSOON,  
Director, Division of Systems  
Safety, Office of Nuclear Reactor  
Regulation.

[FR Doc. 78-8656 Filed 3-31-78; 8:45 am]

[4910-13]

**DEPARTMENT OF TRANSPORTATION**

Federal Aviation Administration

**AIR TRAFFIC PROCEDURES ADVISORY  
COMMITTEE**

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. (2-463; 5 U.S.C. App. D) notice is hereby given of a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee to be held April 25 through April 28, 1978, from 9 a.m. e.d.t. to 4 p.m. daily, except for the last day which will terminate at 1 p.m., in conference rooms 9A and B at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C.

The agenda for this meeting is as follows: A continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

Attendance is open to the interested public but limited to the 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, Mr. Franklin L. Cunningham, Executive Director, Air Traffic Procedures Advisory Committee, Air Traffic Service, AAT-300, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-3725.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on March 28, 1978.

F. L. CUNNINGHAM,  
Executive Director, Air Traffic  
Procedures Advisory Committee.

[FR Doc. 78-8589 Filed 3-31-78; 8:45 am]

[4810-40]

**DEPARTMENT OF THE TREASURY**

[Supplement to Department Circular Public  
Debt Series—No. 8-78]

Office of the Secretary

**TREASURY NOTES OF SERIES C-1983**

Interest Rates

MARCH 29, 1978.

The Secretary of the Treasury announced on March 28, 1978, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 8-78, dated March 22, 1978, will be 7% percent per annum. Accordingly, the notes are hereby re-designated 7% percent Treasury Notes of Series C-1983. Interest on the notes will be payable at the rate of 7% percent per annum.

PAUL H. TAYLOR,  
Acting Fiscal Assistant Secretary.

[FR Doc. 78-8651 Filed 3-31-78; 8:45 am]

[4810-25]

**LIST OF COUNTRIES REQUIRING COOPERATION  
WITH AN INTERNATIONAL BOYCOTT**

In order to comply with the mandate of section 999(a)(3) of the Internal Revenue Code of 1954, the Department of the Treasury is publishing a current list of countries which may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954). This list is the same as the list published in the January 3, 1978, FEDERAL REGISTER.

On the basis of the best information currently available to the Department of the Treasury, the following countries may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954).

Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Oman, Qatar, Saudi Arabia, Syria, United Arab Emirates, Yemen Arab Republic, Yemen, People Democratic Republic of.

Dated: March 30, 1978.

DONALD C. LUBICK,  
Acting Assistant Secretary  
(Tax Policy).

[FR Doc. 78-8888 Filed 3-31-78; 10:00 am]

[8320-01]

**VETERANS ADMINISTRATION**

**STATION COMMITTEE ON EDUCATIONAL  
ALLOWANCES**

Meeting

Notice is hereby given pursuant to section V, review procedure and hear-

ing rules, Station Committee on Educational Allowances, that on May 4, 1978, at 10 a.m., the Los Angeles Regional Office Station Committee on Educational allowances shall at 11000 Wilshire Boulevard, Los Angeles, Calif. 90024, in Room 7106, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in the Eubanks Conservatory of Music & Arts, 4928 South Crenshaw Boulevard, Los Angeles, Calif. 90043, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

JOHN G. MILLER,  
Director, VA Regional Office,  
1000 Wilshire Boulevard, Los  
Angeles, Calif. 90024.

[FR Doc. 78-8643 Filed 3-31-78; 8:45 am]

[7035-01]

**INTERSTATE COMMERCE  
COMMISSION**

[Notice No. 625]

**ASSIGNMENT OF HEARINGS**

MARCH 29, 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 135732 (Sub-No. 27), Aubrey Freight Lines, Inc., now assigned April 24, 1978, at New York, NY, will be held in Room F-2220, Federal Building, 26 Federal Plaza.

MC 119789 (Sub-No. 372), Caravan Refrigerated Cargo, Inc., now assigned April 25, 1978, at New York, NY, will be held in Room F-2220, Federal Building, 26 Federal Plaza.

MC 143668, Long Island Airports Limousine Service Corp., now assigned April 26, 1978, at New York, NY, will be held in Room F-2220, Federal Building, 26 Federal Plaza.

No. MC-C-9854, Marotta Air Service, Inc., Investigations of Operations, now assigned April 10, 1978, at New York, NY, will be held in Room F-2220, Federal Building, 26 Federal Plaza.

No. MC 143121 (Sub-No. 4), Tillamook Carriers, Inc., now assigned April 11, 1978, at New York, NY, will be held in Room F-2220, Federal Building, 26 Federal Plaza.

No. MC 117119 (Sub-No. 643), Willis Shaw Frozen Express, Inc., and No. MC 114045

(Sub-No. 486), Trans-cold Express, Inc., now assigned April 12, 1978, at New York, NY, will be held in Room F-2220, Federal Building, 26 Federal Plaza.

No. MC 143589, Randlemans Pick-Up and Delivery Service, Inc., now assigned April 4, 1978, at Washington, DC, is postponed indefinitely.

MC 143555 (Sub-No. 2), Riverside Transportation Co., Inc., now assigned for hearing April 12, 1978, at Washington, DC, is canceled and reassigned for prehearing conference April 12, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.

No. MC 117574 (Sub-No. 290), Daily Express, Inc., now being assigned May 17, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

No. MC 144009, Allstates Transworld Van Lines, Inc., now being assigned for prehearing conference on May 15, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

No. MC 8973 (Sub-No. 46), Metropolitan Trucking, Inc., now being assigned May 25, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 56679 (Sub-No. 92), Brown Transport Corp., is assigned for hearing May 8, 1978, at Atlanta, GA, and will be held at Room 305, 1252 Peachtree Street NW.

No. MC 138322 (Sub-No. 3), Bhy Trucking, Inc., now being assigned for Prehearing Conference on May 17, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

No. MC 4963 (Sub-No. 54), Alleghany Corp., d.b.a. Jones Motor, now being assigned for May 23, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

No. MC 124947 (Sub-No. 81), Machinery Transports, Inc., and No. MC 124947 (Sub-No. 82), Machinery Transports, Inc., now being assigned May 23, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 82063 (Sub-No. 87), Klipsch Hauling Co., Inc., and MC 115331 (Sub-No. 432), Truck Transport Inc., are now assigned for hearing June 26, 1978 (1 day), at St. Louis, MO, at a location to be later designated.

MC 140612 (Sub-No. 31), Robert F. Kazimour, is now assigned for hearing June 27, 1978 (1 day), at St. Louis, MO, at a location to be later designated.

MC 119789 (Sub-No. 382), Caravan Refrigerated Cargo, Inc., is now assigned for hearing June 28, 1978 (1 day), at St. Louis, MO, at a location to be later designated.

MC 138446 (Sub-No. 9), Murray's Transfer & Storage Co., is now assigned for hearing June 29, 1978 (2 day), at St. Louis, MO, at a location to be later designated.

MC56679 (Sub-No. 97), Brown Transport Corp., is now assigned for hearing May 31, 1978 (2 days), at Atlanta, GA, at a location to be later designated.

MC 143558, Cardinal Transportation Co., Inc., is assigned for hearing May 8, 1978, at Nashville, TN, and will be held at Room A-440, Federal Courthouse Annex, 801 Broadway.

MC-F-11146 (Sub-No. 1), B&P Motor Lines, Inc., Petition for Declaratory Order, is now assigned for prehearing conference May 31, 1978, at the offices of the Inter-

state Commerce Commission, Washington, DC.

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

[FR Doc. 78-8687 Filed 3-31-78; 8:45 am]

[7035-01]

Docket Nos. AB-7 (Sub-No. 44, 45)

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO.

Abandonment Between Winona and Durand in Winona County, MN, and Buffalo and Pepin Counties, WI; and Abandonment Near St. Croix Junction and Bayport, in Washington County, MN

Notice is hereby given pursuant to section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by a certificate and order dated February 28, 1978, a finding, which is administratively final, was made by the Commission, Review Board No. 5, stating that, subject to the conditions for (1) the protection of employees discussed in *Oregon Short Line R. Co.—Abandonment—Goshen*, 354 ICC 76 (1977); (2) the approval of the pending directly related application in Finance Docket No. 28657, and institution of operations thereunder; (3) in No. AB-7 (Sub-No. 45), the Chicago, Milwaukee, St. Paul & Pacific Railroad Co continue to serve the facility of Stockely-Van Camp, Inc., in Lakeland, MN, either: (a) For a period of 120 days from the effective date of this certificate and order, or (b) until the effective date of an order approving the application in Finance Docket No. 28657, whichever last occurs; and (4) Milwaukee Road shall keep intact all of the rights-of-way underlying the tracks, including all of the bridges and culverts, for a period of 120 days from the effective date of an order approving the application in Finance Docket No. 28657 to permit any State and/or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the rights-of-way, the present and future public convenience and necessity permit the abandonment by the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. filed in Docket No. AB-7 (Sub-No. 44) of a portion of a line of railroad known as the Winona to Eau Claire Junction Branch, including its operation over the line of Winona Bridge Railway Co. extending from a port in Winona, Winona County, WI, to the connection with Burlington Northern, Inc., near East Winona, Buffalo County, WI, a distance of 1 mile; its operation over the line of Burlington Northern, Inc., extending from railroad milepost 325.0 near East Winona to railroad milepost 362.0 near Trevino, Buffalo County, WI, a distance of 37 miles; and abandonment of its own line extending from railroad

milepost 3.9 near Trevino to railroad milepost 18.0 near Durand, a distance of 14.1 miles, in Buffalo and Pepin Counties, WI, for a total distance of 52.1 miles and in Docket No. AB-7 (Sub-No. 45) a line or railroad known as the St. Croix Junction to Bayport Branch extending from railroad milepost 0.0 near St. Croix Junction to railroad milepost 22.5 near Bayport, a distance of 22.5 miles, in Washington County, MN. A certificate of public convenience and necessity permitting abandonment was issued to the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. Since no investigation was instituted, the requirement of §1121.38(a) of the regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing exhibit I (§1121.45 of the regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than April 18, 1978. The offer, as filed, shall contain information required pursuant to 1121.38(b) (2) and (3) of the regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 45 days from the date of this publication.

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

[FR Doc. 78-8680 Filed 3-31-78; 8:45 am]

[7035-01]

[Exemption No. 147]

EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES ORDERED IN EX PARTE NO. 241

To all railroads: Because of congestion following severe winter storms, the Detroit Terminal Railroad Co. is unable to furnish shippers gondola cars of suitable ownership to maintain operations thereby threatening to close factories and create substantial economic loss.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19:

The Detroit Terminal Railroad Co. is authorized to accept from shippers general service plain gondola cars less than 61 feet in length and bearing mechanical designations "GA," "GB," "GD," "GH," "GS," and "GT" as listed in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 406,

issued by W. J. Trezise, or successive issues thereof, regardless of the provisions of car service rule 2.

*It is further ordered.* That this exemption shall not apply to cars of Mexican or Canadian ownership or to cars subject to Interstate Commerce Commission or Association of American Railroads' orders requiring return of cars to owners.

Effective March 17, 1978.

Expires April 15, 1978.

Issued at Washington, D.C., March 16, 1978.

INTERSTATE COMMERCE  
COMMISSION,  
ROBERT S. TURKINGTON,  
*Agent.*

[FR Doc. 78-8676 Filed 3-31-78; 8:45 am]

[7035-01]

[Notice No. 19]

**MOTOR CARRIER BOARD TRANSFER  
PROCEEDINGS**

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 212(b), 208(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before May 3, 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-F-C 77318, filed September 20, 1978. Transferee: S & F MOVING

& STORAGE, INC., P.O. Box 634, Middlesboro, KY 40965. Transferor: Kenneth Spangler, doing business as Kenneth Spangler Moving & Storage, P.O. Box 1661, Middlesboro, KY 40965. Applicant's representative: Marshall Shackelford, P.O. Box 634, Middlesboro, KY 40965. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in certificate No. MC 106759 and MC 106759 (Sub-No. 2), issued January 7, 1959, and November 28, 1962, respectively, as follows: *Household goods*, as defined by the Commission, between points in Bell County, KY; Claiborne County, TN; and Lee County, VA, on the one hand, and on the other, points in KY, TN, VA, WV, OH, IN, MI, NC, SC, GA, and AL; *coal, livestock, lumber, scrap iron, and concrete cinder blocks*, between points in Bell County, KY, on the one hand, and, on the other, points in Campbell, Union, Claiborne, Hamblen, Knox, Hancock, and Grainger Counties, and Lee County, VA; *caskets*, between Middlesboro, KY, and Cumberland Gap, TN; *bakery products*, in containers, from Cincinnati, OH, to Corbin, KY, serving the intermediate point of Somerset, KY; *empty bakery products containers*, from Corbin, KY, to Cincinnati, OH, serving the intermediate point of Somerset, KY; from junction KY Hwy 80 and U.S. Hwy 25, to Lexington, KY, over an alternate route for operating convenience only in connection with the route described immediately above, serving no intermediate points; *household goods* as defined by the Commission, between points in Whitley, Knox, Laurel, Pulaski, and Rockcastle Counties, KY, on the one hand, and, on the other, points in TN, VA, OH, IN, IL, and MI; *furniture and pianos*, from Dayton and Cincinnati, OH, and Knoxville, TN; to points in Whitley, Knox, Laurel, Pulaski, and Rockcastle Counties, KY. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-C 77518 filed March 10, 1978. Transferee: STAIANO BROS. FOUR SEASON MOVING & STORAGE, INC., 107-38 157th Street, Jamaica, NY 11433. Transferor: Staiano & Sons, Inc. (same address as transferee). Applicant's representative: Alvin Altman, 888 Seventh Avenue, New York, NY 10019. Authority sought for purchase by transferee of the operating rights of transferor as set forth in certificate No. MC 101942 (Sub-No. 1), issued May 1, 1959, as follows: *Household goods*, as defined by the Commission, between New York, NY, on the one hand, and, on the other, all points in NJ, NY, and PA. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-C 77568, filed March 9, 1978. Transferee: CARMIL, INC., Hershey, NE 69143. Transferor: Fleecs Brothers, Inc., Box 507, Sutherland, NE 69165. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought for purchase by transferee of the operating rights of transferor as set forth in certificate No. MC 141180, issued June 16, 1976, as follows: *Feed ingredients* (except liquid commodities in bulk), from Lincoln and Fremont, NE, to points in CO. The operations are restricted to the transportation of shipments originating at the facilities of Archer-Daniels-Midland Co., Inc., at or near the name origins. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under section 210a(b).

No. MC-F-C 77579, filed March 16, 1978. Transferee: ADRIAN VAN-ZANDBERGEN, LTD., 1117 East Prairie, Boyden, IA 51234. Transferor: Adrian VanZandbergen, Route 2, Orange City, IA 51041. Applicant's representative: Bradford E. Kistler, P.O. Box 83028, Lincoln, NE 68501. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in MC 139573, issued November 5, 1975, and MC 139573 (Sub-No. 2), issued December 13, 1976, as follows: (1)(a) *Agricultural sprayers and agricultural applicators*, and (b) *parts and accessories* for the commodities in (1)(a) above, from the facilities utilized by Dethmers Mfg. Co. at or near Boyden, IA, to points in IL, IN, OH, NE, MO, TN, GA, TX, OK, KS, MN, and WI; (2) *materials and supplies* utilized in the production and manufacture of the commodities named in (1) (a) and (b) above, from points in WI and IL to the facilities utilized by Dethmers Mfg. Co. at or near Boyden, IA; (1) *agricultural sprayers and applicators and related parts and accessories*, from the facilities of Dethmers Mfg. Co. at or near Boyden, IA, to points in the United States (except points in AK, HI, IL, IN, OH, NE, MO, TN, GA, TX, OK, KS, MN, and WI); (2) *materials and supplies* utilized in the production and manufacture of agricultural sprayers and applicators and related parts and accessories, from points in the United States (except points in AK, HI, WI, and IL) to the facilities of Dethmers Mfg. Co. at or near Boyden, IA. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

H. H. HOMME, Jr.,  
*Acting Secretary.*

[FR Doc. 78-8682 Filed 3-31-78; 8:45 am]

[7035-01]

[Notice No. 40TA]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 16, 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

No. MC 51146 (Sub-No. 583TA), filed February 28, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, WI 53306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances*, from Dayton, OH, to Milwaukee and Green Bay, WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Frigidaire Division of General Motors Corp., 300 Taylor Street, Dayton, OH 45442 (J. C. Rill, Jr.). Send protests to: Gall 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 105269 (Sub-No. 64TA), filed February 23, 1978. Applicant: GRAFF TRUCKING CO., INC., P.O. Box 986, 2110 Lake Street, Kalamazoo, MI 49005. Applicant's representative: Thomas B. Woodworth, Jr., P.O. Box 986, 2110 Lake Street, Kalamazoo, MI 49005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard boxes, other than corrugated, knocked down flat, or folded flat, cartons, bottle, or can-carrying, fibreboard, pulpboard, paper, O/T corrugated KDF or FF*, from the plantsite of the Mead Corp. located at or near Chicago, IL, to Detroit, MI, and its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mead Packaging, Division of the Mead Corp., Atlanta, GA 30302. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, MI 48933.

No. MC 106603 (Sub-No. 169TA), filed February 23, 1978. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., P.O. Box 8008, Grand Rapids, MI 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation board*, from Pennsauken, NJ, to points in the States of KY, IN, IL, MI, OH, and WV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: The Celotex Corp., Tampa, FL 33622. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, MI 48933.

No. MC 107110 (Sub-No. 6TA), filed February 23, 1978. Applicant: B & D TRANSFER, INC., P.O. Box 133, Main Street, Liberty, PA 16930. Applicant's representative: David A. Sutherland, 1150 Connecticut Avenue NW., Suite 400, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe fittings and castings*, from the facilities of J. P. Ward Foundries, Inc., in or near Blossburg, PA, to points in DE, IN, KY, VA, WV, and Chicago, IL, and (2) *materials and supplies* used in the manufacture of pipe fittings and castings, from DE, IN, KY, VA, WV, and Chicago, IL, to the facilities of J. P. Ward Foundries, Inc., in or near Blossburg, PA, for 180 days. Supporting shippers: J. P. Ward Foundries, Inc., Blossburg, PA 16912. Send protests to:

Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, PA 18503.

No. MC 111170 (Sub-No. 247 TA), filed February 23, 1978. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, 2811 N. West Avenue, El Dorado, AK 71730. Applicant's representative: Tom E. Moore, P.O. Box 1718, El Dorado, AK 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt emulsion*, in bulk, from El Dorado, AK to Macungie, PA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bitucote Products Co., 1824 Knox Avenue, St. Louis, MO 63139. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AK 72201.

No. MC 113434 (Sub-No. 89 TA), filed February 23, 1978. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, P.O. Box 511, Holland, MI 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, 1001 Woodward Avenue, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except in bulk), from the plantsite and warehouse facilities of Jenos, Inc., located at or near Sodus, MI, to points and places in PA, VA, WV, and those in MO on and east of U.S. Hwy 63 and those in NY on and west of Interstate Hwy 81, restricted to traffic originating at and destined to the named points, for 180 days. Supporting shipper(s): Jenos, Inc., Duluth, MN 55802. Send protests to: C. R. Flemming District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, MI 48933.

No. MC 115162 (Sub-No. 407 TA), filed February 23, 1978. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard, wood particleboard, plywood, veneer, and wood paneling*, from Oshkosh, WI, to KY, WV, VA, MD, DE, DC, NJ, NY, PA, CT, RI, VT, NH, MA, and ME, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pluswood Inc., P.O. Box 2248, Oshkosh, WI 54901. Send protests to: Mabel E. Holston Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616-2121 Building, Birmingham, AL 35203.

No. MC 116457 (Sub-No. 29TA), filed February 23, 1978. Applicant: GENERAL TRANSPORTATION INCORPORATED, 1804 S. 27th Avenue, P.O. Box 6484, Phoenix, AZ 85009. Applicant's representative: D. Parker Crosby, 1710 S. 27th Avenue, P.O. Box 6484, Phoenix, AZ 85005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard, gypsum lathe, plaster, gypsum wallboard systems, and related products* used in the installation thereof, (except in bulk, or tank vehicles), from the plantsite of National Gypsum Co., located in Maricopa County, AZ, to NM, UT, CO, and El Paso County, TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): National Gypsum Co., 1414 E. Hadley Street, Phoenix, AZ 85036. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020 Federal Building, 230 N. First Avenue, Phoenix, AZ 85025.

No. MC 117686 (Sub-No. 205TA), filed February 23, 1978. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Boulevard, P.O. Box 417, Sioux City, IA 51102. Applicant's representative: Robert A. Wichser (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ceramic tile, artificial turf, neoprene foam padding, floor coverings*, and (2) *materials and supplies* used in the installation, manufacture, packaging, distribution and sale of the aforementioned commodities, in mixed shipments with the commodities in (1) above, from (a) points in GA north of a line beginning at the GA-AL State line and extending along Interstate Hwy 20 to Atlanta, GA, then along Interstate Hwy 85 to the SC-GA State line, and (b) Cookeville, TN, to points in MO, Kansas City, KS; Fort Smith, AR; Tulsa, OK; Moline and Rock Island, IL, and Des Moines, IA, restricted to traffic destined to the facilities of Cla-Mar, Inc., at or near the above named destinations, for 180 days. Supporting shipper(s): William J. McNeive, President, Cla-Mar, Inc., 713 East 8th Street, P.O. Box 1797, Topeka, KS 66601. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 118159 (Sub-No. 249TA), filed February 23, 1978. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Applicant's representative: Warren Taylor, P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Meat, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from Fort Morgan, CO, to Atlanta, GA; Baltimore, MD; Boston, MA; Brooklyn, NY; Calhoun, GA; Memphis, TN; Montgomery, AL; New York City, NY; Philadelphia, PA; Rochester, NY; Marlboro, MA; Newark, NJ; Indianapolis, IN, and Landover, MD, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Morgan Colorado Beef, 1505 East Burlington Avenue, Fort Morgan, CO 80701. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Courthouse Building, 215 NW., 3rd, Oklahoma City, OK 73102.

No. MC 123872 (Sub-No. 82TA), filed February 23, 1978. Applicant: W&L MOTOR LINES, INC., P.O. Box 2607, 1148 State Street, Hickory, NC 28601. Applicant's representative: Allen E. Bowman, P.O. Box 2607, Hickory, NC 28601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Independence, MO, to points in GA, NC, SC, VA, and TN on and east of I-64, restricted to traffic originating at the facilities of Commercial Distribution Center, Inc., for 180 days. Supporting shipper(s): Commercial Distribution Center, Inc., P.O. Box 477, Independence, MO 64051. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

No. MC 124211 (Sub-No. 315 TA), filed February 14, 1978. Applicant: HEIT TRUCK LINE, INC., P.O. Box 988 DTS, Omaha, Nebr. 68101. Applicant's representative: Norma J. Kuebler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, plastic pipe fittings, and accessories* used in the installation thereof (except commodities in bulk, in tank vehicles, and plastic pipe and fittings used in or in connection with the discovery, development, distribution of natural gas and petroleum and their products and by-products), from the facilities of Cresline Plastic Pipe Co., Inc., at Council Bluffs, IA, to points in the United States (except AK and HI); (2) *Materials, supplies and accessories* used in the manufacture and distribution of plastic pipe, plastic fittings and accessories used in the installation thereof (except commodities in bulk, in tank vehicles),

from all points in the United States (except AK and HI), to the facilities of Cresline Plastic Pipe Co., Inc., at Council Bluffs, IA, for 180 days. Supporting shipper(s): John C. Van Hoy, Distribution Manager, Cresline Plastic Pipe Co., Inc., 955 Diamond Avenue East, Evansville, IN 47717. Send protests to: Carroll Russell District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 126118 (Sub-No. 64TA), filed February 23, 1978. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Applicant's representative: Duane W. Ackle (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials*, from Eden, NC, and its Commercial Zone to points in the states of AL, DE, DC, FL, GA, KY, MD, SC, TN, VA, and WV, and (2) *Materials, supplies, and equipment* used in the manufacture, sale, and distribution of malt beverages, and *returned empty malt beverage containers* (except commodities in bulk), from points in the states of AL, DE, DC, FL, GA, KY, MD, SC, TN, VA, and WV, to Eden, NC, and its Commercial Zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Edward P. Geurts Assistant Corporation, Traffic Manager-Operations, Miller Brewing Company, 3939 West Highland Boulevard, Milwaukee, WI 53208. Send protests to: Max H. Johnston District Supervisor, 285 Federal Building & Court House, 100 Centennial Mall North, Lincoln, NE 68508.

No. MC 126542 (Sub-No. 7TA), filed February 23, 1978. Applicant: B. R. WILLIAMS TRUCKING, INC., P.O. Box 3310, Alabama Hwy 21, Oxford, AL 36201. Applicant's representative: John W. Cooper, 200 Woodward Building, Birmingham, AL 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel valves and component parts*, from the plantsite of Crane Co., located at or near Washington, IA, and from the facilities of Phelps Dodge Brass Co., a division of Phelps Dodge Industries, Inc., located at or near Anniston, AL, to points in the United States (except AK and HI), under a continuing contract, or contracts, with Phelps Dodge Brass Co., division of Phelps Dodge Industries, Inc., Anniston, AL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Phelps Dodge Brass Co., division of Phelps Dodge Industries, Inc., P.O. Box 1229, Anniston, AL 36201. Send protests to: Mabel E. Hol-

ston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

No. MC 128990 (Sub-No. 2TA), filed February 23, 1978. Applicant: McVEY TRUCKING, INC., Route No. 1, Oakwood, IL 61858. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Show and display tents and components thereof, portable livestock stalls, tables, chairs, awnings and tarpauline*, between points and places in AL, AR, CT, DC, DE, FL, GA, IN, IL, IA, KY, LA, MA, MD, MI, MS, MO, MN, NY, NJ, NC, OH, PA, RI, SC, TN, TX, VA, WV, and WI, for the account of Danville Tent & Awning Co., Inc., under a continuing contract, or contracts, with Danville Tent & Awning Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bruce Wodetzki, President, Danville Tent & Awning Co., Inc., 1706 Warrington Avenue, P.O. Box 63, Danville, IL 61832. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

No. MC 134112 (Sub-No. 7TA), filed February 23, 1978. Applicant: NATIONAL FREIGHTWAYS, INC., 1932 South 111th Street, Omaha, NE 68144. Applicant's representative: Gailyn L. Larsen, Peterson, Bowman, Larsen & Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins and pelts, and pieces therefrom* (except commodities in bulk), from the hide plant of Iowa Beef Processors, Inc., at or near Dakota City, NE to points in the States of IL, IN, KS, KY, MI, MO, ME, NJ, NY, OH, PA, WV, WI, and the ports of entry on the international boundary line between the United States and Canada located in MI and NY, under a continuing contract, or contracts, with Iowa Beef Processors, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Robert E. Gillespie, Manager, Rates and Regulatory Affairs, Iowa Beef Processors, Inc., Dakota City, NE 68731. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 135213 (Sub-No. 12TA), filed February 23, 1978. Applicant: JOE GOOD, d.b.a. GOOD TRANSPORTATION, P.O. Box 335, 830 Shoshone Avenue, Lovell, WY 82431. Applicant's

representative: John T. Wirth, 2310 Colorado State Bank Building, 1600 Broadway, Denver, CO 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wall-board*, from the facilities of Dry Wall Supply, Inc., at or near Rosario, NM to points in the State of CO. Restriction: Transportation service to be performed, under a continuing contract, or contracts, with Dry Wall Supply, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Dry Wall Supply, Inc., 1805 West Irvington Place, Denver, CO 80223. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Room 105, Federal Building & Court-house, 111 South Wolcott Street, Casper, WY 82601.

No. MC 138762 (Sub-No. 17TA), filed February 23, 1978. Applicant: MUNICIPAL TANK LINES LTD., P.O. Box 3500, Calgary, Alberta, Canada. Applicant's representative: D. S. Vincent (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain flour or granulated breading*, in bulk, in tank vehicles, from ports of entry on the United States-Canada international boundary line in NY, to Portsmouth, NH, restricted to traffic having a prior movement in foreign commerce, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): D.C. Thomas, Supervisor Traffic, the Griffith Laboratories, Ltd., 757 Pharmacy Avenue, Scarborough, Ontario, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

No. MC 138000 (Sub-No. 36TA), filed February 23, 1978. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Applicant's representative: Charles E. Creager, P.O. Box 1417, 1329 Pennsylvania Avenue, Hagerstown, MD. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials*, from Eden, NC, and its commercial zone, to points in the States of MD, VA, WV, and DC, and (2) *materials, supplies, and equipment* used in the manufacture, sale, and distribution of malt beverages, and returned empty malt beverage containers (except commodities in bulk), from points in the States of MD, VA, WV, and DC, to Eden, NC, and its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority.

Supporting shipper(s): Miller Brewing Co., 3939 W. Highland Boulevard, Milwaukee, WI. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th and Constitution Avenue NW., Room 1413, Washington, DC 20423.

No. MC 138882 (Sub-No. 45TA), filed February 23, 1978. Applicant: WILEY SANDERS, INC., P.O. Drawer 707, Troy, AL 36081. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel wire*, in coils, from the facilities of Andrews Wire of Tennessee, division of Georgetown Steel, at or near Gallatin, TN, to points in KY, IN, IL, MI, OH, MS, AR, TX and AL, for 180 days. Supporting shipper(s): Andrews Wire of Tennessee, P.O. Box 558, Gallatin, TN 37066. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616-2121 Building, Birmingham, AL 35203.

No. MC 140484 (Sub-No. 28TA), filed February 23, 1978. Applicant: LESTER COGGINS TRUCKING, INC., 2671 East Edison Avenue, P.O. Box 69, Fort Myers, FL 33901. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 15th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Controllers and controller parts and accessories*, from the facilities of Reliance Electric Co., at Cleveland, OH, to AZ, CA, CO, ID, MT, NE, NV, NM, OR, UT, WA, WY, TX, ND and SD, for 180 days. There is no environmental impact involved in this application. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Reliance Electric Co., 24701 Euclid Avenue, Cleveland, OH 44117. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, Monterey Building, Suite 101, 8410 Northwest 53rd Terrace, Miami, FL 33166.

No. MC 140871 (Sub-No. 3TA), filed February 23, 1978. Applicant: THOMAS S. BIANCO, 224 Yeoman, Springfield, IL 62702. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Fabricated rail-road grade crossings*, from Springfield, IL, to points in the United States (except Alaska and Hawaii), and (B) *parts and supplies* used in the manufacture and assembly of fabricated rail-road grade crossings, between Springfield, IL, and Middlefield, OH, for the account of Structural Rubber Products Co., under a continuing con-

tract, or contracts, with Structural Rubber Products Co, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): K. D. Whitlock, President, Structural Rubber Products Co., 2245 South Ninth Street, Springfield, IL 62705. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

No. MC 142189 (Sub-No. 30TA), filed February 16, 1978. Applicant: C. M. BURNS, d.b.a. WESTERN TRUCKING, 521 Lincoln Avenue, Baker, MT 59313. Applicant's Representative: Michael R. Griffith, P.O. Box 980, Baker, MT 59313. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and grain handling, drying and storage equipment and accessories and storage buildings and accessories*, from York, Elm Creek, and Grand Island, NE, Webster City, IA, Crawfordville and Bluffton, IN, and Greenville, MS, to points in ND, SD, WY, CO, MT, WA, IN and OR, and ports of entry on the United States-Canada international boundary line in MT, ND, IN and WA, for 180 days. Supporting shipper(s): Don R. Reimer, President, Modern Farm Systems, Inc., 1811 West Second Street, Webster City, IA 50595. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

No. MC 142258 (Sub-No. 4TA), filed February 23, 1978. Applicant: DALE BLAND TRUCKING, INC., R.R. No. 1, Switz City, IN 47465. Applicant's representative: Michael V. Gooch, 777 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from the facilities of B&B Coal Co., approximately 5 miles south of Loogootee, IN, on U.S. 231, to the facilities of Big Rivers Electric Corp., at or near Hawesville, KY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Big Rivers Electric Corp., P.O. Box 24, Henderson, KY 42420. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

No. MC 142563 (Sub-No. 1TA), filed February 23, 1978. Applicant: PICKENS TRUCKING CO., INC., Route 1, Box 86, Livingston, AL 35476. Applicant's representative: Henry E. Seaton, 915 Pennsylvania Building, 13th and Pennsylvania Avenue NW.,

Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction aggregates*, in dump vehicles, from points in AL, MS, and TN, to points in MS, for 180 days. Supporting shipper(s): (1) The Arundel Corp., P.O. Box 9000, Columbus, MS 39701; (2) Mississippi Aggregates, P.O. Box 1246, Jackson, MS 39205; (3) Al Johnson Construction Co., P.O. Box 66, Amory, MS 38821. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

No. MC 144200 (Sub-No. 1TA), filed February 23, 1978. Applicant: GAS TRANSPORTS, INC., P.O. Drawer Z, Tuckerman, AR 72473. Applicant's representative: Thomas B. Staley, 1550 Tower Building, Little Rock, AR 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *LP gas*, in bulk, in tank vehicles, from Memphis, TN, to points and places in Mississippi County, AR, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Lee Wilson & Co., d.b.a. Keiser Supply Co., P.O. Box 108, Keiser, AR. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 144246 (Sub-No. 1TA), filed February 23, 1978. Applicant: LARSEN TRUCKING, CO., 7703 Sunset Drive, Ralston, NE 68127. Applicant's representative: Douglas Larsen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats*, from the plantsite of Union Packing Co. of Omaha, NE, to Webster City, IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): David A. Kousgaard, Traffic Manager, Union Packing Co. of Omaha, 4501 South 36th Street, Omaha, NE 68107. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 144300 (Sub-No. 2TA), filed February 23, 1978. Applicant: J&D TRUCKING, INC., 2985 Meadow Avenue, P.O. Box 1610, Fort Myers, FL 33902. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpet backing, bagging, and other industrial fabrics*, from the facilities of Amoco Fabrics Co. at or

near Hazelhurst, Nashville, and Bainbridge, GA, to points in CA, restricted to the transportation of shipments, under a continuing contract, or contracts, with Amoco Fabrics Co., for 180 days. There is no environmental impact involved in this application. Supporting shipper(s): Amoco Fabrics Co., P.O. Box 836, Hazelhurst, GA 31539. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, Monterey Building, Suite 101, 8410 Northwest 53d Terrace, Miami, FL 33166.

No. MC 144300 (Sub-No. 3TA), filed February 23, 1978. Applicant: J&D TRUCKING, INC., 2985 Meadow Avenue, P.O. Box 1610, Fort Myers, FL 33902. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpet backing, bagging, and other industrial fabrics*, from the facilities of Amoco Fabrics Co. at or near Hazelhurst, Nashville, and Bainbridge, GA, to points in TX and OK, restricted to the transportation of shipments, under a continuing contract, or contracts, with Amoco Fabrics Co., for 180 days. There is no environmental impact involved in this application. Supporting shipper(s): Amoco Fabrics Co., P.O. Box 836, Hazelhurst, GA 31539. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, Monterey Building, Suite 101, 8410 Northwest 53d Terrace, Miami, FL 33166.

No. MC 144337 (Sub-No. 1TA), filed February 23, 1978. Applicant: KENNETH HENDERSON TRUCKING CO., INC., Route 66, Cullowhee, NC 28723. Applicant's representative: Eric Meierhoefer, 1511 K. Street NW., Suite 712, Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molded plastic articles*, from the facilities of Cashiers Plastic Corp. at or near Cashiers, NC, to points in CO, TX, CA, and WA, under a continuing contract, or contracts, with Cashiers Plastic Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Cashiers Plastic Corp., P.O. Box 37, Cashiers, NC 28717. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

No. MC 144356TA, filed February 23, 1978. Applicant: E&S TRANSPORTATION CO., INC., Route 1, Box 69, Purlar, NC 28665. Applicant's representative: Charlotte S. Bennett, P.O. Box 889, Wilkesboro, NC 28697. Authority sought to operate as a *common carrier*

er, by motor vehicle, over irregular routes, transporting: *New furniture*, from Athens, TN, and its commercial zone to points in CA, CO, NV, UT, ID, MT, OR, WA, WY, KS, and OK, for 180 days. Supporting shipper(s): Athens Furniture, Inc., P.O. Box 929, Athens, TN 37303. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, NC 28205.

No. MC 144357TA, filed February 23, 1978. Applicant: JOHN NOVAK, Route 1, Box 5626, Laona, WI 54541. Applicant's representative: Richard A. Westley, 4506 Regent Street, Madison, WI 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough and surfaced lumber*, from Saulte Ste. Marie, MI, to points in WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Weyerhaeuser Canada Ltd., 45 3d Line West, Saulte Ste. Marie, Canada (Joseph J. Nenczyn). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

By the Commission.

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

[FR Doc. 78-8677 Filed 3-31-78; 8:45 am]

#### [7035-01]

[Notice No. 42 TA]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 28, 1978.

The following are notices of filing of applications for temporary authority under section 210(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-28088 (Sub-No. 34 TA), filed March 7, 1978. Applicant: NORTH & SOUTH LINES, INCORPORATED, 2710 S. Main Street, Harrisonburg, VA 22801. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425-13th Street, NW., Washington, D.C. 20004. Applicant seeks to engage in operation, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *malt beverages* from Fulton, NY, and Eden, NC, to Rockingham County, VA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Peter Edward Shank, d.b.a., Shank Beverage Co., P.O. Box 113, Harrisonburg, VA 22801. Send protests to: Irene W. Yost, Secretary, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, VA 24011.

No. MC 41404 (Sub-No. 141TA), filed February 28, 1978. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, P.O. Drawer 440, Fulton Highway, Martin, TN 38237. Applicant's representative: Mark L. Horne (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods* (except commodities in bulk, in tank vehicles), from Champaign, IL, to Anniston, AL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Eisner Food Stores, Division of Jewel Companies, Inc., 301 E. Wilbur Heights Road, Champaign, IL 61823. 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 50307 (Sub-No. 94TA), filed March 8, 1978. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th St., New York, NY 10001. Applicant's representative: Arthur Libenstein, 167 Fairfield Road, Fairfield,

NJ 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials, supplies and equipment* used in the manufacture of wearing apparel, except commodities in bulk, between New York, NY on the one hand, and on the other, Ranson, WV for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Ranson Garment Company, 126 3rd Avenue, Ranson, WV; Gergory & Goldberg, Inc., 1375 Broadway, New York, NY. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 52657 (Sub-No. 744TA), filed March 8, 1978. Applicant: ARCO AUTO CARRIERS, INC., 16 West 151 Shore Court, Burr Ridge, IL 60521. Applicant's representative: James Bouril (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* (except those designed to be drawn by passenger automobiles), in initial movements, in truckaway service, from the facilities of Summit Trailer Sales, Inc. in Schuylkill County, PA, to points in AL, CT, DE, FL, GA, IL, IN, IA, KY, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Summit Trailer Sales, Inc., Richard Knight, General Manager, 1 Summit Plaza, Summit Station, PA 17979. 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 59223 (Sub-No. 10TA), filed March 9, 1978. Applicant: NEW DEAL DELIVERY SERVICE, INC., 206 West 37th St., New York, NY 10018. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General department store merchandise*. (1) Between Keasbey, NJ and Cherry Hill, NJ. (2) Between Keasbey, NJ and Cherry Hill, NJ, on the one hand, and, on the other, Nanuet, NY; East Brunswick, Cherry Hill, Livingston, Menlo Park, Monmouth (Eaton-town), Morristown, Newark, Paramus, Plainfield, Princeton, Willowbrook, Deptford, Ocean County Mall (Toms River), Quaker Bridge Mall (Lawrenceville), and Rockaway, NJ; Springfield, Oxford Valley (Langhorne), Lehigh Valley Mall (Whitehall) and Montgomeryville, PA; and Wilming-

ton, DE. Restriction: The authority is restricted for transportation moving for and in behalf of Bamberger's, A Division of R. H. Macy & Co., Inc. for 180 days. Supporting shipper: Bamberger's, A Division of R. H. Macy & Co., Inc., Newark, NJ 07101. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 63417 (Sub-No. 133TA), filed March 7, 1978. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., P.O. Box 13447, Roanoke, VA 24034. Applicant's representative: William E. Bain, P.O. Box 13447, Roanoke, VA 24034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gas and electrical appliances and parts, materials, supplies and equipment* used in the manufacture, distribution or repair of appliances (restricted against the transportation of commodities in bulk) between the facilities of Whirlpool Corporation at or near Clyde, Findlay and Marion, OH and Evansville, IN on the one hand, and, on the other, points in AL, AK, DE, DC, FL, GA, IL, IN, KY, LA, MD, MI, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Whirlpool Corp., Benton Harbor, MI. Send Protests to: Irene W. Yost, Secretary, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, VA 24011.

No. MC 107012 (Sub-No. 262TA), filed March 7, 1978. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30, P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: Gerald A. Burns, P.O. Box 988, Fort Wayne, IN 46801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Camper truck tops, uncrated, from the plantsite and storage facilities of Barr Industries, Inc. located at or near Santee, CA, to points in the United States for 180 days. (Supporting shipper: Barr Industries, Inc., 8775 Olive Lane, Santee, CA 92071). Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

No. MC 110325 (Sub-No. 80TA), filed March 7, 1978. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Applicant's representative: Wentworth E. Griffin, 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities* (except those of unusual value, Classes A and B explosives,

household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Atlanta, GA and Georgia Power Co., Plant Vogtle (Burke County, GA), serving no intermediate points but serving the junction of GA Hwys 21 and 56 for purposes of joinder only, from Atlanta over Interstate Hwy 20 to junction GA Hwy 232, then over GA Hwy 232 to junction U.S. Hwy 278, then over U.S. Hwy 278 to junction GA Hwy 21, then over GA Hwy 21 to junction GA Hwy 56, then over GA Hwy 56 to junction GA Hwy 23, then over GA Hwy 23 to junction Ga Hwy 80, then over GA Hwy 80 to Plant Vogtle and return over the same route. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at or destined to points west of the Mississippi River and points west of the eastern boundary of the State of Minnesota (except points in the St. Louis, MO-East St. Louis, IL commercial zone, as defined by the Commission, and except points in the Davenport, IA-Moline and Rock Island, IL Commercial Zone, as defined by the Commission) for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Georgia Power Co., 270 Peachtree Street, N.W., P.O. Box 4545, Atlanta, GA 30303. Send protests to: Edward P. Henry, District Supervisor, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 110563 (Sub-No. 220TA), filed March 3, 1978. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 North, Sidney, OH 45365. Applicant's representative: Victor J. Tambascia (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, Meat Products, Meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Sioux City, IA, to points in MD, MA, NJ, NY, PA, RI, and DC, for 180 days. Supporting Shipper: Sioux Pac of Iowa, Inc., 1918 Jay Street, Sioux City, IA 51107. Send protests to: Mr. Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 110563 (Sub-No. 221TA), filed March 8, 1978. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 North, Sidney, OH 45365. Applicant's repre-

sentative: Victor J. Tambascia (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, From Chicago, IL, to points in CT, MD, MA, NJ, NY, and PA, for 180 days. Supporting shipper: Rubschlager Baking Corp., 3220 West Grand Avenue, Chicago, IL 60651. Send protests to: Mr. Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 111170 (Sub-No. 248TA), filed February 27, 1978. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, 2811 Northwest Avenue, El Dorado, AR 71730. Applicant's representative: Tom E. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hexand*, in bulk, in tank vehicles, from Shreveport, LA, to Phoenix, AZ, for 180 days. Supporting shipper: Superior Oil Co., Inc., Box 161041, Memphis, TN 38116. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 111812 (Sub-No. 558TA), filed March 3, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Applicant's representative: David Peterson, P.O. Box 1233, Sioux Falls, SD 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of John Morrell & Co. at or near Sioux Falls, SD, to points in FL and GA for 180 days. Supporting shipper: John Morrell & Co., P.O. Box 1266, Sioux Falls, SD 57101, T. I. Gunderson, Traffic Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, SD 57501.

No. MC 113666 (Sub-No. 123TA), filed March 3, 1978. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Daniel R. Smetanick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, from Josephstown, Langeloth, and Newell, PA, to Front Royal, VA, for 180 days. Appli-

cant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Allied Chemical Corp., P.O. Box 1139-R, Morristown, NJ 07960. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 114896 (Sub-No. 62TA), filed March 8, 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 *common carrier*, by motor vehicle, over irregular routes, transporting: *Precious metals, spent gold solution, and gold stripping bath*, (1) between Landisville, PA, on the one hand, and, on the other, Nutley, NJ, and Providence, RI; (2) between Carlisle, PA, and Union, NJ, for 180 days. Supporting shipper: AMP, Inc., P.O. Box 3608, Harrisburg, PA 17105. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 115654 (Sub-No. 79TA), filed March 7, 1978. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Applicant's representative: Henry E. Seaton, 915 Pennsylvania Building, 13th and Pennsylvania Avenue NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, vegetable oil, shortening, yeast, and gravy mixes*, in vehicles equipped with mechanical refrigeration, from the plant and warehouse facilities of Standard Brands, Inc., at or near Indianapolis, IN, to points in AL, KY, TN (except Memphis and its commercial zone), WV, that part of VA on and west of U.S. Hwy 21, and Hamilton County, OH, for 180 days. Supporting shipper: Standard Brands, Inc., 625 Madison Avenue, New York, NY 10022. 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 115654 (Sub-No. 80TA), filed March 7, 1978. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Applicant's representative: Henry E. Seaton, 915 Pennsylvania Building, 13th and Pennsylvania Avenue NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newspaper supplements*, when moving in conjunction with regulated commodities, from applicant's facilities at Nashville, TN; Cincinnati, OH; Memphis, TN; and

Birmingham, AL; to points in TN, KY, MO, AL, MS, AR, and GA, for 180 days. Supporting shipper: Kuhn's Big K Stores Corp., Nashville, TN 37202. Send protests to District Supervisor Joe J. Tate, Room A422, Federal Building, 801 Broadway, Nashville, TN 37203.

No. MC 115841 (Sub-No. 613TA), filed March 9, 1978. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Applicant's representative: D. R. Beeler, Colonial Refrigerated Transportation, Inc., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber and plastic articles (combined or not combined)*, from the plantsite and facilities of Entek Corp. of America at or near Irving, TX, to Montrovia, El Monte, Bray, Tuston, Santa Anna, and Azusa, CA; Oklahoma City and Talaquah, OK; Valdosta, Cairo, and Savannah, GA; Canby and Portland, OR; Kissami, Tampa, Deerfield, and Orlando, FL; Mobile, Dothan, and Birmingham, AL; Raleigh, Greensboro, and Charlotte, NC; Charleston, Columbia, and Greenville, SC; Memphis, Chattanooga, Nashville, and McMinnville, TN; Lake Charles, Shreveport, and Monroe, LA; and points in IL, OH, MI, and KS, for 180 days. Supporting shipper: Entek Corp. of America, Irving, TX 75060. Send protests to: District Supervisor Joe J. Tate, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

No. MC 115841 (Sub-No. 614TA), filed March 8, 1978. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Applicant's representative: D. R. Beeler, Colonial Refrigerated Transportation, Inc., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Fremont, OH, to points in NC, SC, and TN. Supporting shipper: H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, ICC, Suite A-422, U.S. Court House, Nashville, TN 37203.

No. MC 117119 (Sub-No. 675TA), filed March 3, 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: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in section A and C of appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk, from the plantsite of Iowa Beef Processors, Inc., at or near Amarillo, TX, to points in the States of NJ, NY, PA, and VA, for 180 days. Supporting Shipper: Iowa Beef Processors, Inc., Dakota City, NE 68731. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 129021 (Sub-No. 4TA), Filed March 3, 1978. Applicant: FARM SUPPLY DISTRIBUTORS, INC., North 710 Farr Road, Spokane, WA 99206. Applicant's representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, WA 99201. Temporary authority sought to operate for 180 days as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, from points in Benton, Franklin, and Walla Walla Counties, WA, to points in Union County, OR, under a continuing contract or contracts with Wallowa County Grain Growers, Inc. Supporting shipper: Wallowa County Grain Growers, Inc., 804 Depot Street, Enterprise, OR 97828. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174.

No. MC 136996 (Sub-No. 4TA), filed March 8, 1978. Applicant: IDEAL TRANSPORTATION CO., 1623 West Main Street, Zanesville, OH 43701. Applicant's representative: E. H. van Deusen, P.O. Box 97, Dublin, OH 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum dross*, from Roxboro, NC, to the plants of Cravens-Insul at or near North Judson, IN; Whiteacre-Greer at or near Waynesburg, OH; Lakewood Chemical, at or near Negley, OH; Pittsburgh Metals Purifying at or near Saxonburg, PA; Monongahela Concrete Products, at or near Monongahela, PA; Cuyahoga Smelting & Processing, at or near Cleveland, OH, and *Aluminum scrap and aluminum sows*, from Cuyahoga Smelting & Processing, at or near Cleveland, OH, to Roxboro, NC for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Plant-Roberts Chemicals, 1351 Biltmore Drive NE., Atlanta, GA 30329. 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 135283 (Sub-No. 31TA), filed February 27, 1978. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., P.O. Box 2122, 432 South Stuhr Road, Grand Island, NE 68801. Applicant's representative: Lloyd A. Mettenbrink (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Chicago, IL, and points in its commercial zone to Grand Island, NE, for 180 days. Supporting shipper: James R. Cusick, Purchasing and Materials Manager, Overhead Door Corp., Nebraska Division, 2514 East Highway 30, Grand Island, NE 68801. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Court House, 100 Centennial Mall North, Lincoln, NE 68508.

No. MC 138420, filed March 9, 1978. Applicant: CHIZEK ELEVATOR & TRANSPORT, INC., P.O. Box 147, Cleveland, WI 53015. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from facilities of Fall River Canning Co. at Markesan and Cambria, WI, to points in IN, IL (south of Hwy 136), MN, MI, MO, KY, OH, PA, and TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fall River Canning Co., P.O. Box 68, Fall River, WI 53932 (Thomas Westerman). Send protests to: Mrs. Gall 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 141914 (Sub-No. 31TA), filed March 8, 1978. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Applicant's representative: Kathrena J. Franks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl-coated fabrics and plastic sheeting*, other than cellulose, exceeding 15 pounds per square foot, between the facilities of Columbus Coated Fabric, Division of Borden Chemical Co., Inc., at or near Columbus, OH, and Indianapolis, IN, on the one hand, and, on the other, points in and west of WI, IL, MO, AR, and LA, for 180 days. Supporting shipper: Columbus Coated Fabric, Division of Borden Chemical Co., Inc., 1280 North Grant Avenue Columbus, OH 43201. 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 143140 (Sub-No. 1TA), filed March 7, 1978. Applicant: SEYMOUR BUS LINES, INC., Route 3, Maynardville, TN 37807. Applicant's representative: Lewis S. Witherspoon, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter and special operations, in route-trip sightseeing and pleasure tours beginning and ending at points in Anderson, Blount, Campbell, Claiborne, Jefferson, Knox, and Union Counties, TN, and extending to points in the United States (including AK, excluding HI). Supporting shippers: There are 13 supporting shippers, which may be examined at the field office named below. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

No. MC 144019 (Sub-No. 2TA), filed March 8, 1978. Applicant: JOE RIDDLE AND CHARLES RIDDLE, d.b.a., Riddle Trucking Co., Route 6, Tazewell, TN 37879. Applicant's representative: Joe Riddle, Route 6, Tazewell, TN. Authority sought to operate as a *common carrier*, over irregular routes, in the transportation of: *Crushed stone and gravel*, in dump vehicles, from Buncombe County, NC, to points in Anderson, Blount, Campbell, Claiborne, Cocke, Greene, Hamblen, Knox, Sevier, and Sullivan Counties, TN; Bell, Harlan, Knox, Jessamine, Laurel, Pulaski, and Whitley Counties, KY, and Lee and Wise Counties, VA. Supporting shipper: Vulcan Materials, Co., P.O. Box 7479, Birmingham, AL. Protests to: Joe J. Tate, District Supervisor, ICC, Suite A-422, U.S. Court House, Nashville, TN 37203.

No. MC 144365TA, filed February 28, 1978. Applicant: SOUTH TEXAS MARKETING ASSOCIATION, INC., 806 North Cage, Pharr, TX 78577. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing supplies*, from Goshen, IN, Marshall, MI, Middlefield, OH, Conyers, GA, to Waco, TX, for 180 days. Supporting shipper: S. H. Leggett Co., 6801 Imperial Drive, Waco, TX 76710. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Room B-400, Federal Building, 727 East Durango Boulevard, San Antonio, TX 78206.

By the Commission.

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

IFR Doc. 78-8684 Filed 3-31-78; 8:45 am

[7035-01]

[Notice No. 46TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 28, 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 123424 (Sub-No. 8TA), filed March 7, 1978. Applicant: POSA, INC., 118-21 Queens Boulevard, Forest Hills, NY 11375. Applicant's representative: Bruce J. Robbins, Robbins & Newman, 118-21 Queens Boulevard, Forest Hills, NY 11375. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, between the plantsite and storage facilities of Midland Glass Co., Inc., at Cliffwood, NJ, on the one hand, and, on the other, the warehouse and storage facilities utilized by Midland Glass Co., Inc., in Onondaga County, NY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Midland Glass Co., Inc., P.O. Box 557, Cliffwood Avenue, Cliffwood, NJ 07721. Send protests to: Maria B.

Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 126574 (Sub-No. 5TA), filed March 3, 1978. Applicant: M. L. HATCHER PICKUP AND DELIVERY SERVICES, INC., P.O. Box 7362, 3818 Patterson Street, Greensboro, NC 27407. Applicant's representative: Peter R. Gilbert, 1725 K Street NW., Suite 303, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials*, from Eden, NC, to points in VA, (2) *Materials, supplies, and equipment* used in the manufacture, sale, and distribution of malt beverages, and returned empty malt beverage containers (except commodities in bulk), from points in VA, to Eden, NC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Miller Brewing Co., 3939 West Highland Boulevard, Milwaukee, WI 53208. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, NC 27611.

No. MC 126844 (Sub-No. 46TA), filed March 14, 1978. Applicant: R.D.S. TRUCKING CO., INC., 1713 North Main Road, Vineland, NJ 08360. Applicant's representative: Terrence D. Jones, 2033 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Grand Island, NE, to points in CT, DE, MD, MA, NJ, NY, PA, RI, VA and DC, 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: District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 128746 (Sub-No. 37TA) filed February 28, 1978. Applicant: D'AGATA NATIONAL TRUCKING CO., 3240 South 61st Street, Philadelphia, PA 19153. Applicant's representative: Edward J. Kiley, 1973 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials*, from Eden, NC, to points in the States of DE, DC, MD, NJ, NY, PA, VA, and WV, (2) *Materials, sup-*

*plies and equipment* used in the manufacture, sale, and distribution of malt beverages, and returned empty malt beverage containers (except commodities in bulk), from points in the States of DE, DC, NY, MD, NJ, PA, VA, and WV, to Eden, NC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Miller Brewing Co., 3939 West Highland Boulevard, Milwaukee, WI 53208. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

No. MC 128905 (Sub-No. 3TA), filed February 22, 1978. Applicant: ZERKLE TRUCKING CO., 537 High Street, P.O. Box 308, Middleport, OH 45760. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* as described in Appendix V to Descriptions in Motor Carrier Certificates, 61 MCC 209, and (2) *such commodities* as are used in the manufacture of iron and steel commodities (except commodities in bulk), (3) from Huntington, WV, to points and places in AR, IL, IN, IA, MI, NY, OK, PA, TN, TX, and VA, and (4) from points in AR, IL, IN, IA, MI, NY, OK, PA, TN, TX, and VA, to Huntington, WV, under a continuing contract, or contracts, with Connors Steel Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): N. W. Bowen, Jr., Traffic Manager, Connors Steel Co., Inc., P.O. Box 118, Huntington, WV 25706. Send protests to: Frances A. Ciccarollo, Secretary, Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 133654 (Sub-No. 1TA), filed February 22, 1978. Applicant: LESTER MOVING & STORAGE CO., 2640 Cascade Avenue, Hood River, OR 97031. Applicant's representative: David C. White of White & Southwell, 2400 Southwest Fourth Avenue, Portland, OR 97201. 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 commodities of unusual value), restricted to traffic having a prior or subsequent movement by rail, between Hood River, OR, on the one hand, and, on the other, the facilities of the U.S. Army Corps of Engineers at Bonneville, OR, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Union Pacific Railroad Co.,

P.O. Box 4265, Portland, OR 97208. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 Southwest Yamhill Street, Portland, OR 97204.

No. MC 134286 (Sub-No. 45TA), filed February 24, 1978. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Applicant's representative: Charles M. Williams, 350 Captiol Life Center, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products* (except in bulk), from the facilities utilized by Awrey Bakeries, Inc., at or near Livonia, MI, to points in OH, IN, KY, TN, IL, and MO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Howard Disbrow, Vice President, Awrey Bakeries, Inc., 12301 Farmington Road, Livonia, MI 48150. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 135553 (Sub-No. 13TA), filed March 9, 1978. Applicant: HENRY ANDERSEN, INC., P.O. Box 75, King George, VA 22485. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 15th Street NW., Washington, DC. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic film*, in vehicles equipped with mechanical refrigeration, from the facilities of Reynolds Metals Co., at or near Grovetoes, VA, to points in AR, CA, IN, IL, IA, MI, NM, MT, NV, ND, OH, OR, SD, UT, WA, WV, WI, and WY, under a continuing contract, or contracts, with Reynolds Metals Co., for 180 days. Supporting shipper(s): Mr. Ralph H. Bell, General Manager, Transportation, Reynolds Metals Co., P.O. Box 27003, Richmond, VA 23261. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Room 10-502, Federal Building, 400 North Eighth Street, Richmond, VA 23240.

No. MC138080 (Sub-No. 10TA), filed March 7, 1978. Applicant: EDWARD R. WOLFE, d.b.a. WOLFE TRUCKING, 20425 Ahha Lane, Bend, OR 97701. Applicant's representative: Philip G. Skofstad, P.O. Box 594, Gresham, OR 97030. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Volcanic aggregate*, including, but not limited to, fly ash obsidian, cinders, and pumice, from points in Deschutes County, OR, to points in WA, and (2) *dry fertilizer*, in bulk, in high volume hydraulic equipped end dump trucks and trailers, from points in Benton County,

WA, to points in Wasco, Jefferson, Crook, Deschutes, Wheeler, Harney, Lake, and Klamath Counties, OR, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (5) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

No. MC 138505 (Sub-No. 5TA), filed February 21, 1978. Applicant: METROPOLITAN CONTRACT SERVICES, INC., 710 North Post Oak Road, Suite 100, Houston, Tex. 77024. Applicant's representative John H. Lewis, The Grant Street Building, Denver, CO 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail department stores, between Denver, CO, and Cheyenne, WY, restricted to shipments both originating and terminating at the facilities of Montgomery Ward, Inc., under a continuing contract, or contracts, with Montgomery Ward, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers(s): Montgomery Ward, Inc., 445 West 53d Place, Denver, CO 80216. Send protests to: John F. Mensing, District Supervisor, Interstate Commerce Commission, 8610 Federal Building, 515 Rusk Avenue, Houston, TX 77002.*

No. MC 140484 (Sub-No. 30TA), filed March 3, 1978. Applicant: LESTER COGGINS TRUCKING, INC., 2671 East Edison Avenue, P.O. Box 69, Fort Myers, FL 33901. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric motors, electric gear motors, power transmission equipment, and machinery and controllers or controller parts and parts and accessories therefor, elevator and elevator parts and accessories, escalator and escalator parts and accessories, weighing machinery and parts and accessories and tele-communication equipment and parts and accessories, between Cleveland, OH, Mishawaka, IN, Rogersville, TN, and Lawrenceburg, KY, for 180 days. There is no environmental impact involved in this application. Supporting shipper(s): Reliance Electric Co., Highway 127 North Lawrenceburg, KY 40342. Send protests to: Donna M.*

Jones, Transportation Assistant, Interstate Commerce Commission, Montorey Building, Suite 101, 8410 North-west 53d Terrace, Miami, FL 33166.

No. MC 141033 (Sub-No. 37TA), filed March 13, 1978. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, P.O. Box 1257, City of Industry, CA 91749. Applicant's representative: James I. Mendenhall (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wire and wire cable (except commodities in bulk, and those which by reason of size or weight require the use of special equipment), from: Rome, NY, to: Points in the United States (except AK, CA, CO, HI, ID, IL, IA, KS, MN, MT, NE, NV, ND, OR, SD, UT, WA, WI, and WY); and (2) returned, refused or rejected shipments of wire and wire cable, from: Points listed in (1), above, to: Rome, NY. Restriction: Restricted to the transportation of traffic originating at the plant-sites and facilities of Cyprus Wire & Cable Co., for 180 days. Supporting shipper: Cyprus Wire & Cable Co., 421 Ridge Street, Rome, NY 13440. 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 143927 (Sub-No. 1TA), filed March 6, 1978. Applicant: BILL'S DELIVERY SYSTEM, INC., 53530 Leo Street, Granger, IN 46530. Applicant's representative: Edwin J. Simcox, 601 Chamber of Commerce Building, 320 North Meridian Street, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, pharmaceutical items and supplies, hospital supplies, patient aids, and health and beauty aids, from the offices and warehouse facilities of South Bend Drug Co., Inc., in South Bend, IN, to points and places in Allegan Berrien, Branch, Cass, Kalamazoo, St. Joseph, and Van Buren Counties, MI, under a contract or continuing contracts with South Bend Drug Co., Inc. Restriction: The transportation services are restricted against the transportation of any package or article weighing more than fifty (50) pounds, for 180 days. Supporting shipper: South Bend Drug Co., Inc., 1602 North Ironwood Drive, South Bend, IN 46624. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.*

No. MC 144026 (Sub-No. 1TA), filed February 23, 1978. Applicant: WILLIAMS CARTAGE CO., INC., P.O. Box 897, Hartsville, SC 29550. Applicant's representative: Galland, Khar-

asch, Calkins & Short, Robert L. McGeorge, 1054 31st Street, NW., Washington, DC 20007. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-fabricated metal buildings, knocked-down, and component parts thereof; iron and steel articles, between Jamestown, OH, on the one hand, and, on the other, points and places in OH, MI, IN, KY, TN, NC, SC, GA, FL, AL, MS, LA, VA, WV, MD, DE, PA, NY, NJ, CT, RI, MA, VT, NH, ME, IL, WI, MN, IA, MO, and AR, between Atlantic, IA, and Eufaula, AL, under a continuing contract, or contracts, with American Buildings Co., for 180 days. Supporting shippers(s): American Buildings Co., P.O. Drawer 800, Eufaula, AL 36027. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens, Columbia, SC 29201.*

No. MC 144243 (Sub-No. 1TA), filed March 7, 1978. Applicant: T.C.I., INC., P.O. Box 1423, Grand Island, NE 68801. Applicant's representative: Charles S. Chapman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and articles distributed by meat packinghouses as described in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of Swift & Co., Grand Island, NE, to OH, CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, and DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): John H. Croth, Manager, Claims and Services, Swift & Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Courthouse, 100 Centennial Mall North, Lincoln, NE 68508.*

No. MC 144352TA, filed February 24, 1978. Applicant: HARRIS BAKING CO., 33 North Street, Waterville, ME 04901. Applicant's representative: Kenneth B. Williams, 84 State Street, Boston, MA 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products, from the facilities of The First National Stores, Inc., East Hartford, CT, to the facilities in ME and Stratham, NH, maintained by The First National Stores, Inc., under a continuing contract, or contracts, with The First National Stores, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The First National Stores, Inc., Park and Oakland Avenues, East Hartford, CT*

06108. Send protests to: Donald G. Weller, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 76 Pearl Street, Room 307, Portland, ME 04111.

No. MC 144355TA, filed February 21, 1978. Applicant: MANKE BROS. TRUCK LINES, 2550 Boynton Lane, Reno, NV 89502. Applicant's representative: Richard G. Campbell, Lionel Sawyer and Collins, 1 East First Street, Suite 900, Reno, NV 89501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and building materials* as described in Appendices V and VI, respectively, of the Descriptions Case, 61 MCC 209 at 272, from all points and places in CA to all points and places in NV (except Clark, Nye, Esmeralda, and Lincoln Counties, and from Washoe County, NV, to all points and places in CA, under a continuing contract, or contracts, with Western Nevada Supply, Inc., Tholl Fence Co., Sierra Supply, Inc., Hydro Conduit Corp., and L & L Roofing Co., for 180 days. Supporting shipper(s): There are approximately (5) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, 203 Federal Building, 705 North Plaza Street, Carson City, NV 89701.

By the Commission.

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

[FR Doc. 78-8685 Filed 3-31-78; 8:45 am]

[7035-01]

[Notice No. 47TA]

**MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS**

MARCH 23, 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**

No. MC 2900 (Sub-No. 329 TA), filed March 3, 1978. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32209. Applicant's representative: S. E. Somers, Jr., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, commodities in bulk, those requiring special equipment and household goods as defined by the Commission), serving the facilities of Beard-Poulan Division of Emerson Electric located at Marshall, TX, as an off-route point in connection with applicant's regular-route operation, for 180 days. Supporting shipper(s): Beard-Poulan Division of Emerson Electric, P.O. Box 9329, Shreveport, LA 97109. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 19311 (Sub-No. 42TA), filed February 21, 1978. Applicant: CENTRAL TRANSPORT, INC., 34200 Mound Road, Sterling Heights, MI 48077. Applicant's representative: Elmer J. Maue, 34200 Mound Road, Sterling Heights, MI 48077. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic products*, from Detroit, MI; Port Huron, MI, and Buffalo, NY, to points IL, IN, IA, KY, MI, MN, MO, OH, WI, and that portion of NY and PA, located west of U.S. Hwy 219, restricted to traffic originating in Canada, for 180 days. Applicant will interline with other carriers at Detroit, MI; Port Huron, MI, and Buffalo, NY. Applicant has also filed an underlying ETA

seeking up to 90 days of operating authority. Supporting shipper(s): Dow Chemical U.S.A., Eastern/Central Divisions, 14955 Sprague Road, P.O. Box 36000, Strongsville, OH 44136. (Edward G. Huller Supervisor-International Operations) 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 47583 (Sub-No. 66TA), filed March 8, 1978. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Applicant's representative: D. S. Hulst, P.O. Box 225, Lawrence, KS 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk), from the plansite and warehouse facilities of Mobil Chemical Co., Plastics Division, located at or near Frankfort, IL, to all points and places in the states of IN, KY, MI, OH and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days operation authority. Supporting shipper(s): Mobil Chemical Co., Plastics Division, Macedon, NY 14502. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, KS 64106.

No. MC 51146 (Sub-No. 579TA), filed March 3, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, WI 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Kentwood, MI, to Montvale, NJ, and Pine Brook, NJ, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Continental Group, Inc., 633 Third Avenue, New York, NY 10017. (Laverne W. Meyers.) Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, room 619, Milwaukee, WI 53202.

No. MC 51146 (Sub-No. 581TA), filed March 7, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, WI 54306. Applicant's representative: Neil A. DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such products* as are manufactured and distributed by manufacturers and distributors of

paper and paper products, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of commodities named in (1) above (except commodities in bulk), between the facilities of Kimberly-Clark Corp., at Memphis, TN, on the one hand and, on the other, points in KY, OH, CT, WI, IN, MO, IA, IL, and MN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kimberly-Clark Corp., 1414 West Larsen Road, Neenah, WI 54956. (Patrick G. Wynn.) Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, room 619, Milwaukee, WI 53202.

No. MC 73688 (Sub-No. 78TA), filed February 27, 1978. Applicant: SOUTHERN TRUCKING CORP., 1500 Orenda Avenue, P.O. Box 7195, Memphis, TN 38107. Applicant's representative: James N. Clay, III, 2700 Sterick Building, Memphis, TN 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Pidgeon-Thomas Iron Co., at or near Memphis, TN, and West Memphis, AR, to points in KS and MO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pidgeon-Thomas Iron Co., 107 E. H. Crump Boulevard, Memphis, TN 38103. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building, Suite 2006, 100 North Main Street, Memphis, TN 38103.

No. MC 82492 (Sub-No. 183TA), filed March 14, 1978. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk) from the facilities of Spencer Foods, Inc., located at or near Schuyler, NE, to points in PA, on and west of U.S. Hwy 219, and points in NY, in and west of Broome, Courtland, Onondaga, and Oswego Counties, NY, restricted to the transportation of traffic originating at the named origin and destined to the named destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of

operating authority. Supporting shipper: Spencer Foods, Inc., Highway 30 West, Schuyler, NE 68661. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, MI 48933.

No. MC 94265 (Sub-No. 263TA), filed February 22, 1978. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. BOX 305, Route 460 West, Windsor, VA 23487. Applicant's representative: Clyde W. Carver, 5299 Roswell Road NE., Suite 212, Atlanta, GA 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles*, distributed by meat packinghouses, as described in sections A and C to appendix I in the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, (except hides and commodities in bulk, in tank vehicles), from the facilities of Illini Beef Packers, Inc., at Joslin, IL, to points in MD, NJ, NY, NC, PA, SC, VA and DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Illini Beef Packers, Inc., P.O. Box 245, Genesco, IL 61254. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Room 10-502 Federal Building, 400 North 8th Street, Richmond, VA 23240.

No. MC 106207 (Sub-No. 13TA), filed March 16, 1978. Applicant: NEW YORK-KEANSBURG-LONG BRANCH BUS CO., INC., 50 Hwy 36, Leonardo, NJ 07737. Applicant's representative: Sidney J. Leshin, 575 Madison Avenue, New York, NY 10022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, over the regular route, between Point Pleasant NJ, and New York, NY, from Point Pleasant, NJ, at Atlantic Avenue to Hwy 35; on Hwy 35 to Hwy 71; on Hwy 71 to Washington Boulevard, Sea Girt, NJ; on Washington Avenue to The Crescent; on The Crescent to First Avenue; on First Avenue to Lake Avenue in Spring Lake, NJ; on Lake Avenue to Third Avenue; on Third Avenue to Ludlow Avenue; on Ludlow Avenue to Allaire Road to the intersection of Hwy 34; on Hwy 34 to the interchange 98 on the Garden State Parkway; on the Garden State Parkway to the New Jersey Turnpike; on the New Jersey Turnpike to the Pulaski Skyway; on the Pulaski Skyway to the Holland Tunnel; across the Hudson River to the Borough of Manhattan, New York, NY, and return over the same route. Service is authorized to and from all intermediate stops, for 180 days. Applicant has also filed an un-

derlying ETA seeking up to 90 days of operating authority. Supporting shipper: There are approximately (25) statements of support attached to the application, which may be examined at the field office named below. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 106674 (Sub-No. 292TA), filed March 3, 1978. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, U.S. Hwy 24 West, Remington, IN 47977. Applicant's representative: Jerry L. Johnson, P.O. Box 123, U.S. Hwy 24 West, Remington, IN 47977. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured iron and steel articles*, from the plantsite of Jones & Laughlin Corp. at Aliquippa and Pittsburgh, PA, to points in the States of IN, OH, KY, and TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Jones & Laughlin Steel Corp., 1600 West Carson Street, Room 121, Pittsburgh, PA 15263. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

No. MC 106674 (Sub-No. 295TA), filed March 9, 1978. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, U.S. Hwy 24 West, Remington, IN 47977. Applicant's representative: Jerry L. Johnson, P.O. Box 123, Remington, IN 47977. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint paper and groundwood paper*, from the plantsite of Bowater Southern Paper Corp. at or near Calhoun, TN., to points in IL, IN, KY, and Adrian, Boyne City, and Niles, MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bowater Southern Paper Corp., Calhoun, TN 37309. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

No. MC 107403 (Sub-No. 1064TA), filed March 9, 1978. Applicant: MATTLECK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: Martin C. Hynes, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resin plastics* (other than liquid, in bulk, in tank vehicles), from the plantsite of George Woloch Co., Inc., at or near Allentown, PA, to Carl-

stadt, NJ, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): George Woloch Co., Inc., P.O. Box 593, Allentown, PA 18105. Send protests to: T. M. Espo, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

No. MC 110098 (Sub-No. 162TA), filed March 9, 1978. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, 1400 Ackerman Road, San Antonio, TX 78220. Applicant's representative: T. W. Cothren (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Rath Packing Co. at Waterloo, IA, and Indianapolis, IN, to points in NM, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Rath Packing Co., P.O. Box 330, Waterloo, IA 50704. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Room B-400 Federal Building, 727 East Durango, San Antonio, TX 78206.

No. MC 111844 (Sub-No. 8TA), filed February 24, 1978. Applicant: DEAN BRENNAN TRANSPORT, INC., Route 5, Box 125, Manitowoc, WI 54220. Applicant's representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid soap and liquid cleaning, washing and scouring compounds* (in bulk, in tank vehicles), from points in the Chicago, IL, commercial zone, as defined by the Commission, and Elwood, IL, to Manitowoc, WI, under a continuing contract, or contracts, with Northern Laboratories, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Northern Laboratories, Inc., Box 808, Manitowoc, WI 54220, Don Shimon. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC 113362 (Sub-No. 319TA), filed March 8, 1978. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912. Authority sought to operate as

a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from the facilities utilized by Stokely-Van Camp in Indianapolis, IN, to all points in NY, and PA, and all points in OH on and east of a line beginning at Sandusky, OH, then U.S. 250 to Norwalk, then OH Hwy 13 to Athens, then U.S. 33 to WV-OH State line, for 180 days. Supporting shipper(s): Stokely-Van Camp, Inc., P.O. Box 1113, Indianapolis, IN 46206. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 118535 (Sub-No. 116TA), filed March 7, 1978. Applicant: TIONA TRUCK LINE, INC., 111 South Prospect, Butler, MO 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry urea, dry fertilizer, dry fertilizer materials* (except in bulk) (no duplication of authority sought), from Gainesville, Kerens, Pittsburg, and Terrell, TX, to points in AR, CO, KS, LA, MS, MO, NE, NM, and OK, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Nipak, Inc., 301 Harwood Street, Dallas, TX 75221. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 118989 (Sub-No. 181TA), filed February 24, 1978. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, WI 53221. Applicant's representative: Roland K. Draves (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the plant and warehouse facilities of Midland Glass Co., Inc., at or near Terre Haute, IN, to Chicago, IL; Newport, KY; Detroit, MI; South Volney, NY; Columbus, OH; and Milwaukee, WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Midland Glass Co., Inc., P.O. Box 557, Cliffwood, NJ 07721, Michael Van Natten. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC 119726 (Sub-No. 117TA), filed March 8, 1978. Applicant: N. A. B. TRUCKING CO., INC., 1644 W. Edgewood Avenue, Indianapolis, IN

46217. Applicant's representative: James L. Beattey, 130 E. Washington, Suite 1000, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials* from Eden, NC, to points in the states of AL, DE, DC, FL, GA, KY, MD, SC, TN, VA, and WV. (2) *Materials, supplies, and equipment* used in the manufacture, sale, and distribution of malt beverages, and returned empty malt beverage containers, from points in the states of AL, DE, DC, FL, GA, KY, MD, SC, TN, VA, and WV, to Eden, NC. (Restricted in (1) and (2) above against the transportation of commodities in bulk, in tank vehicles), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Miller Brewing Co., 3939 W. Highland Blvd., Milwaukee, WI 53208. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Bldg., and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

No. MC 119789 (Sub-No. 431TA), filed February 22, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr., P.O. Box 6188, Dallas, TX 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery* (1) from York, PA, to KY, OH, NC, AL and LA; and (2) from Thibodaux, LA, to AL, NC, KY, OH and PA, for 180 days. Supporting shipper(s): Howard Stark Co., P.O. Box 707, Thibodaux, LA 70301. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

No. MC 120427 (Sub-No. 12 TA), filed February 27, 1978. Applicant: WILLIAMS TRANSFER, INC., P.O. Box 488, 2128 East Hwy 30, Grand Island, NE 68801. Applicant's representative: John K. Walker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain storage drying and handling equipment, iron or steel articles*, items used in the manufacture of grain storage, drying and handling equipment, between Assumption, IL, on the one hand, and, on the other, points in CO, IL, IN, IA, KS, KY, MN, MO, NE, OH, TN, TX and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Craig Sloan, President, Grain Sysems, Inc., R.R. 51, Box 66, Assumption, IL 62510. Send pro-

tests to: Max H. Johnston, District Supervisor, 285 Federal Building & Court House, 100 Centennial Mall North, Lincoln, NE 68508.

No. MC 123255 (Sub-No. 140 TA), filed March 7, 1978. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gas and electrical appliances and parts, materials, supplies, and equipment* used in the manufacture, distribution, or repair of gas and electrical appliances, (except commodities in bulk), between the facilities of Whirlpool Corporation at Evansville, IN, and Clyde, Findlay, and Marion, OH, on the one hand, and, on the other, points on and east of U.S. Hwy 85, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Whirlpool Corp., Administrative Center, Benton Harbor, MI 49022. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building & U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

By the Commission.

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

[FR Doc. 78-8688 Filed 3-31-78; 8:45 am]

[7035-01]

[Notice No. 48TA]

**MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS**

MARCH 30, 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 contem-

plated 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 4941 (Sub-No. 35TA), filed March 3, 1978. Applicant: QUINN FREIGHT LINES, INC., 1093 N. Montello Street, Brockton, MA 02401. Applicant's representative: Francis P. Barrett, 60 Adams Street, Milton, MA 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, NOIBN, exceeding 1/2 inch in thickness, in bundles.* Returned shipments of the above-specified commodities, from Sharon, VT, to points in DE, MD, NJ, NY, NC, PA, SC, VA and WV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operatin authority. Supporting shipper: Furman Lumber Inc., P.O. Box 96, Boston, MA 02123. Send protests to: District Supervisor John B. Thomas, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

Docket No. MC-31438 (Sub-No. 17 TA), filed March 10, 1978. Applicant: ROY O. WETZ, an individual, d.b.a. R. O. WETZ TRANSPORTATION, 212 Pike Street, Marietta, OH 45750. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Applicant seeks temporary authority for 180 days as a *common carrier*, over irregular routes, in the transportation of: (1) *Mine roof bolts, plates and wedges, and expansion shells, material and supplies* used in the manufacture thereof, and iron and steel articles from Marietta, OH to points in TN. (2) *Empty containers* used in the outbound movement of the above described commodities, and return iron and steel articles from points in TN to Marietta, OH for 180 days. Supporting shipper: Mr. William Kellar, Plant Manager, Pattin Manufacturing Co., 1310 Greene Street, Marietta, OH 45750. Send protests to: Miss Frances A. Ciccarello, Secretary, Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC-42261 (Sub-No. 133TA), filed March 9, 1978. Applicant: LANGER TRANSPORT CORP., Box 305, Jersey

City, NJ 07303. Applicant's representative: W. C. Mitchell, 370 Lexington Ave., New York, NY 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid wax*, in bulk, in tank vehicles, from Bayonne and Paulsboro, NJ to Biddeford, Me, for 180 days. Supporting shipper: Moore & Munger, 140 Sherman St., Fairfield Office Center, Fairfield, CT 06430. Applicant has also filed an ETA for 30 days with two automatic extensions. Send protests to Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, NJ 07102.

No. MC-102567 (Sub No. 208TA), filed 3-10-78. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, LA 71111. Applicant's representative: Joe C. Day, 2040 N. Loop W., Suite 208, Houston, TX 77018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blackstrap Molasses*, mixed with not to exceed 10 percent urea and with or without not to exceed 6 percent other ingredients, in bulk, in tank vehicles, from Westwego, LA to all points in FL for 180 days. Supporting Shipper: United States Steel Corp., USS Agri-Chemicals Div., P.O. Box 1685, Atlanta, GA 30301. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, T-9038 U.S. Postal Service Bldg., 701 Loyola Ave., New Orleans, LA 70113.

No. MC 105733 (Sub-No. 63TA), filed March 9, 1978. Applicant: H. R. RITTER TRUCKING CO., INC., 928 E. Hazelwood Avenue, P.O. Box 1064-a, Rahway, NJ 07065. Applicant's representative: Andrew R. Jeltis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Wichita, KS, to Phillipsburg, NJ for 180 days. Supporting shipper: J. T. Baker Chemical Co., Phillipsburg, NJ 08865. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

No. MC 114569 (Sub-No. 209TA), filed February 13, 1978. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Applicant's representative: N. L. Cummins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motorcycles and recreational vehicles* (uncrated and crated), and *materials and supplies* used in the manufacture and distribution thereof (except in bulk and except those commodities which because of size and weight require spe-

cial equipment but including moving in shipper owned specially designed deck trailers equipped with electric hoist, from Seattle, WA; Los Angeles, CA; Wilmington, CA, and their commercial zones, to points in AL, CT, DE, FL, GA, KY, LA, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and the DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kawasaki Motors Corp., USA, 2009 E. Edinger, Santa Ana, CA 92711. Send protests to: Mr. Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869 Federal Square Station, 228 Walnut Street, Harrisburg, PA 17108.

No. MC 115931 (Sub-No. 51TA), filed February 8, 1978. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59801. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Semi-trailers, dump trailers and dump trailer bodies* (except those designed to be drawn by passenger automobiles) from the facilities of Ravens Metal Products, Inc. at or near Dover, OH and Elizabeth, WV to Cotati and Redwood City, CA; Denver, CO; Des Moines, IA; Monkato, MN; Cape Girardeau, MO; Omaha, NE; Reno, NV; Albuquerque, NM; Salt Lake City, UT; Seattle and Spokane, WA; and Oak Creek and West Allis, WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Jim Furr, Purchasing Agent, Ravens Metal Products, Inc., P.O. Box 1385, Parkersburg, WV 26101. Send protests to: District Supervisor Paul J. Labane, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

No. MC 119226 (Sub-No. 102TA), filed March 7, 1978. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, IN 46227. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, in hopper-type vehicles, from Indianapolis, IN, to points in MA, for 180 days. Supporting shipper is: U.S. Industrial Chemicals Co., P.O. Box 218, Tuscola, IL 61953. Send protests to: Beverly Williams, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

No. MC 123819 (Sub-No. 53TA), filed March 3, 1978. Applicant: ACE FREIGHT LINE, INC., 3359 Cazassa

Road, P.O. Box 16589, Memphis, TN 38116. Applicant's representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Road, Atlanta, GA 30339. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and promotional supplies*, except in bulk, from the facilities of Joseph Schlitz Brewing Co. at Memphis, TN, to Greenwood, MS for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Carnaggio Distributing Co., Inc., 1703½ Carrollton Avenue, Greenwood, MS 38930. 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 124896 (Sub-No. 50TA), filed March 3, 1978. Applicant: WILLIAMSON TRUCK LINES, INC., Corner Thorne and Ralston Streets, P.O. Box 3485, Wilson, NC 27893. Applicant's representative: Jack H. Bianshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and articles distributed by meat packinghouses* described in Motor Carrier 61 MCC 209 and 766 (except hides and commodities in bulk), for Swift & Co. from Rochelle, St. Charles, and Chicago, IL, to GA and NC, 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: Mr. Archie W. Andrews, District Supervisor, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, NC 27611.

No. MC 125777 (Sub-No. 211TA), filed March 8, 1978. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, IN 46403. Applicant's representative: Duane O'Donnell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products* in bulk, in dump vehicles, from the State of WI to points in the States of IL and IN, for 180 days. Supporting shippers: Rockwell Lime Co., Joseph G. Brisch, Executive Vice President, Route 2, Box 124, Manitowoc, WI 54220. The Western Lime & Cement Co., Darrel E. Hegy, Traffic Manager, P.O. Box 2076, 125 East Well Street, Room 210, Milwaukee, WI 53201. 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 125708 (Sub-No. 145TA), filed March 3, 1978. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., a corporation, 425 West 152nd Street, East Chicago, IN 46312. Applicant's representative: Thomas P. Cullen, 109 Velma, South Roxana, IL 62087. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *steel, angles, bars, and channels*, from the facilities of Nucor Steel, a division of Nucor Corp., at or near Darlington, SC, to points in AL, CT, DE, FL, GA, IL, IN, KY, MD, MA, MI, MS, NJ, NY, NC, OH, PA, RI, TN, VA, WV, WI, DC, ME, and NH for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Nucor Steel, P.O. Box 525, Darlington, SC 29532. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and United States Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

No. MC 126346 (Sub-No. 20TA), filed February 13, 1978. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Applicant's representative: Daniel C. Sullivan, Singer & Sullivan, P.C. 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled vehicles* (designed for transporting property or passenger on highways), *cranes, and hoisting equipment*, (2) *attachments, assemblies, subassemblies, components and weldments* for the commodities named in (1), (3) *parts* for the commodities named in (1) and (2). From the ports of entry at New York, NY, Baltimore, MD, Boston, MA, Charleston, SC, Cleveland, OH, Duluth, MN, Houston, TX, Milwaukee, WI, and New Orleans, LA, to points in the United States (except AK and HI), under a continuing contract or contracts with Drott Manufacturing, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Drott Manufacturing, division of J. I. Case Co., P.O. Box 1087, Wausau, WI 54401. Send protests to: District Supervisor, Ronald A. Morken, Interstate Commerce Commission, 139 West Wilson Street, Room 202, Madison WI 53703.

No. MC 126904 (Sub-No. 27TA), filed January 9, 1978. Applicant: H. C. PARRISH TRUCK SERVICE, INC., Rural Route 2, P.O. Box 264, Freeburg, IL 62243. Applicant's representative: James W. Patterson, 1200 Western Savings Bank Building, Philadelphia, PA 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry pet food*, from the facilities of

Sunshine Feed Mills, Inc., at Red Bay, AL, to points in IL, IN, MI, and MO, for 180 days. Supporting shipper: John Bostick, Vice President, Sunshine Feed Mills, Inc., P.O. Drawer S, Red Bay, AL 35582. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

No. MC 127602 (Sub-No. 16TA), filed March 8, 1978. Applicant: DENVER-MIDWEST MOTOR FREIGHT, INC., 5555 E. 58th Ave., Commerce City, CO 80022. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles* distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Denver, Fort Morgan, Greeley and Sterling, CO to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, SD, and WI. Restriction: Restricted to traffic originating at the named origins and destined to the named destinations for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Monfort of Colorado, Inc., P.O. Box G, Greeley, CO; Morgan Colorado Beef, East Burlington Ave., Ft. Morgan, CO; Flavorland Industries, Inc., 5590 High St., Denver, CO 80216. Sterling Colorado Beef, P.O. Box 1728, Sterling, CO 80751. Send protests to: District Supervisor, Herbert C. Ruoff, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, CO 80202.

No. MC 127840 (Sub-No. 61TA), filed March 8, 1978. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, P.O. Box 382, Lansing, IL 60438. 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 irregular routes, transporting: *Diethylene Glycol, Dipropylene Glycol and Recovered Glycols*, from Tallulah, LA, to Chicago, IL, Collierville, TN, and Hicksville, NY, for 180 days. Supporting shipper(s): Resource Economics Corporation, Dawn Butler, Traffic Coordinator, 1742 Sherman Avenue, Evanston, IL 60201. 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 128273 (Sub-No. 292TA), filed March 10, 1978. Applicant: MIDWESTERN DISTRIBUTION, INC.,

P.O. Box 189, Fort Scott, KS 66701. Applicant's representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: bicycles and bicycle parts, from Hartford, CT, Carlisle, PA, Maysville, KY, Moscow, TN, Laredo, TX, Chicago, Elgin and Elk Grove Village, IL, and all points in the states of IN and OH, to the facilities owned or used by Huff Corporation at or near Azusa, City of Industry, Torrance and Huntington Beach, CA. Restricted: to traffic destined to the destination points herein described for 180 days. Supporting shipper: Huff Corp., P.O. Box 1204, Dayton, OH 45401. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, KS 67202.

No. MC 128527 (Sub-No. 101TA), filed February 8, 1978. Applicant: MAY TRUCKING CO., P.O. Box 398, Payette, ID 83661. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products* as described in Sections A & C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 (except hides and commodities in bulk). From the facilities of Columbia Foods, Inc., at or near Boise, ID; to points in the states of NY, PA, MD, NJ, VA, OH and MA, for 180 days. Applicant does not intend to tack or interline authority. Supporting shipper(s): Iowa Beef Processors, Inc., Dakota City, NE 68731. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Suite 110, 1471 Shoreline Dr., Boise, ID 83706.

No. MC 129063 (Sub-No. 16TA), filed March 9, 1978. Applicant: JIMMY T. WOOD, Post Office Box 248, Ripley, TN 38063. Applicant's representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Temporary authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *meat and bone meal*, in bulk, in dump vehicles, from the facilities of Delta By-Products Company at or near Memphis, TN, to points in AR, AL, MS, TN, and LA; and (2) *dry rendered tankage*, in bulk, in dump vehicles, from points in AR and LA to the facilities of Delta By-Products Company at or near Memphis, TN for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Delta By-Products Company, P.O. Box 16394, Memphis, TN 38116. 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 138890 (Sub-No. 6TA), filed March 7, 1978. Applicant: MOODIE, INC., 301 Acorn Street, Stevens Point, WI 54481. Applicant's representative: Wayne W. Wilson, 150 E. Gillman Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from the facilities of Continental Freezers of Illinois at Chicago, IL, to points in WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Continental Freezers of Illinois, 4220 South Kildare Blvd., Chicago, IL 60632. Send protests to: Ronald A. Morken, District Supervisor, Interstate Commerce Commission, 139 West Wilson Street, Room 202, Madison, WI 53703.

No. MC 140101 (Sub-No. 1TA), filed February 9, 1978. Applicant: GAYLE CLINTON d.b.a. I.T.A. TRUCKING, P.O. Box 62, Amherst, WI 54406. Applicant's representative: Wayne W. Wilson, P.O. Box 8004, Madison, WI 53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wire from Appleton, WI to points in CT; MA; NJ; NY; OH; PA; RI; Quincy, FL; Jonesboro, GA; Oklahoma City, OK; Mesquite, TX; Omaha, NE; Baltimore, MD; and St. Louis, MO.* (2) *Rejected shipments of the commodities described in part (1) above and empty wire containers from points in CT; MA; NJ; NY; OH; PA; RI; Quincy, FL; Jonesboro, GA; Oklahoma City, OK; Mesquite, TX; Omaha, NE; Baltimore, MD; and St. Louis, MO to Appleton, WI for 180 days.* Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Valleycast Wire, 908 N. Lawe Street, Appleton, WI 54911. Send protests to: Ronald A. Morken, District Supervisor, Interstate Commerce Commission, 139 West Wilson Street, Room 202, Madison, WI 53703.

No. MC 140360 (Sub-No. 1TA), filed March 7, 1978. Applicant: SPINELLI BROS. TRUCKING, INC., 1031 Gheysen Ave., Vineland, NJ 08360. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods hermetically sealed, bread crumbs, spices, candy, confectionery, and promotional materials*, from Vineland, NJ, to points in CA, CO, AZ, KS, OK, NV, OR, and WA, under a continuing contract or contracts with Progresso Foods, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Sup-

porting shipper: Progresso Foods, 500 Elmue Road, Vineland, NJ 08360. Send protests to: District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 143687 (Sub-No. 1TA), filed March 3, 1978. Applicant: DAVID DALE TRANSPORT, INC., 2 Franklin St., West Medway, MA 02053. Applicant's representative: Wesley S. Chused, 15 Court Sq., Boston, MA 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk), from Canadaiqua, NY, to points in CT, MA, ME, NH, RI, and VT, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mobil Chemical Co., Plastics Division, Macedon, NY 14502. Send protests to: District Supervisor John B. Thomas, Interstate Commerce Commission, 150 Causeway St., Boston, MA 02114.

No. MC 143799 (Sub-No. 2TA), filed February 15, 1978. Applicant: SPECIALTY TRANSPORT, INC., 15 Fifth St., Morrisville, PA 19067. Applicant's representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in dump vehicles, from Brooklyn, NY to Coatesville, Fairless, Macungie, Quakertown, PA, Riverside, NJ; from Newark, NJ to Coatesville, Fairless, Macungie, Landisville, Quarryville, Easton, PA; from CT, NJ, MD, NY, Elmira and Long Island, NY; Alexandria, Arlington, Richmond, VA, and Providence, RI to Bloomsburg, Carlisle, Coatesville, Columbia, Easton, Hamburg, Macungie, Philadelphia, Reading and Wrightsville, PA and Claymont, DE; from PA to Claymont, DE, Phillipsburg, NJ, and Philadelphia, PA (shipments to Philadelphia, PA to have a subsequent move out of the country by water); from CT, MD, NY, Elmira and Long Island, NY, Alexandria, Arlington, and Richmond, VA, and Providence, RI to Phillipsburg, NJ, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Lieberman Koren Corp., 1885 Pitkin Ave., Brooklyn, NY. Leon Bickoff & Co., 199 Oration St., Newark, NJ 07104. Morris Iron & Steel Co., Inc. Rhawn & Tulip Sts., Philadelphia, PA 19136. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch St., Room 3238, Philadelphia, PA 19106.

No. MC 144024 (Sub-No. 87TA), filed February 8, 1978. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Avenue, Commerce City, CO 80022. Applicant's representative: Charles J. Kimball, 350 Capitol Life

Center, 1600 Sherman Street, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* from a point on the U.S.-Canadian boundary at or near Champlain, NY, to Dallas and Grand Prairie, TX, Lincoln, NE; Elk Grove Village, IL; Los Angeles, CA; and New Orleans, LA; and points in their commercial zone. Restricted to transportation of shipments moving in foreign commerce, for 180 days. Carrier does intend to interline. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: CICL Chase International (Canada) Ltd. 800 Dorchester Blvd., West, Suite 1111, Montreal, PQ, H3B 1X9. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, CO 80202.

No. MC 144290TA, filed: February 8, 1978. Applicant: AMERICAN MINI-TRAVEL, INC., 1306 Jackie Drive, Chesapeake, VA 23324. Applicant's representative: Robert E. Lee (same as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers. Restricted to: (1) Capacity of vehicle is not to be in excess of 20 passengers; (2) no more than two vehicles will be used on any one trip and if two vehicles are used the total passenger count cannot be more than 20; (3) authority to be restricted to bilateral contract or contracts with American Tours, Inc., for 180 days. Beginning and ending at points in Chesapeake, Portsmouth, Norfolk, Virginia Beach, Hampton, and Newport News, VA, and extending to points in the United States (including AK but excluding HI). Supporting shipper(s): American Tours, Inc., 1306 Jackie Drive, Chesapeake, VA 23324. Send protests to: District Supervisor, Paul D. Collins, Bureau of Operations, Room 10, 502 Federal Building, 400 North 8th Street, Richmond, VA 23240.

No. MC 144305TA, filed: February 8, 1978. Applicant: MCCAIN TRANSPORT, INC., 5 Wade Road, Washburn, ME 04786. Applicant's representative: Peter L. Murray, 30 Exchange Street, Portland, ME 04101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *A. Foodstuffs*, between plantsites of McCain Foods, Inc., at Washburn and Easton, ME; and shipper's warehouses at Portland, ME; on the one hand, and points on the U.S./Canadian boundary at or near Houlton, Bridgewater, Fort Fairfield, and Limestone, ME; points in the States of NH, VT, MA, RI, CT, NY, NJ, and PA, on the other; *B. plant*

*supplies* (including poly film, corrugated boxes, pads and cartons, glue, machinery and parts, cleaning chemicals and food processing chemicals and ingredients) from points on the U.S./Canadian boundary line at or near Houlton, Fort Fairfield, Limestone, and Bridgewater, ME; and points in the States of ME, NH, MA, RI, CT, VT, NY, NJ, and PA, to plantsites of McCain Foods Inc. at Washburn and Easton, ME; and to points on U.S./Canada boundary line at or near Houlton, Limestone, Fort Fairfield, and Bridgewater, ME; under a continuing contract or contracts with McCain Foods, Inc., Washburn, ME; and McCain Foods, Ltd., Florenceville, NB, for 180 days. Supporting Shippers: McCain Foods, Inc., Washburn, ME, McCain Foods, Ltd., Florenceville, NB. Send protests to: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 307, 76 Pearl Street, Portland, ME 04111.

## PASSENGER APPLICATION

No. MC 144385TA, filed March 3, 1978. Applicant: LEISURE TIME UNLIMITED OF MYRTLE BEACH, INC., 3801 North Kings Highway, P.O. Box 332, Myrtle Beach, SC 29577. Applicant's representative: M. John Bowen, P.O. Box 11895, Columbia, SC 29211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* in special and charter operations and their baggage for 15 passengers or less, between Myrtle Beach, SC, on the one hand, and, on the other, Wilmington and Cape Fear, NC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately (5) statements of support attached to the application which may be examined at the field office named below. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens Street, Columbia, SC 29201.

By the Commission.

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

[FR Doc. 78-8686 Filed 3-31-78; 8:45 am]

[7035-01]

[Notice No. 50]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 28, 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 114457 (Sub-No. 362TA), filed March 7, 1978. Applicant: DART TRANSIT CO., 2102 University Avenue, St. Paul, MN 55114. Applicant's representative: James H. Wills, 2102 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint paper and groundwood paper*, from Calhoun, TN, and its commercial zone, to points in IL, IN, and Adrian, Boyne City, and Niles, MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bowater Southern Paper Corp., Calhoun, TN 37309. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 116175 (Sub-No. 8TA), filed March 8, 1978. Applicant: WILLIAM E. (BILLY) ONEY, d.b.a. WILLIAM E. OWNEY, Route 7, Box 37, Kingsport, TN 37680. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock feed in bags and containers*, from Park City, KY, to Wise, Scott,

Lee, Dickenson, Russell, and Washington Counties, VA, and the city of Bristol, VA, and TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (7) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Irene W. Yost, Secretary, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, VA 24011.

No. MC 116626 (Sub-No. 13TA), filed March 16, 1978. Applicant: C. W. EANES, R.F.D. No. 1, Box 6, Gretna, VA 24557. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Avenue and 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and laminated truck flooring*, from points in Campbell and Charlotte, Counties, VA, and Lynchburg, VA, to points in IN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Burruss Land & Lumber Co., Inc., P.O. Box 129, Lynchburg, VA 24505. (2) Morgan Lumber Co., Inc., Red Oak, MA. Send protests to: Irene W. Yost, Secretary, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, VA 24011.

No. MC 116645 (Sub-No. 23TA), filed March 8, 1978. Applicant: DAVIS TRANSPORT CO., P.O. Box 56, Gilcrest, CO 80623. Applicant's representative: Leslie R. Kehl, 1660 Lincoln Street, Suite 1600, Denver, CO 80264. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feeds and liquid animal feed supplements*, in bulk, in tank vehicles, from the facilities of Cargill, Inc., at Sterling, CO, to points in SD east of Hwy 83 and points in NE east of Hwy 281, for 10 days. No tack or interline. Supporting shipper(s): Cargill, Inc., P.O. Box 9300, Minneapolis, MN 55440. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202.

No. MC 117119 (Sub-No. 676TA), filed March 10, 1978. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Applicant's representative: Martin M. Geffon, P.O. Box 338, Willingboro, NJ 08046. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is*

sold in retail department stores (except commodities in bulk and foodstuffs), between points in the New York, NY, commercial zone and North Bergen, NJ, on the one hand, and, on the other, the facilities of the Bon Marche at Boise and Pocatello, ID, Butte, MT, Ogden, UT, and points in WA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Allied Stores Marketing Corp., 1114 Avenue of the Americas, New York, NY 10036. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 117119 (Sub-No. 677TA), filed March 10, 1978. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Applicant's representative: Martin M. Geffon, P.O. Box 338, Willingboro, NJ 08046. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, paints, pigments, dyes, and personal industrial safety devices* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of American Cyanamid Co. at Bound Brook, NJ, to Memphis, TN, for 180 days. Supporting shipper(s): American Cyanamid Co., Bound Brook, NJ 08805. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 118159 (Sub-No. 248TA), filed February 21, 1978. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Applicant's representative: Warren Taylor, P.O. Box 31366, Dawson Station, Tulsa, OK 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials*, from Eden, NC, to points in and east of WI, IL, MO, LA, and AR, (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of malt beverages, and returned empty malt beverage containers (except commodities in bulk), from points in and east of WI, IL, MO, LA, and AR, to Eden, NC, and (3) *malt beverages and related advertising materials*, between Fulton, NY, Eden, NC, Milwaukee, WI, and Fort Worth, TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Miller Brewing Co., 3939 West Highland Boulevard, Milwaukee, WI 53208. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Courthouse Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 121306 (Sub-No. 13TA), filed March 8, 1978. Applicant: SUPERIOR MOTOR EXPRESS, INC., P.O. Box 98, Gold Hill, NC 28071. Applicant's representative: James W. Lawson, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron or steel articles*, from Sharon and Farrell, PA, to points in VA, NC, SC, GA, FL, MS, AL and TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Sharon Steel, P.O. Box 291, Sharon, PA 16146. (2) Wheatland Tube Co., Wheatland, PA 16161. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

No. MC 121470 (Sub-No. 13TA), filed March 1, 1978. Applicant: TANKSLEY TRANSFER CO., 801 Cowan Street, Nashville, TN 37207. Applicant's representative: John M. Nader, Route 3, Box 4, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated, insulated and jacketed piping systems*; (2) *prefabricated, manhole assemblies*; and (3) *parts, attachments, and accessories* for (1) and (2), in straight or mixed loads, from the facilities of Midwesco, Inc., Perma-Pipe Division, at or near Lebanon, TN, to points in the United States (except Alaska and Hawaii), restricted to transportation of traffic originating at the named facilities, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Perma-Pipe Division of Midwesco, Inc., 1310 Quarles Drive, Lebanon, TN 37087. 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 123310 (Sub-No. 15TA), filed March 10, 1978. Applicant: DOUG ANDRUS & SONS, INC., 1820 Broadway, Idaho Falls, ID 83401. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur*, in bulk or in bags, from points in Yellowstone County, MT, to points in ID and OR, for 180 days. Carrier does not intend to tack or interline authority. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Smith and Ardussi, P.O. Box 8012, Boise, ID 83707. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Suite 110, 1471 Shoreline Drive, Boise, ID 83706.

No. MC 124692 (Sub-No. 196TA), filed March 13, 1978. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59801. Applicant's representative: James B. Hovland, P.O. Box 1680, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum plate and sheet*, from the Trentwood Works plantsite of Kaiser Aluminum & Chemical Corp., at or near Spokane, WA, to points in Los Angeles, Orange, San Bernardino, San Francisco, Contra Costa, Alameda, and Santa Clara Counties, CA, for 180 days. Supporting shippers(s): Robert L. Weber, Manager, Motor Carrier Pricing, Kaiser Aluminum & Chemical Corp., 300 Lakeside Drive, Oakland, CA 94643. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

No. MC 124692 (Sub-No. 29TA), filed March 10, 1978. Applicant: CARRETTA TRUCKING, INC., South 160, Route 17 North, Paramus, NJ 07652. Applicant's representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, toilet preparations, and pet products* (except in bulk), for the account of Carter-Wallace, Inc., (1) from Cranbury, Lakewood, and Paramus, NJ, to Memence, IL, and Dallas, TX, and (2) from Paramus and Lakewood, NJ, to Irvine, CA, under a continuing contract, or contracts, with Carter-Wallace, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers(s): Carter Wallace, Inc., Half Acre Road, Cranbury, NJ 08812. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

No. MC 124692 (Sub-No. 33TA), filed March 8, 1978. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., 432 South Stubs Road, P.O. Box 2122, Grand Island, NE 68801. Applicant's representative: Lloyd A. Mettenbrink (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air, oil, coolant, and fuel filters and articles* used in the manufacture, packaging, and distribution of air, oil, coolant, and fuel filters, from Chicago and Crystal Lake, IL; New York, NY; Milwaukee, WI; and points in their respective commercial zones to the plantsite and storage facilities of J. A. Baldwin Mfg. Co., at or near Kearney, NE, for 180 days. Supporting shipper(s): Richard L. Armstrong, Vice President, J. A. Baldwin Mfg. Co., P.O. Box 610, Kearney,

NE, 68847. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Court House, 100 Centennial Mall North, Lincoln, NE 68508.

No. MC 139156 (Sub-No. 6TA), filed March 8, 1978. Applicant: FAITH TRUCK LINES, INC., 26 W. 142nd Street, Dixmoor, IL 60426. Applicant's representative: Charlie Woodard, 14326 South Wood Street, Dixmoor, IL 60426. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrochloric acid*, in rubber lined tanks, from Montague, MI, to Elkhart, Lafayette, and South Bend, IN; Niles and Zeeland, MI; Cudahy and Milwaukee, WI; Batavia, Decatur, Elwood, Freeport, Hennepin, Kankakee, Morris, Rockford, and Wheeling, IL; the Chicago, IL, Commercial Zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): K. A. Steel Chemicals, Inc., Terrence J. Matray Sales Manager, 2700 River Road, Des Plaines, IL 60018. 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 139306 (Sub-No. 8TA), filed March 10, 1978. Applicant: DEL R. AND JOE R. STANAGE, d.b.a., STANAGE TRANSPORTATION, 121 Indian Springs Road, Hot Springs, AR 71901. Applicant's representative: Gary E. Thompson, 121 Indian Springs Road, Hot Springs, AR 71901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cullet*, (Broken glass), in bulk, in dump vehicles, from Shreveport, LA, to Corsicana, Houston, Palestine, and Waxahatchee, TX, and from Fort Smith, AR, to Tulsa, OK, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper(s): Keystone Cullet Co., 426 Willow Crossing Road, Greensburg, PA 15601. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 139482 (Sub-No. 40TA), filed March 8, 1978. Applicant: NEW ULM FREIGHT LINES, INC., County Road 29 West, P.O. Box 347, New Ulm, MN 56073. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, from Jackson, MN, and its commercial zone to Omaha, NE, Harrisburg, PA; South San Francisco, CA; and Little Chute, WI, for 180 days. Applicant has also

filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Blum's of San Francisco, Inc., Industrial Parkway, Jackson, MN 56143. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 140829 (Sub-No. 84TA), filed March 10, 1978. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Applicant's representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat and meat products, meat by-products, and articles distributed by meat packinghouses*, and (2) *Foodstuffs* when shipped in mixed loads with commodities described in number one above, from the facilities of Jones Dairy Farm at or near Fort Atkinson and Jefferson, WI, to points in CT, MA, NJ, and NY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): William F. Weh Transportation Manager, Jones Dairy Farm, Fort Atkinson, WI. Send protests to: Carroll Russell District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 141197 (Sub-No. 23TA), filed March 8, 1978. Applicant: FLEMING-BABCOCK, INC., 4106 Mattox Road, Riverside, MO 64151. Applicant's representative: Tom B. Kretsinger, 910 Brookfield Building, 101 W. 11th Street, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Bourbon and Crawford Counties KS, to the facilities of Empire Electric Co. at or near Asbury, MO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Fuel Dynamics, Inc., P.O. Box 308, Oswego, KS 67356. (2) Pat's Coal, Inc., R. R. No. 1, Fort Scott, KS 66701. Send protests to: Vernon V. Coble District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 141450 (Sub-No. 3TA), filed March 6, 1978. Applicant: OLIN WOOTEN, d.b.a. WOOTEN TRANSPORT COMPANY, P.O. Box 731, Hazelhurst, GA 31539. Applicant's representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville FL 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Contain-*

*ers, container ends, and packing material* used in the shipment of containers and container ends, between the facilities of National Can Corp., in the states of PA, NJ, NY, AND CT and points in the states of GA, SC, AL, FL, under a continuing contract, or contracts, with National Can Corp., for 180 days. Supporting shipper(s): National Can Corp., Route 287, South Randolphville Road, Piscataway, NJ 08854. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 142508 (Sub-No. 16TA), filed March 3, 1978. Applicant: NATIONAL TRANSPORTATION, INC., 14031 "L" Street, P.O. Box 37465, Omaha, NE 68137. Applicant's representative: Lanny N. Fauss (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from the facility of Owatonna Canning Co., at Owatonna, MN., to Muskogee, Tulsa, and Oklahoma City, OK, Dallas, Fort Worth, San Antonio, and Weatherford, TX, Albuquerque, NM, Montgomery, AL, and Baton Rouge, LA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Gordon Anderson, Assistant Vice President, Owatonna Canning Co., P.O. Box 447, Owatonna, MN 55060. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 143344 (Sub-No. 1TA), filed March 9, 1978. Applicant: T & T CORP., 6169 Verona and McKee Roads, P.O. Box 4326, Madison, WI 53711. Applicant's representative: Michael S. Jacobs, 222 South Hamilton Street, Suite 22, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, related advertising materials, premiums, and dispensing equipment*, from Peoria, IL, to the facilities of General Beer Distributors, Inc., at or near Madison, WI, under a continuing contract, or contracts, with General Beer Distributors, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): General Beer Distributors, Madison, General Beer Distributors, Inc., Eau Claire, P.O. Box 4326, Madison, WI 53711. Send protests to: Ronald A. Morken, District Supervisor, Interstate Commerce Commission, 139 West Wilson Street, Room 202, Madison, WI 53703.

No. MC 143443 (Sub-No. 1TA), filed March 8, 1978. Applicant: D. J. KRIBY, INC., P.O. Box 79, Gilberts,

IL 60136. Applicant's representative: Gailyn L. Larsen, Peterson, Bowman, Larsen & Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel*, between Houston, TX, Hialeah, FL, Itasca, IL, and Los Angeles, CA, restricted to traffic either originating at or destined to the facilities of New Process Steel Corp., for 180 days. Supporting shippers(s): New Process Steel Corp., Elmer L. Stang, Plant Manager, 1625 Norwood Avenue, Itasca, IL 60143. 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 143627 (Sub-No. 3TA), filed February 23, 1978. Applicant: FITZ-SIMMONS TRUCKING, INC., 617 Fourth Avenue SE., Waseca, MN 56093. Applicant's representative: Robert D. Givold, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter and machinery, equipment, materials, and supplies* used in the printing business, (1) from Waseca, MN, to Washington, DC, New York City and Jamaica, NY, Boston and Springfield, MA, (2) between Waseca, MN, on the one hand, and East Greenville, PA, on the other, and (3) from Chicago, IL, and its commercial zone to Waseca, MN, and East Greenville, PA, restricted to traffic originating at the facilities of Signode Corp., Formhouse and W. F. Hall Printing Co., under a continuing contract, or contracts, with Brown Printing Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Brown Printing Co., U.S. Hwy West, Waseca, MN 56093. 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 144069 (Sub-No. 2TA), filed March 8, 1978. Applicant: FREIGHTWAYS, INC., P.O. Box 5204, Charlotte, NC 28225. Applicant's representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed concrete building members*, from the plantsite of Concrete Panel Systems, Inc., Charlotte, NC, to Savannah, GA, West Point, GA, Walterboro, SC, and Marion, VA, for 180 days. Supporting shipper(s): Concrete Panel Systems, Inc., 4829 Belhaven Boulevard, Char-

lotte, NC. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

No. MC 144388 (Sub-No. 1TA), filed March 10, 1978. Applicant: ROBERT E. WOLFENDEN, d.b.a. WOLFENDEN TRUCKING, P.O. Box 427, Mullen, NE 69152. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, from the facilities of Mullen Packing Co., at or near Mullen, NE, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the above-named facilities and destined to the above-named destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Daniel Dabler, Manager, Mullen Packing Co., Mullen, NE 69152. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Courthouse, 100 Centennial Mall North, Lincoln, NE 68508.

No. MC 144411TA, filed March 6, 1978. Applicant: TRANSPORT SERVICE CORP., Veneer Street, P.O. Box 6033, Myers Branch, Charleston, SC 29405. Applicant's representative: Clifford R. Chambers, P.O. Box 6033, Myers Branch, Charleston, SC 29405. 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 injurious or contaminating to other lading), between points and places in Charleston County, SC, on the one hand, and, on the other, points and places in the commercial zone of Charleston, SC, as defined by the Interstate Commerce Commission, for 180 days. Supporting shipper(s): There are approximately (9) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 203, 1400 Building, 1400 Pickens Street, Columbia, SC 29201.

No. MC 144413TA, filed March 6, 1978. Applicant: MARTIN THOMPSON, d.b.a. THOMPSON TRUCK TRANSPORTATION, 11218 Elm Street, Omaha, NE 68144. Applicant's representative: Arthur Liberstein, Bowes, Millner, Rodgers, Liberstein & Werner, P.O. Box 1409, 167 Fairfield

Road, Fairfield, NJ 07006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flavoring syrup and compounds* (except in bulk), from Arlington, TX, to all points in the continental United States, under a continuing contract, or contracts, with Pepsi-Cola Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Ronald A. Wiseman, National Manager, Transportation and Distribution, Pepsi-Cola Co., Purchase, NY 10577. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 144414TA, filed March 13, 1978. Applicant: M.J.S. TRANSPORTATION CO., INC., P.O. Box 819, Lakewood, NJ 08701. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen cabinets, and on return materials and supplies* used in the manufacturing and sale thereof (except in bulk), between Lakewood, NJ; O'Fallon, IL; Hunter, TX; Memphis, TN; and Shelbyville, IN, to points in the United States (except HI and AK), under a continuing contract, or contracts, with Excel Wood Products Co., Inc., for 180 days. Supporting shipper(s): Excel Wood Products Co., Inc., P.O. Box 819, Lakewood, NJ 08701. Send protests to: District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 144416TA, filed March 8, 1978. Applicant: C. F. McGRAW, P.O. Box 498, Garden City, KS 67846. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (as defined by the Commission) (except in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities utilized by National Beef Packing Co. located at or near Liberal, KS, to Denver and Colorado Springs, CO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): National Beef Packing Co., 1501 East 8th, Liberal, KS 67901. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, KS 67202.

No. MC 144417TA, filed March 6, 1978. Applicant: T K & H TRUCKING, INC., Rural Route 1, Firth, NE 68358. Applicant's representative: Gailyn L. Larsen, P.O. Box 81849, Lin-

coln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, from the facilities of Cargill, Inc., at or near Sioux City, IA, and Farmland Industries, Inc., at or near Sergeant Bluff, IA, to Firth, NE, under a continuing contract, or contracts, with Firth Cooperative of Firth, NE, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Curtis Bechtel, Manager, Firth Cooperative, Firth, NE 68358. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Courthouse, 100 Centennial Mall North, Lincoln, NE 68508.

No. MC 144418TA, filed February 28, 1978. Applicant: CAMDEN TIMBER CO., INC., Highway 17 South, P.O. Box 717, Woodbine, GA 31569. Applicant's representative: Robert E. Matthews, P.O. Box 717, Highway 17 South, Woodbine, GA 31569. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from Nassau, Duval, Bradford, Bacon, and Clay Counties, FL, to St. Marys, GA, for 180 days. Supporting shipper(s): Gilman Paper Co., P.O. Box 520, St. Marys, GA 31558. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 144420TA, filed March 7, 1978. Applicant: MALIBU BEACH BOAT SALES & SERVICE CO., INC., Route 1, Box 261, Osage Beach, MO 65065. Applicant's representative: Harry F. Horak, 5001 Brentwood Stair Road, Room 109, Fort Worth, TX 76112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, not to exceed 45 feet in length or 13 feet 6 inches wide, in vehicles equipped with boat support equipment, between points in MO, on the one hand, and, on the other, points in AR, FL, IL, IA, KS, KY, MI, MS, OK, TN, and TX, for 180 days. Supporting shipper(s): Lakes Manufacturing, P.O. Box 382, Ypsilanti, MI 48197. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

#### PASSENGER CARRIER

No. MC 144397 (Sub-No. 1TA), filed March 6, 1978. Applicant: LAMCO LINES, a division of ROBERT SHOWERS & SON LTD., 4621 Campbell Street, P.O. Box 682, Sarnia, ON, Canada. Applicant's representative: Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomfield

Hills, MI 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage* in the same vehicle with passengers, and express air freight, between ports of entry on the international boundary line between the United States and Canada on the St. Clair and Detroit Rivers, on the one hand, and, on the other, Detroit Metropolitan Airport, restricted to service in vehicles having a seating capacity of 15 passengers or less, and further restricted, as to passengers, to those passengers having an immediately prior or subsequent movement by aircraft, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (6) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Timothy S. Quinn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 604 Federal Building and U.S. Courthouse, 231 Lafayette Boulevard, Detroit, MI 48226.

By the Commission

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

[FR Doc. 78-8678 Filed 3-31-78; 8:45 am]

[7035-01]

[Notice No. 51]

**MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS**

MARCH 28, 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 contem-

plated 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 10875 (Sub-No. 42TA), filed March 6, 1978. Applicant: BRANCH MOTOR EXPRESS CO., 114 Fifth Avenue, New York, NY 10011. Applicant's representative: G. C. Heller, Vice President, Traffic, (same as applicant). 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, commodities in bulk or those requiring special equipment, serving the plant sites of Markin Tubing Inc., at or near Pearl Creek and Wyoming, NY, as off-route points in connection with applicant's regular routes, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Markin Tubing Inc., P.O. Box 242, Wyoming, NY 14591. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 29910 (Sub-No. 187TA), filed February 21, 1978. Applicant: AR-KANSAS-BEST FREIGHT SYSTEM, INC., 301 South Eleventh Street, Fort Smith, AR 72901. Applicant's representative: Robert R. Durden, 301 South Eleventh Street, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Plant Votgle facilities of Georgia Power Co. located in Burke County, GA, as an off-route point in connection with carrier's authorized regular route operations at Augusta, GA, for 180 days. (ABF's authority to serve Augusta, GA, is found at Page 28, Line 65 and Page 29, Line 67, both under Sub 110 of its operating authority attached hereto). Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Georgia Power Company, 270 Peachtree

Street, N.W., P.O. Box 4545, Atlanta, GA 30303. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 34027 (Sub-No. 10TA), filed March 6, 1978. Applicant: GEETINGS, INC., P.O. Box 82, 214 South Clark, Pella, IA 50219. 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: *Tires, tubes and wheels*, from Memphis, TN and Akron, OH to Pella, IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Schiebout Tire Company, Inc., 819 Broadway, P.O. Box 151, Pella, IA 50219. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 52460 (Sub-No. 208TA), filed March 9, 1978. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th Street, P.O. Box 9637, Tulsa, OK 74107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyethylene plastic bags and polyethylene plastic rolls*, from Jacksonville, AR, to points in AL, KS, LA, MS, MO, NM, OK, TN, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Great Plains Bag Corp., 1031 Redmond Road, Jacksonville, AR 72076. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Courthouse Building, 215 Northwest 3d, Oklahoma City, OK 73102.

No. MC 65802 (Sub-No. 63TA), filed March 14, 1978. Applicant: LYNDEN TRANSPORT, INC., P.O. Box 433, Lynden, WA 98264. Applicant's representative: Charles H. Huby, 5615 West Marginal Way SW, Seattle, WA 98106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur* (in bulk, in tank vehicles), from points in Whatcom County, WA, to ports of entry on the United States-Canada International Boundary at or near Blaine, Lynden, and Sumas, WA, traffic destined to Gold River, BC, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers(s): Tahsis Co., Ltd., 1201 West Pender Street, Vancouver, BC, Canada. Send protests to: Hugh H. Chaffee, District

Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174.

No. MC 94265 (Sub-No. 264TA), filed March 2, 1978. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Route 460, Windsor, VA 23487. Applicant's representative: Clyde W. Carver, 5299 Roswell Road NE., Suite 212, Atlanta, GA 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles), from facilities of John Morrell & Co., at or near Arkansas City, KS, Fort Smith, AR, and Wichita, KS, to points in CT, DE, MD, ME, NJ, NY, NC, PA, VA, and DC, for 180 days. Restriction: The authority granted herein is restricted to the transportation of traffic originating at the above named facilities. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): John Morrell & Co., 208 South La Salle Street, Chicago, IL 60604. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 10, 502 Federal Building, 400 North 8th Street, Richmond, VA 23240.

No. MC 95084 (Sub-No. 119TA), filed March 6, 1978. Applicant: HOVE TRUCK LINE, Stanhope, IA 50246. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by products, and articles distributed by meat packing houses* (except hides and commodities in bulk), from the facilities of Sioux City Cold Storage Co. At Sioux City, IA, to points in CA, FL, GA, IN, MS, NJ, NY, NC, VA, and TX, for 180 days. Supporting shipper(s): Sioux City Cold Storage Co., P.O. Box 2352, Sioux City, IA 51107. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Des Moines, IA 50309.

No. MC 99234 (Sub-No. 10TA), filed March 10, 1978. Applicant: WESTWAY MOTOR FREIGHT, INC., 5231 Monroe Street, Denver, CO 80216. Applicant's representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials*, from Jefferson County, CO,

to points in IA and MO, and (2) *empty containers and materials for recycling*, from points in IA and MO, to Jefferson County, CO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Adolph Coors Co., Golden, CO 80401. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customshouse, Denver, CO 80202.

No. MC 99961 (Sub-No. 3TA), filed March 10, 1978. Applicant: BIG CHIEF TRUCK LINES, INC., P.O. Box 488, Baton Rouge, LA 70821. Applicant's representative: Joseph LeJeune, Jr., Route 1, Box 307-B, Church Point, LA 70525. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field drilling rigs, drill strings when moving with drilling rigs, and related rig component parts when moving with drilling rigs*, between points LA, MS, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (7) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, T-9038 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 105566 (Sub-No. 164TA), filed February 28, 1978. Applicant: SAM TANKSLEY TRUCKING INC., P.O. Box 1120, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilory, 6901 Old Keene Mill Road, Suite 406 Executive Building, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water treating and industrial process products* (except in bulk, in tank or hopper vehicles), in vehicles equipped with temperature controls, from the facilities of Nalco Chemical Co. in the Chicago, IL, commercial zone to Jonesboro, GA, Wilmington, MA, Dover and Thoroughfare, NJ, New York and Ticonderoga, NY, and Sugarland, TX, and Chicopee, MA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Nalco Chemical Co., 2901 Butterfield Road, Oak Brooks, IL 60521. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, 210 North 12th Street, Room 1465, St. Louis, MO 63101.

No. MC 105813 (Sub-No. 235TA), filed March 8, 1978. Applicant: BEL-

FORD TRUCKING CO., INC., 1759 Southwest 12th Street, P.O. Box 2009, Ocala, FL 32670. Applicant's representative: Arthur J. Sibik, 7025 South Pulaski Road, Chicago, IL 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in 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 storage facilities utilized by John Morrell & Co., at or near Sioux Falls, SD, to points in the States of AL, FL, GA, LA, MS, NC, TN, and SC, restricted to the transportation of traffic originating at the named facilities and destined to the named states, for 180 days. Supporting shipper(s): John Morrell & Co., 208 South La Salle, Chicago, IL 60604. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 106398 (Sub-No. 796TA), filed March 14, 1978. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, P.O. Box 3329, Tulsa, OK 74103. Applicant's representative: Irvin Tull, 525 South Main, Tulsa, OK 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and related articles*, from the facilities of Veach-May-Wilson, Inc., at Alcoa, TN, to the facilities of Pullman Trailmobile at Chowchilla, CA, Charleston, IL, North Kansas City, MO, Longview, TX, and Westpoint, PA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Veach-May-Wilson, Inc., P.O. Box 218, Alcoa, TN 37701. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Courthouse Building, 215 Northwest 3d, Oklahoma, City, OK 73102.

No. MC 109533 (Sub. No. 103TA), filed March 6, 1978. Applicant: OVERNIGHT TRANSPORTATION CO., 1000 Semmes Avenue, Richmond, VA 23224. Applicant's representative: C. H. Swanson, P.O. Box 1216, Richmond, VA 23209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in Bulk, and those requiring special equipment). Between Louisville, KY and Chicago, IL, serving no intermediate points: From Louisville over Interstate Hwy 65 to junction Interstate

Hwy 90 then over Interstate Hwy 90 to Chicago and return over same route, for 180 days. Supporting shipper(s): There are no supporting shippers to this application as it is filed for operating convenience only. Send protests to: District Supervisor, Paul D. Collins, Bureau of Operations, Room 10-502 Federal Building, 400 North 8th Street, Richmond, VA 23240.

No. MC 109818 (Sub. No. 21TA), filed March 6, 1978. Applicant: WENGER TRUCK LINE, INC., P.O. Box 36, Beaver, IA 50031. 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: *Meats, meat products, meat by-products, and articles* distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk) from the facilities of Swift Fresh Meats Co. at Grand Island, NE to points in IA and IL restricted to shipments originating at the named origin and destined to the named states, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Swift & Co., 115 West Jackson Blvd., 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 110525 (Sub. No. 1230TA), filed March 9, 1978. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, P.O. Box 200, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Chemicals, chemical coatings and resins*, (other than petroleum), in bulk, in tank vehicles, from Garland, TX, to Fairfield, AL; Tampa, and Bartow, FL; Evansville, IN; Louisville, KY; New Orleans, LA; Norman, OK; Birmingham, AL; and Perry, GA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): DeSoto, Inc., 1700 S. Mt., Prospect Rd., Des Plaines, IL. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

No. MC 111383 (Sub. No. 44TA), filed March 6, 1978. Applicant: BRASWELL MOTOR FREIGHT LINES, INC., P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, KS 66207. Applicant's representative: John M. Records (same as applicant). Authority sought to operate as a *common carrier*, by

motor vehicle, over regular routes, transporting: *General commodities*, except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those of unusual value, and those requiring special equipment. Serving the facilities of Woodville Chemical Co. at or near Centreville, MS, as an off-route point in connection with carrier's otherwise authorized operations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Peter Heard & Associates, Inc., 9800 Northwest Freeway, Suite 107, Houston, TX 77092. Send protests to: District Supervisor, John V. Barry, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 113362 (Sub. No. 318TA), filed March 8, 1978. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Paper and paper products* (except commodities in bulk), from Cloquet and Brainerd, MN, to points in and east of ND, SD, NE, CO, and NM (except points in MI, IA, WI, and The Upper Peninsular of MI, VT, NH, and ME), restricted to traffic originating at named origins and destined to named destination states, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Potlatch Corp., North West Paper Division, Cloquet, MI 55720. 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. 357TA), filed March 6, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Applicant's representative: Kenneth L. Core, Commerce Attorney (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Hides, skins and pelts and pieces therefrom* (except commodities in bulk), from the plant of Iowa Beef Processors, Inc. at or near Dakota City, NE to points in DE, IL, IN, MD, MI, NH, NJ, NY, OH, PA, VA, WV, and WI, and the ports of entry on the International Boundary Line between the United States and Canada located in MI and NY, for 180 days. Supporting shipper(s): Iowa Beef Processors, Inc., Dakota City, NE 68731. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 119349 (Sub. No. 8TA), Filed: March 6, 1978. Applicant: STARLING TRANSPORT LINES, INC., P.O. Box 1733, 3501 S. Federal Hwy, Fort Pierce, FL 33450. Applicant's representative: Harry C. Ames, Jr., 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Petroleum products*, in containers from Congo and St. Marys, WV to points in FL (except from St. Marys to points in and South of Levy, Marion, Lake, and Volusia Counties); and GA, for 180 days. There is no environmental impact involved in this application. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission—BOP, Monterey Building, Suite 101, 8410 Northwest 53d Terrace, Miami, FL 33166.

No. MC 124673 (Sub. No. 26TA), filed March 6, 1978. Applicant: FEED TRANSPORTS, INC., P.O. Box 2167, Pullman Road, Amarillo, TX 79105. Applicant's representative: Gail Johnson, Box 2167, Amarillo, TX 79105. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Meat and bone meal, bloodmeal and dry rendered tankage*. Between the facilities of Amarillo By-Products, at or near Amarillo, TX, and points in AR, CO, KS, LA, MO, NE, NM, and OK, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Amarillo By-Products Co., 8415 East 1st Avenue, Amarillo, TX 79105. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission—Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, TX 79101.

No. MC 125023 (Sub. No. 55TA), Filed March 6, 1978. Applicant: SIGMA-4 EXPRESS, INC., 3825 Beech Avenue, P.O. Box 9117, Erie, PA 16504. Applicant's representative: Richard G. McCurdy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Malt beverages*, in containers, from Milwaukee, WI; to Martinsburg, and Short Gap, WV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper(s): Reid Distributor, Inc., 638 N. Queen St., Martinsburg, WV. Ridgeley Distributors, Inc., P.O. Box 622, Ridgeley, WV. Send Protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal

Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 134405 (Sub-No. 45TA), filed March 6, 1978. Applicant: BACON TRANSPORT CO., P.O. Box 1134, Ardmore, OK 73401. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude tall oil*, in bulk, in tank vehicles. From Valliant, OK to DeRidder, LA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Weyerhaeuser Co., P.O. Drawer C, Valliant, OK 74764. Send protests to: Connie Stanley, Transportation Assistant, room 240, Old Post Office and Court House Building, 215 Northwest Oklahoma City, OK 73102.

No. MC 136786 (Sub-No. 133TA), filed March 6, 1978. Applicant: ROBCO TRANSPORTATION, INC., 4333 Park Avenue, Des Moines, IA 50321. Applicant's representative: Stanley C. Olsen, Jr., 7525 Mitchell Road, Eden Prairie, MN 55343. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter* from E. Greenville, PA to points in the United States in and west of MI, IN, KY, TN, GA, and FL, for 180 days. Supporting shipper(s): Brown Printing Co., Waseca, MN 56093. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 138627 (Sub-No. 26TA), filed March 6, 1978. Applicant: SMITHWAY MOTOR XPRESS, 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: *Hides, skins and pelts, and pieces therefrom* (except commodities in bulk), from the hide plant of Iowa Beef Processors, Inc., at or near Dakota City, NE; to points in AR, IL, IN, KS, KY, LA, MO, MS, OH, NC, TN, TX, VA, WV, and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Iowa Beef Processors, Inc., Dakota City, NE 68731. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Des Moines, IA 50309.

No. MC 139482 (Sub-No. 39TA), filed March 6, 1978. Applicant: NEW ULM

FREIGHT LINES, INC., County Road 29 West, P.O. Box 347, New Ulm, MN 56073. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses as described in sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates 61 MCC 203, 766 (except hides and commodities in bulk) from Storm Lake, IA, and its commercial zone, to Tupelo, MS, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Hygrade Food Products Corp., P.O. Box 4771, Detroit, MI 48219. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

By the Commission.

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

[FR Doc. 78-8679 Filed 3-31-78; 8:45 am]

[7035-01]

[Notice No. 18]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 3, 1978.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC 77595. By application filed March 27, 1978, R.G.R. Transport Corp., 315 Cole Street, Jersey City, NJ 07302, seeks temporary authority to transfer the operating rights of James E. Masterson, Trustee in Bankruptcy, Russo Trucking Co., Inc., Trustee in Bankruptcy, d.b.a. Russo Trucking Co., Inc., 225 Millburn Avenue, Millburn, NJ 07041, under section 210a(b). The transfer to R.G.R. Transport Corp., of the operating rights of James E. Masterson, Trustee in Bankruptcy, Russo Trucking Co., Inc., Trustee in Bankruptcy, dba. Russo Trucking Co., Inc., is presently pending.

By the Commission.

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

[FR Doc. 78-8681 Filed 3-31-78; 8:45 am]

[7035-01]

[Amendment No. 3 to ICC Order No. 49 Under Revised Service Order No. 1252]

REROUTING TRAFFIC

To All Railroads:

Upon further consideration of ICC Order No. 49 Chicago and North Western Transportation Co. had good cause appearing therefor:

It is ordered, That:

ICC Order No. 49 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 31, 1978, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 17, 1978, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 17, 1978.

INTERSTATE COMMERCE  
COMMISSION,  
ROBERT S. TURKINGTON,  
Agent.

[FR Doc. 78-8675 Filed 3-31-78; 8:45 am]

[7035-01]

[Notice No. 14]

SPECIAL PROPERTY BROKERS

MARCH 29, 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 AK and HI. 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 on or before May 3, 1978. 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 May 18, 1978.

B-78-14, filed February 10, 1978. Applicant: BOSTRUM-WARREN, INC., 914 2nd Avenue, Suite 355, P.O. Box 3133, Seattle, WA 98114.

B-78-18, filed March 1, 1978. Applicant: THOMAS J. FITZGIBBONS, doing business as FITZGIBBONS TRANSPORTATION, INC., E. Sharon and Mosteller Road, Cincinnati, OH

45241. Applicant's representative: Thomas J. Fitzgibbons (same address as applicant).

B-78-19, filed February 22, 1978. Applicant: DANIEL J. HOGAN, 2846 43rd Street, Des Moines, IA 50310.

B-78-22, filed March 10, 1978. Applicant: VOUK TRUCK BROKERAGE CO., INC., 3221 E. Broadway, North Little Rock, AR 72114.

By the Commission.

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

[FR Doc. 78-8683 Filed 3-31-78; 8:45 am]

# sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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### [6320-01]

1

[M-117, Mar. 28, 1978]

#### CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., April 4, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Dockets 31290 and 30891, Proposed Rule, DPFI, Fare Level and Structure Policies; Discount Fare Policy (Memo No. 7847, BPDA, OEA, OGC).

STATUS: Open.

#### PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary,  
202-673-5068.

[S-701-78 Filed 3-30-78; 8:55 am]

### [6320-01]

2

NOTICE OF ADDITION OF ITEM TO THE  
MARCH 30, 1978, AGENDA

#### CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., March 30, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 7a. Docket 32118, Order to show cause why Pan American should not cancel its tariff revisions proposing to increase excess baggage charges in domestic, overseas and international markets, Board Orders 78-2-70 and 78-2-120.

STATUS: Open.

#### PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary,  
202-673-5068.

SUPPLEMENTARY INFORMATION:  
On March 21, 1978, the staff submitted a list of items to be placed on the calendar list for Thursday, March 30,

1978. Staff consideration of this matter was completed on March 24, 1978. The Board adopted a new procedure for handling this matter and the staff member most familiar with the procedures will not be available during the first two weeks in April. So that this matter can be handled expeditiously, the following Members have voted that agency business requires the addition of this item to the March 30, 1978, agenda and that no earlier announcement of this addition was possible.

Chairman, Alfred E. Kahn  
Vice Chairman, G. Joseph Minetti  
Member, Lee R. West  
Member, Richard J. O'Melia  
Member, Elizabeth E. Bailey

[S-700-78 Filed 3-30-78; 8:55 am]

### [6715-01]

3

#### FEDERAL ELECTION COMMISSION.

DATE AND TIME: Thursday, April 6, 1978, at 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed.

#### MATTERS TO BE CONSIDERED:

Portions open to the public:

- I. Future meetings.
- II. Correction and approval of minutes.
- III. Advisory opinions: AO 1978-12, 1978-17, 1978-19, 1977-37.
- IV. Debt settlement procedures.
- V. Procedures for internally generated matters.
- VI. FOIA regulations.
- VII. Appropriations and budget.
- VIII. Pending legislation.
- IX. Pending litigation.
- X. Liaison with other Federal agencies.
- XI. Classification actions.
- XII. Routine administrative matters.

Portions closed to the public (executive session):

Audits. Compliance matters. Personnel.

#### PERSON TO CONTACT FOR INFORMATION:

Mr. David Fiske, Press Officer, telephone 202-523-4065.

MARJORIE W. EMMONS,  
Secretary to the Commission.

[S-703-78 Filed 3-30-78; 3:44 pm]

### [6210-01]

4

#### FEDERAL RESERVE SYSTEM (Board of Governors).

TIME AND DATE: 10 a.m., Monday, April 3, 1978.

The business of the Board requires that this meeting be held with less than one week's notice to the public and no earlier announcement of the meeting was practicable.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

#### MATTERS TO BE CONSIDERED:

1. Proposed statement to be presented to the Subcommittee on Administrative Practice and Procedure of the Senate Committee on the Judiciary regarding S. 1974, a bill entitled the "Regulatory Flexibility Act".

2. Any agenda items carried forward from a previously announced meeting.

The closed items originally announced for this meeting will be discussed following consideration of the open items.

#### CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: March 30, 1978.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.

[S-699-78 Filed 3-30-78; 8:55 am]

### [7035-01]

5

#### INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, April 5, 1978.

PLACE: Room 4225, Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D.C.

STATUS: Open regular conference.

#### MATTERS TO BE CONSIDERED:

1. Vice Chairman Christian's Report on the Administrative Conference of the United States.

2. Western Coal Rate Investigation (Report by the Section of Rates and the Bureau of Economics).

3. Construction of Rail Lines in the West (Report by the Section of Energy and Environment).

CONTACT PERSON FOR MORE INFORMATION:

Douglas Baldwin, Director, Office of Communications, telephone 202-275-7252.

The Commission's professional staff will be available to brief news media representatives on conference issues at the conclusion of the meeting.

[S-702-78 Filed 3-30-78; 8:55 am]

[7590-01]

6

NUCLEAR REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 13158.

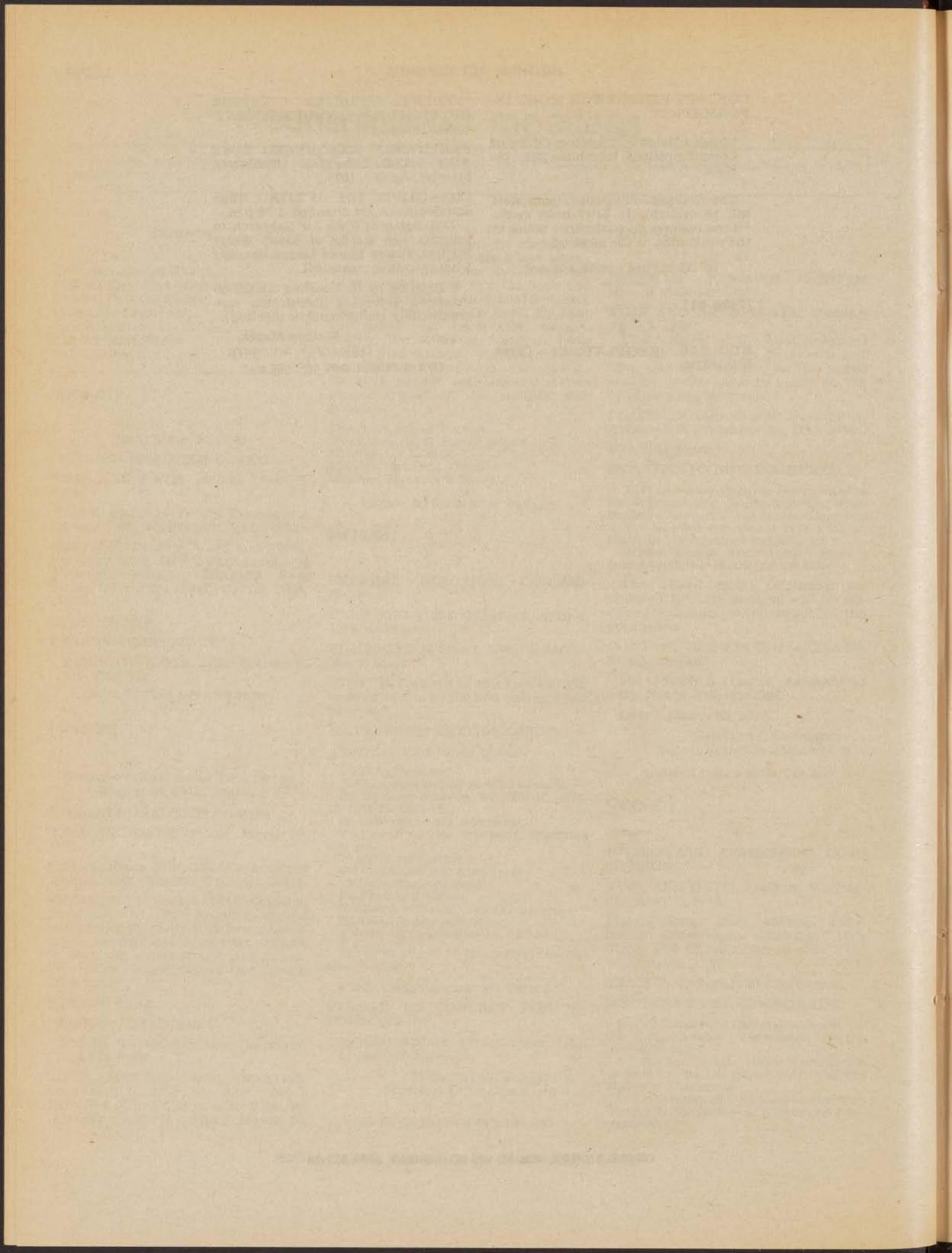
PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Monday, April 3, 1978.

CHANGES IN THE MEETING: Time and Sequence are changed: 1:30 p.m.—  
1. Discussion of Plan for Research to Improve the Safety of Light Water Nuclear Power Plants (approximately 1 hour) (public meetings).

2. Briefing by R. Hanfling (DOE) on Proposed Licensing Legislation (approximately 1 hour) (public meeting).

WALTER MAGEE,  
*Office of the Secretary.*

[S-705-78 Filed 3-31-78; 10:06 am]



Registered  
Federal  
Order

MONDAY, APRIL 3, 1978  
PART II



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DEPARTMENT OF  
HEALTH,  
EDUCATION, AND  
WELFARE

Health Care Financing  
Administration



PROFESSIONAL  
STANDARDS REVIEW  
ORGANIZATIONS

Conditions for Grants

[4110-35]

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

Health Care Financing Administration

[42 CFR Part 462]

**PROFESSIONAL STANDARDS REVIEW**

Grants to Professional Standards Review  
Organizations

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

ACTION: Proposed rule.

SUMMARY: The proposed rule would establish eligibility criteria and other conditions for grants to Professional Standards Review Organizations (PSRO). It sets forth organizational and application requirements which would have to be met by an entity seeking to be designated as a PSRO. In addition, the proposed rule would provide for the duration and termination of grant to PSROs as well as specify other conditions which would apply to grants made under this part. This action is necessary to implement sections 1152, 1154, and 1155(f) (2) and (3) of the Social Security Act. The Secretary is authorized under these sections to award grants to qualified entities whereby these entities are either conditionally or fully designated as PSROs. If adopted this rule would require the designation and funding of PSROs to be made through a grant mechanism.

DATE: Consideration will be given to written comments or suggestions received on or before May 3, 1978.

ADDRESS: Address comments to: Associate Administrator, Health Standards and Quality Bureau, Department of Health, Education, and Welfare, 5600 Fishers Lane Room 16A-55, Rockville, Md. 20857. In commenting, please refer to file code HSQ-34-P. Comments will be available for public inspection, beginning approximately 2 weeks after publication, in room 16A-55 of the Bureau's offices at 5600 Fishers Lane, Rockville, Md. on Monday through Friday of each week from 8:30 a.m. to 5 p.m., 301-443-3880.

FOR FURTHER INFORMATION,  
CONTACT:

Hal Belodoff, 301-443-4086.

**SUPPLEMENTARY INFORMATION:**

**BACKGROUND**

The PSRO statute, as originally passed under Pub. L. 92-603, called for the use of agreements as the means by which to designate and provide funds for PSROs [42 U.S.C. 1320c-1(a)]. In June 1974, when it became necessary to make awards to PSROs, there were no precedents for the use of an agreement mechanism with the Public

Health Service. Consequently, procurement contracts were used to provide financing for PSRO activity. PSROs have criticized the procurement process as being too inflexible and time consuming. The Department concurred with their views and supported an amendment to the PSRO law. Section 5(c) of Pub. L. 95-142 provides that an agreement with a PSRO may be in the form of a grant.

**ORGANIZATIONAL REQUIREMENTS**

The proposal contains extensive organizational requirements which are necessary to insure that PSROs are able to carry the statutory mandate to assure the Secretary that they are willing and able to perform their duties and functions in an "effective, timely, and objective manner." (42 U.S.C. 11320c-1(b)(2).) These requirements are currently applied to Priority PSROs through Chapter V of the PSRO Program Manual. The Senate Finance Committee Report, Sen. Report No. 92-1230, 92nd Cong., 2nd Ses. (1972), p. 257 shows that Congress intended that PSROs be independent professional associations. Detailed organizational requirements are needed to prevent a PSRO from coming under the dominance of medical societies and other medical organizations. In addition, the Senate Finance Committee Report reveals Congress intended that there should be broad and active participation by physicians in a PSRO area. The proposal carries out this intention by elaborating on membership policies and rules controlling the election of a PSRO's governing body.

**RESERVED SECTIONS**

This proposal reserves sections for (1) criteria to be used in converting a conditionally designated PSRO to fully designated status; and (2) application requirements to be met by an organization seeking to become a fully designated PSRO. Regulations which address these areas are currently under development and will be issued in proposed form in the near future.

It is proposed to issue a new part 462 of Title 42 as set out below:

**PART 462—GRANTS TO PROFESSIONAL  
STANDARDS REVIEW ORGANIZATIONS**

Sec.

- 462.1 Definitions.
- 462.2 Statutory Basis and Applicability.
- 462.3 Eligibility.
- 462.4 Requirements for Designation as a Priority PSRO.
- 462.5 Application Requirements for Conditional Designation.
- 462.6 [Reserved]
- 462.7 Selection of Conditionally Designated PSROs.
- 462.8 [Reserved]
- 462.9 Duration and Termination of Grants to PSROs.
- 462.10 Grant Payments and Use of Funds.
- 462.11 Publications and Copyrights.
- 462.12 Applicability of 45 CFR Part 74.

Sec.

- 462.13 Additional Terms and Conditions.
- 462.14 Nondiscrimination.

AUTHORITY: Secs. 1152, 1154, and 1155(f) (2) and (3), Social Security Act, 86 Stat. 1430, 1431, 1432, 1435 (42 U.S.C. 1320c-1, 1320c-3, 1320c-4(f) (2) and (3); sec. 1102, Social Security Act, 49 Stat. 647 (42 U.S.C. 1302).

**§462.1 Definitions.**

(a) "Act" means the Social Security Act (42 U.S.C. Chap. 7).

(b) "Active Practice" means direct patient care and related clinical activities, administrative duties in a medical facility or other health related institutions, or medical or osteopathic teaching or research activity.

(c) "Governing Body" means the group such as the trustees or directors of the PSRO, which is responsible for the policies and overall operation of the PSRO.

(d) "Nonprofit" means an organization which qualifies for an exemption from Federal income taxes under section 501(c) of the Internal Revenue Code;

(e) "Physician" means (1) doctors of medicine or osteopathy licensed under State law to practice medicine, surgery, or osteopathy in the State in which the PSRO is located; (2) interns, residents and Federal Government employees who a) are authorized under State or Federal law to practice and b) are engaged in the active practice of medicine, surgery, or osteopathy in the PSRO area; and (3) individuals licensed to practice medicine in American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands;

(f) "PSRO" stands for Professional Standards Review Organization; PSROs are responsible for reviewing the medical necessity, quality, and appropriate level of medical care in designated PSRO areas.

(g) "Alternate PSRO" means an organization designated as a PSRO when there is no organization that qualifies for designation as a Priority PSRO.

(h) "Priority PSRO" means a statutorily preferred organization designated as a PSRO.

(i) "Conditionally designated PSRO" means an organization designated as a PSRO on a trial basis.

(j) "Fully designated PSRO" means an organization redesignated after it has satisfactorily performed PSRO functions during its trial period as a "conditional" PSRO.

(k) "PSRO area" means a geographical area designated to be under the review jurisdiction of a single PSRO.

(l) "Secretary" means the Secretary of the Department of Health, Education, and Welfare or any other official to whom the pertinent authority has been delegated.

#### § 462.2 Statutory basis and applicability.

(a) Sections 1152, 1154 and 1155(f) (2) and (3) of the Social Security Act authorize the Secretary to:

(1) Enter into agreements designating organizations as either conditionally designated or fully designated PSROs; and

(2) Make payments to such organizations equal to the amount of expenses reasonable and necessarily incurred in preparing to perform and performing the duties and functions of a PSRO as prescribed by Part B, Title XI of the Act and regulations of this part.

(b) Section 1152(f)(3) provides that the agreement may be in the form of a grant.

(c) The regulations of this part apply to all grants made under those statutory provisions to conditionally or fully designate an organization as the PSRO for a PSRO area.

#### § 462.3 Eligibility.

(a) *General.* The following two categories of organizations are eligible for a grant under this part:

(1) Organizations which meet the requirements for Priority PSROs under section 462.4, and

(2) Organizations which meet the requirements for Alternate PSROs under Part 471 of this subchapter.

(b) *Conditions on eligibility—preference for priority PSROs.* The Secretary may not:

(1) Designate an Alternate PSRO in an area where there is an organization which meets the requirements for Priority PSROs and is qualified for designation as a PSRO; or

(2) Renew an agreement with an alternate PSRO if:

(i) An organization which meets the requirements for Priority PSROs applies and is qualified for designation as a PSRO; and

(ii) That organization has not previously been designated as a PSRO; and

(iii) The Secretary anticipates that the designation of this organization will result in substantial improvement in the performance of PSRO duties.

#### § 462.4 Requirements for designation as a Priority PSRO.

To be eligible for designation as a priority PSRO, an organization must:

(a) Be a nonprofit professional association or a component organization thereof;

(b) Be organized in a manner that makes available professional competence to review health care services of the types and kinds for which PSROs have review responsibilities under Part B, Title XI of the Act;

(c) Be composed solely of licensed physicians engaged in the active practice of medicine, surgery, or osteopathy in the PSRO area;

(d) Include within its membership at least 25 percent of all physicians

within the PSRO area who are eligible for membership;

(e) Provide for voluntary membership;

(f) Be open to all physicians engaged in the active practice of medicine, surgery, or osteopathy in the PSRO area without requirement of membership in, or payment of dues to, any organized medical society or association;

(g) Not restrict the eligibility of any member for:

(1) Service as an officer or director of the PSRO; or

(2) Assignment to the duties of the PSRO;

(h) Not impose any conditions of membership other than those listed in this section; and

(i) Be incorporated under the laws of the State in which the PSRO is located. The Articles of Incorporation or the Bylaws must contain provisions which demonstrate compliance with the following requirements.

(1) *Purposes and functions.* A primary purpose of the organization shall be to assume responsibility for the duties and functions of a PSRO under Part B, Title XI of the Act. Other activities undertaken by the organization may not conflict with or give the appearance of conflicting with the performance of such duties and functions.

(2) *Membership policies.* Membership in a PSRO shall be open, on a continuous basis, to all physicians engaged in the active practice of medicine, surgery, or osteopathy in the PSRO area who voluntarily choose to become members. These physicians shall provide a written declaration of their desire to become members and participate in PSRO activities. The eligibility of a member for service on the governing body and for assignment to perform the duties and functions of the PSRO may not be restricted if the individual satisfies these conditions for membership.

(3) *Composition of the governing body.* (i) The governing body shall be composed of at least 50 percent member physicians but may include nonmembers such as consumers and health care practitioners other than physicians;

(ii) No person shall be a member of the governing body or hold any office in the PSRO by virtue of the membership, office or directorship which that person holds in another organization.

(iii) Positions for physicians on the governing body may not be reserved for any category of physician such as medical specialty, hospital, or medical society representatives. However, a PSRO may reserve positions to assure an appropriate proportionate ratio of doctors of osteopathy to doctors of medicine as well as to assure appropriate representation from diverse geographical areas.

(iv) Officers of the PSRO shall be members of the governing body and be elected by the governing body.

(v) The governing body shall consist of a sufficient number of members to allow for adequate representation of physicians and to allow for efficient operation of the PSRO.

(4) *Election of governing body.* (i) All members shall be informed in a timely manner of nomination and election procedures prior to each election of the governing body.

(ii) In addition to the nominations made by a nominating committee, if any, nominations for governing body members shall be solicited and accepted from all PSRO members.

(iii) Each member of the PSRO shall have the opportunity to vote for each governing body member.

(iv) Elections shall be conducted by secret written ballots which contain all nominations for all positions to be filled.

(v) The election shall be conducted in a manner which assures maximum participation of individual members without the requirement of their presence. Absentee and mail ballots may be used. However, there may not be voting by proxy, whereby the voting privilege of one member is delegated with complete discretion vested in another member.

(vi) An election of all governing body members that complies with the requirements of this section shall be conducted within four months from the date the organization is conditionally designated as a PSRO. The Secretary may, for good cause, extend the time by which an election shall be held. An election may be held prior to the date of conditional designation if the Secretary has determined that the organization satisfies the requirements contained in section 462.4(d) and is in substantial compliance with the other requirements contained in this section.

(5) *Conduct of the governing body.*

(i) The governing body shall retain full authority and control over the duties and functions of the PSRO.

(ii) Members of the governing body shall receive timely notice of all meetings of the governing body.

(iii) Meetings of the governing body shall be held often enough to assure that its duties and functions are carried out in an efficient manner.

(iv) A quorum is required for the conduct of the business of the governing body and shall consist of at least a majority of the governing body. A majority of the quorum must be physicians.

(v) Members of the governing body who are not physicians may not vote on final determinations with respect to the professional conduct of any physician or any act performed by any physician in the exercise of his profession.

(vi) Governing body members may be removed by: (A) The governing body for cause; (B) The membership

for cause; or (C) By the membership as otherwise may be provided in written policies of the PSRO.

(6) *Committee structure.* The PSRO shall develop procedures for the appointment of committee members and chairpersons that will assure timely rotation of committee members and chairpersons.

(7) *Conduct and records of meetings.*  
(i) General summaries of the records of the activities of the PSRO's governing body, general membership, and committees shall be made available upon request to the PSRO membership and other interested parties, except if prohibited by section 1166 of the Act and the regulations of Part 476 of this subchapter;

(ii) Meetings of the PSRO's governing body, general membership and committees shall be open for observation to all PSRO members, unless prohibited by section 1166 of the Act and the regulations of Part 476 of this subchapter, except that:

(A) A governing body meeting may be closed when the governing body has provided the entire membership written notice that the meeting is to be closed. The notice must explain the reasons for closing the meetings.

(B) An executive committee meeting may be closed when the executive committee is acting with the full authority of the governing body and notice has been provided to the entire membership that the meeting is to be closed. The notice must explain the reasons for closing the meeting.

(iii) Voting by proxy for meetings of the governing body, membership or committees, whereby the voting privilege of one member is delegated with complete discretion vested in another member, is prohibited. Absentee and mail ballots may be used.

(8) *Conflict of Interest.* No member of the governing body or of a committee shall be permitted to participate in the deliberations or vote upon:

(i) Matters dealing with health services for which he was directly responsible; or

(ii) Matters in which he or his family have, directly or indirectly, a significant financial interest; or

(iii) Other matters which the individual has reason to believe would involve him in a conflict or possible conflict of interest.

#### § 462.5 Application requirements for conditional designation.

(a) *General.* (1) An application for a grant under this part shall be submitted at such time and in such form and manner as the Secretary may prescribe.

(2) The application must be executed by an individual authorized to act for the organization and to assume for the organization the obligations imposed by the Act, the regulations of

this subchapter and any additional terms of the grant.

(b) *Specific information.* In addition to other information that the Secretary may require, the application shall include:

(1) A copy of the Articles of Incorporation and Bylaws of the applicant or, in the case of a public agency, a copy of its charter, authorizing statute, ordinance or executive order, and any internal rules which govern its operation.

(2) A description of the structure of the organization which indicates that the applicant is organized in a manner that makes available professional competence to review the types of health services for which PSROs have review responsibilities under the Act and the regulations of this subchapter.

(3) A list of names and addresses of the members of the governing body and the executive committee (if any), or in the case of a public agency, the names and addresses of the public officials authorized to carry out PSRO responsibilities;

(4) If the applicant is required by Section 1162(e) of the Act and Part 480 of the subchapter to establish an advisory group, a plan for the formation of such a group;

(5) A list of the organizations that have expressed support for the applicant's designation as a PSRO and evidence of such expressions of support.

(6) A formal plan which describes in detail the functions that the applicant proposes to carry out during the period of Conditional Designation, the manner in which it proposes to carry out such functions, and a timetable for the phased and orderly assumption of all the responsibilities and functions of a PSRO as set forth in Part B, Title XI of the Act and the regulations of this subchapter.

(7) A plan for ensuring administrative coordination of the applicant's activities with (i) Medicare Fiscal Intermediaries and Medicaid and Title V State Agencies as provided in Part 463 of this subchapter, and (ii) Health Systems Agencies and/or State Health Planning and Developing Agencies, as appropriate, located within the PSRO area.

(8) A description of the applicant's proposed data collection and processing system.

(9) A detailed annual budget which identifies the expenses to be incurred by the applicant in carrying out or preparing to carry out the duties and functions of the PSRO. The budget shall include the applicant's best estimate of expenditures by cost category and be submitted in such form as prescribed by the Secretary.

(10) If the applicant is seeking to qualify as a Priority PSRO under § 462.4 of this part: (i) Evidence that the membership of the applicant orga-

nization includes at least 25 percent of all physicians eligible for membership under § 462.4(1)(2).

(ii) A description of the distribution of physicians in the PSRO area, by county and by specialty.

(iii) A recruitment plan which indicates the number of physicians to be recruited and the recruitment methods which will be used.

(iv) A copy of a notice of exemption from Federal corporate taxation under section 501(c) of the Internal Revenue Code or, if the request for an exemption is still pending, a copy of that request.

#### § 462.6 [Reserved.]

#### § 462.7 Selection of conditionally designated PSROs.

(a) The Secretary will award a grant designating an applicant as a conditional PSRO if he determines that the applicant is capable of performing the PSRO duties and functions which are necessary so that by the end of the conditional period, the applicant can be considered to be carrying out in a satisfactory manner the activities and functions required for full designation.

(b) The Secretary's determination will be based on the following factors:

(1) The extent to which the application demonstrates that the applicant is willing and able to perform in an effective, timely, and objective manner and at reasonable cost, the duties and functions of a PSRO required by Part B, Title XI of the Act and the regulations of this subchapter.

(2) Comments and recommendations submitted by appropriate Medicaid and Title V State agencies and Medicare fiscal agents in response to a request made by the Secretary at the time he receives the application for conditional designation; and

(3) Other relevant factors as determined by the Secretary.

#### § 462.8 [Reserved]

#### § 462.9 Duration and termination of grants.

(a) *Conditionally Designated PSROs.* (1) The initial period of a grant to a conditionally designated PSRO may not exceed 48 months. If, at the end of its trial period, the Secretary finds that the PSRO has been unable to satisfactorily carry out all of the duties and functions required for full designation, but is still qualified to be a PSRO, he may extend the grant on a noncompetitive basis for an additional period not to exceed 24 months.

(2) A grant to a conditionally designated PSRO may be terminated before the end of the grant period:

(i) By the PSRO, upon 90 days written notice to the Secretary; or

(ii) By the Secretary, upon 90 days written notice to the PSRO.

(3) The Secretary's notice will offer the PSRO an opportunity to submit written material and to meet informally with a designated official to show cause why the grant should not be terminated. If the PSRO does not submit written material or request an informal meeting within 30 working days after receipt of the Secretary's notice, the Secretary's tentative decision will become final and he will so notify the PSRO, Medicaid and Title V agencies, and Medicare fiscal agent(s), and state the basis for his decision.

(4) If the PSRO submits written material within 30 working days, the Secretary will consider this material prior to making a final decision. If the PSRO requests an informal meeting within 30 working days after receipt of the Secretary's notice, the meeting will be scheduled as soon as practicable.

(5) After that meeting, the official designated by the Secretary will promptly render a recommended decision. The Secretary will adopt, revise or set aside the recommended decision and will notify the PSRO, appropriate Medicaid and Title V agencies and Medicare fiscal agent(s) of his decision and the basis for his decision.

(b) *Fully Designated PSROs.* (1) Grants to fully designated PSROs shall be made for a period of 12 months. If, at the end of that period, the Secretary determines that the PSRO is performing in a satisfactory manner its duties and functions he may extend the grant on a noncompetitive basis for an additional 12 month period.

(2) A grant to a fully designated PSRO may be terminated before the end of the grant period:

(i) By the PSRO by written notice to the Secretary, stating its intention to terminate the agreement on a specified termination date. The date of termination may not be earlier than 90 days after the receipt of the notice by the Secretary, unless the Secretary determines, that earlier termination would not unduly interrupt the system of peer review established by the PSRO or unduly interfere with the effective and efficient administration of the Professional Standards Review Program created by Part B of Title XI of the Act; or

(ii) By the Secretary, if he determines, after providing the PSRO with 30 days notice and opportunity for a formal hearing, that the PSRO is not substantially complying with or effectively carrying out the provisions of the grant. The effective date of the termination will not be earlier than 60 days from the date the PSRO is noti-

fied of the Secretary's determination. The formal hearing, if requested, will be conducted in accordance with the provisions of 45 CFR part 16.

§ 462.10 Grant payments and use of funds.

(a) The Secretary will from time to time make payments to the PSRO either by reimbursement for expenses incurred during the grant period, or in advance for expenses to be incurred in the grant period, to the extent the Secretary determines such advance payments necessary to promote prompt initiation and advancement of the approved activities.

(b) Any funds awarded pursuant to this part shall be expended solely for carrying out the provisions of the grant in accordance with Part B, Title XI of the Act, the regulations of this subchapter, the terms and conditions of the award, and the applicable cost principles prescribed by Subpart Q of 45 CFR Part 74.

(c) All payments made by the Secretary under this part shall be recorded by the PSRO in accounting records separate from the records of all other PSRO funds. With respect to each payment, the PSRO shall account for all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for costs incurred in meeting the requirements of this subchapter.

§ 462.11 Publications and copyrights.

(a) PSROs may publish materials relating to their professionals standards review program without prior approval by the Secretary if:

(1) Each publication includes a statement which acknowledges the assistance provided by the Secretary and indicates that the publication does not necessarily represent the views of the Department of Health, Education, and Welfare; and

(2) Publication of the materials is not prohibited by Section 1166 of the Act or Part 476 of this subchapter.

(b) An author or PSRO is free to copyright a book or other copyrightable material developed under a grant, but the Secretary shall have a royalty-free, nonexclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, the work for Government purposes.

§ 462.12 Applicability of 45 CFR Part 74.

Except as otherwise provided by the regulations of this subchapter, the relevant provisions of the following subparts of 45 CFR Part 74 shall apply to all grants under this part:

SUBPART

- A—General
- B—Cash Depositories

- C—Bonding and Insurance
- D—Retention and Custodial Requirements for Records
- F—Grant-Related Income
- H—Standards for Grantee and Subgrantee Financial Management Systems
- I—Financial Reporting Requirements
- J—Program Reporting Requirements
- K—Grant Payment Requirements
- L—Budget Revision Procedures
- M—Grant Close out, Suspension, and Termination
- O—Property
- P—Procurement Standards
- Q—Cost Principles

§ 462.13 Additional terms and conditions.

The Secretary may impose, prior to or at the time of the award, any additional terms or conditions that he decides necessary to assure the conservation of grant funds or the carrying out of the purposes of the grant.

§ 462.14 Nondiscrimination.

(a) *Statutory provisions.* (1) Section 601 of Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(2) Section 504 of the Rehabilitation Act of 1973 provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(b) *Applicability.* (1) The provisions described in paragraph (a) of this section are applicable to PSRO activities.

(2) The provisions described in paragraph (a)(1) are implemented by regulations at 45 CFR Part 80.

(3) The provision described in paragraph (a)(3) are implemented by regulations at 45 CFR Part 84.

NOTE.—The Health Care Financing Administration has determined that this document does not require preparation of an Economic Impact Statement, under Executive Order 11821, as amended by Executive Order 11949 and OMB Circular A-107.

Dated: January 20, 1978.

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

Approved: March 20, 1978.

JOSEPH A. CALIFANO, Jr.,  
Secretary.

[FR Doc. 78-8092 Filed 3-31-78; 8:45 am]

The first part of the report...

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The eighth part of the report...

The ninth part of the report...

**Federal Register**

**MONDAY, APRIL 3, 1978  
PART III**



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**FEDERAL  
COMMUNICATIONS  
COMMISSION**

■  
**CITIZENS BAND RADIO  
SERVICE**

**Revision of Regulations**

[6712-01]

## Title 47—Telecommunication

CHAPTER I—FEDERAL  
COMMUNICATIONS COMMISSIONIDocket No. 21318; RM-1771; RM-2048;  
RM-2638; RM-2758; RM-2773; RM-2777;  
FCC 78-2001PART 95—PERSONAL RADIO  
SERVICESRevision of Citizens Band Radio  
Service Regulations

NOTE.—The following regulations use a different numbering system than the one usually used in the Code of Federal Regulations. The Office of the Federal Register agreed to allow this numbering based on a request from the Federal Communications Commission. Persons drafting documents to be codified in the Code of Federal Regulations should not follow this format, or adopt their own format, without having first consulted the Code of Federal Regulations staff on 202-523-3419.

AGENCY: Federal Communications Commission.

ACTION: Final rules.

SUMMARY: The FCC is adopting all new rules for the Citizens Band (CB) Radio Service. The rules are simpler than they used to be and are written in "plain English." We are taking this action to make the CB rules easier to read and understand. We expect voluntary compliance with the CB rules to increase as a result of our action.

EFFECTIVE DATE: August 1, 1978.

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

FOR FURTHER INFORMATION CONTACT:

THE AUTHORS OF THESE RULES—Gregory M. Jones or Erika M. Ziebarth, Personal Radio Division, 202-634-6619 or 202-634-6620 (these are not toll free telephone numbers).

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—(PROCEEDING  
TERMINATED)

Adopted: March 15, 1978.

Released: March 22, 1978.

In the matter of revision of Subpart D of Part 95 of the Commission's rules, Citizens Band Radio Service, Docket No. 21318, RM-1771, RM-2048, RM-2638, RM-2758, RM-2773, RM-2777.

By the Commission: Commissioner Fogarty issuing a separate statement.

1. The FCC is adopting all new rules for the Citizens Band (CB) Radio Service. The new rules are written in "plain English." They are simpler than the old rules and, we hope, are easier to understand than the old rules.

WHAT IS THE BACKGROUND OF THE NEW  
CB RULES?

2. On June 30, 1977, the FCC proposed to adopt new rules for the CB Radio Service. Our proposed new CB rules were the latest in a series of steps we had taken toward increasing the availability and usefulness of the rules to CB radio operators. At that time we said that the rapid growth of the CB Service had caused several major problems. We thought the main problem was probably the chaos that can be the result of crowding millions of CBers onto a handful of channels. We stated that unnecessary channel crowding and interference in the CB Service are increased by the fact that most CBers are not trained radio operators. CBers are not getting as much as they might out of the available channels.

3. The CB rules are supposed to help CBers use CB radio efficiently. We have always thought that if all CBers obeyed our rules, CB radio would be more useful for more people. Many CBers do not obey the rules, though. There are probably many reasons for this, but we think more CB operators would obey the rules on their own if they could just understand the rules. In making our proposals, we knew that few people could understand every CB rule. Many of the CB rules sound as if they were written only for lawyers and engineers to read. We believed it might be unfair to expect CBers to obey complex and confusing rules.

4. The proposals we made in June 1977 were supposed to make it easier for people to read and understand the CB rules. We thought more people would obey simple rules. We agreed with President Carter, who said in February 1977 that it was time to write government rules "in plain English."

## WHAT DID THE FCC PROPOSE TO DO?

5. The law says that the FCC must propose to change its rules before it actually changes them. The law also requires that we publish our proposals in the FEDERAL REGISTER. (The FEDERAL REGISTER is a government magazine. It contains most of the information a person needs about what the federal government is doing and what it is proposing to do. The FEDERAL REGISTER is available in many libraries.) The FEDERAL REGISTER printed our CB proposals in its issue of July 20, 1977 (Volume 42, Number 139, page 37304).

6. We proposed to simplify the CB radio rules, and we rewrote the rules using words and sentences most people could understand. We said we were getting rid of rules we did not need and rules CBers did not need. We said that in a few cases we had gone beyond merely rewriting the rules. In addition to rewording some rules, we proposed to make actual changes in

the rules themselves. Rule changes of this kind were supposed to make the rules easier to understand and obey. (A list of the major changes we proposed may be found in Appendix I.) But most of the changes we proposed to the CB rules were only changes in wording and organization.

7. The CB rules we proposed were different than most other government rules. Besides writing the rules in simple language, we wrote the new rules as questions and answers. We also wrote the new rules in the personal ("you") style. We compared the new rules to the existing rules and explained each new rule in detail. We hoped that writing the new CB rules in this way would make it easier for people to read the new rules.

WHO SENT US COMMENTS ABOUT THE  
NEW CB RULES?

8. The law requires us to give people the chance to tell us what they think about what we have proposed to do. We cannot ignore what people tell us about our proposals. We must read and think about each comment we receive. If we do not consider what people tell us about our proposals it is possible that a court will later throw out the rules we adopt.

9. We gave the public about 4½ months to comment on the proposed CB rules. About 600 individuals and groups commented. Most of the people who commented were individual CB radio operators. (We made it easy for CBers to comment by including a short questionnaire with the proposed rules.) Many CB radio groups, such as REACT International, Inc., also commented. In addition, several people who are not interested in CB radio wrote to us with comments about our attempt to write rules in simple language.

## WHAT DID THE COMMENTS SAY?

10. The general comments we received about the proposed CB rules were mostly favorable. Many people who are not CBers wrote us to say the FCC was on the right track. For example, a member of Congress, Representative Mikulski, said the FCC's "action is exactly what is necessary if the Federal governmental process is to become accessible to the people." The Consumers Federation of America said "the FCC has made major strides in rewriting the CB rules \* \* \*". Many CBers also wrote to say they thought the new rules were a good idea. They agreed with us that more people might obey the rules if the rules were easier to read.

11. One person who wrote to say the new CB rules were not as easy to read as they could be was Dr. Rudolph Flesch. Dr. Flesch is a well-known expert on simple writing. He said the proposed rules were still too hard to

read. He also said it is as hard to read the new rules as it is to read the Wall Street Journal.

12. Many of the comments were about specific proposals we had made. For example, many people had things to say about our proposed new CB station identification rule. Where it is appropriate, we have discussed the comments we received about specific proposed rules in the explanations following the rules we are adopting. Many people commented on our proposals, so we of course cannot discuss each comment individually.

WHAT RULES ARE WE ADOPTING?

13. The rules we are adopting are very much like the rules we proposed. We have made wording changes in many rules to make them even easier to understand. We do not agree with Dr. Flesch that the new rules are too complex for the average reader. We concede that some rules may be hard to understand, but this is because they are about technical and legal matters. We believe that—on the whole—our new rules are both readable and understandable. One important editorial change we are adopting is to replace the old rule section numbers (for example, § 95.401) with "CB Rule" numbers, such as CB Rule 27. We hope that redesignating the rules will make them less formidable to the reader. (For formal purposes, we will refer to a CB rule as § 95.401 (CB Rule —).)

14. The exact rules we are adopting appear below. We have written an explanation of each new rule. The explanation follows each new rule. The explanation is not part of the rule. As an aid to the reader of this Report and Order, Appendix I summarizes the major proposals we made. Appendix I also summarizes the action we are taking on each of the main proposals.

15. The FCC may legally act only in the areas Congress authorizes. Our authority for adopting the new CB rules is in Sections 4(i) and 303 of the Communications Act of 1934, as amended. (These sections give the FCC authority to make rules to carry out the provisions of the Communications Act. The Communications Act requires us to act only in the public interest.)

16. The rules we are adopting include a new requirement which must be cleared with the General Accounting Office (GAO). If GAO approves, the new CB rules will become effective August 1, 1978.

17. In connection with this Report and Order, we have considered three additional petitions for rulemaking, RM-1771, filed by Mr. E. Prekko, RM-2048, filed by Mr. J. Tara, and RM-2758, filed by Mr. W. T. Packer. We order denial of each of these petitions. To the extent this Report and Order does not grant RM-2638, RM-2773 and

RM-2777, we also order denial of those petitions.

18. The FCC orders amendment of the CB Radio Service Rules as they appear in Appendix II. This action terminates Docket 21318.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (47 U.S.C. 154, 155, 303).)

FEDERAL COMMUNICATIONS COMMISSION,  
WILLIAM J. TRICARICO,  
Secretary.

APPENDIX I

CB Rule No.	Proposed section	Title	Subject	Action
2.....	95.403	How do I use these rules?	New section.....	Adopted.
13.....	95.429	What kind of operation does my CB license allow?	CB license allows use of up to 25 transmitters.	Do.
14.....	95.431	What must I do if my name and address changes?	Statement of FCC policy that a change in corporate control requires new CB license.	Do.
16.....	95.435	Are there any special restrictions on the location of my station?	Station located on Department of Defense land may have to follow additional rules.	Do.
17.....	95.455	On what channels may I operate?	Channel numbers added	Do.
18.....	95.457	How high may I put my antenna?	1. Delete distinction between directional and omnidirectional antennas. 2. Converts permissible heights to metric units. 3. Increase height limit for antennas on buildings to about 30 ft.	Do. Do. Not adopted.
19.....	95.459	What equipment may I use at my CB station?	1. No repairs except by commercial radiotelephone operator. 2. Delete old rule allowing one to repair own CB set, then have it checked by commercial operator.	Adopted Do.
20.....	95.461	How much power may I use?	New section.....	Do.
21.....	95.463	May I use power amplifiers?	.....do.....	Do.
22.....	95.465	What communications may I transmit?	Delete Civil Defense notice requirements.	Do.
23.....	95.467	What communications am I prohibited from transmitting?	1. 1-way transmissions.... 2. Metric conversion in skip rule. 3. Political candidates/campaigns. 4. Delete requirement to keep list of abbreviations. 5. Delete prohibition on communications with amateur radio stations.	Do. Do. Do. Do. Do.
24.....	95.469	May I be paid to use my CB station?	Clarifies rule that one can be paid for providing a service but not for use of the CB station.	Do.
25.....	95.471	How do I use my CB station in an emergency or to assist a traveler?	Delete emergency notice requirements.	Do.
26.....	95.473	Who may operate under my license?	1. Allows officers/directors of corporation to operate. 2. Requires list of authorized users to be kept. 3. Limits authorized users to 25.	Do. Do. Not adopted.
28.....	95.477	Who may not operate under my license?	Prohibits operation by persons who have received cease and desist orders, or whose applications have been denied or dismissed with prejudice.	Adopted.

APPENDIX I—Continued

CB Rule No.	Proposed section	Title	Subject	Action
29	95.479	Do I have to limit the length of my communications?	Deletes inter/intra station distinction.	Not adopted.
30	95.481	How do I identify my CB communications?	1. Deletes "separately and distinctly transmitted". 2. Requires identification at end of communication.	Adopted. Do.
34	95.503	Where must I keep my license?	Eliminates posting requirement.	Do.
35	(1)	What do I do if I lose my license?	How to get a duplicate....	Do.
37	95.507	What are the penalties for violations of these rules?	New section.....	Do.
39	95.510	What must I do if the FCC tells me my CB station is causing interference?	Allows FCC to impose quiet hours.	Do.
40	95.511	May I connect my CB radio to a telephone?	New section.....	Do.
41	95.513	How do I have my CB radio serviced?	See CB rule 19.....	Do.
44	95.519	What are my station records?	New section.....	Do.
45	95.521	How do I contact the FCC?	.....do.....	Do.

<sup>1</sup>None.

APPENDIX II

The Federal Communications Commission amends Part 95 of its Rules, as follows:<sup>1</sup>

1. In Subpart D of Part 95, add the following section to the table of contents.

95.401 Citizens Band (CB) Radio Service Rules.

GENERAL PROVISIONS

- CB Rule  
1 What is the Citizens Band (CB) Radio Service?  
2 How do I use these rules?

HOW TO APPLY FOR A CB LICENSE

- 3 Do I need a license?
- 4 Am I eligible to get a CB license?
- 5 How do I apply for a CB license?
- 6 May I operate my CB station while my application is being processed?
- 7 We are not an individual. How do we apply for temporary privileges?
- 8 How do I renew or modify my CB license?
- 9 How does a corporation holding a CB license apply for consent to transfer control of the corporation?
- 10 What address do I put on my application?
- 11 How do I sign my CB license application?
- 12 How long is my license term?
- 13 What kind of operation does my license allow?

<sup>1</sup>NOTE.—The explanations following each rule section are not part of the rules and are not to be printed in the Code of Federal Regulations.

- 14 What must I do if my name or address changes?
- 15 May I transfer my CB license to another person?
- 16 Are there any special restrictions on the location of my CB station?

HOW TO OPERATE A CB STATION

- 17 On what channels may I operate?
- 18 How high may I put my antenna?
- 19 What equipment may I use at my CB station?
- 20 How much power may I use?
- 21 May I use power amplifiers?
- 22 What communications may I transmit?
- 23 What communications are prohibited?
- 24 May I be paid to use my CB station?
- 25 How do I use my CB station in an emergency or to assist a traveler?
- 26 Who may operate under my license?
- 27 Who is responsible for transmissions made under the authority of my license?
- 28 Who must not operate under my license?
- 29 Do I have to limit the length of my communications?
- 30 How do I identify my CB communications?
- 31 Where may I operate my CB station?
- 32 May I operate my CB transmitter by remote control?

OTHER THINGS YOU NEED TO KNOW

- 33 How long must I keep my license?
- 34 Where must I keep my license?
- 35 What do I do if I lose my license?
- 36 Do I need to have a copy of the CB Rules?
- 37 What are the penalties for violating these rules?
- 38 How do I answer violation notices?
- 39 What must I do if the FCC tells me that my CB station is causing interference?
- 40 May I connect my CB transmitter to a telephone?

- 41 How do I have my CB transmitter serviced?
- 42 May I make any changes to my CB transmitter?
- 43 Do I have to make my CB station available for inspection?
- 44 What are my station records?
- 45 How do I contact the FCC?
- 46 How are the key words in these rules defined?

2. In Subpart D of Part 95, §§ 95.401-95.521 are redesignated § 95.401 (CB Rules 1-46) and are amended, as follows:

§ 95.401 Citizens Band (CB) Radio Service Rules.

GENERAL PROVISIONS

CB RULE 1 WHAT IS THE CITIZENS BAND (CB) RADIO SERVICE?

The CB Radio Service is a private, two-way, short-distance voice communications service for personal or business activities. The CB Radio Service may also be used for voice paging.

Explanation

This rule outlines the definition and uses of the CB Radio Service. The wording we are adopting is very similar to the wording of our proposal. We have simplified and shortened the rule, however. A few of those commenting on this rule stated voice paging should not be permitted in the CB Service and appeared to be under the mistaken impression that voice paging is currently prohibited. Voice paging has long been permitted in the CB Service, however. CB Rule 1 simply recognizes that fact. Another comment objected to the use of the word "private." A person transmitting in the CB Service, it was claimed, cannot expect his transmissions to be "private," given the present enormous population of the CB Service. He must, instead, assume his transmissions will be overheard by others. In the context of this rule, "private" is used to distinguish the CB Service from a "public" (i.e., a common carrier) radio service. "Private" merely means the CB Service is for the private use of licensees. It does not mean a licensee can expect all his transmissions to be private. (A certain degree of privacy is, of course, afforded licensees by Section 605 of the Communications Act, 47 USC § 605.)

CB RULE 2 HOW DO I USE THESE RULES?

(a) Read and obey the rules. See CB Rule 37 for the penalties for violations of these rules.

(b) Where the rules use the word "you," "you" means an applicant, a licensee or an individual holding a valid temporary permit, where appropriate.

(c) Where the rules use the word "person," the rules are concerned with any person, including an individual, a corporation, a partnership, or an association.

Explanation

This rule merely aids readers in the proper usage of the rules. We are adopting it essentially as proposed, although we have slightly reworded the language to increase its clarity.

HOW TO APPLY FOR A CB LICENSE

CB RULE 3 DO I NEED A LICENSE?

Before operating a CB transmitter, you must have authority from the FCC, as follows:

AN INDIVIDUAL MUST:

- Get a CB license from the FCC;
- OR
- Have a properly filled-out temporary permit (FCC Form 555-B);
- OR
- Qualify to operate a CB transmitter under the authority of another person's license.

AN ASSOCIATION, PARTNERSHIP, CORPORATION, OR GOVERNMENTAL UNIT MUST:

- Get a CB license from the FCC;
- OR
- Request, receive, and comply with a special temporary authority or other special authorization from the FCC.

Explanation

CB Rule 3 emphasizes the legal requirement that before transmitting on a CB radio, a person must obtain written authorization from the FCC. This rule was, for the most part, uncontroversial, and we are adopting it exactly as proposed. (With respect to Commissioner Lee's inquiry about the necessity of continuing to license CB radio stations at all, those commenting favored a continuation of licensing by about a 10-1 margin.)

CB RULE 4 AM I ELIGIBLE TO GET A CB LICENSE?

(a) You are eligible for a CB license if	
you are:	AND you are not:
An individual, and you are eighteen years old or older:	a foreign government
A partnership, and each partner is eighteen years old or older:	OR
A corporation:	a representative of a foreign government
An association:	OR
A state, territorial or local governmental unit, or	a federal government agency
Other legal entity.	

- (b) You must not have more than one CB license at any one time.
- (c) Any agency operating under the authority of an eligible governmental unit, including an authorized Civil De-

fense agency, is also eligible for a CB license.

(d) A subsidiary or division of a corporation is not eligible for its own CB license unless the subsidiary or division is separately incorporated.

Explanation

CB Rule 4 outlines the eligibility criteria for a CB license. We have reworded this rule to make it clearer. We have also added a chart to make it easier for the reader to determine whether or not he or she is eligible for a CB license.

CB RULE 5 HOW DO I APPLY FOR A CB LICENSE?

(a) You apply for a CB license by filling out an application (FCC Form 505) and sending it to the FCC, Gettysburg, Pa. 17326.

(b) You can get applications from the FCC; Washington, D.C. 20554 or from any FCC field office. (A list of FCC field offices is contained in CB Rule 45.) Many CB equipment dealers also have application forms.

(c) If you have questions about your application, you should write to the Personal Radio Division, FCC, Washington, D.C. 20554.

(d) If your application is not completely filled out, if you do not make the necessary certifications, or you do not include all necessary information with your application, the FCC may return your application.

(e) A Canadian General Radio Service licensee may apply for permission to operate his or her station in the United States by filling out an application (FCC Form 410-B) and sending it to the FCC, Gettysburg, Pa. 17325.

Explanation

In CB Rule 5 we tell the reader as simply as we can how to apply for a CB license. CB Rule 5 generated no controversy and we are adopting it essentially as proposed. We have, however, amended paragraph (a). Proposed paragraph (a) said, "You apply for a new CB license by filling out an application (FCC Form 505) and sending it to the FCC, Gettysburg, Pa. 17326." We have deleted the word "new" from paragraph (a), because a person not only applies for a new CB license in the manner paragraph (a) describes, but applies for a renewed CB license the same way. We are also adding a paragraph about operation by Canadian General Radio Service licensees in the United States, and we expanded paragraph (d) to remind licensees that they must sign the certifications on the CB license application, or the FCC may return the application.

CB RULE 6 MAY I OPERATE MY CB STATION WHILE MY APPLICATION IS BEING PROCESSED?

(a) If you are an individual, you may operate your CB transmitter after you have mailed your CB license application to the FCC, if—

- (1) You fill out a temporary permit application (FCC Form 555-B), and
- (2) You keep this form with your station records. The completed form is your temporary permit.

(b) A CB temporary permit is valid for 60 days after you mail your CB license application to the FCC.

Explanation

CB Rule 6 merely outlines the way in which an individual may operate his CB station while his CB license application is processed. The changes we proposed were editorial in nature and encountered no opposition. We are adopting CB Rule 6 as proposed.

CB RULE 7 WE ARE NOT AN INDIVIDUAL. HOW DO WE APPLY FOR TEMPORARY PRIVILEGES?

(a) Only an individual applicant may use a temporary CB permit.

(b) A partnership, corporation, association, joint-stock company, trust or governmental unit may operate a CB transmitter while its application for a new CB license is pending only if it has obtained special temporary authority from the FCC. A written request for special temporary authority, including a justification for the request, may be submitted to the Personal Radio Division, FCC, Washington, D.C. 20554.

Explanation

In CB Rule 7 we have redrafted in simpler language the rule that only individual applicants may obtain temporary permits in the CB Service. The rule clearly states what has long been FCC policy; namely, that applicants who are not individuals may, in some cases, obtain Special Temporary Authority permitting CB operation pending the processing of their CB license applications. We have redrafted the title of CB Rule 7 to make it somewhat less forbidding. We had proposed to title this Rule "How does a non-individual applicant request temporary privileges?" We have also made two minor wording changes in paragraph (b).

CB RULE 8 HOW DO I RENEW OR MODIFY MY CB LICENSE?

(a) You renew or modify your license in the same way that you apply for a new CB license. You should allow at least sixty days for the FCC to act on your application.

(b) If you send your application before your license expires, you may continue to operate under that license until the FCC acts on your application. You do not need a temporary permit, but you should keep a copy of the application you send to the FCC.

(c) You must stop transmitting as soon as your license expires, unless you have already sent your renewal application to the FCC. You may not begin transmitting again until you have received a new license from the FCC.

Explanation

We have made a few editorial changes to CB Rule 8, which tells the reader how to renew or modify his license. Otherwise, we adopted it as proposed.

## RULES AND REGULATIONS

**CB RULE 9 HOW DOES A CORPORATION HOLDING A CB LICENSE APPLY FOR CONSENT TO TRANSFER CONTROL OF THE CORPORATION?**

If a corporation holds a CB license, it must obtain written permission from the FCC before it transfers control of the corporation. A request for this consent must be made on FCC Form 703, and must be sent to the FCC; Washington, D.C. 20554.

*Explanation*

CB Rule 9 concerns the requirement that a corporation holding a CB license must obtain FCC permission before transferring control of the corporation. This requirement is part of the existing CB rules. We have changed some of the wording in CB Rule 9 to make it easier to read.

**CB RULE 10 WHAT ADDRESS DO I PUT ON MY APPLICATION?**

(a) You must include your current complete mailing address in the United States and station address on your CB license application.

(b) A Canadian General Radio Service Licensee may supply a Canadian address, if he or she is applying for permission to operate a General Radio Service station in the United States. A Canadian General Radio Service licensee applies for permission to operate a General Radio Service station in the United States on FCC Form 410-B.

*Explanation*

CB Rule 10 was uncontroversial. Several comments suggested that we delete the reference to TIAS No. 6931 in paragraph (b). This reference was not helpful to readers, and we have amended paragraph (b) to clarify its purpose.

**CB RULE 11 HOW DO I SIGN MY CB LICENSE APPLICATION?**

(a) If you are an individual, you must sign your own application personally.

(b) If you are not an individual, you must sign your application as follows:

<i>Applicant</i>	<i>Signature</i>
Partnership .....	One of the partners.
Corporation .....	Officer.
Association .....	Member who is an officer.
Governmental Unit.....	Appropriate elected or appointed official.

(c) If the FCC requires you to submit additional information, you must sign it in the same way you signed your application.

(d) If you willfully make a false statement on your application, you may be punished by fine, imprisonment and revocation of your station license.

*Explanation*

In CB Rule 11, we have changed paragraph (b) from the passive to the active voice. Otherwise, we are adopting CB Rule 11 as proposed.

**CB RULE 12 HOW LONG IS MY LICENSE TERM?**

Your CB license term is usually five years from the date the FCC first issued or renewed it. The expiration date is printed on the license.

*Explanation*

We have redrafted CB Rule 12 from the passive to the active voice. Otherwise, we are adopting it as proposed, with a few wording changes.

**CB RULE 13 WHAT KIND OF OPERATION DOES MY LICENSE ALLOW?**

(a) You must obey all the conditions and terms of your license.

(b) You may operate your CB station from your car, your house, or any other fixed location. (The FCC licenses all CB stations as mobile stations.)

(c) Your CB license allows you to operate with up to 25 transmitters. To use more than 25 transmitters, you must request and receive written permission from the Personal Radio Division, FCC, Washington, D.C. 20554. Attach a letter to your application explaining why you need more than 25 transmitters and how you will control the operation of the transmitters.

*Explanation*

Several comments we receive on CB Rule 13 revealed some confusion about paragraph (b). Some people mistakenly interpreted this provision as prohibiting "base" stations in the CB Service. All paragraph (b) means is that the CB Radio Service is a mobile radio service. All stations in the CB Service are mobile stations, whether they are operated from moving vehicles or from buildings or houses. We have amended paragraph (b) to clarify CB Rule 13. We also reworded paragraph (c) slightly.

**CB RULE 14 WHAT MUST I DO IF MY NAME OR ADDRESS CHANGES?**

(a) If your name, station address, or mailing address changes, you must inform the FCC, Gettysburg, Pa. 17326. Your notice must include the name and address as it appears on your license, the new name or new address, and your call sign. You must keep a copy of this notice in your station records. (Your notice may be in letter form. Your CB license may have a form attached to it which you can also use for this purpose.)

(b) If you hold a CB license, and then incorporate, form a new partnership or form a new association, you must apply for a new CB license.

*Explanation*

In CB Rule 14, we have explained clearly what a licensee must do if his or her name changes. We have made minor wording

changes, and are otherwise adopting this rule as proposed.

**CB RULE 15 MAY I TRANSFER MY CB LICENSE TO ANOTHER PERSON?**

(a) You must not let anyone who is not listed in CB Rule 26 operate under your license. You cannot transfer, assign, sell, or give your CB license or its operating authority to another person.

(b) If you sell or give your CB transmitter to another person, you must not transfer your CB license with the transmitter. The new owner of the CB transmitter must obtain a CB license or other authority from the FCC in his or her own name or qualify to operate under CB Rule 26 before he or she can operate the transmitter.

*Explanation*

CB Rule 15 generated little or no controversy, and, except for a few wording changes, we are adopting it as proposed.

**CB RULE 16 ARE THERE ANY SPECIAL RESTRICTIONS ON THE LOCATION OF MY CB STATION?**

(a) If your CB station will be constructed on land of environmental or historical importance (such as a location significant in American history, architecture or culture), you may be required to provide additional information with your license application and to comply with § 1.1305-1.1319 of the FCC's Rules.

(b) If your CB station is located on land controlled by the Department of Defense, you may be required to comply with additional regulations imposed by the commanding officer of the installation.

*Explanation*

In CB Rule 16, we drastically reduced the length of the existing rule (§ 95.437(b)), which outlines in detail the instances in which an applicant for a CB license must file an environmental impact statement with his license application. Although several of those submitting comments approved of our proposed simplification, at least one, Mr. Dennis C. Brown of Dayton, Ohio, stated that proposed paragraph (a) is objectionably vague. It does not, Mr. Brown alleges, give an applicant sufficient notice of the circumstances in which he is required to file an environmental impact statement with his application.

We concede that CB Rule 16 would require some applicants to refer elsewhere in our rules for the specific details of when and how to file an environmental impact statement. (An applicant who is required to file such a statement must consult Part 1 of our rules under the existing regulation, anyway.) The question of environmental impact arises so infrequently in the CB Service, however, that we believe it best not to include all the current, rather complex, language about environmental impact in CB Rule 16. We believe, instead, that paragraph (a) is sufficient to let those few applicants CB Rule 16 affects examine Part 1 of our rules. We are therefore adopting CB Rule 16 essentially as proposed.

HOW TO OPERATE A CB STATION

CB RULE 17 ON WHAT CHANNELS MAY I OPERATE?

(a) You may transmit on only the following channels (frequencies).

Channel:	Frequency (mega-hertz)	Channel:	Frequency (mega-hertz)
1	26.965	20	27.205
2	26.975	21	27.215
3	26.985	22	27.225
4	27.005	23	27.255
5	27.015	24	27.235
6	27.025	25	27.245
7	27.035	26	27.265
8	27.055	27	27.275
9	27.065	28	27.285
		29	27.295
10	27.075	30	27.305
11	27.085	31	27.315
12	27.105	32	27.325
13	27.115	33	27.335
14	27.125	34	27.345
15	27.135	35	27.355
16	27.155	36	27.365
17	27.165	37	27.375
18	27.175	38	27.385
19	27.185	39	27.395
		40	27.405

(b) CHANNEL 9 MAY BE USED ONLY FOR EMERGENCY COMMUNICATIONS OR FOR TRAVELER ASSISTANCE.

(c) YOU MUST, AT ALL TIMES AND ON ALL CHANNELS, GIVE PRIORITY TO EMERGENCY COMMUNICATIONS.

(d) You may use any channel for emergency communications or for traveler assistance.

(e) You must share each channel with other users.

(f) The FCC will not assign any channel for the private or exclusive use of any particular CB station or group of stations.

(g) The FCC will not assign any channel for the private or exclusive use of CB stations transmitting single sideband or AM.

Explanation

CB Rule 17 lists the frequencies available for use by CB stations and the conditions attached to their use. Although there was little or no objection in the comments to paragraph (a), several respondents made suggestions about the remaining paragraphs. A number of comments requested that we strengthen the language in paragraph (b) about emergency communications. In response to these requests, we are adding a new paragraph (c) stating that emergency communications have priority on all channels at all times. (This paragraph duplicates CB Rule 25(a).) The Michigan Emergency Patrol suggested clarifying paragraph (f) by clearly stating that the FCC will not assign any channel for the private or exclusive use of any CB station or group of stations. We are adopting this proposal. We are deleting some unnecessary language about interference from industrial, scientific and medical devices. We are also making a number of

other editorial changes to enhance readability. We have added a new paragraph, (g), in response to many inquiries about our policy toward reservation of specific channels for use by stations transmitting a particular emission.

CB RULE 18 HOW HIGH MAY I PUT MY ANTENNA?

(a) If your antenna is installed at a fixed location, the antenna structure (whether receiving, transmitting or both) must comply with either one of the following:

(1) The highest point must not be more than 6.10 meters (20 feet) higher than the highest point of the building or tree on which it is mounted; or

(2) The highest point must not be more than 18.3 meters (60 feet) above the ground.

(b) If your CB station is located near an airport, and if your antenna is more than 6.1 meters (20 feet) high, you may have to obey additional restrictions. The highest point of your antenna must not exceed one meter above the airport elevation for every hundred meters of distance from the nearest point of the nearest airport runway. Differences in ground elevation between your antenna and the airport runway may complicate this formula. If your CB station is near an airport, you may contact the FCC for a worksheet to help you figure the maximum allowable height for your antenna. Consult Part 17 of the FCC's Rules for more information.

Explanation

In CB Rule 18 we proposed to delete the current distinction between omnidirectional and directional antennas and permit mounting both types of antennas at the same height. (10 meters if mounted on a building or tree, or 20 meters above the ground.) We asked whether permitting directional antennas to be mounted at the same height as omnidirectional antennas would result in more or less interference to CB operations or television broadcast reception.

The majority of those commenting favored the proposed deletion of the omnidirectional/directional antenna distinction. Those supporting the proposal, such as Mr. Michael F. Morra, stated the proposed revision would be easier to understand, would reduce television interference, and would not lead to widespread violations of the rule against communicating over 150 miles. As the American Radio Council stated, "The new rule, since it permits the directional antenna (with its concentrated radiation) to be higher and thus farther removed from the TV antenna and other wires in the environment will result in fewer [interference] complaints and will permit greater tranquility in the area among users of electronic instruments and appliances."

A number of those commenting opposed the revision in the antenna rule, however. National Capital REACT, Inc., for example, claimed we proposed to raise the lower height limitation for antennas 64% (from 20 feet to 10 meters) without identifying the proposal as a substantive change or justifying it in any way. The Michigan Emergency Patrol (MEP) opposed the deletion of the

distinction between directional and omnidirectional antennas. MEP alleged we had not given the matter enough thought and urged that any revision to the antenna rule be made the subject of a separate rulemaking proceeding. The Consumer Product Safety Commission (CPSC) also opposed permitting the mounting of directional antennas at greater heights, citing the number of deaths which have occurred in the United States as a result of the erection of CB antennas. (We note that CPSC filed its comments in this proceeding one month late. We are waiving Section 1.415 of our rules to accept CPSC's comments.)

We believe National Capital REACT's point concerning the proposal to increase the lower height limitation for CB antennas is well taken and we are not adopting the proposal. Instead, we will merely convert the existing height limitations to metric units. (20 feet=6.1 meters and 60 feet=18.3 meters.)

We continue to believe, however, that our proposal to delete the distinction between directional and omnidirectional antennas is a good one. We believe such a rule will be easier to observe and enforce, and that it will probably have little or no effect on interference to broadcast reception. We decline to adopt MEP's suggestion that we make CB antennas the subject of another rulemaking. Another rulemaking would, in our opinion, be a needless waste of time and effort, since we now have before us all the information necessary to make a reasoned decision. We also respectfully decline to adopt CPSC's suggestion that we not permit mounting directional CB antennas at greater heights because of alleged danger involved. Although we do not wish to expose CB operators to unnecessary danger, we do not believe permitting CBers to mount directional antennas at greater heights will significantly increase the number of injuries associated with the erection of CB antennas. CPSC's data, which show an increase in deaths associated with CB antenna construction from 1 in 1973 to 50 in 1976 is, at best, inconclusive and incomplete. An equally plausible explanation is that in light of the tremendous increase in the number of CB licensees since 1973, from 800,000 to 12,250,000, more fatalities could almost certainly be expected. We note that far more CB operators use omnidirectional antennas than directional antennas. We note, further, that there was no increase in CB antenna-related fatalities in 1974, the year we raised the permissible height limitation for omnidirectional CB antennas from 20 feet to 60 feet. Yet, if CPSC's argument were valid, there should have been an increase in fatalities in 1974. CPSC simply has not demonstrated a clear relationship between CB antenna height and the accidents which sometimes, regrettably, occur when CB antennas are constructed or dismantled. We think the warning label CPSC has proposed to require on all outdoor antennas (See 42 Fed. Reg. 57134 (1977)) is sufficient to put CB operators on notice that installation of CB radio antennas can be very dangerous.

We are also making a few editorial changes to CB Rule 18 to increase its clarity.

CB RULE 19 WHAT EQUIPMENT MAY I USE AT MY CB STATION?

(a) You must use an FCC type-accepted CB transmitter at your CB station. You can identify an FCC type-accepted

cepted transmitter by the type-acceptance label placed on it by the manufacturer. You may examine a list of type-accepted equipment at any FCC Field Office or at FCC Headquarters.

(b) You must not make, or have made, any internal modification to a type-accepted CB transmitter. Any internal modification to a type-accepted CB transmitter cancels the type-acceptance.

(c) You must have all internal repairs or internal adjustments to your transmitter made by, or under the direct supervision of, a licensed first- or second-class radiotelephone commercial operator. (See CB Rule 41.)

#### Explanation

CB Rule 19 generated little controversy, and we are adopting it essentially as proposed. We have made a few minor editorial changes to increase the rule's clarity.

#### CB RULE 20 HOW MUCH POWER MAY I USE?

(a) Your CB transmitter power output must not exceed the following values under any conditions:

AM (A3)—4 watts (carrier power)  
SSB (A3J)—12 watts (peak envelope power)

(b) If you need more information about the power rule, see the technical rules in Subpart E of Part 95.

#### Explanation

Our proposed CB rule 20 was uncontroversial, since the 4- and 12-watt power limits have been applied to CB transmitters for years. We are adding a new paragraph, (b), stating that more information on the power rule may be found in Subpart E of Part 95 of the Rules. We also have made minor editorial changes to the rule.

#### CB RULE 21 MAY I USE POWER AMPLIFIERS?

(a) You must not use or attach a linear or external radio frequency (RF) power amplifier at any CB station in any way.

(b) There are no exceptions to this rule.

(c) The FCC will presume you have used a linear or other external RF power amplifier if—

(1) It is in your possession or on your premises; and

(2) There is other evidence that you have operated your CB station with more power than allowed by CB Rule 20.

(d) Paragraph (c) of this rule does not apply if you hold a license in another radio service which allows you to operate an external RF power amplifier.

#### Explanation

We received very few comments on this rule. Most of those who did comment were confused by paragraphs (c) and (d). Paragraph (c) gives the FCC the right to presume that you have used a power amplifier if you have an amplifier and the FCC has

other reasons for believing that you have been running too much power. Paragraph (c) is a technical legal presumption, but it means that the FCC's case is easier to prove if you have an amplifier in your possession. Paragraph (d) means only that if you have an FCC license for another radio service which allows you to operate an amplifier, such as the Amateur Radio Service, the FCC cannot make use of the presumption. (You could, however, still be cited for violating the rule.) The rule, as adopted, has only minor wording changes from the proposed language.

#### CB RULE 22 WHAT COMMUNICATIONS MAY I TRANSMIT?

(a) You may transmit two-way plain language communications only to other CB stations, to units of your own CB station or to authorized government stations on CB frequencies about—

(1) Your personal or business activities or those of members of your immediate family living in your household;

(2) Emergencies (see CB Rule 25);

(3) Traveler assistance (see CB Rule 25); and

(4) Civil defense activities in connection with official tests or drills conducted by, or actual emergencies announced by, the civil defense agency with authority over the area in which your station is located.

(b) You may transmit a tone signal only when the signal is used to make contact or continue communications. (Examples of circuits using these signals are tone operated squelch and selective calling circuits.) If your signal is an audible tone, it must no longer than 15 seconds at one time. If your signal is a subaudible tone, it may be transmitted continuously only as long as you are talking.

(c) You may transmit one-way communications for the purpose of voice paging.

(d) You may transmit in a foreign language, as long as you identify your CB station in the English language.

#### Explanation

There was no significant opposition to this rule. In fact, several commenters noted that the section was very helpful in clarifying which communications the FCC permits.

One comment pointed out that the proposed rule did not include permission to communicate with units of your own station. Since this omission was inadvertent, we added that language back into the rule.

Two other points were raised in the comments. Several persons asked that we restore the examples of permissible communications which appeared in the rules before 1976. We decided against returning the examples to the rules, because many persons used to find the examples confusing. Some comments indicated an objection to the inclusion of voice paging in paragraph (c). Many people did not understand that voice paging was permitted under the former rules, and that paragraph (c) is just a "plain language" statement of the old rule. We

have also rewritten paragraph (b) in simpler language and have added a new paragraph (d) explaining that foreign language communications are permissible as long as the station identification is in English.

#### CB RULE 23 WHAT COMMUNICATIONS ARE PROHIBITED?

(a) You must not use a CB station—

(1) In connection with any activity which is against federal, state or local law;

(2) To transmit obscene, indecent or profane words, language or meaning;

(3) To interfere intentionally with the communications of another CB station;

(4) To transmit one-way communications, except for emergency communications, traveler assistance, brief tests (radio checks), or voice paging;

(5) To advertise or solicit the sale of any goods or services;

(6) To transmit music, whistling, sound effects or any material to amuse or entertain;

(7) To transmit any sound effect solely to attract attention;

(8) To transmit the word "MAYDAY" or any other international distress signal, except when your station is located in a ship, aircraft or other vehicle which is threatened by grave and imminent danger and you are requesting immediate assistance;

(9) To communicate with, or attempt to communicate with, any CB station more than 250 kilometers (155.3 miles) away;

(10) To advertise a political candidate or political campaign; (You may use your CB radio for the business or organizational aspects of a campaign, if you follow all other applicable rules.);

(11) To communicate with unlicensed stations or stations in other countries; and

(12) To transmit a false or deceptive communication.

(b) You must not use a CB station to transmit communications for live or delayed rebroadcast on a radio or television broadcast station. You may use your CB station to gather news items or to prepare programs.

(c) A CB station licensed to a telephone answering service must not be used to transmit messages to its customers. (See CB Rule 26.)

#### Explanation

Although there was no substantial opposition to this rule, several commenters suggested changes in its wording.

The Michigan Emergency Patrol suggested that the prohibition on the transmission of obscene, indecent or profane words, language or meaning should be deleted. The rule prohibiting obscene, indecent or profane words, language or meaning is taken directly from 18 U.S.C. 1464, however. Since any change to the wording of this rule might create a conflict with the statute, we have decided against any change.

Several people noted that paragraph (a)(4) seemed to prohibit voice paging. Since

the failure to include voice paging as an exception to the one-way transmission rule was inadvertent, we added voice paging to paragraph (a)(4).

Those commenting on our proposal to prohibit advertising political candidates or campaigns over CB radio were, for the most part, in favor of the proposal. Although at least one commenter questioned the constitutionality of such a regulation, we believe a regulation of this kind is both lawful and valuable. We are therefore adopting it as proposed.

Several commenters, such as the North Shore Emergency Association, objected to the proposed revision of paragraph (a)(12), because, they said, the new language would not prohibit anyone from identifying himself by a call sign which was not assigned to him. We believe, however, that the new wording will be equally as effective as the former rule in prohibiting false station identifications. In addition, the rule on station identification (CB Rule 30) requires identification by "your FCC-assigned call sign." We do not believe that further clarification is needed.

The remainder of the rule is being adopted with some minor wording changes.

**CB RULE 24 MAY I BE PAID TO USE MY CB STATION?**

(a) You must not accept direct or indirect payment for transmitting or receiving messages with a CB station.

(b) You may use a CB station to help you provide a service, and be paid for that service, as long as you are paid only for the service and not for the actual use of the CB station.

*Explanation*

There was no significant opposition to this rule, although some persons noted that paragraph (b) was still too difficult to understand.

We have adopted the rule essentially as proposed, with some revisions to the wording of paragraph (b).

**CB RULE 25 HOW DO I USE MY CB STATION IN AN EMERGENCY OR TO ASSIST A TRAVELER?**

(a) YOU MUST, AT ALL TIMES AND ON ALL CHANNELS, GIVE PRIORITY TO EMERGENCY COMMUNICATIONS.

(b) When you are directly participating in emergency communications, you do not have to comply with the rules about authorized users (CB Rule 26), length of transmissions (CB Rule 29), and communications with unlicensed stations (CB Rule 23). You must obey all other rules.

(c) You may use your CB station for communications necessary to assist a traveler to reach a destination or to receive necessary services. When you are using your CB station to assist a traveler, you do not have to obey the rule about length of transmissions (CB Rule 29). You must obey all other rules.

*Explanation*

A few commenters discussed this proposed rule, mostly to approve of the new language about traveler assistance communications.

Although the new rule is not different from the former rule, the new language is, we think, easier to understand. With a few minor exceptions, we have adopted the rule as proposed.

**CB RULE 26 WHO MAY OPERATE UNDER MY LICENSE?**

(a) You may permit only the persons listed below to operate under your license:

If you are—	The authorized users are—
Individual	Yourself. Members of your immediate family living in your household. Each of your employees as long as his or her communications are <i>only</i> about your business.
Partnership	Each partner and employee of the partnership, as long as his or her communications are <i>only</i> about the business of the partnership.
Association	Each member of the association as long as his or her communications are <i>only</i> about the business of the association. Each employee of the association, as long as his or her communications are <i>only</i> about the business of the association.
Corporation	Each officer, director and employee of the corporation, as long as his or her communications are <i>only</i> about the business of the corporation.
Governmental Unit	Each employee of the governmental unit, as long as his or her communications are <i>only</i> about the business of that governmental unit.

(b) Someone else may operate your CB station if you request, and the FCC grants, special authorization to allow operation under your license where he or she would not otherwise qualify to operate your CB station.

(c) If you are a corporation, you may, upon request and FCC approval, permit your parent corporation or subsidiary corporation to provide you with a private radiocommunications service under your license if the subsidiary or parent corporation provides the service on a non-profit or cost-sharing basis.

(d)(1) You may employ a telephone answering service to relay telephone messages to you on your CB transmitter if—

(i) You install or have someone else install a transmitter of your CB station at the answering service;

(ii) Your transmitter is used *only* under the authority of your license; and

(iii) Your transmitter is used *only* to relay messages to you about your personal or business affairs.

(2) If your transmitter is installed at a telephone answering service, it must not be used under the authority of any CB license other than yours.

(e) If you authorize any of the persons listed in paragraphs (a), (b), (c), or (d) of this rule to operate under your license, you must keep a list of all authorized users as part of your station records.

*Explanation*

Many persons commented on this proposed rule, especially to object to proposed paragraph (e). REACT International, Inc. stated that "section (e) is unnecessarily restrictive, a wholly unnecessary burden on the licensee. . . ." Whiteface Mountain Cbers opposed the proposed list-keeping requirement, stating "we disagree with the new rule on keeping records of users of our radios." Although many people did not think that this new requirement would help the FCC's enforcement effort, our enforcement staff believes that requiring licensees to keep a list of authorized users would substantially assist enforcement of the CB rules. For this reason, we are adopting this rule essentially as proposed. Recognizing the increased paperwork required by proposed paragraph (e), we have decided not to adopt the proposed limit of 25 users contained in proposed paragraph (f). The number of licensees with more than 25 authorized users is small, and the benefits of the proposed rule do not outweigh the administrative inconvenience to licensees and the FCC.

**CB RULE 27 WHO IS RESPONSIBLE FOR TRANSMISSIONS MADE UNDER THE AUTHORITY OF MY LICENSE?**

You are responsible for all transmissions which are made by you or others under the authority of your license, including transmissions which are against these rules. Because you are responsible for all transmissions, you should be certain that anyone operating under your license understands and obeys the rules.

*Explanation*

There was no substantial opposition to this proposed rule. With some word changes, we are adopting this rule as proposed.

**CB RULE 28 WHO MUST NOT OPERATE UNDER MY LICENSE?**

(a) You must not permit anyone to operate under your license who is not listed in CB Rule 26, except in an emergency.

(b) You must not permit anyone who no longer has a CB license to operate under your license if—

(1) His or her license was revoked by the FCC; or

(2) His or her license was surrendered for cancellation after a notice of apparent liability to forfeiture was served by the FCC; or

(3) His or her license was surrendered for cancellation after the FCC instituted revocation proceedings.

(c) You must not permit anyone to operate your CB station if the FCC has issued a cease and desist order to that person, and the order is still in effect.

(d) You must not permit anyone to operate under your license if that person's most recent CB license application was denied by the Commission or dismissed with prejudice.

(e) If you sell CB transmitters, you must not allow a customer to operate a CB transmitter under the authority of your license.

#### Explanation

Although there was no significant opposition to this rule, some persons stated that they were confused by paragraph (b). We have tried to clarify paragraph (b) by rearranging the wording.

We have made a few minor wording changes and are adopting the rule basically as proposed.

#### CB RULE 29 DO I HAVE TO LIMIT THE LENGTH OF MY COMMUNICATIONS?

(a) Your communications must be limited to the minimum practical time.

(b) If you are communicating with another CB station or stations, you, and the stations communicating with you, must limit each of your conversations to no more than five continuous minutes.

(c) At the end of your conversation, you, and the stations communicating with you, must not transmit again for at least one minute.

#### Explanation

Proposed CB Rule 29 would have eliminated the distinction between interstation and intrastation communications, limiting all communications on CB channels to a maximum of five minutes.

This proposal was strenuously opposed by several commenters, particularly those representing public service organizations and volunteer emergency teams. National Capital REACT, Inc. stated "we do not believe that [intra-station communications] constitutes a very major drain on the crowded spectrum." The Michigan Emergency Patrol argued that the FCC had not identified "overly long intra-station communications \* \* \* as being a significant problem or disruption to the service."

Several other commenters, however, supported the FCC's proposed revision. Lawrence M. Sedgwick, Jr. noted that "all stations should abide by the same rules, whether inter or intrastation communications is involved."

We have decided to retain the distinction in the rewritten rules, because of the overwhelming opposition of organizations involved in worthwhile public service activities. Because some of those commenting were somewhat confused by the application of this rule during an emergency, we wish to take this opportunity to emphasize that the 5-minute rule does not apply during an emergency.

#### CB RULE 30 HOW DO I IDENTIFY MY CB COMMUNICATIONS?

(a) You must identify your CB communications by your FCC-assigned call sign at the end of each communication.

(b) Your FCC-assigned call sign must be clearly given in the English

language. A phonetic alphabet may be used as an aid for identification. A "handle", unit designator, or special identifier may be used *in addition to*, but not instead of, your FCC-assigned call sign.

#### Explanation

The proposed change in the identification rule to require identification only at the end of a transmission resulted in a large number of comments. Those commenting, however, were about evenly divided between those supporting and opposing the proposal.

Opposition to the proposal came chiefly from volunteer emergency monitoring teams, who stated that identification only at the end of a communication would impede their emergency services. The North Shore Emergency Association's comments were typical: "Obtaining a unique, distinctive identification from a caller is one of the very first things any person answering a call for help should do \* \* \*."

Many commenters supported the proposed change, however.

We have decided to adopt the change as proposed. We are convinced that end-only identification will have no effect on our enforcement effort and, indeed, may increase the number of persons identifying their communications. Identification at the beginning of the communication does not serve a necessary regulatory purpose. We are sensitive to the concern of public service organizations; however, these organizations may certainly continue to require call-sign identification from a caller at the beginning of a communication, regardless of the requirements of the CB Rules. We remain committed to a policy of eliminating those rules which serve no regulatory purpose. The former rule on station identification need not forever remain as restrictive as it has been. We have therefore adopted CB Rule 30 essentially as proposed.

#### CB RULE 31 WHERE MAY I OPERATE MY CB STATION?

(a) You may operate your CB station in any of the fifty United States, in the District of Columbia, in Puerto Rico, in the United States Virgin Islands, on Guam, and in all other United States territories and possessions.

(b) You may operate your CB station in or on any aircraft or vessel of United States registry, with the permission of the appropriate officer.

(c) If your CB station is outside the fifty United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, Guam or any of the other United States territories and possessions, you are subject to any applicable laws or regulations governing the location at which you are operating.

(d) You may operate your CB station in Canada, if you request and receive written permission *in advance* from the Canadian Department of Communications.

(e) If your CB station is located on land controlled by the Department of Defense, you may be required to comply with additional regulations im-

posed by the commanding officer of the installation.

#### Explanation

There was no substantial opposition to this rule. Several persons pointed out the inadvertent omission of Guam and the U.S. territories and possessions as authorized locations for operation. We have added these locations, and are adopting the remainder of the rule as proposed.

#### CB RULE 32 MAY I OPERATE MY CB TRANSMITTER BY REMOTE CONTROL?

(a) You must not operate a CB transmitter by remote control, except as provided in paragraph (b).

(b) If you can show satisfactory need, the FCC may grant you written permission to operate by wire-line remote control. You must keep this permission as part of your station records. You can send your request for permission to the Personal Radio Division, FCC, Washington, D.C. 20554.

#### Explanation

There was little comment on this rule. We are adopting it as proposed, with the addition of an informational sentence in paragraph (b) with the address for sending requests for permission to operate by wire-line remote control.

#### OTHER THINGS YOU NEED TO KNOW

#### CB RULE 33 HOW LONG MUST I KEEP MY LICENSE?

You must keep your license (or other authorization) until it expires or until it is terminated.

#### CB RULE 34 WHERE MUST I KEEP MY LICENSE?

(a) You must keep your license (or other authorization) in your station records or post it at your station.

(b) You may photocopy your license for any lawful purpose.

#### CB RULE 35 WHAT DO I DO IF I LOSE MY LICENSE?

If you lose your license, you must request a duplicate license from the FCC, Box 1020, Gettysburg, Pa. 17326. Your request must include your name, your address and your station call sign.

#### Explanation

CB Rules 33 and 34 are adopted basically as proposed. There were very few comments on these rules; however, some persons had difficulty with the requirement to "keep" a license. To cover those instances in which a license is lost, stolen or misplaced, we have added a new informational rule entitled "What do I do if I lose my license?"

#### CB RULE 36 DO I NEED TO HAVE A COPY OF THE CB RULES?

(a) You must keep a current copy of the CB Rules in your station records. The CB Rules are published periodically by the Government Printing Office.

(b) You must stay up to date with changes to the CB Rules. Changes to the CB Rules are found in the FEDERAL REGISTER and in other publications.

(c) Your CB station must comply with technical rules found in Subpart E of Part 95, but you do not have to keep those rules in your station records.

*Explanation*

There were few comments on this proposed rule. We have made a few minor wording changes. Otherwise, we are adopting it as proposed.

**CB RULE 37 WHAT ARE THE PENALTIES FOR VIOLATING THESE RULES?**

(a) If the FCC finds that you have willfully or repeatedly violated the Communications Act, FCC Rules or 18 U.S.C. 1464 (which prohibits the transmission of obscene, indecent or profane language), you may have to pay as much as \$2,000 for each violation, up to a total of \$5,000. (See Section 503(b) of the Communications Act.)

(b) If the FCC finds that you have willfully or repeatedly violated the Communications Act or FCC rules, it may revoke your CB license. (Other grounds for revoking a CB license are listed in Section 312(a) of the Communications Act.)

(c) If the FCC finds that you have violated any section of the Communications Act, you may be ordered to stop whatever action caused the violation. (See Section 312(b) of the Communications Act.)

(d) If a federal court finds that you have willfully and knowingly violated any FCC rule, you may be fined up to \$500 for each day you committed the violation. (See Section 502 of the Communications Act.)

(e) If a federal court finds that you have willfully and knowingly violated any provision of the Communications Act, you may be fined up to \$10,000, or you may be imprisoned for one year, or both. (See Section 501 of the Communications Act.)

*Explanation*

There were no objections to this rule. Those who commented were pleased that a section on penalties had been added. We made several minor wording changes, including a change to paragraph (a) based upon recently enacted amendments to the Communications Act.

**CB RULE 38 HOW DO I ANSWER VIOLATION NOTICES?**

(a) If it appears to the FCC that you have violated the Communications Act or these rules, the FCC may send you a written notice of the apparent violation.

(b) Within the time period stated in the notice, you must provide—

(1) A complete written statement about the apparent violation;

(2) A complete written statement about any action you have taken to

correct the apparent violation and to prevent it from happening again; and

(3) The name and station call sign of the person operating at the time of the apparent violation.

(c) You must not shorten your response by references to other communications or notices.

(d) You must send your response to the office of the FCC which sent you the notice.

(e) If you cannot answer a violation notice within the time stated in the notice, because of illness or other unavoidable circumstances, you must answer at the earliest possible time and explain the reason for your delay.

(f) If the violation notice covers a violation related to technical transmitting standards, you must stop transmitting immediately, except for necessary tests and adjustments; and you must not transmit again until all technical problems with the transmitter have been corrected. The FCC may require you to have tests conducted and to report the results of those tests. (See CB Rule 41 for the rules about tests and adjustments.) Test results must be signed by the first or second class commercial radiotelephone operator who conducted or supervised the test or adjustment.

(g) You must keep a copy of your response as a part of your station records.

*Explanation*

There were very few comments on this proposed rule. We made a number of wording changes and adopted the remainder of the rule as proposed.

**CB RULE 39 WHAT MUST I DO IF THE FCC TELLS ME THAT MY CB STATION IS CAUSING INTERFERENCE?**

(a) If the FCC tells you that your CB station is causing interference for technical reasons, you must follow all instructions in the official FCC notice.

(b) You must comply with any restricted hours of CB station operation which may be included in the official FCC notice.

*Explanation*

Several persons commented on this rule, particularly to object to the proposed "quiet hours" rule in paragraph (b). The Douglas E. Pete Memorial REACT, Inc., stated "we believe that a rule which permitted curtailment of specific licensees operating authority would be an unwarranted rule."

The reason for proposing this new rule was to give the FCC additional authority to combat the serious problem of interference caused by CB stations. We would point out that the FCC has long had a rule allowing it to impose quiet hours in the Amateur Radio Service.

We recognize the concern of those who commented on this proposal, but we believe that the public interest requires that the FCC take positive action to curtail the interference problem. We have therefore adopted CB Rule 39 essentially as proposed.

**CB RULE 40 MAY I CONNECT MY CB TRANSMITTER TO A TELEPHONE?**

(a) You may connect your CB transmitter to a telephone if you comply with all of the following:

(1) You, or someone authorized to operate under your license, must be present at your CB station and must—

(i) Manually make the connection (the connection must not be made by remote control);

(ii) Supervise the operation of the transmitter during the connection;

(iii) Listen to each communication during the connection; and

(iv) Stop all communications if there are operations in violation of these rules.

(2) Each communication during the telephone connection must comply with all of these rules.

(3) You must obey any restriction that the telephone company places on the connection of a CB transmitter to a telephone.

(b) The CB transmitter you connect to a telephone must not be shared with any other CB station.

(c) If you connect your CB transmitter to a telephone, you must use a phone patch device which has been registered with the FCC.

*Explanation*

CB Rule 40 merely affirms long-standing FCC policy on telephone interconnection in the CB Service, and we are adopting it essentially as proposed. The Michigan Emergency Patrol objected to paragraph (a)(3) on the ground that we are delegating authority to the telephone company. All paragraph (a)(3) means, though, is that a CB operator must comply with any tariffs his telephone company may have imposed before connecting his CB transmitter to his telephone. This, too, merely codifies preexisting FCC policy.

**RULE 41 HOW DO I HAVE MY CB TRANSMITTER SERVICED?**

(a) You may adjust your own antenna to your CB transmitter and you may make "radio checks."

(b) Each internal repair and each internal adjustment to your CB transmitter must be made by, or under the direct supervision of, a person holding a first- or second-class commercial radiotelephone operator license.

(c) Except as provided in paragraph (d) of this section, each internal repair and each internal adjustment of a CB transmitter in which signals are transmitted must be made using a nonradiating ("dummy") antenna.

(d) Brief test signals using a radiating antenna may be sent to adjust a transmitter to an antenna or to detect or measure spurious radiation. These test signals may not be longer than one minute during any five minute period.

*Explanation*

We are adopting CB Rule 41 essentially as proposed. A number of respondents pointed

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out that in paragraph (d) we had deleted the existing one minute limit on test signals. We did not intend to delete the one minute limit on test signals, and we are adding it to paragraph (d).

#### CB RULE 42 MAY I MAKE ANY CHANGES TO MY CB TRANSMITTER?

(a) You must not make or have anyone else make *any* internal modification to your CB transmitter.

(b) You must not operate a CB transmitter which has been modified by *anyone* in any way, including modification to operate on unauthorized frequencies or with illegal power.

#### Explanation

CB Rule 42 was uncontroversial, and, except for three minor editorial changes, we are adopting it as proposed.

#### CB RULE 43 DO I HAVE TO MAKE MY CB STATION AVAILABLE FOR INSPECTION?

If an authorized FCC representative requests to inspect your CB station, you must make your CB station available for inspection.

#### Explanation

CB Rule 43 merely restates an existing rule. We have reworded the rule to increase its clarity, however.

#### CB RULE 44 WHAT ARE MY STATION RECORDS?

(a) Your station records include the following documents, as applicable:

(1) Your temporary permit (CB Rule 6);

(2) A copy of each letter telling the FCC of your name or address change (CB Rule 14);

(3) Your license (CB Rule 34);

(4) A list of authorized users of your CB station (CB Rule 26);

(5) A current copy of the CB Rules (CB Rule 36);

(6) A copy of each response to an FCC violation notice (CB Rule 38);

(7) Each written permission received from the FCC.

(b) If an authorized FCC representative requests to inspect your station records, you must make your station records available for inspection.

(c) You must keep your station records for the term of your license.

#### Explanation

There were few comments on this proposed rule. Some persons commenting noted that the proposed rule seemed to place an increased record retention requirement on CB licensees. We recognize that item (4), concerning authorized users, is a new record retention requirement; however, we believe that this new rule is essential to our enforcement efforts. (See the discussion following CB Rule 26.)

#### CB RULE 45 HOW DO I CONTACT THE FCC?

(a) You may write to the following address about your application, about

the rules or when you are requesting permission to use more than 25 transmitters:

Personal Radio Division, FCC, Washington, D.C. 20554.

(b) You may write to the following address when you send your notice of new name or address, or when you send a new or renewal application form:

FCC, Gettysburg, Pa. 17326.

(c) You may write to any of the following FCC offices in the field if you wish to file an interference complaint. The FCC will forward your complaint to the appropriate field enforcement unit.

Alaska, Anchorage 99510, FCC, room G-63, U.S.P.O. and Courthouse Bldg., P.O. Box 644, 4th and F Sts.

California, Long Beach, FCC, room 501, 3711 Long Beach Blvd.

California, San Diego 92101, FCC, Fox Theatre Bldg., 1245 7th Ave.

California, San Francisco 94111, FCC, 323-A Customhouse, 555 Battery St.

Colorado, Denver 80202, FCC, suite 2925, The Executive Tower, 1405 Curtis St.

Florida, Miami 33130, FCC, room 919, 51 Southwest 1st Ave.

Florida, Tampa 33602, FCC, Barnett Office Bldg., room 809, 1000 Ashley Dr.

District of Columbia, Washington 20554, FCC, 1919 M St. N.W., room 411.

Georgia, Atlanta 30309, FCC, room 440, Massell Bldg., 1365 Peachtree St. NE.

Hawaii, Honolulu 96808, FCC, 502 Federal Bldg., P.O. Box 1021, 355 Merchant St.

Illinois, Chicago 60604, FCC, 230 South Dearborn St., room 3935.

Louisiana, New Orleans 70130, FCC, 829 F. Edward Hebert Federal Bldg., 600 South St.

Maryland, Baltimore 21201, FCC, 819 Federal Bldg., 31 Hopkins Plaza.

Massachusetts, Boston 02109, FCC, 1600 Customhouse, 165 State St.

Michigan, Detroit 48226, FCC, 1054 Federal Bldg., 231 West LaFayette St.

Minnesota, St. Paul 55101, FCC, 691 Federal Bldg. and U.S. Courthouse, 316 North Robert St.

Missouri, Kansas City 64106, FCC, 1703 Federal Bldg., 601 East 12th St.

New York, Buffalo 14202, FCC, 1307 Federal Bldg., 111 West Huron St.

New York, New York 10014, FCC, 201 Varick St.

Oregon, Portland 97204, FCC, 1782 Federal Office Bldg., 1220 Southwest 3d Ave.

Pennsylvania, Philadelphia 19106, FCC, James A. Byrne Federal Courthouse, 601 Market St.

Puerto Rico, Hato Rey 00918, FCC, room 747, Federal Bldg.

Texas, Dallas 75242, FCC, Earle Cabell Federal Bldg., U.S. Courthouse, room 13E7, 1100 Commerce St.

Texas, Houston 77002, FCC, New Federal Office Bldg., 515 Rusk Ave., room 5636.

Virginia, Norfolk 23502, FCC, Military Circle, 870 North Military Highway.

Washington, Seattle 98174, FCC, 3256 Federal Bldg., 915 2d Ave.

#### Explanation

Those who commented on this rule were pleased that the rule was being added.

Except for some minor changes in wording, we have adopted the rule essentially as proposed.

#### CB RULE 46 HOW ARE THE KEY WORDS IN THESE RULES DEFINED?

In the CB radio rules, the following definitions apply:

*Antenna structure* means the antenna's radiating system, the antenna's supporting structure, and anything mounted on the antenna or its supporting structure.

*Carrier power* means the average power at the output terminals of a transmitter (other than a single sideband unit or a transmitter with a suppressed, reduced or controlled carrier) during one radio frequency cycle under conditions of no modulation.

*CB station* means a station licensed in the Citizens Band (CB) Radio Service. It includes all of the radio equipment you use.

*Emergency communications* means messages concerning the immediate safety of life or the immediate protection of property.

*External radio frequency power amplifier* means any device which is not included by the manufacturer in a type-accepted transmitter and which, when used with a radio transmitter as a signal source, is capable of amplifying that signal. (External radio frequency power amplifiers are sometimes known as "linears.")

*Mailing address* means the place where you receive your mail.

*One-way communications* means a message which is not intended to establish communications with one or more particular CB stations.

*Peak envelope power* (used by SSB units) means the average power at the output terminals of a transmitter during one radio frequency cycle at the highest crest of the modulation envelope, taken under conditions of normal (voice) operation.

*Person* means an individual, a partnership, an association, a joint stock company, a trust or a corporation.

*Plain language communications* means communications without codes or coded messages. (Operating signals such as "ten codes" are not considered codes or coded messages.)

*Remote control* means operation of a CB transmitter from any place other than the location of the transmitter. Direct mechanical control or direct electrical control by wire from some point on the same premises, craft or vehicle as the transmitter is not considered remote control.

*Single sideband emission* means an emission in which only one sideband is transmitted. The carrier, or a portion of the carrier, may be present in the emission.

*Double sideband emission* means an emission in which both upper and lower sidebands are transmitted. The

carrier, or a portion of the carrier, may also be present in the emission.

*Station address* means the place where the station license is kept or posted (see CB Rule 34), where the station records are kept (see CB Rules 34 and 44) and where the primary fixed transmitter (if any) is operated.

*Station authorization* means a CB temporary permit or a CB license or special temporary authority issued by the FCC.

*Subaudible tone* means any tone or combination of tones having only frequencies below 150 Hertz.

*Voice paging* means directing a message to a particular CB receiver (or receivers) solely for the purpose of transmitting a particular communication to that receiver (or receivers).

*Explanation*

A number of those commenting on the proposed definitions noted that the definitions of *communications*, *one-way communications* and *two-way communications* were confusing. We agree and have deleted the definitions of *communications* and *two-way communications* as unnecessary. We have deleted the definition of *broadcast*, because that word does not appear in the rules. We have reworded the definition of *CB station* to enhance its clarity. We have also deleted *harmful interference*, *man-made structure* and *omni-directional antenna*, since none of these terms appear in the rules. We deleted *station* because it is unnecessary. Finally, we have moved the definitions from the beginning of the CB Rules to the end, because some of the definitions are technical in nature and might deter the reader from reading the rest of the rules.

3. Subpart E, Technical Regulations, is amended by adding a new § 95.657, consisting of the text of former § 95.513(b), as follows:

§ 95.657 Modification of transmitters.

Only the manufacturer of the particular unit of equipment type accepted for use in CB stations may make the permissive changes allowed under the provisions of Part 2 of this chapter for type acceptance. However, the manufacturer shall not make any of the following changes to the transmitter without prior written authorization from the Commission:

(a) Addition of any accessory or device not specified in the application for the type acceptance and approved by the Commission in granting type acceptance.

(b) Addition of any switch, control, or external connection.

(c) Modification to provide capability for an additional number of transmitting frequencies.

*Explanation*

This Section is being moved to Subpart E, Technical Regulations, from Subpart D, because it is directed at manufacturers of CB equipment. CB licensees have no need to be aware of these requirements.

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## SEPARATE STATEMENT OF COMMISSIONER JOSEPH R. FOGARTY

In Re: Revision of Subpart D of Part 95 of the Commission's Rules, Citizens Band Radio Service, Docket No. 21318, RM-1771, RM-2048, RM-2638, RM-2758, RM-2773, RM-2777.

The instant Order, to which this statement is hereby appended, promulgates the subject CB rules, metamorphosed into "plain English" (i.e., visual stimuli more readily perceived and assimilated by median human cognitive faculties and processes). This endeavor has proven to be a salutary and laudatory exercise in efficacious re-regulation designed to bring government into a more symbiotic and empathetic interrelationship with its mass democratic constituency. In a word, this item marks the ascendancy of semantic simplicity over obfuscatory verbiage inimical to the common weal. I am gratified that this collegial body today gives approbation to the felicitous regulatory enterprise concluded herein.

10-4 Good Buddy!

[FR Doc. 78-8452 Filed 3-31-78; 8:45 am]

**Federal Register**

**MONDAY, APRIL 3, 1978  
PART IV**



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**DEPARTMENT OF  
DEFENSE**

**Corps of Engineers,  
Department of the Army**



**CIVIL WORKS PROJECTS**

**Identification and Administration  
of Cultural Resources**

[3710-92]

**Title 33—Navigation and Navigable Waters**

**CHAPTER II—CORPS OF ENGINEERS  
DEPARTMENT OF THE ARMY**

[FR 1105-2-4601]

**PART 305—IDENTIFICATION AND  
ADMINISTRATION OF CULTURAL  
RESOURCES**

AGENCY: Corps of Engineers, DOD.

ACTION: Final rule.

**SUMMARY:** This document prescribes policies and procedures of the Corps of Engineers for identification and administration of cultural resources during the general investigations, planning, design, construction, and operation of Civil Works projects. These regulations are necessitated by a body of Federal law and Executive Orders which prescribe the responsibilities and authorities of Federal agencies to identify, preserve, protect and recover data from scientific, historic, architectural, and archeological properties impacted by their activities or otherwise under their jurisdiction. The intended effect of these regulations is to guide field operating agencies of the Corps of Engineers in the consideration of such resources during conduct of Civil Works programs under jurisdiction of the Chief of Engineers.

EFFECTIVE DATE: April 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard G. Leverty, telephone 202-693-7290.

**SUPPLEMENTARY INFORMATION:** On September 8, 1975, the Secretary of the Army, acting through the Chief of Engineers, published proposed regulation in the FEDERAL REGISTER (33 CFR Part 305) governing Corps of Engineers procedures for Identification and Administration of Cultural Resources involved with Civil Works activities. A 45-day period was provided during which comments were received from other Federal agencies, State agencies, private business, universities, and individuals. Consultations were also held with the Advisory Council on Historic Preservation pursuant to Section 1(3) of Executive Order 11593, and with the Heritage Conservation and Recreation Service. All comments received were carefully considered and resulted in a number of changes to the proposed regulation. An analysis of comments received and changes made in the September 8, 1975, proposed regulation is provided below.

1. An outline of specified information required in cultural resources reports has been added as 33 CFR 305.18(c).

2. A section concerning procedures for identification, evaluation, and mitigation of losses of cultural resources in work areas applied for under Department of the Army Regulatory Permits has been deleted from this rulemaking. Recently enacted amendments to the Water Quality Act (Pub. L. 95-217, approved on 27 December 1977), necessitate revision of the Corps of Engineers regulations governing the permit program (33 CFR 320-329). In view of this need for revision of the permit regulations, it was determined to be more appropriate to include guidance on the relationship of cultural resources and regulatory permits in a revised 33 CFR 320-329.

3. Certain definitions have been broadened (33CFR 305.4).

4. Coordination with State Historic Preservation Officers and the Secretary of the Interior (Heritage Conservation and Recreation Service) is required by statute. Coordination will also be accomplished with State Archeologists and State Historians when there are such legally constituted officials of State Government. While Federal agencies are not legally required to adopt the consultation process and Memorandum of Agreement promulgated by the Advisory Council on Historic Preservation, the Corps of Engineers will follow the precepts described in the Council's procedures (36 CFR Part 800), to the extent that negotiations and coordination usually necessary to culminate in a formal agreement are consistent with the need to exercise the public business in a timely and economic manner.

5. Section 305.18a was clarified to make it plain that contractors could release manuscripts, photos, and other data after acceptance of their reports by the Government.

Certain suggestions and recommendations of reviewers were not adopted. These are briefly discussed below.

1. Heritage Conservation and Recreation Service guidelines do not restrict nominations to the National Register to those properties whose owners concur in such actions. However, identification of a historic property during the Corps planning process does not necessarily mean that the property will ever be impacted by a Corps activity. Consequently, information on the property will be furnished the State Historic Preservation Officer, who may nominate it to the Register at his discretion.

2. Several reviewers expressed the view that 15-percent surface coverage of a project area might be insufficient to establish the bounds of cultural resources present. In those few instances where this appears to be the case, special permission to exceed this general level may be granted.

3. The question of ownership of artifacts removed from non-Federal land

is not properly a question to be addressed by the Corps of Engineers which is concerned with such materials in Federal ownership.

Comments on the proposed regulation were received from the following:

## FEDERAL

U.S. Department of the Interior  
Advisory Council on Historic Preservation

## STATE AND LOCAL GOVERNMENT

Governor of Connecticut  
Louisiana Department of Art, Historical and Cultural Preservation  
Louisiana Archeological Survey and Antiquities Commission  
New Mexico State Planning Office  
Arizona State Museum  
North Carolina Department of Cultural Resources  
Kentucky Heritage Commission  
Executive, New Castle County, Del.

## UNIVERSITIES, PRIVATE FIRMS, AND INDIVIDUALS

Dr. Albert Dekin, University of Alaska  
Mr. John P. Wilson, New Mexico State University  
Mr. Joseph Kashi, Georgetown University  
Mr. Thomas M. Ryan, Southern Methodist University  
Mr. Jerry L. Haggard for Evans, Kitchell and Jenckes, P.C., Phoenix, Ariz.

**NOTE.**—The U.S. Army Corps of Engineers has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: March 30, 1978.

JAMES N. ELLIS,  
Colonel, Corps of Engineers,  
Executive Director, Engineer Staff.

Accordingly 33 CFR is amended by adding a new Part 305 to read as set forth below:

Sec.	
305.1	Purpose.
305.2	Applicability.
305.3	References.
305.4	Definitions.
305.5	Background.
305.6	General policy.
305.7	Preauthorization studies.
305.8	Phase I Advance Engineering and Design (AE&D).
305.9	Phase II Advance Engineering and Design (AE&D).
305.10	Feature design memoranda.
305.11	Detailed project report.
305.12	Construction and land acquisition not started.
305.13	Project under construction.
305.14	Completed projects.
305.15	Emergency activities.
305.16	Costs: Allocation, apportionment and accounting.
305.17	Coordination with others.
305.18	Contract procedures and reports.
305.19	Report Control (RCS DAEN-CWP-10).
305.20	Effective date.

**AUTHORITY:** Pub. L. 93-251, Preservation of Historic and Archeological Data (88 Stat. 174, 24 May 1974; and Pub. L. 89-655, National Historic Preservation Act of 1966 (80 Stat. 915), 15 October 1966.

**§ 305.1 Purpose.**

This regulation provides guidance to field operating agencies of the Corps of Engineers for the identification, preservation and mitigation of losses of cultural resources associated with Federal water resource developments. This regulation does not apply to Regulatory Programs administered by the Corps of Engineers pursuant to 33 CFR 320-329.

**§ 305.2 Applicability.**

This regulation is applicable to all OCE elements and all field operating agencies having Civil Works responsibilities.

**§ 305.3 Reference.**

(See EP 310-1-1 for index of Corps regulations.)

(a) Pub. L. 59-209, Antiquities Act of 1906 (34 Stat. 225).

(b) Pub. L. 74-292, Historic Sites Act of 1935 (49 Stat. 666).

(c) Pub. L. 89-655, National Historic Preservation Act of 1966 (80 Stat. 915).

(d) Pub. L. 91-190, National Environmental Policy Act of 1969 (83 Stat. 852).

(e) Pub. L. 93-291, Preservation of Historic and Archeological Data (88 Stat. 174)—amending Pub. L. 86-523, the Reservoir Salvage Act of 1960 (74 Stat. 220).

(f) Executive Order 11593, Protection and Enhancement of the Cultural Environment, 13 May 1971 (36 FR 8921, 15 May 1971).

(g) National Register of Historic Places published 1978 (FR 7 Feb. 1978, Vol. 43 No. 26, Part II), annually and supplemented on the first Tuesday of each month.

(h) Procedures for the Protection of Historic and Cultural Properties (36 CFR Part 800) (FR 25 Jan. 1974, Vol. 39, No. 18).

(i) National Register of Historic Places, "Nominations by States and Federal Agencies" (36 CFR 60) (FR 9 Jan. 1976, Vol. 41, No. 6).

(j) National Register of Historic Places, Determinations of Eligibility for Inclusion (36 CFR 63) (6 FR 27 April 1976, Vol. 41, No. 82).

(k) TM 5-801-1, Historic Preservation, Administrative Procedures.

(l) ER 10-1-3, Divisions and Districts.

(m) ER 37-2-10, Chapter 8, Accounting and Reporting, Civil Works Activities.

(n) ER 405-1-875, Permits to Other Federal Government Agencies.

(o) ER 1105-2-50, Continuing Authorities Program (33 CFR 263).

(p) ER 1105-2-507, Preparation and Coordination of Environmental Statements (33 CFR 209.410).

(q) ER 1130-2-401, Visitor Center Program.

(r) ER 1180-1-1, Engineer Contract Instructions.

(s) Engineer Regulations in the 1105-2-200 series, 10 November 1975, implementing the "Principles and Standards for Planning Water and Related Land Resources" (33 CFR Parts 290-295, 393).

**§ 305.4 Definitions.**

The following definitions are applicable to this regulation:

(a) "Advisory Council." The Advisory Council on Historic Preservation, established pursuant to Title II of the National Historic Preservation Act of 1966 (16 U.S.C. 470i).

(b) "Agency Official." For purposes of this regulation, normally the district engineer under whose jurisdiction actions are taken or recommended.

(c) "Appropriate historical or archeological authorities." The Secretary of the Interior or his designated representative, the State Historic Preservation Officer, the State Archeologist and the State Historian.

(d) "Cultural resource." Any building, site, district, structure, object, data or other material significant in history, architecture, science, archeology or culture. (Also see paragraph (h) of this section.)

(e) "Cultural resources reconnaissance." A literature search and records review plus an on-the-ground surface examination of selected portions of the area to be affected, adequate to assess the general nature of the resources probably present and the probable impact of alternative plans under consideration. For archeological reconnaissance, test excavations may be required at some sites so that evaluations may be adequately accomplished. This level of investigation is appropriate to preliminary planning decisions and will be of assistance in determining viable alternative plans in feasibility studies during General Investigations. Normally, a reconnaissance level investigation will not yield information of adequate scope to serve as the basis for requesting determinations of eligibility for the National Register of Historic Places. Should such determinations be deemed necessary by reporting officers, they should be sought from the Keeper of the National Register after consultation with the State Historic Preservation Officer as prescribed in § 305.17(c).

(f) "Cultural resources survey." An intensive, on-the-ground survey and testing of an area sufficient to determine the number and extent of the resources present, their cultural and scientific importance, and to estimate the time and cost for preserving, re-

covering or otherwise mitigating adverse effects on them. This level of investigation is appropriate when the project has been authorized and finally formulated, and will thus be accomplished during the Phase II GDM stage of project planning. A survey level investigation will result in data adequate to determine resources eligibility for the National Register of Historic Places.

(g) "Mitigation." The amelioration of losses of significant paleontological, scientific, prehistorical, historical, architectural or archeological resources which will be accomplished through preplanned actions to preserve such resources or recover the data they contain by application of professional techniques and procedures. Mitigation measures will only be accomplished during the actual construction or operational phases of Civil Works projects except in unusual circumstances requiring prior approval by the Chief of Engineers. Requests for approval shall be transmitted to HQDA (DAEN-CWP-P) WASH DC 20314. Mitigation of losses of cultural resources includes, but is not limited to, such measures as:

(1) Recovery and preservation of an adequate sample of archeological data to allow for analysis and published interpretation of the cultural and environmental conditions prevailing at the time(s) the area was utilized by man;

(2) Recording, through architectural quality photographs and/or measured drawings of buildings, structures, districts and objects, and deposition of such documentation in the Library of Congress as a part of the Historic American Buildings Survey or the Historic American Engineering Record;

(3) Relocation of buildings, structures and objects;

(4) Adoption of alternative plans to allow cultural resources to remain in place (also see § 305.17(c)); and

(5) Reduction or elimination of impacts by engineering solutions to avoid mechanical effects of wave wash, scour, sedimentation and related processes and the effects of saturation.

(h) "National Register." The National Register of Historic Places is a register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology and culture, maintained by the Secretary of the Interior under authority of Section 2(b) of the Historic Sites Act of 1935 and Section 101(a)(1) of the National Historic Preservation Act. The National Register is published in its entirety in the FEDERAL REGISTER each year in February. Addenda are usually published on the first Tuesday of each month.

(i) "One per centum of the total amount authorized to be appropriated for such project," as given in Section 7(a) of the Reservoir Salvage Act of 1960, as amended (16 U.S.C. 469), is

the dollar limitation for activities involving the recovery, protection and preservation of cultural resources. This amount shall be determined by computing one percent of the Federal appropriation requirement reflected in the latest approved estimate of project first costs for projects in advance engineering and design or under construction, and one percent of the total Federal appropriations for construction for completed projects. In the case of comprehensive systems of projects in a basin or on a river, the one percent shall be computed based on the individual projects or segments of the system where such projects or segments have been assigned separate CWIS numbers and have been issued separate work allowances during their construction. Congressional authorization is required to exceed the dollar limitation defined in this paragraph. (See also § 305.6(a) for policies on expenditures for cultural resource activities.)

(j) "Principal Investigator." An individual acting personally, or an individual designated by a contractor, to accomplish cultural resource studies or data recovery.

(k) "Significance." Attributable to districts, sites, buildings, structures and objects of historical, architectural, and archeological (cultural) value when such properties are included in or have been determined by the Secretary of the Interior to be eligible for inclusion in the National Register of Historic Places after evaluation against the criteria contained in 36 CFR 60.6 (reference § 305.3(i)).

(l) "State Historic Preservation Officer." The official within each State, authorized by the State at the request of the Secretary of the Interior, to act as liaison for purposes of implementing the National Historic Preservation Act. In many States there are also officially designated State Historians and State Archeologists. Further references to the State Historic Preservation Officer incorporate these officially designated offices and/or individuals of State government.

#### § 305.5 Background.

Prior to 1966, primary responsibility for actions pertaining to cultural resources associated with Federal programs and projects was delegated by statute to the Secretary of the Interior. With enactment of the National Historic Preservation Act of 1966, the National Environmental Policy Act of 1969 and promulgation of Executive Order 11593 in 1971, additional responsibility for cultural resources was given to Federal agencies having jurisdiction or control over those resources. As a result, it is now necessary that the Corps of Engineers conduct its activities in accordance with these policies and consult as appropriate with

the Department of the Interior, the Advisory Council on Historic Preservation and the State Historic Preservation Officer(s).

#### § 305.6 General policy.

(a) From the initiation of preauthorization planning through post authorization planning and design, construction, and operation and management, all Corps of Engineers actions will be evaluated in terms of their effect on cultural resources within the overall policy provisions of this regulation. Those actions having an effect on significant cultural resources will be fully coordinated with the Heritage Conservation and Recreation Service, State Historic Preservation Officer, and the Advisory Council on Historic Preservation. Appropriate actions will be taken to discharge all Corps responsibilities involved in a spirit of proper stewardship of these resources for the benefit of present and future generations.

(1) At each stage of Corps planning, design and construction, the degree and scope of cultural resource investigations shall be conducted and displayed at the same level of precision as other related studies, i.e., economics, hydrology, geology, biology, etc.

(2) The provisions of the Reservoir Salvage Act of 1960, as amended (16 U.S.C. 469), shall be utilized as the authority for the conduct of recovery, protection and preservation activities and any related and necessary cultural resources surveys at authorized projects. If the reporting officer determines from a cultural resources reconnaissance or survey that this authority may not suffice for anticipated cultural resource work in connection with a recommended plan, the should seek specific Congressional authorization to exceed the one-percent limitation defined in § 305.4(i).

(3) Although the primary emphasis of the Reservoir Salvage Act of 1960, as amended, is to provide federal agencies the authority for conducting cultural resources surveys and follow-on activities at full federal expense prior to the completion of project construction, further need for cultural resource activities may occur during the operation and maintenance of civil works projects by the federal government. This particularly may be the case with projects completed prior to the enactment of the 1974 amendments to the Reservoir Salvage Act, and with projects for which changes in project operation are proposed. In view of the Congressional intent of the Reservoir Salvage Act, district engineers may expend funds for cultural resource activities, within the dollar limitation defined in paragraph 41 of this regulation, from Operations and Maintenance appropriations, as required. As in the case of cultural resource expenditures during construc-

tion, district engineers shall in no way view the one percent dollar limitation as a requirement for federal expenditures on cultural resource activities. (See § 305.14(b) for further discussion on utilization of the Reservoir Salvage Act as the authority for cultural resource activities following project construction.)

(b) Division and district engineers should consider the assignment of lead responsibility for cultural resources to the appropriate organizational element under their command, normally the Environmental element (ER 10-1-3), which will take the lead in coordinating and processing implementation action involved. Within current space limitations, each division and district engineer should evaluate the need to staff this function as required to discharge his responsibilities in a competent and professional manner.

(c) Reports made available to the general public shall not contain specific locations of archeological sites so as to preclude vandalism.

(d) When archeological or historic studies are related to a specific group of people whose descendants are still living in the general area, they should be informed of the studies and consulted, especially where interpretive developments are being considered. Human skeletal remains shall not be placed on public display.

(e) Preservation of significant cultural resources is nearly always considered preferable to recovery of data by excavation or other means, and may often be more economical in terms of both economic and environmental costs. When a significant property can be preserved or adverse affect otherwise avoided for an amount reasonably comparable to, or less than, the amount required to recover the data it contains, full consideration shall be given to the former course of action. (Also see § 305.16(c).)

(f) Principal investigators conducting cultural resource studies under contract shall have recognized expertise in, and shall be responsible for the validity of, material presented in cultural, historical and archeological reports. In the event of controversy or court challenge of the reports, the principal investigator shall be placed under contract by the Government to testify on behalf of the Government in support of report findings. The principal investigator shall have access to a depository for notes, photographs and artifacts, where they will be permanently available to scholars. The contracting officer should insure that scopes of work written for cultural resources work require the principal investigator to devote adequate time to the contract to accomplish the work in a timely manner. (See paragraph 205, Section 22, ER 1180-1-1 for requirements to obtain OCE approval for selection of expert consultants.)

(g) A right-of-entry or other written permission must be obtained from the owner or administrator before Corps personnel, agents or contractors may enter upon private or public property for the purpose of conducting cultural resources investigations.

#### § 305.7 Preauthorization studies.

(a) Upon initiation of general investigation studies, the district engineer shall notify, in writing, the appropriate field official of the Heritage Conservation and Recreation Service (HCRS) and the State Historic Preservation Officer(s) of the study area involved, and request any available information on cultural resources of the area. The district engineer shall conduct, or have conducted, a cultural resources reconnaissance in order to identify districts, sites, buildings, structures and objects of interest or importance in architecture, history or prehistory which would be affected by proposed projects and all alternatives brought to Stage 3 of the Multiobjective Planning Process described in Part 291. This work may be performed by qualified in-house personnel or by contact with a qualified institution which shall execute the contract through a principal investigator. Funds may not be transferred to the Secretary of the Interior for participation in the preauthorization studies.

(b) A report of this reconnaissance shall be prepared by the principal investigator assessing in general terms the significance or values of the cultural resources located in the impact area of alternative plans evaluated. In addition, it should include a discussion of methods and an estimate of anticipated need for and cost of a cultural resources survey within the selected project area during later stages of planning. (See § 305.9(c).)

(c) Where regional or basinwide studies are being conducted, or where a number of alternatives exist, the scope of the overall investigation may require that cultural resource studies include only literature research, local interviews and a sample field reconnaissance. For archeological resources, this reconnaissance should be of the magnitude required to provide a predictive model for the numbers, types, and qualities of sites in the area. The minimum surface coverage required to provide adequate quantifiable data for such a predictive model will vary, but normally will not exceed 15 percent of the total impact area of plans under consideration.

(d) Upon completion of a cultural resource reconnaissance, two copies of the report shall be forwarded to the Chief of the Office of Archeology and Historic Preservation, Heritage Conservation and Recreation Service, with a request for review and comment. Copies shall be also furnished the re-

spective State Historic Preservation Officer, State Archeologist and State Historian for review and comment, and to other agencies, societies, universities, museums, institutions or individuals on a need-to-know basis. Information and data resulting from the cultural resource reconnaissance will be incorporated in survey reports and draft Environmental Impact Statements (EIS). These documents should discuss, in general terms, recommendations for further study and testing. Should National Register or known Register-eligible properties appear to be adversely affected by any alternative likely to be recommended for authorization, the Advisory Council on Historic Preservation should be notified, and any comments received included in the EIS and in the survey report.

#### § 305.8 Phase I Advance Engineering and Design (AE&D).

Procedures for cultural resources investigations for Phase I AE&D studies shall be essentially the same as for the preauthorization feasibility studies. In instances where the survey report is reasonably current and no significant changes in the authorized project are proposed, the information previously provided will be incorporated or summarized in the Phase I GDM, and in an updated EIS, if required. More in-depth studies than a reconnaissance may be accomplished at this stage only if required in the decision-making process, i.e., the cultural resources involved are potentially of such significance as to affect the nature or location of the project.

#### § 305.9 Phase II Advance Engineering and Design (AE&D).

(a) Upon initiation of Phase II AE&D studies, the district engineer shall notify the appropriate field official of the Heritage Conservation and Recreation Service and the State Historic Preservation Officer, requesting any available information on a cultural resources of the specific area of the project's impact. The district engineer shall conduct, or have conducted, a cultural resources survey of the direct area of project impact and a report shall be prepared therefrom. The nature of this survey will be based on the recommendations contained in any cultural resources reconnaissance reports prepared during the preauthorization of Phase I studies.

(b) The cultural resources report shall include assessments of the eligibility of specific cultural properties for inclusion in the National Register of Historic Places; specific recommendations for all necessary mitigation; recommendations for development of interpretative displays; a discussion of the public or scientific value of proposed mitigation actions; and estimat-

ed costs of proposed mitigation measures. (Also see §309.18(c) of this Chapter for further details on information to be presented in such reports.)

(c) Two copies of the draft cultural resources report shall be furnished the Chief, Office of Archeology and Historic Preservation, Heritage Conservation and Recreation Service; and one copy shall also be provided the State Historic Preservation Officer, State Archeologist, and State Historian, with requests for review and comment.

(d) After review and concurrence by the State Historic Preservation Officer in the significance of cultural properties identified in such surveys, district engineers may submit to DAEN-CWP-P nominations to the National Register of Historic Places as prescribed in § 305.3(j) or seek, from the Secretary of the Interior, determinations of eligibility for the National Register. Subsequently, they may seek the comments of the State Historic Preservation Officer and/or the Advisory Council on Historic Preservation concerning plans for mitigation of losses of Register or Register-eligible cultural properties or project lands. Mitigation measures shall be implemented during the actual project construction period and will be limited to Register or Register-eligible cultural properties directly subjected to irreparable loss or destruction as the result of Corps activities involving alteration of the terrain.

(e) The information from the cultural resources report, and comments obtained thereon, shall be incorporated in the Phase II GDM and any EIS under preparation. If the final EIS has been filed with the Environmental Protection Agency, supplemental pages shall be prepared as deemed necessary by the reporting officer, and forwarded to EPA as provided by § 209.410 of this chapter. Copies of the letter of transmittal and supplemental pages shall be furnished to appropriate State and areawide A-95 Clearinghouses, the Advisory Council on Historic Preservation, State Historic Preservation Officer and the Heritage Conservation and Recreation Service for information and any additional comment they may wish to furnish.

(f) It may be desirable that the principal investigator complete nomination forms to the National Register, but in all cases he shall specifically define the reasons for significance in order to justify expenditures of funds for data recovery or other mitigation during the project construction period.

(1) Nominations to the National Register may be submitted to DAEN-CWP-P for sites not currently on fee-owned lands only if they are accompanied by a letter from the present landowner indicating concurrence in such action.

(2) Information on cultural properties which are not on fee-owned lands

at the time the survey is accomplished shall be furnished to the State Historic Preservation Officer, who may submit nominations through State channels.

(3) The investigations and preparation of forms may be accomplished by qualified in-house personnel, by direct contract with qualified institutions and individuals, or by transfer of funds to the Heritage Conservation and Recreation Service.

#### § 305.10 Feature design memoranda.

Full recognition shall be given to the cultural resources known, or anticipated to exist, on project lands during preparation of feature design memoranda. Designs and cost estimates for major project features shall reflect the mitigation measures determined to be appropriate in the approved cultural resources reconnaissance and survey reports. For major projects and where the estimated costs of cultural resources mitigation exceeds the district engineers authority prescribed in § 305.18(b) of this regulation, division engineers may prescribe the preparation of a cultural resources Feature Design Memorandum.

#### § 305.11 Detailed project report.

The procedures outlined in paragraph 9 for Phase II GDM's shall be followed, subsequent to selection of the recommended plan, during the preparation of Detailed Project Reports under Continuing Authority Programs (ER 1105-2-50).

#### § 305.12 Construction and land acquisition not started.

Upon receipt of initial construction funds, the district engineer shall implement any approved plan for mitigation of losses of Register or Register-eligible cultural properties located on project lands.

(a) Initial mitigation efforts should be directed to critical items of construction on Federal lands or on non-Federal lands under Corps jurisdiction for project purposes. Examples of such critical items include access roads, project buildings, dam sites and borrow areas and relocations. The work may be accomplished by qualified in-house personnel, by contract with recognized institutions or individuals, or by transfer of funds to the Heritage Conservation and Recreation Service.

(b) To preclude deterioration and vandalism, consideration should be given to allowing present owners or others to occupy, at an adequate rental rate (which may be reduced or made nominal), or otherwise to utilize historic structures under lease arrangements until agreed-upon mitigation measures have been accomplished or the property is actually required to be vacated. Where former owners or others desire to salvage or remove all

or parts of historic buildings, etc., these rights should not be exercised until adequate documentation of the property has been obtained and accepted by the Library of Congress. (See § 305.4(g)(2).)

#### § 305.13 Projects under construction.

(a) In instances where construction has been initiated without an adequate cultural resources survey and plan for mitigation of losses of cultural resources, steps should be taken to include funds for such activities in the next project cost estimate and budget request, or preferably, to reallocate available funds so as to insure compliance with the requirements of law and this regulation.

(b) Items of apparent historical or archeological value which are discovered in the course of construction activities shall be carefully preserved pending a determination of their significance and their appropriate disposition. Construction contracts shall require the contractor to leave such finds undisturbed and immediately report them to the contracting officer so that the appropriate authorities may be notified, and a determination may be made by the district engineer as to their significance and what, if any, special disposition of the finds should be made.

#### § 305.14 Completed projects.

(a) Each district engineer shall establish and implement a program to insure appropriate consideration of cultural resources at Corps operated projects under his jurisdiction. These activities are to be accomplished as a part of the Corps project management program and should not be confused with the activities to be accomplished pursuant to the Reservoir Salvage Act of 1960, as amended, which is discussed in 305.14(b) of this section below. Such program shall include the conduct of a cultural resources reconnaissance or a cultural resources survey for all lands under the district engineer's jurisdiction for the purposes of operation and maintenance of Corps projects, as follows:

(1) Such program shall provide for the performance of a cultural resources reconnaissance to locate, inventory and nominate to the Secretary of the Interior all sites, buildings, districts and objects that appear to qualify for listing on the National Register of Historic Places, for all lands under the district engineer's jurisdiction for purposes of operation and maintenance, except where this has already been accomplished.

(2) A cultural resources survey is appropriate, and shall be conducted, at least for that immediate area of a project which will be directly affected by any activity which involves any alteration of the terrain or the raising or

lowering of the water level of a reservoir or pool.

(3) A cultural resources survey is also appropriate, and shall be conducted, for any area which is subject to erosion caused by the waters of a Corps reservoir or pool for which the water level is not to be raised or lowered, and for any areas in which alteration of the terrain may result due to heavy public use, except where an adequate cultural resources survey has already been accomplished.

(4) Whenever an environmental statement is prepared or updated in connection with any operation and maintenance activity at a Corps project, the information from a cultural resources reconnaissance or, where appropriate, from a cultural resources survey, shall be considered.

(b) The Reservoir Salvage Act of 1960, as amended (16 U.S.C. 469), provides the Corps with the authority to expend funds for the recovery, protection and preservation (including necessary survey or other investigatory activities) of significant cultural resources where they will be directly threatened with irreparable loss or destruction by Corps operation and maintenance activities, within the dollar limitation defined in § 305.4(i).

(1) This authority may be utilized only where the Corps finds or is notified by an appropriated authority that its activities may cause irreparable loss or destruction of significant cultural resources.

(i) The Corps may make such findings as it performs its usual responsibilities, such as: the conduct of a cultural resources reconnaissance or survey, the preparation of an environmental statement, coordination with other agencies, or observation during actual construction and management activities.

(ii) An appropriate authority, whose notification of the Corps in writing may activate Corps authority under the Reservoir Salvage Act of 1960, as amended, is any one of the following: The Secretary of the Interior or his designated representative, the State Historic Preservation Officer, the State Archeologist, or the State Historian.

(2) No authority is contained in the Reservoir Salvage Act of 1960, as amended, for the maintenance, restoration or rehabilitation by the Corps of historic buildings, structures, sites or objects located on project lands whether or not such cultural properties may be on or eligible for inclusion in the National Register of Historic Places. Nor is there any authority in this or other Acts for cultural resource investigations and mitigation measures at completed Local Flood Protection and similar projects after construction has been completed and the project has been turned over to local interests for operation and maintenance.

(3) Code 710 funds will not be used for expenditures under the Reservoir Salvage Act.

(c) Administrative actions such as leases, licenses, easements and permits involving the utilization of project resources by others may result in significant effects on cultural resources and will, therefore, require separate consideration on a case-by-case basis. The effects of these actions shall be considered and treated in the environmental assessment or environmental impact statement pertaining to the proposed entitlement. Costs of cultural resources surveys and appropriate mitigation measures included in the administrative action instrument shall be the responsibility of the grantee except when the district engineer deems it to be in the best interest of the Government to assume these costs as a part of the program authorized in paragraph (a) of this section.

(d) Where Federal interest consists of a flowage easement or other estate less than fee simple, written permission must be obtained from the owner of the underlying fee before Corps personnel or contractors may enter upon the lands for cultural resource investigations or salvage activities. Plans to expend appropriated funds for cultural resources data recovery or protection on non-Federal lands require prior approval of the Chief of Engineers. Requests for approval shall be transmitted to HQDA (DAEN-CWP-P) WASH DC 20314.

(e) Permission for the examination of ruins, excavations of archeological sites or gathering of objects of antiquity on project lands may be granted in accordance with the provisions of ER 405-1-875. Properties on the National Register may be posted with a warning sign when considered appropriate by the district engineer. Caution should be exercised in signing inconspicuous sites so as not to draw undue attention to their presence and thus inadvertently encourage unlawful activities. Wording for an approved warning sign is contained in Appendix C of this regulation.

(f) In cases where a cultural resources survey of lands which have been only partially or inadequately investigated is required, the district engineer shall evaluate sites under his jurisdiction which are identified by such investigations and prepare and forward in DAEN-CWP-P, for execution by the Federal Representative of the Directorate of Civil Works, forms nominating the property to the National Register of Historic Places for sites meeting Register criteria. Reference §§ 305.3(k), and 305.3(l).

(g) In cases where cultural properties on or eligible for inclusion in the National Register are being or would be adversely affected as a result of past or future activities (such as

changes in pool levels, land alteration, shoreline erosion, construction of roads, traffic or public use areas), and methods for protection or preservation are infeasible or economically unreasonable, mitigation or adverse effects shall be considered in the same manner as if the lands had been recently acquired for construction of a new project.

(h) After the effective date of this regulation, Environmental Impact Statements prepared for completed projects, operated and maintained by the Corps, shall address impacts upon cultural resources and proposed measures to mitigate adverse effects.

(i) Where the district engineer considers it necessary and desirable to accomplish maintenance, restoration or rehabilitation of an historic building, structure, site or object located on Federal lands at a completed water resources project under his jurisdiction, he shall include such activity in the appropriate postauthorization planning report including adequate assurances by local interests that they will meet the requirements for sharing of costs and assumption of all future maintenance of the property under policies governing recreation development at completed projects.

#### § 305.15 Emergency activities.

Work conducted as a result of a natural disaster or other emergency actions cited in § 209.410, is excluded from the provisions of this regulation if cultural resources surveys and/or data recovery would impede remedial construction activities. However, action officers should exercise reasonable precaution to insure preservation of cultural resources consistent with the nature of the situation.

#### § 305.16 Costs: Allocation, apportionment and accounting.

Costs for identification and mitigation of losses of cultural resources directly affected by Federal construction on Federal lands and on non-Federal lands under Corps jurisdiction for project purposes, including operation, maintenance and management activities accomplished by the Corps, shall be presented in Corps reports as follows:

(a) Estimated costs for cultural resources reconnaissance as part of a survey investigation shall be included in the PB-6 ENG (Form 2204). These costs are non-reimbursable and are excluded from the one-percent limitation defined in § 305.4(i).

(b) Estimated costs of post authorization cultural resources surveys, data recovery or other mitigation, analysis and publication shall be presented in preauthorization and post authorization reports, and shall be included in the PB-2A (ENG Form 2201A). Except as specified in paragraph (c) of this

section, these costs are non-reimbursable up to the one-percent limit defined in § 305.4(i). These non-reimbursable costs will be shown by footnote in project cost allocations, but do not enter into the allocation or apportionment of costs or into computation of benefit-cost ratios. Federal expenditures for identification and mitigation of losses of cultural resources shall not exceed the one-percent limit without specific authorization by Congress.

(c) Costs for modification, such as resiting, of proposed projects formulated or reformulated under the Principles and Standards (reference § 305.3(r)) which are proposed to be incurred to avoid adverse impacts on cultural resources, are joint economic costs. Costs of such modifications in excess of those which would be incurred for recovery of data and/or other documentation (see § 305.4(g)) shall be allocated to the causative purposes by the Separable Cost-Remaining Benefit method of allocation and apportioned to Federal and non-Federal interests in accordance with law and policy governing the particular purposes of the project.

(d) Cost accounting procedures are contained in ER 37-2-10.

#### § 305.17 Coordination with others.

District engineers shall coordinate with other Federal and non-Federal interests having statutory responsibilities for cultural resources in all phases of project planning and execution. Specifically designated agencies and entities for coordination and review of project impacts on cultural resources are the Secretary of the Interior, acting through the Heritage Conservation and Recreation Service; the Advisory Council on Historic Preservation; and the appropriate State Historic Preservation Officer(s). It is also desirable to maintain coordination with other public interest groups, State Archeologists and Historians, State and local archeological and/or historical societies, other State and Federal agencies, institutions, foundations, or individuals with special interests or expertise in cultural resources.

(a) *Heritage Conservation and Recreation Service (HCRS)*. Pursuant to the Reservoir Salvage Act of 1960, as amended by Pub. L. 93-291, district engineers shall provide written notice to the Secretary of Interior, through appropriate field officials of the Heritage Conservation and Recreation Service, before undertaking any Federal construction project, activity or program which may cause irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data. Thereafter, the district engineer will maintain continuing coordination with the Service on cultural resource matters, including transfer of funds for post authorization cultural

resource surveys and/or mitigation actions on Civil Works projects (including the analysis of data and publication of reports resulting from such investigations), when he considers such fund transfers appropriate.

(1) Instructions for such work will specify the necessity for the Heritage Conservation and Recreation Service to provide information at appropriate times in order that other planning studies and construction activities are not delayed.

(2) When cultural resources studies or data recovery are to be accomplished by direct contract, the district engineer may request the Heritage Conservation and Recreation Service (HCRS) to review the Scope of Work and proposals from interested contractors and will furnish a copy of the executed contract to HCRS. Upon completion of the work, the district engineer will notify HCRS of the findings, in writing, by furnishing two copies of the report prepared by the Corps, or its consultants, to the Chief, Office of Archeology and Historic Preservation who may make them available to the public for inspection and review as required by Section 3(a), Public Law 93-291.

(b) *Advisory Counsel on Historic Preservation.* If the district engineer determines, as a result of cultural resources investigations and coordination, that there will be an effect on sites included in or determined by the Secretary of Interior as being eligible for inclusion in the National Register, he will provide the Advisory Council an opportunity to comment on the matter. Any comments provided by the Advisory Council will be considered by the district engineer when he takes into account the effect of the project or other undertaking on any property included in or eligible for inclusion in the National Register.

(c) *State Historic Preservation Officer.* (1) Upon completion of the cultural resources reconnaissance report, the district engineer shall forward a copy to the appropriate State Historic Preservation Officer requesting his views concerning the significance of properties described in the report, and especially any properties recommended by the principal investigator for further study during Phase II AE&D studies. The State Historic Preservation Officer should be requested to furnish any additional information concerning archeological, historical, or cultural sites in the project area which were not identified in the reconnaissance report. The views of the State Historic Preservation Officer shall be discussed in the planning report and draft EIS, and the exchange of correspondence appended thereto. In cases where his comments are unavailable prior to distribution of the draft EIS, he will be specifically requested, in the letter

transmitting the draft for review and comment, to furnish a response for inclusion in the final EIS.

(2) Should the cultural resources survey conducted during the Phase II GDM studies reveal sites considered eligible for the National Register, statements detailing such assessments will be completed by the principal investigator and forwarded to the State Historic Preservation Officer by the district engineer. The State Historic Preservation Officer should be asked to return the eligibility statements, with his comments, to the district engineer, who will forward them to Chief, Office of Archeology and Historic Preservation, Heritage Conservation and Recreation Service, with a request for determination of eligibility for the National Register. A copy of the letter of transmittal shall be provided the State Historic Preservation Officer and the Advisory Council on Historic Preservation.

#### § 305.18 Contract Procedures and Reports.

In instances where the district engineer contracts directly with a qualified university, museum, firm, institution, foundation, agency or individual, the contract shall conform to standard consultant, expert or non-personal services contracting procedures as required by Section 22 of Armed Services Procurement Regulation (ASPR) and Section 22 of Engineer Contract Instructions, ER 1180-1-1.

(a) Many such institutions are unfamiliar with these types of contracts. Therefore, contracting officers should include, as a condition of the contract, a requirement that neither the contractor nor his representatives shall release any sketch, photograph, report or other material of any nature obtained or prepared under the contract without specific written approval of the contracting officer prior to the time of final acceptance of the report by the Government.

(b) Post authorization cultural resource surveys and/or mitigation exceeding \$100,000 may be implemented only after prior written approval of the division engineer. A copy of the district engineer's letter of justification and the division engineer's endorsement (or a copy of the approved Cultural Resources Feature Design Memorandum), shall be provided DAEN-CWP-P for information.

(c) Cultural resource reconnaissance and/or survey reports funded by the Corps of Engineers will include a description of procedures utilized to collect and evaluate information presented. This description shall be in sufficient depth to allow for adequate review and critique of the investigations and assessments. In addition, all such reports shall include, at a level of precision and confidence commensurate with the scope of project investiga-

tion underway, the principal investigator's professional assessment of the following for each alternative project proposal investigated.

(1) The kinds of cultural resources present or inferred to be present and an estimate of regional distributional relationships thereof;

(2) The significance of identified cultural resources and a professional opinion of their eligibility for the National Register of Historic Places;

(3) The effects of loss of all or parts of the resources upon future investigations or appreciation of cultural values; and,

(4) Recommendations for mitigation of unavoidable losses of significant cultural resources in the event the evaluated alternative is implemented.

(d) Upon award of the contract, a complete copy, including the Scope of Work, research study design and cost to the United States, will be forwarded by the district engineer to the appropriate field official of the Heritage Conservation and Recreation Service for use in compiling the annual report to Congress, required by Section 5(c), Pub. L. 93-291, on accomplishments and costs of the program authorized by that Act.

(e) Upon completion of a cultural resource study, the district engineer will forward two copies of the draft report to the Chief, Office of Archeology and Historic Preservation, Heritage Conservation and Recreation Service, for review and comment. Review copies shall also be furnished the State Historic Preservation Officer, State Archeologist and State Historian, and may be sent to other qualified individuals, institutions or agencies for comment at the discretion of the district engineer. Addressees should be advised in the transmittal letter that if no response is received within a specified time, the Reporting Officer will assume that they are in agreement with the report. Copies of final reports shall be furnished to the National Park Service; the appropriate State Historic Preservation Officer; the Chairman of the Department of Anthropology, National Museum of Natural History, Smithsonian Institution; the State Archeologist and State Historian, and the OCE Library, ATTN: DAEN-ASI-L.

(f) Funds may be transferred to the National Park Service for archeological and other cultural resource investigations at authorized Civil Works projects when such a procedure is considered appropriate by the district engineer. It will then become the responsibility of the Heritage Conservation and Recreation Service to provide a Scope of Work, including any specific requirements of the district engineer. The Heritage Conservation and Recreation Service shall insure the quality, competency and timely completion

of the report resulting from the investigation and be prepared to defend the report in the event of litigation or other adverse action. Prior to acceptance of any report, the Service will forward a draft manuscript to the Corps for review and comment. In all cases, cultural resources reports will provide, in a timely manner, specific information needed for related Corps of Engineers reports. All contract reports will include a brief synopsis suitable for publication in an abstract journal.

(1) Reporting Officers should give consideration to requiring contractors to provide sufficient information, in laymen's terms, to allow preparation of brief but informative brochures or other reports which will be of interest to project visitors and other members of the general public.

(2) Materials recovered from Federal lands are the property of the United States. Normally, these materials will be maintained at the institutional facility of the principal investigator where they will be permanently available to other researchers. Arrangements may also be made by district engineers with reputable museums and large universities to provide storage and curatorial services for materials recovered as a result of activities performed by in-house personnel or by contract with private firms or other institutions lacking adequate facilities of this nature. After completion of the necessary analysis and report, these materials may be used by the holding institution if not required by the Corps of Engineers for interpretative displays in project offices, visitor centers, or other appropriate areas for the information and benefit of the public.

(3) Plans for such displays should be identified in the Phase I GDM with details developed in the Phase II GDM and applicable Feature Design Memoranda. For further guidance, see ER 1130-2-401.

§ 305.19 Report Control (RCS DAEN-CWP-10).

Report Control Symbol (DAEN-CWP-10) is assigned to the requirement stated in various paragraphs of the regulation, to submit nominations to the National Register of Historic Places. The Department of the Interior report control number for the nomination process is DOI-1005.

§ 305.20 Effective date.

This regulation is effective as published in the FEDERAL REGISTER and codified as 33 CFR, Part 305.

For the Chief of Engineers.

JAMES N. ELLIS,  
Colonel, Corps, of Engineers,  
Executive Director, Engineer Staff.

APPENDIX A.—SYNOPSIS OF PERTINENT AUTHORITIES

1. *The National Environmental Policy Act of 1969* (42 U.S.C. 4221-4347) includes a declaration of the environmental policy of the Federal Government and establishes the responsibilities of the Federal Government in this regard. This Act requires that Federal agencies utilize an interdisciplinary approach in planning and decision making and that they prepare environmental assessments and environmental impact statements in the process. The Act envisions that historic and other cultural resources will be considered in this process along with other environmental factors.

2. *Antiquities Act of 1906* (16 U.S.C. 431-433) makes it a Federal offense to appropriate, excavate, injure or destroy any historic ruin or monument located on lands owned or controlled by the United States without permission from the Secretary of the Department having jurisdiction thereof. Further guidance on this matter is contained in ER 405-1-875, 7 May 1973.

3. *Historic Sites Act of 1935* (16 U.S.C. 461-467) declares it national policy to preserve for public use cultural properties of national significance and vests certain powers in the Secretary of the Interior in this regard.

4. *National Historic Preservation Act of 1966*, as amended (16 U.S.C. 470), establishes national policy for historic preservation, authorizes expansion and maintenance by the Secretary of the Interior of a National Register of Historic Places, and creates the Advisory Council on Historic Preservation. Section 106 of the Act specifies that Federal agencies shall, prior to the approval of the expenditure of any funds on an undertaking or prior to the issuance of any license as the case may be, take into account the effect of the undertaking on any property included in or eligible for inclusion in the National Register and shall afford the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to such undertaking.

5. *The Reservoir Salvage Act of 1960*, as amended by Pub. L. 93-291 (16 U.S.C. 469), specifically provides for the preservation of historical and archeological data which might otherwise be irreparably lost or destroyed as the direct result of any alteration of the terrain by any Federal construction project or Federally licensed project, activity or program.

a. Before undertaking construction of a dam or issuing a license to any private individual or corporation for the construction of a dam, a Federal agency shall notify and provide details of the project to the Secretary of the Interior.

b. Likewise, whenever any Federal agency finds (through the course of its normal coordination, investigations and surveys), or is notified by an appropriate authority that its activities in connection with any Federal construction project or Federally licensed project, activity or program, may cause irreparable loss or destruction of significant cultural resources, it shall notify the Secretary of the Interior, and may request him to undertake or may itself, with funds appropriated for such project, program or activity, undertake the recovery, protection and preservation of such resources (including preliminary survey or other investigations as needed and analysis and publication of investigation reports).

c. Where Federal construction projects are directly involved, up to one per centum of

the amount authorized to be appropriated for the project may be expended for such survey and salvage work.

d. This Act provides the Department of the Interior with the authority to accomplish the survey, recovery, protection and preservation of cultural data at areas such as those subject to Department of the Army regulatory permits and authorizes the appropriation of funds for this type of activity.

e. Where emergency programs are involved no recovery or salvage work is required if such activities would impede the emergency effort.

f. The Secretary of the Interior is to report annually to Congress on Federal expenditures and accomplishments under this statute.

6. *Executive Order 11593* establishes as policy that the Federal Government shall provide leadership in preserving, restoring and maintaining the historic and cultural environment of the Nation, and states that Federal agencies shall (1) administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations; (2) initiate measures necessary to direct their policies, plans and programs in such a way that federally owned sites, structures, and objects of historical or archeological significance are preserved, restored and maintained for the inspiration and benefit of the people, and (3) in consultation with the Advisory Council on Historic Preservation, institute procedures to assure that Federal plans and programs contribute to the preservation and enhancement of non-Federally owned sites, structures and objects of historical, architectural or archeological significance. It also established responsibilities of the heads of Federal agencies to:

a. No later than July 1, 1973, locate, inventory, and nominate to the Secretary of the Interior all sites, buildings, districts and objects under their jurisdiction or control that appear to qualify for listing on the National Register of Historic Places.

b. Exercise caution during the interim period to assure that any Federally-owned property that might qualify for nomination is not inadvertently transferred, sold, demolished or substantially altered. Any questionable actions shall be referred to the Secretary of the Interior for an opinion respecting the property's eligibility and where a property is likely to be eligible, the agency head shall reconsider the proposal in light of national environmental and preservation policy. Where, after such reconsideration, the agency head proposes to transfer, sell, demolish or substantially alter the property, he shall not so act until the Advisory Council on Historic Preservation shall have been provided an opportunity to comment on the proposal.

c. Initiate measures to assure that where as a result of Federal action or assistance a property listed on the National Register of Historic Places is to be substantially altered or demolished records shall be made of the property.

d. Initiate procedures to provide for the maintenance of Federally owned and registered sites.

e. Submit procedures to the Secretary of the Interior and the Advisory Council on Historic Preservation no later than January 1, 1972.

f. Cooperate with purchasers and transferees of a property listed on the National Register of Historic Places in the development

**RULES AND REGULATIONS**

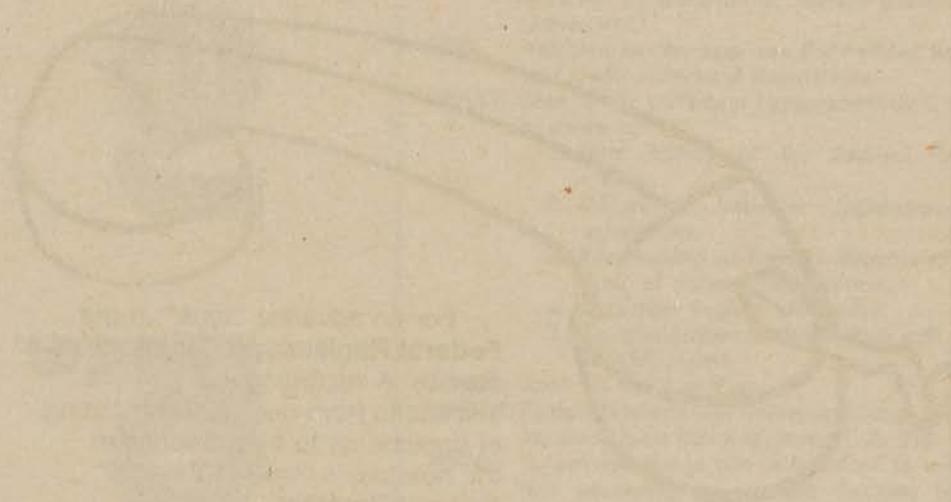
of viable plans to use such property in a manner compatible with preservation objectives which do not result in an unreasonable economic burden to public or private interests.

**APPENDIX B.—[RESERVED]****APPENDIX C.—WARNING SIGN****U.S. GOVERNMENT PROPERTY****REGISTERED NATIONAL HISTORIC SITE**

Whoever willfully excavates, removes, or otherwise causes damage to the National historic resources and property located on these lands shall be subject to prosecution under Sections 641 and 1361 of Title 18, United States Code. Such prosecution may result in a fine of not more than \$10,000 or imprisonment for a term not to exceed 10 years, or both. Violators will be prosecuted.

[FR Doc. 78-8785 Filed 3-31-78; 8:45 am]

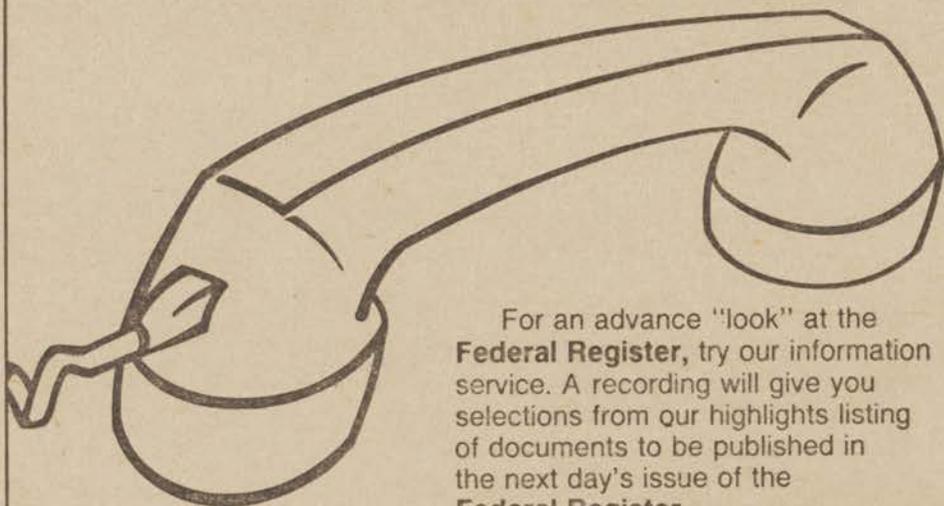
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