

Register Federal

THURSDAY, APRIL 27, 1978



highlights

GUIDE TO FREEDOM OF INFORMATION INDEXES

The guide to agency Freedom of Information indexes which is published quarterly by the Office of the Federal Register will be carried in the quarterly FEDERAL REGISTER INDEXES, beginning January-March 1978. The FEDERAL REGISTER INDEX is included as part of the FEDERAL REGISTER subscription.

SUNSHINE ACT MEETINGS 18128

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

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

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

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

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

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17974

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17988

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18034

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List of Public Laws

This is a continuing listing of public bills that have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

[Last listing: April 21, 1978]

H.R. 4979 Pub. L. 95-265
To direct the Secretary of the Interior to convey certain public and acquired lands in the State of Nevada to the county of Mineral, Nevada. (Apr. 24, 1978; 92 Stat. 203) Price: \$.50.

H.R. 6693 Pub. L. 95-266
Child Abuse Prevention and Treatment and Adoption Reform Act of 1978. (Apr. 24, 1978; 92 Stat. 205) Price: \$.60.

H.R. 9179 Pub. L. 95-268
Overseas Private Investment Corporation Amendments Act of 1978. (Apr. 24, 1978; 92 Stat. 213) Price: \$.60.

H.J. Res. 578 Pub. L. 95-267
Authorizing the President to proclaim the third week of May of 1978 and 1979 as "National Architectural Barrier Awareness Week". (Apr. 24, 1978; 92 Stat. 212) Price: \$.50.

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

[3410-02]

Title 7—Agriculture

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

(Valencia Orange Regs. 585, Amdt. 1, and 586)

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period April 28-May 4, 1978, and increases the quantity of such oranges that may be so shipped during the period April 21-27, 1978. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: The regulation becomes effective April 28, 1978, and the amendment is effective for the period April 21-27, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of Valencia oranges, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on April 24 and 25, 1978, to consider supply and

market conditions and other factors affecting the need for regulation, and recommended quantities of Valencia oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges is firm.

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

1. § 908.886 Valencia orange regulation 586.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period April 28, 1978, through May 4, 1978, are established as follows:

(1) District 1: 224,000 cartons; (2) District 2: 352,000 cartons; (3) District 3: 224,000 cartons.

(b) As used in this section "handled", "District 1", "District 2", "District 3", and "carton" mean the same as defined in the marketing order.

2. Paragraph (a)(3) in § 908.885 Valencia Orange Regulation 585 (43 FR 16698), is hereby amended to read:

(3) District 3: 325,000 cartons."

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

Dated: April 26, 1978.

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

[FR Doc. 78-11732 Filed 4-26-78; 11:48 am]

[3410-07]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[FmHA Instruction 1904-C]

PART 1904—LOAN AND GRANT PROGRAMS (INDIVIDUAL)

Subpart C—Farmer Program Loans

DEFERRAL OF LOAN INSTALLMENTS

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule with comments requested.

SUMMARY: The Farmers Home Administration (FmHA) is providing for the deferral of loan installments on outstanding farmer program loans. This action is taken because the present poor economic conditions, worsened by last year's drought, have made it increasingly difficult for farmer program loan borrowers to pay expenses and make debt repayments on loans for essential chattels and real estate. The intended effect is to help borrowers, particularly young farmers and those with limited resources, to continue in farming. This will be accomplished by helping reorganize debt structures when individuals are in financial trouble for reasons beyond their control.

EFFECTIVE DATE: April 27, 1978. However, comments must be received on or before May 30, 1978.

ADDRESS: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Larry L. Neaderhiser, 202-447-4572.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration is revising § 1904.124 of Subpart C, Part 1904, Chapter XVIII, Title 7 in the Code of Federal Regulations (42 FR 44668) to allow deferred loan payments to present borrowers. It is the

policy of this Department that rules relating to public property, loans, grants, benefits, or contracts, shall be published for comment, notwithstanding the exception in 5 U.S.C. 553 with respect to such rules. This revision, however, is not published for proposed rulemaking since many farmers are suffering economic hardship and have an immediate need for this favorable servicing action and any delay in implementing this revision would thus be contrary to the public interest. Although this revision is published as a final rule, the Agency is interested in receiving comments which should be submitted to the address given above.

Accordingly, as amended § 1904.124 reads as follows:

§ 1904.124 Renewal, reamortization of loans and deferment of installments.

All borrowers are expected to repay their Farmer Program loans according to the planned repayment schedule. However, circumstances may occur which will not permit them to pay as scheduled or to refinance their loans. This section explains how to reamortize or renew a loan and defer installments on existing loans.

(a) *Eligibility requirements.* (1) For Farmer Program loans the principal and interest balance on a loan note may be reamortized or renewed (renewal authorized only for loans using Form FmHA 441-1, "Promissory Note") and/or installments may be deferred, as appropriate, when it is determined it will be in the best interest of the borrower and the Government. The justification for the action being taken will be recorded in the running record of the borrower's case file. It must be documented that the borrower is making satisfactory progress under prevailing conditions and the farm operating plan must show that the borrower can reasonably expect to meet the revised repayment schedule.

(2) Farmer Program loan notes will not be reamortized, renewed or deferred when the account is being serviced or may be serviced in the near future by the State Office or has been referred to OGC or to the U.S. Attorney.

(3) For OL loans when the accrued interest is capitalized, the resulting unpaid loan balance may exceed \$50,000.

(4) For FO, SW, and RL loans when the accrued interest is capitalized, the resulting unpaid loan balance may exceed \$100,000.

(b) *Rates and terms—(1) Interest rate.* The interest rate will be the current rate in effect for OL and EM loans (see exception below) using Form FmHA 452-1, "Renewal/Reamortization Promissory Note". For all EM loans made for actual losses and for all other loans reamortized on Form FmHA 452-2, "Reamortization

and/or Deferral Agreement," the interest rate will be the rate in the original note or assumption agreement (new terms).

(2) *Reamortization.* The County Supervisor may agree to reamortize the balance of a Farmer Program loan, provided:

(i) For OL loans the reamortized repayment period cannot exceed 7 years from the date of the initial note.

(ii) For EM loans for other than real estate purposes and for initial EM loans for annual operating purposes, the reamortized repayment period cannot exceed 7 years and if it meets the condition of § 1904.170(e)(3)(i), it may be scheduled for repayment up to 20 years.

(iii) For FO, SW, RL and EM loans for real estate purposes, initially scheduled for repayment in less than 40 years, the repayment period may be extended up to 40 years from the date of the original note. When the original repayment terms are altered, it may be necessary to obtain a new mortgage from the borrower(s) to continue FmHA's lien priority. The advice of OGC will be obtained on a State-by-State basis and implemented through State instructions to provide for such new mortgage where required, and to further provide instructions on whether the original mortgage should be released.

(iv) The security instrument and note will secure the reamortized loan.

(v) The repayment period will not exceed the useful life of the security.

(vi) The amount of accrued interest at the time of reamortization will be added to principal. For loans using Form FmHA 441-1, the total amount may then be scheduled for repayment on terms that include equal or unequal installments and may also include a balloon installment. For loans using Form FmHA 440-16, "Promissory Note," with no deferred installments, the first installment will be at least the amount of interest which will accrue on the new principal between the date of execution of Form FmHA 452-2 and the next January 1. Equal amortized installments will be scheduled thereafter.

(3) *Renewal.* An OL and EM loan for operating purposes, initially scheduled or reamortized for repayment in not more than 7 years, may be renewed for up to 5 additional years at the end of the 7-year period. The renewal and any combination of initial and subsequent renewals will not extend the repayment period beyond 12 years from the date of the original note.

(i) The amount of accrued interest at the time of renewal will be added to principal. This total amount may then be scheduled for repayment on terms that include equal or unequal installments and may also include a balloon installment.

(ii) The repayment period on a renewed note will not exceed the useful life of the security.

(4) *Deferment of installments.* Installments on all Farmer Program loans may be deferred in whole or in part. Generally, only one installment will be deferred at a time; however, more than one installment may be deferred if it is determined that it is necessary for the borrower to remain on the farm. In any event, no loan may be deferred for more than five installments. The deferral will not extend beyond the final due date as shown on the promissory note or assumption agreement unless a renewal or reamortization is granted simultaneously. The use of deferral authority will generally involve loans made to beginning farmers, borrowers with limited income and resources, and borrowers who have had production and economic losses because of natural or economic conditions. When a partial deferral is necessary the loan will be reamortized and the first installment may be any amount above \$1 in accordance with the borrower's repayment ability. Deferred installments may be authorized under the following conditions:

(i) The farm and home plan shows that scheduled installments cannot be made during the deferred period.

(ii) The scheduled installments cannot be made for reasons which are beyond the control of the borrower.

(iii) The borrower has acted in good faith and has properly maintained and accounted for security.

(iv) Borrowers will be advised to make payments on their loans as soon as they have repayment ability, even though the deferral period has not expired.

(c) *Processing renewal, reamortization and/or deferment—(1) Loans using Form FmHA 441-1.* A separate Form FmHA 452-1 will be prepared for each loan being renewed, reamortized, or deferred.

(i) All parties who executed the note or assumption agreement being renewed or reamortized will be required to execute Form FmHA 452-1, unless otherwise authorized by the State Director after the State Director has consulted OGC on the matter.

(ii) If the County Office is in possession of the original note being reamortized or renewed, Form FmHA 452-1 will be processed in accordance with the provisions of the FMI and this Subpart.

(iii) If the County Office is not in possession of the original note being reamortized or renewed, the County Supervisor will request the Finance Office to have the note assigned to the insurance fund and returned to the County Office before processing Form FmHA 452-1.

(2) *Loans using Form FmHA 440-16.* A separate Form FmHA 452-2 will be

used for each loan being reamortized or deferred. Form FmHA 452-2 will be processed in the same manner as Form FmHA 452-1 which is outlined in paragraph (c)(1) of the section.

(d) *Approval authority.* Loan approval officials are hereby authorized to approve the renewal, reamortization or deferment subject to their approval authority in Subpart A of Part 1901 of this chapter.

(e) *Disposition of promissory notes.* The original and County Office copy of all notes that are renewed or reamortized or deferred will be stamped "Renewed, Not Paid" or "Reamortized, Not Paid" or "Deferred, Not Paid," as appropriate, by the County Office. The original note will be filed with Form FmHA 452-1 or FmHA 452-2 and the copy filed in the borrower's case file. When a renewed, reamortized or deferred note has been paid in full or otherwise satisfied, it will be handled in accordance with the provisions of Parts 1861 and 1864 of this chapter.

(7 U.S.C. 1989; 5 U.S.C. 301; Sec. 10, Pub. L. 93-357, 88 Stat. 392; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

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

Dated: April 20, 1978.

JAMES E. THORNTON,
Associate Administrator,
Farmers Home Administration.

[FR Doc. 78-11408 Filed 4-26-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-NW-10-AD; Amdt. 39-3199]

PART 39—AIRWORTHINESS DIRECTIVES

ADS Supply Co., Air Spares International, Inc. and Spencer Aircraft Industries; Unapproved Appliances Installed in BOEING Model Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment further amends AD 77-05-05, amendment 39-2849, to add Spencer Aircraft Industries as an identified supplier of unap-

proved appliances. The AD requires the removal of the unapproved appliance from service since they have not been shown to conform to FAA approved type design and cannot, therefore, be considered to be in a condition for safe operation.

DATES: Effective date May 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Donald L. Riggan, Engineering and Manufacturing Branch, ANW-210, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108, telephone 206-767-2717.

SUPPLEMENTARY INFORMATION: Airworthiness Directive 77-05-05, amendment 39-2849, effective March 10, 1977, requires the removal of certain unapproved appliances from service. Subsequent amendments to AD 77-05-05 added to the listing of unapproved appliances. The FAA has recently identified Spencer Aircraft Industries as a supplier of unapproved appliances. It is necessary, therefore, to further amend AD 77-05-05 to include Spencer Aircraft Industries as a supplier and to require the removal of those unapproved appliances sold by or procured through Spencer Aircraft Industries.

As stated previously, the basis for this amendment is that the appliances specified herein have not been found to comply with FAA approved type design data. Airplanes in which they are installed, therefore, cannot be considered to be in a condition for safe operation.

DRAFTING INFORMATION

The principal authors of this document are Donald L. Riggan, Engineering and Manufacturing Branch, Northwest Region, and Richard Salwen, Acting Regional Counsel, Northwest Region.

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Administration (14 CFR 39.13) is amended, by further amending amendment 39-2849 (AD 77-05-05) as follows:

1. By revising the applicability statement to read:

ADS Supply Co., Air Spares International, Inc. and Spencer Aircraft Industries: Applies to various unapproved appliances, identified herein by the Boeing part number, sold by or procured through ADS Supply Company, Bellevue, Wash., Air Spares International, Inc., Seattle, Wash.,

or Spencer Aircraft Industries, Seattle, Wash., and installed in various Boeing model airplanes. Compliance required as indicated. Accomplish the following:

2. By redesignating paragraph J as paragraph K.

3. By adding a new paragraph J as follows:

J. By May 26, 1978 (notwithstanding the dates of compliance listed in paragraphs A through I above) remove all appliances with Boeing part numbers listed in paragraphs A through I above which have been sold by or procured through Spencer Aircraft Industries (additional dash numbers identify airline configuration).

This amendment becomes effective May 9, 1978.

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

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

Issued in Seattle, Wash., on April 18, 1978.

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

[FR Doc. 78-11409 Filed 4-26-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-WA-9]

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

Alteration of Terminal Control Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Dallas-Fort Worth, Tex., terminal control area (TCA) to increase the airspace included in two portions of the TCA to the north and south of the Dallas-Fort Worth Regional Airport. This is accomplished by amending the horizontal boundaries of Area C (airspace from 3,000 feet MSL to 8,000 feet MSL) of the TCA to include certain portions of the present Area D (airspace from 4,000 feet MSL to 8,000 feet MSL). This action enhances safety and improves ATC efficiency by resolving a continuing air traffic control problem. Lowering the altitude in portions of the TCA will permit aircraft to remain within the TCA during simultaneous parallel instrument approaches under current procedures to Runways 17 Right and Left or to Runways 35 Right and Left. This action

does not contemplate any changes in the approach procedures to those runways at this time.

EFFECTIVE DATE: July 13, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

On June 13, 1977, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Dallas-Fort Worth TCA (42 FR 30212). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to FAA. Six objections and one favorable comment were received in response to the notice. This amendment is the same as that proposed in the notice. Section 71.401 was republished in the FEDERAL REGISTER on January 3, 1978 (43 FR 647).

THE RULE

This amendment to § 71.401 of Part 71 of the Federal Aviation Regulations (FARs) alters the Dallas-Fort Worth, Tex., TCA to permit aircraft to remain within the TCA when simultaneous ILS approaches are being conducted to Runways 17 Right and Left or to Runways 35 Right and Left. The established glide slope intercept fixes for simultaneous approaches at Dallas-Fort Worth Regional Airport are located at 11.6NM on the respective localizer courses with 3,000 feet as a turn-on altitude for Runway 17 Right and 35 Left and with 4,000 feet for Runway 17 Left and 35 Right. Since aircraft must be turned onto the final approach course before reaching the glide slope intercept fix, the current 15 mile boundary of the 3,000-foot floor portion of the TCA makes aircraft containment within the TCA exceedingly difficult under heavy traffic conditions. This reduction in floor of portions of the TCA resolves an air traffic control problem and enhances safety by assuring that aircraft being turned onto the final approach course beyond the glide slope intercept point remain within the TCA when simultaneous approaches are being conducted to the parallel ILS runways.

DISCUSSION OF COMMENTS

Four adverse comments were received from members of a soaring association which operates a gliderport south of the Dallas-Fort Worth Regional Airport on the 15NM TCA

boundary and slightly east of the extended centerline of Runway 35 Right. Those objections to the proposal generally were based on the impact upon glider operations at the gliderport. To improve operations, commenters recommended raising rather than lowering the floor of that portion of Area D south of the airport proposed for modification. Additionally, commenters questioned the need to modify the existing TCA configuration as proposed.

Other commenters expressed preference for climb and descent corridors and concern with the compression of certain air traffic below the TCA floor. A commenter stated that FAA was violating its own "keep-em-high" program, that present ILS procedures ignore the possibility of a "two stage" glide slope, and the imminent availability of the microwave landing system which permits approaches on a curved flight path. A recommendation was made for an east-west VFR corridor over the center of the airport to transit the TCA at 4,000 feet.

The U.S. Navy initially objected to the proposal; their primary concern centered on procedural handling with arrivals into naval air station Dallas rather than TCA design. Progress has been made and efforts are continuing by both agencies to resolve these procedural matters which do not involve the proposed rule.

The soaring association's gliderport is located within a critical area of inbound and outbound traffic to Dallas-Fort Worth Airport. The ATC procedures required for conducting simultaneous parallel ILS approaches require the floor altitudes as proposed to contain aircraft within the TCAs protective airspace.

The change in TCAs floor altitudes will contain these current procedures including vector patterns and altitudes and thereby reduce the possibility of arrivals having to exit the TCA. The lowering of the floor does not alter ATC procedures currently used or any noise and pollution impacts associated with the procedures.

The FAA recognizes the alteration of the TCA could affect glider operations; however, the FAA believes that the safety and operational objectives of containing high performance turbojet aircraft within the TCA must be weighed against any disadvantages potentially or actually imposed on gliderport operations. Several public meetings were held with interested persons to clarify and discuss problems and impact of the proposal. The FAA has subsequently learned that the gliderport property has been sold and is scheduled for release to the purchaser in July 1979. The purchaser has informed FAA that the gliderport will then be deactivated. Accordingly, any potential long-term conflicting air-

space needs between the TCA and the gliderport have been eliminated. The FAA concludes that in light of the benefits achieved, any short-term impacts on airspace use by gliderport operations is necessary and reasonable.

The issues raised by commenters concerning climb/descent corridors and compression of traffic below TCA floors were discussed in detail when the general air traffic rules for operation within TCAs were adopted in Docket No. 9880 (35 FR 7782) effective June 25, 1970. The FAA has considered those issues as they relate to this action and concludes that the previous resolutions of those matters and the related environmental issues are still valid. Thus, a discussion of those matters presented in Docket No. 9880 is not repeated here.

Regarding the remarks concerning the possibility of a two-segment glide slope approach, the FAA does not agree and has not adopted a two-segment ILS approach procedure as an acceptable, standard procedure. An extensive and dispositive discussion of that position was published on November 15, 1976, in response to proposals submitted to the FAA by the U.S. Environmental Protection Agency (41 FR 52388). Also, the recommended use of the microwave landing system is not viable at this time since that system is a research and development program and it is not available to solve the immediate air traffic control problems addressed by this action.

The recommendation that an east-west VFR corridor be established over the center of the airport was again considered even though that suggestion is not part of the action proposed. The FAA concludes that a full-time corridor at 4,000 feet MSL and below would not be compatible with the TCA because of the congested air traffic conditions prevailing in the immediate vicinity of the Dallas-Fort Worth Regional Airport and adjoining airport traffic areas. However, except during peak traffic conditions, the Air Traffic Control at Dallas-Fort Worth accommodates requests for VFR transiting flights through the TCA to the extent that traffic conditions permit.

DRAFTING INFORMATION

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

ADOPTION OF THE ADMMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart K of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 647) is amended, effective 0901 G.m.t., July 13, 1978, as follows:

In § 71.401 the descriptions of Area C and Area D of the Dallas-Fort

Worth, Tex., Terminal Control Area are revised to read as follows:

AREA C

That airspace extending from 3,000 feet MSL to and including 8,000 feet MSL beginning at Lat. 32°51'45" N., Long. 96°54'30" W.; to Lat. 33°07'15" N., Long. 96°54'30" W.; thence counterclockwise along a 15 NM arc of the Dallas-Fort Worth Airport to Lat. 33°08'44" N., Long. 97°01'47" W.; to Lat. 33°11'43" N., Long. 97°01'47" W.; to Lat. 33°11'30" N., Long. 97°11'30" W.; to Lat. 32°35'20" N., Long. 97°11'30" W.; thence counterclockwise along the 20 NM arc to Lat. 32°33'56" N., Long. 97°01'47" W.; to Lat. 32°38'57" N., Long. 97°01'47" W.; thence counterclockwise along the 15 NM arc to Lat. 32°45'45" N., Long. 96°47'30" W.; thence to point of beginning, excluding Areas A and B.

AREA D

That airspace extending from 4,000 feet MSL to and including 8,000 feet MSL beginning at Lat. 32°45'45" N., Long. 96°47'30" W.; thence clockwise along a 15 NM arc of the Dallas-Fort Worth Airport to Lat. 32°38'57" N., Long. 97°01'47" W.; to Lat. 32°33'56" N., Long. 97°01'47" W.; thence counterclockwise along a 20 NM arc of the Dallas-Fort Worth Airport to Lat. 32°42'00" N., Long. 96°43'10" W.; to point of beginning; and that airspace beginning at Lat. 33°07'15" N., Long. 96°54'30" W.; to Lat. 33°12'00" N., Long. 96°54'30" W.; to Lat. 33°11'43" N., Long. 97°01'47" W.; to Lat. 33°08'44" N., Long. 97°01'47" W.; thence clockwise along the 15 NM arc of the Dallas-Fort Worth Airport to the point of beginning.

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

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

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

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

[FR Doc. 78-11410 Filed 4-26-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-RM-08]

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

Alteration of Control Zone and Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Rock Springs, Wyo. Control zone

and 700-foot transition area. The alteration was necessary to provide additional controlled airspace to contain aircraft executing the new VOR/DME runway 7 instrument approach procedure to the Rock Springs-Sweetwater County Airport, Rock Springs, Wyo.

EFFECTIVE DATE: 0901 G.M.T., July 13, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

On March 20, 1978, the FAA published for comment a proposal to alter the Rock Springs, Wyo. control zone and 700-foot transition area (43 FR 11587). The only comment received expressed no objection.

RULE

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR 71) redefines the control zone and 700-foot transition area at Rock Springs, Wyo. The amended control zone and 700-foot transition area will provide adequate controlled airspace to contain the new VOR/DME runway 7 instrument approach procedure to Rock Springs-Sweetwater County Airport, Rock Springs, Wyo.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective July 13, 1978 as follows:

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

ROCK SPRINGS, WYO.

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

VORTAC 277 radial, extending from the 5.5-mile radius zone to 18 miles west of the VORTAC.

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

ROCK SPRINGS, WYO.

That airspace extending upward from 700 feet above the surface within 11.5-mile radius of the Rock Springs-Sweetwater County Airport (latitude 41°35'45" N., longitude 109°04'00" W.) Within 12.5 miles north and 4.5 south of the 090° bearing and 12.5 miles north and 7.5 south of the 270° bearing from the Thae LOM (latitude 41°35'49" N., longitude 108°58'09" W.) extending from the 11.5-mile radius area to 18.5 miles east of the Thae LOM and from the 11.5 mile radius area to 32 miles west of the Thae LOM; and within 1 mile north and 6 miles south of the Rock Springs VORTAC 102° radial extending from the 11.5-mile radius area to 18.5 miles east of the VORTAC; and that airspace extending * * *

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1345(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.69).)

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

Issued in Aurora, Colo. 80010, on April 14, 1978.

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

[FR Doc. 78-11460 Filed 4-26-78; 8:45 am]

[4910-13]

[Docket No. 78-SO-27]

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

Alteration of Oxford, Miss., Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Oxford, Miss., transition area. The existing transition area will be extended 3 miles east. This is necessary due to the establishment of a public use instrument approach procedure, RNAV Runway 27, to serve the University-Oxford Airport and additional controlled airspace is required to protect aircraft conducting Instrument Flight Rule (IFR) operations.

EFFECTIVE DATE: 0901 G.m.t., June 30, 1978.

ADDRESS: Send comments on the proposal to: Federal Aviation Adminis-

tration, 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, Atlanta, Ga. 30320, telephone 404-763-7646.

SUPPLEMENTARY INFORMATION: A RNAV Runway 27 instrument approach procedure has been established to serve the University-Oxford Airport and is available for use as soon as an extension to the 700-foot transition area is established for the protection of aircraft conducting instrument operations at the airport. Therefore, since this alteration is minor in nature, notice and public procedure hereon are not considered necessary.

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.

ADOPTION OF AMENDMENT

Accordingly, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., June 30, 1978, by altering the Oxford, Miss., transition area as hereinafter set forth:

In Subpart G, § 71.181 (43 FR 440), by adding the following:

*** within 3 miles each side of the 094° bearing from Runway 27, extending from the 5-mile radius area to 8.5 miles east of the airport ***.

(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 April 19, 1978.

GEORGE R. LACAILLE,
Acting Director,
Southern Region.

[FR Doc. 78-11458 Filed 4-26-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-EA-91]

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration, Revocation and Designation of Jet Routes, Control Areas, Transition Areas and Compulsory Reporting Points

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: In a rule published in the FEDERAL REGISTER of April 13, 1978, Volume 43, page 15415, "the TUNNA INT (INT of Kennedy, N.Y., 143° radial, 128NM from Kennedy) via Kennedy;" was inadvertently omitted in the amendatory paragraph to § 75.100 on page 15416. This action makes the necessary correction to insert the proper description of the amendment to § 75.100.

DATE: April 27, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: FR Doc. 78-9706 was published on April 13, 1978, (43 FR 15415) with an effective date of May 18, 1978, and altered Jet Routes 62, 97 and the Barnegat, N.J., control area; revoked Jet Routes 63, 153, the CODDS, HADDY, SHADS, TUNNA reporting points, the Bethany Beach, Del., Hog Island, Va., Nantucket, Mass., Narragansett, R.I., Patchogue, N.Y., Pendleton, Va., control areas and the Fire Island, N.Y., and South Island, N.Y., transition areas; and designated the North Atlantic Control Area. In the amendatory paragraph to § 75.100 "the TUNNA INT (INT of Kennedy, N.Y., 143° radial, 128NM from Kennedy) via Kennedy;" was inadvertently omitted. Therefore, action is taken herein to correct this error.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, FR Doc. 78-9706, beginning on page 15415 in the FEDERAL REGISTER of April 13, 1978, under § 75.100 appearing on page 15416, in the first column, the second sentence of the amendatory language of § 75.100 is corrected to read as follows: "In Jet Route No. 63, 'the TUNNA INT (INT of Kennedy, N.Y., 143° radial, 128NM from Kennedy) via Kennedy;' is deleted and 'Kennedy, N.Y., via' is substituted therefor."

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

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

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

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

[FR Doc. 78-11411 Filed 4-26-78; 8:45 am]

[4910-14]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77-117A]

PART 173—NUMBERING OF VESSELS

Leased or Chartered Vessels

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment revises the vessel numbering regulations dealing with leased or chartered vessels. Congress amended the section of the Federal Boat Safety Act which permits the owner of a leased or chartered vessel to retain the certificate of number when the rental period is less than 24 hours. This period was increased to 7 days. The regulations are being amended to conform to this change in the statute.

EFFECTIVE DATE: This amendment is effective when published.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Since this amendment changes the regulation to conform to a statutory change, notice and public comment are unnecessary and the rule may be made effective in less than 30 days. (5 U.S.C. 553)

DRAFTING INFORMATION

The principal persons involved in the drafting of this rulemaking are: Lt. D. R. Gauthier, Project Manager, Office of Boating Safety, and Lt. R. R. Meeks, Project Attorney, Office of the Boating Safety.

DISCUSSION OF AMENDMENT

Section 20 of the Federal Boat Safety Act of 1971 (46 U.S.C. 1469) permitted the owner of a vessel less than 26 feet in length, leased or rented for non-commercial use, to retain the certificate of number when the leased or rental period was less than 24 hours. 33 CFR 173.21(b) restates this provision in the numbering regulations. Pub. L. 94-531 amended Section 20 to increase the maximum lease or rental period to seven days. The restatement of this rule in 33 CFR 173.21(b) must therefore be amended to conform with the change in the statute. In preparing the above mentioned change it was noted that the definition of "Act" at § 173.3(a) did not include later amendments. This oversight is also being corrected. In consideration of the foregoing 33 CFR Part 173 is amended as follows:

(1) 33 CFR 173.3(a) is amended to read as follows:

§ 173.3 Definitions.

.....
 (a) "Act" means the Federal Boat Safety Act of 1971 as amended (85 Stat. 213; 46 U.S.C. 1451, et. seq.).

(2) 33 CFR 173.21(b) is amended to read as follows:

§ 173.21 Certificate of number required.

(a) * * *
 (b) Section 20(a) of the Act states in part: The certificate of numbers for vessels less than 26 feet in length and leased or rented to another for the latter's noncommercial use of less than seven days may be retained on shore by the vessel's owner or his representative at the place from which the vessel departs or returns to the possession of the owner or his representative.

(Sec. 20, Pub. L. 92-75, 85 Stat. 221 as amended Pub. L. 94-531, 90 Stat. 2490 (46 U.S.C. 1469); 49 CFR 1.46(n)(1).

NOTE.—The Coast Guard 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-102.

O. W. SILER,
Admiral,

U.S. Coast Guard Commandant.

APRIL 19, 1978.

[FR Doc. 78-11493 Filed 4-26-78; 8:45 am]

[3640-01]

Title 35—Panama Canal

CHAPTER I—CANAL ZONE REGULATIONS

SUBCHAPTER E—EMPLOYMENT AND COMPENSATION IN THE CANAL ZONE

PART 253—REGULATIONS OF THE SECRETARY OF THE ARMY

Subpart A—General Provisions

EXCLUSIONS

AGENCY: Canal Zone Civilian Personnel Policy Coordinating Board.

ACTION: Final rule.

SUMMARY: This document excludes intelligence positions, and scientific and technical positions involved in intelligence functions within the Department of Defense in the Canal Zone, from the Canal Zone Merit System. This exclusion corresponds to a Civil Service Commission Schedule A exception that is applicable to the Department of Defense elsewhere.

EFFECTIVE DATE: April 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Col. Robert N. Crittenden, Office of the Assistant Secretary of the Army for Civil Works, Department of the Army, Washington, D.C. 20310, 202-695-7126.

Accordingly, 35 CFR 253.8 (c)(3), (c)(4) are amended to read as follows:

§ 253.8 Exclusions.

.....
 (c) * * *
 (3) Intelligence related positions in the Departments of Defense and Army that are excepted from the competitive service by 5 CFR 213.3106(d)(1), 213.3106(d)(2), and 3107(a)(5).
 (4) [Reserved.]

Effective date: This amendment is effective April 14, 1978.

(2 C.Z.C. 142, 155, 76A Stat. 16, 19; 35 CFR 251.2(a)(1).)

Dated: April 10, 1978.

CLIFFORD L. ALEXANDER,
Secretary of the Army.

[FR Doc. 78-11375 Filed 4-26-78; 8:45 am]

[4310-10]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 4—DEPARTMENT HEARINGS AND APPEALS PROCEDURES

Revision and Revocation of Procedural Rules

AGENCY: Office of Hearings and Appeals, Department of the Interior.

ACTION: Final rule.

SUMMARY: The Office of Hearings and Appeals is amending its procedural regulations to add a scope of authority paragraph for the newly created Board of Surface Mining and Reclamation Appeals and to delete the rules relating to mine health and safety hearings and appeals.

EFFECTIVE DATE: April 27, 1978.

FOR FURTHER INFORMATION CONTACT:

David B. Graham, Director, Office of Hearings and Appeals, Department of the Interior, 4015 Wilson Blvd., Arlington, Va. 22203, 703-557-1500.

SUPPLEMENTARY INFORMATION: The review functions under the Federal Coal Mine Health and Safety Act of 1969 which reposed with Administrative Law Judges and the Board of Mine Operations Appeals in the Department of the Interior were transferred from the Department to the newly created Federal Mine Safety and Health Review Commission, pursuant to the Federal Mine Safety and Health Act of 1977, 83 Stat. 742, 30 U.S.C. 801 et seq. The transfer was effective March 9, 1978. For that reason, the Department is removing Subpart F from 43 CFR Part 4. That subpart set forth special procedural rules applicable to mine health and safety hearings and appeals in the Department of the Interior.

The Surface Mining Control and Reclamation Act of 1977, 91 Stat. 445, 30 U.S.C. 1201 et seq., directs the Secretary of the Interior to implement that Act. To that end the Board of Surface Mining and Reclamation Appeals has been established and the regulation sets forth the scope of authority of that Board.

DRAFTING INFORMATION

The author of this regulation is Bruce R. Harris, Office of Hearings and Appeals.

Accordingly:

1. Paragraph (4) of 43 CFR 4.1 is revised to read:

§ 4.1 Scope of authority; applicable regulations.

(4) *Board of Surface Mining and Reclamation Appeals.* The Board performs finally for the Department the appellate and other review functions of the Secretary under the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 et seq.

§§ 4.500—4.666 (Subpart F) [Revoked].

2. Subpart F is revoked.

Dated: April 24, 1978.

JAMES O. JOSEPH,
Acting Secretary of the Interior.

[FR Doc. 78-11471 Filed 4-26-78; 8:45 am]

[4310-84]

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

ALASKA

Waiver of Regulations

AGENCY: Bureau of Land Management (Interior).

ACTION: Final rule.

SUMMARY: A general review of the Alaska Native Claims Settlement Act (ANCSA) by the Department of the Interior has concluded that certain publication requirements were inefficient to effective administration of the ANCSA. This waiver of the regulations eliminates the requirements to publish initial selection applications filed under sections 14(h) (1), (2), and (8) of the Alaska Native Claims Settlement Act.

EFFECTIVE DATE: April 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Beau McClure, 202-343-3078, or
Bob Sorenson, Bureau of Land Management, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510.

A general review by the Department of the Interior of implementation of the Alaska Native Claims Settlement Act was completed March 3, 1978. A decision reached in that review was that the regulations should be amended to eliminate the publication requirements on certain initial selection applications filed under section 14(h) of the Settlement Act, retaining publication of only the decision to issue conveyance. Pending revision of the regulations and in furtherance of the Department's efforts to improve the administration of the Settlement Act, a waiver of the regulations is appropriate.

It is hereby ordered. As authorized by the terms of 43 CFR 2650.0-8, that the requirements of 43 CFR 2653.5(h) and (i), 2653.6(a)(3), and 2653.9(d) to publish initial selection applications filed under sections 14(h) (1), (2), and (8) of the Alaska Native Claims Settlement Act are waived.

Dated: April 21, 1978.

JAMES A. JOSEPH,
Acting Secretary of the Interior.

[FR Doc. 78-11398 Filed 4-26-78; 8:45 am]

[4910-60]

Title 49—Transportation

[Docket HM-139; Amendments Nos. 172-42, 173-116, 174-30, 177-40, 178-46]

HAZARDOUS MATERIALS
PACKAGING AND SHIPPING

Conversion of Individual Exemptions to Regulations of General Applicability

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Final rule.

SUMMARY: This action is being taken to incorporate into the Department's hazardous materials regulations a number of changes based on the data and analysis supplied in selected exemption applications, or from existing special permits and exemptions. The need for this action has been created by the public demand to make available new packaging and shipping alternatives that have proven themselves safe under the Department's special permit and exemption programs. The intended effect to these amendments is to provide wider access to the benefits of transportation innovations recognized and shown to be effective and safe.

EFFECTIVE DATE: April 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Alan I. Roberts, Director, Office of Hazardous Materials Operations, 2100 2nd Street SW., Washington, D.C. 20590, 426-0656.

SUPPLEMENTARY INFORMATION: On January 5, 1978, the Materials Transportation Bureau (MTB) published a notice of proposed rulemaking, docket HM-139; notice 77-9 (43 FR 983) which proposed these amendments. The background and the basis for incorporating these exemptions into the regulations were discussed in that notice. Interested persons were invited to give their views prior to the closing date of February 6, 1978. Primary drafters of this document are Darrell L. Raines and John C. Allen of the Office of hazardous Materials Op-

erations, Exemptions Branch, and Evan C. Braude, of the Office of the Chief Counsel, Research and Special Programs Directorate.

Numerous comments were received concerning the proposed amendments in notice 77-9. These comments and changes based on the comments are discussed under the applicable subject heading below.

1. *Empty tank car certifications.* Notice 77-9 proposed to amend § 173.29(f)(2) to authorize the return of empty tank cars, which have not been purged or cleaned and which previously contained a hazardous material, without the shippers certification required by § 172.204(a). Comments received on this proposal strongly supported the amendment but suggested that it would be better located in the shippers certification requirements contained in § 172.204. The Bureau agrees with these comments and the amendment has therefore been placed as new § 172.204(b)(2) rather than in the empty packaging requirements in § 173.29.

2. *Recovery drums for defective or leaking packages.* The proposals to amend parts 174 and 177 to allow rail and highway carriers to transport recovery drums containing defective or leaking packages were well received by the public. Nevertheless, a number of changes to these proposals were suggested.

The foremost suggestion was to add a new paragraph in § 173.3 to allow shippers of hazardous materials an opportunity to take advantage of the recovery drums when damaged or leaking packages are found in storage and warehousing operations. Since the intent of this proposed rule change is to authorize the safe disposition of damaged or leaking containers, whether held in storage by shippers or in transit by carriers, the Bureau agrees with the need to include provisions in part 173 for shippers. Consequently, a new § 173.3(c) has been added to the hazardous materials regulations to allow shippers to offer recovery drums containing damaged or leaking packages for transportation, but only for the purpose of eventual disposal or repackaging of the damaged or leaking packages.

Another suggested change to the recovery drum proposal that MTB has adopted is to allow a maximum 110-gallon drum rather than restrict the size to a 65-gallon drum. A number of commenters pointed out that it is often safer to use a larger size drum for effectively containing damaged or leaking packages, particularly those of 55 gallons capacity. Also, some of the specification drums authorized by the hazardous materials regulations can have a maximum capacity up to 110 gallons.

Finally, the mandatory requirement in the proposed amendment to provide

cushioning and absorbent material has been deleted. Instead, the use of cushioning an absorbent material is left to the discretion of the person preparing the shipment of the damaged package in the recovery drum. It has been pointed out repeatedly by commenters that the required use of such material in all situations could result in a danger to the personal safety of those who perform the loading and unloading of the recovery drum which is stuffed with cushioning and absorbent material saturated with the hazardous material inside. Since the recovery drum must be closed adequately to prevent leakage during transportation, MTB sees no reason why the cushioning and absorbent material should be mandatorily required in all cases.

To summarize, these amendments contain provisions in § 173.3(c), § 174.48, and § 177.854(c) authorizing the use of recovery drums up to 110 gallons for shipping defective or leaking packages without mandatory requirements to provide cushioning and absorbent material.

3. *Packagings for nitro carbo nitrate.* Notice 77-9 contained two proposed amendments to § 173.182(c) to authorize new packagings for nitro carbo nitrate. One proposal was to authorize nitro carbo nitrate in all plastic bags or plastic lined bags with a maximum net weight of 100 pounds subject to some additional requirements. A change has been made in the wording of § 173.182(c)(5) by deleting the reference to § 178.241-3 for bag closures because § 178.241-4 makes reference to sifting which includes the bag closure. In addition, § 173.241-3 is not applicable to the plastic lined bags.

The second proposal is to add § 173.182(c)(6) to authorize nitro carbo nitrate in bulk hopper-type tanks equipped with mechanical unloading devices. After further consideration of the comments received on this proposal and based upon further review of DOT exemptions 4453 and 5206, the Bureau has decided to withdraw this proposed amendment from consideration under HM-139 at this time.

4. *"Nurse tanks" used for anhydrous ammonia.* Eight commenters recommended various changes to the proposed amendment of § 173.315(m) which was based on DOT-E 7900-N. The proposal was to authorize private carriage of anhydrous ammonia, for agricultural purposes, under certain specified conditions in non-DOT specification "nurse tanks" which have a minimum design pressure of 250 psig.

One commenter recommended that the cargo tank be further identified by including the words "commonly known as implements of husbandry." The Bureau concurs and has gone one step further and included the words "nurse tanks" so as to avoid any confusion as to the type of tanks in ques-

tion and their intended use. Also, as recommended, the words "and is securely mounted on a farm wagon," have been added as paragraph 6 of the final amendment.

Two commenters recommended that "portable tank" be added after the words cargo tank. The Bureau does not concur with this recommendation because the "nurse tanks" in question meet the definition of a cargo tank. It was not the intent of the notice of proposed rulemaking nor is it our intention at this time to include portable tanks which do not fully comply with DOT specification 51 in the exception.

One commenter recommended that the proposed wording in paragraph 5 be changed to refer to the table in § 173.315(a)(1) instead of the specific maximum filling density of 56 percent by weight. Although note 5 of § 173.315(a)(1) authorizes certain tanks to be filled to 87.5 percent by volume, under certain temperature conditions; the maximum percent by weight is still 56 percent. In view of the above, no change has been made regarding filling density.

Several commenters objected to the proposed wording of paragraphs 6 and 7 pertaining to maximum speed and hours of operation.

In view of the comments received, and upon further consideration, the Bureau agrees that the exercise of requirements relative to maximum speeds and hours of operation should be the responsibility of State and local jurisdictions that have different requirements pertaining to the operation of implements of husbandry. Therefore, the proposed requirements pertaining to maximum speed and hours of operation have not been adopted.

5. *Increase in capacity for specification 4D cylinders.* An increase in the maximum authorized capacity for the 4D cylinder from 1,100 cubic inches to 100 pounds water capacity (2,575 cubic inches) was proposed based on successful shipping experience under DOT exemption 4239. The few comments received on this proposal supported such an amendment. The Bureau believes that some additional changes to § 178.53 should be made with respect to independent test requirements and wall thickness for the larger 4D cylinders.

Section 178.53-3 requires an independent inspection agency to inspect 4D cylinders except those manufactured in the United States which may be inspected by a competent inspector of the cylinder manufacturer. A provision has been added to § 178.53-3 to also require an independent inspection of 4D cylinders manufactured in the United States when the capacity is greater than the previously authorized 1,100 cubic inches.

Section 178.53-9(a) requires a minimum wall thickness of 0.040 inch for

4D cylinders. A new sentence has been added to that section to require a minimum wall thickness of 0.095 inch for 4D cylinders having a capacity greater than the previously authorized 1,100 cubic inches. This minimum wall requirement is consistent with the provisions of DOT-E 4239.

6. *Miscellaneous changes and comments.* Several other changes have been made to certain proposed amendments based on public comments or on the Bureau's own initiative. The proposals to include certain insulated bulk containers for flammable solids in §§ 173.154(a) (16) and (17) have been amended to delete authorization for shipment by cargo vessel. This change is based on recommendations of the U.S. Coast Guard and on the fact that cargo vessel was not previously authorized under DOT-E 7480 (the exemption upon which the rule change is based).

The proposal to add DOT specification 21C fiber drum as an authorized container for picric acid, wet, with not less than 10 percent water, in § 173.193 has been changed. Additional provisions to insure that the package will be vapor tight to prevent loss of moisture have been added. These provisions were part of the exemption (DOT-E 6427) previously authorizing the 21 C fiber drum for picric acid.

Notice 77-9 proposed a change to § 173.217(b) to authorize plastic "packagings" not over 10 pounds capacity rather than plastic "bottles" as an inside container to qualify for certain exceptions from the hazardous materials regulations for dry calcium hypochlorite mixtures and other specified oxidizers. The Bureau believes the word "packaging" is not specific enough since the exemption behind this rule change authorized only plastic "drums." Consequently, "plastic packagings" contained in notice 77-9 has been changed in § 173.217(b) to "plastic bottles or drums."

In consideration of the foregoing, 49 CFR Parts 172, 173, 174, 177, and 178 are amended as follows:

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARD MATERIALS COMMUNICATION REGULATIONS

1. In § 172.204 paragraph (b) is revised to read as follows:

§ 172.204 Shipper's certification.

(b) *Exceptions.* (1) No certification is required for hazardous materials offered for transportation by highway that is transported—

(i) In a cargo tank supplied by the carrier, or

(ii) By the shipper as a private carrier except for a hazardous material

that is to be reshipped or transferred from one carrier to another.

(2) No certification is required for the return of an empty tank car which previously contained a hazardous material and which has not been cleaned or purged.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

2. In § 173.3 paragraph (c) is added to read as follows:

§ 173.3 Packaging and exceptions.

(c) Packages, other than freight containers, overpacks, portable tanks, cargo tanks and tank cars, that are damaged or leaking and which contain corrosive liquids, corrosive solids, flammable liquids, flammable solids, oxidizers, poison B liquids, poison B solids, or irritating agents may be placed inside a DOT specification drum that is compatible with the lading, provided with adequate closures and, when necessary and appropriate, provided with sufficient cushioning and absorption material to prevent excessive movement of the inner containers and to absorb leaking liquid. Alternatively, a non-DOT specification drum, not exceeding 110-gallon capacity, having equal or greater structural integrity than that prescribed in this subchapter for the respective material, may be used as a recovery drum. Either drum is authorized only for the purpose of shipping damage, or defective packages to a facility for disposal or repackaging.

3. In § 173.148 paragraph (a)(5) is revised and paragraph (a)(6) is added to read as follows:

§ 173.148 Monoethylamine.

(a) * * *

(5) Tank motor vehicles as prescribed in § 173.119(f)(5).

(6) Specification 51 (§ 178.245 of this subchapter). *Portable tanks.* Tanks must have no bottom opening, except one 3-inch maximum plugged opening for maintenance purposes is authorized.

4. In § 173.154 paragraph (a)(14) is revised and paragraphs (a)(17) and (a)(18) are added to read as follows:

§ 173.154 Flammable solids, organic peroxide solids, and oxidizers not specifically provided for.

(a) * * *

(14) Specification 12B (§ 178.205 of this subchapter). Fiberboard boxes

with inside polyethylene bottles not over 1-gallon capacity each or polyethylene jars not over 9 pints capacity each. Each jar shall contain not more than 10 pounds net weight of product. Not more than four bottles or jars may be packed in one outside container. Authorized only for materials which will not cause decomposition of polyethylene or container failure.

(17) Specification 103ALW or 111A60ALW (§§ 179.200, 179.201 of this subchapter). Insulated tank cars designed for operation at temperatures up to 250° F. Authorized only for ammonium nitrate with 15 percent or more water in solution at a maximum temperature of 240° F. Transportation by water is not authorized.

(18) Specification MC 307 or MC 311 (§§ 178.340, 178.342 of this subchapter). Insulated tank motor vehicles designed for operation at temperatures up to 250° F. Authorized only for ammonium nitrate with 15 percent or more water in solution at a maximum temperature of 240° F. Transportation by water is not authorized.

5. In § 173.182 paragraph (c)(5) is added to read as follows:

§ 173.182 Nitrates.

(c) * * *

(5) In all plastic bags or in plastic lined bags having a maximum authorized net weight of 100 pounds. All bags must be capable of withstanding the test requirements of § 178.241-4 of this subchapter. Bags other than cross laminated valeron must be at least 4-mils thick. Bags as described above may be overpacked in a spiral fiber tube of 5-ply construction which is closed at one end by a tapered crimp or an insert closure and open at the other end except for a single strand of tape which serves both as a closure and as a lowering tape.

6. In § 173.193 paragraph (a)(2) is added to read as follows:

§ 173.193 Picric acid, trinitrobenzoic acid, or urea nitrate, wet.

(a) * * *

(2) Specification 21C (§ 178.224 of this subchapter). Fiber drums of not over 6½ gallons capacity with one inside 5-mil polyethylene bag. Drum must be made vapor tight through the installation of a 7-mil polyethylene interior lining, plus 1½ mil of polyethylene buried in the inside ply of the drum. The full open head of the container must be made vapor tight by the use of a 24-gauge metal lid with a 10-mil preformed sealing disc glued to the rubber gasket cover and locked with a lever type locking ring and a

pilfer proof seal. The net weight of the dry material shall not exceed 25 pounds.

7. In § 173.217 paragraph (b) is revised to read as follows:

§ 173.217 Calcium hypochlorite mixture, dry; lithium hypochlorite mixture, dry; mono(trichloro) tetra-(monopotassium dichloro)-penta-s-triazinetrione, dry; potassium dichloro-s-triazinetrione, dry; sodium dichloro-s-triazinetrione, dry; trichloro-s-triazinetrione, dry.

(b) Limited quantities of these materials in strong outside wooden or fiberboard packages with inside packagings of glass not over 5 pounds capacity each, or with inside metal packagings or plastic bottles or drums not over 10 pounds capacity each, are excepted from labeling (except labeling is required for transportation by air) and the specification packaging requirements of this subchapter. In addition, shipments are not subject to subpart F of part 172 of this subchapter, to part 174 of this subchapter except § 174.24 and to part 177 of this subchapter except § 177.817.

8. In § 173.245 paragraph (a)(27) is revised to read as follows:

§ 173.245 Corrosive liquids not specifically provided for.

(a) * * *

(27) Specification 33A (§ 178.150 of this subchapter). Polystyrene case (nonreusable container) with inside glass bottles not over 5-pint capacity each. Not more than four 5-pint bottles may be packed in one outside packaging.

9. In § 173.266 paragraph (b)(7) is revised to read as follows:

§ 173.266 Hydrogen peroxide solution in water.

(b) * * *

(7) Specification 21P (§ 178.225 of this subchapter). Fiber drum overpack with inside specification 2SL (§ 178.35a of this subchapter) polyethylene container not over 55-gallon capacity, or specification 2U (§ 178.24 of this subchapter) polyethylene container not over 15-gallon capacity. The closure of the inside 2SL and 2U container must be vented to prevent accumulation of internal pressure and the head with the closure must be marked "Keep This End Up" or "Keep Plug Up To Prevent Spillage."

10. In § 173.268 paragraph (b)(6) is added and paragraph (f)(6) is deleted to read as follows:

§ 173.268 Nitric acid.

(b) * * * * *

(6) Specification 33A (§ 178.150 of this subchapter). Polystyrene case (nonreusable container) with inside glass bottles not over 5-pint capacity each. Not more than four 5-pint bottles may be packed in one outside packaging.

(f) * * * * *

(6) [Deleted]

11. In § 173.302 paragraph (a)(3) is revised to read as follows:

§ 173.302 Charging of cylinders with non-liquefied compressed gases.

(a) * * * * *

(3) Specification 3AX, 3AAX, or 3T (§§ 178.36, 178.37, 178.45 of this subchapter) cylinders are authorized only for the following nonliquefied gases: Air, argon, boron trifluoride, carbon monoxide, ethane, ethylene, helium, hydrogen, methane, neon, nitrogen, or oxygen, except that specification 3T is not authorized for hydrogen.

12. In § 173.315 paragraph (m) is added to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

(m) A cargo tank (commonly known as a nurse tank and considered an implement of husbandry) transporting anhydrous ammonia, and operated by a private carrier exclusively for agricultural purposes does not have to meet the specification requirements of Part 178 of this subchapter if it:

- (1) Has a minimum design pressure of 250 psig and meets the requirements of the edition of the ASME code in effect at the time it was manufactured and is marked accordingly;
- (2) Is equipped with safety relief valves meeting the requirements of CGA pamphlet S1.2;
- (3) Is painted white or aluminum;
- (4) Has capacity of 3,000 gallons or less;
- (5) Is loaded to a filling density no greater than 56 percent; and
- (6) Is securely mounted on a farm wagon.

13. In § 173.369 the introductory text of paragraph (a)(14) is revised to read as follows:

§ 173.369 Carbohic acid (phenol), not liquid.

(a) * * * * *

(14) Specifications MC 300, MC 301, MC 302, MC 303, MC 305, MC 306, MC 307, MC 310, MC 311, or MC 312 (§§ 178.341, 178.342, 178.343 of this subchapter). Tank motor vehicles.

14. In § 173.995 paragraphs (a)(3) and (a)(4) are revised, and (a)(5) and (c) are added to read as follows:

§ 173.995 Fish scrap and fish meal.

- (a) * * * * *
- (3) Polyethylene-lined burlap or paper bag;
- (4) Rall car; or
- (5) Freight container.

(c) When fish scrap or fish meal is offered for transportation by vessel in bulk in freight containers the following additional requirements must be met:

- (1) The fish meal must contain at least 100 pPM antioxidant (ethoxyquin) at the time of shipment.
- (2) Each shipment must be accompanied by a statement in which the shipper certifies:
 - (i) The moisture content of the fish meal;
 - (ii) The concentration of antioxidant (ethoxyquin) in the material in pPM at the time of loading into the freight container,
 - (iii) The fat content of the fish meal;
 - (iv) Date and place of production of the fish meal and
 - (v) The physical state of the material (ground, pelletized, or mixture).

PART 174—CARRIAGE BY RAIL

15. In § 174.47 paragraphs (a) and (b) are revised to read as follows:

§ 174.47 Correction of violations.

- (a) A shipment of explosives discovered to be in violation of any of the requirements of this subchapter may not be forwarded until all discovered violations have been corrected.
- (b) Unless leaking, or in a manifestly insecure condition, each package of hazardous materials other than explosives in transit must be forwarded to its destination and a report made of any violation observed.

16. Section 174.48 is added to read as follows:

§ 174.48 Leaking packages other than tank cars.

(a) Leaking packages other than tank cars may not be forwarded until repaired or reconditioned. Leaking or defective packages may be overpacked as required by paragraph (b) of this section. (See §§ 171.15 and 171.16 of this subchapter for reporting requirements.)

(b) During transit, damaged or leaking packages which contain corrosive liquids, corrosive solids, flammable liquids, flammable solids, oxidizing materials, poison B liquids, poison B solids, or irritating agents may be placed inside a DOT specification drum that is compatible with the lading, provided with adequate closures and, when necessary and appropriate, provided with sufficient cushioning and absorption material to prevent movement of the inner containers and to absorb leaking liquid. Alternatively, a non-DOT specification drum, not exceeding 110-gallon capacity having equal or greater structural integrity than that prescribed in this subchapter for the respective material, may be used as a recovery drum. Either drum may be forwarded to destination or returned to the shipper for disposal or repackaging.

PART 177—CARRIAGE BY PUBLIC HIGHWAY

17. In § 177.854 paragraph (c) and the introductory text of paragraph (d) are revised to read as follows:

§ 177.854 Disabled vehicles and broken or leaking packages; repairs.

(c) *Repairing or overpacking packages.* (1) Packages may be repaired when safe and practicable, such repairing to be in accordance with the best and safest practice known and available.

(2) During transit, damaged or leaking packages which contain corrosive liquids, corrosive solids, flammable liquids, flammable solids, oxidizing materials, poison B liquids, poison B solids, or irritating agents may be placed inside a DOT specification drum that is compatible with the lading, provided with adequate closures and, when necessary and appropriate, provided with sufficient cushioning and absorption material to prevent excessive movement of the inner containers and to absorb leaking liquid. Alternatively, a non-DOT specification drum, not exceeding 110-gallon capacity, having equal or greater structural integrity than that prescribed in this subchapter for the respective material, may be used as a recovery drum. Either drum may be forwarded to destination or returned to the shipper for disposal or repackaging.

(d) *Transportation of repaired packages.* Any package repaired in accordance with the requirements of paragraph (c)(1) of this section, except as provided in §§ 177.855(c), 177.856(c), and 177.858(b), may be transported to the nearest place at which it may

safely be disposed of only in compliance with the following requirements.

* * * * *

PART 178—SHIPPING CONTAINER SPECIFICATIONS

18. In § 178.53, §§ 178.53-2(a), 178.53-3, and 178.53-9(a) are revised to read as follows:

§ 178.53 Specification 4D; inside containers, welded steel for aircraft use.

* * * * *

§ 178.53-2 Type, size, and service pressure.

(a) *Type and size.* Welded steel spheres (two seamless hemispheres) or circumferentially welded cylinders (two seamless drawn shells) not over 100 pounds water capacity. Cylinders closed in by spinning process not authorized.

* * * * *

§ 178.53-3 Inspection by whom and where.

Inspections and verifications must be performed by an independent inspection agency approved in writing by the Director, Office of Hazardous Materials Operations (OHMO), in accordance with § 173.300a of this subchapter or, in the case of cylinders manufactured in the United States and having a water capacity not exceeding 1,100 cubic inches, inspections may be performed by a competent inspector of the manufacturer. Chemical analyses and tests must be made within the United States unless otherwise approved in writing by the Director, OHMO, in accordance with § 173.300b of this subchapter.

* * * * *

§ 178.53-9 Wall thickness.

(a) The wall stress at minimum test pressure shall not exceed 24,000 pounds per square inch, except where steels commercially known as 4130X, type 304, 316, 321, and 347 stainless steels are used, stress at test pressures shall not exceed 37,000 pounds per square inch. Minimum wall for any container having a capacity of 1,100 cubic inches or less is 0.40 inch. Minimum wall for any container having a capacity in excess of 1,100 cubic inches is 0.095 inch.

* * * * *

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

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

Issued in Washington, D.C., on April 21, 1978.

L. D. SANTMAN,
Acting Director,
Materials Transportation Bureau.
[FR Doc. 78-11462 Filed 4-26-78; 8:45 am]

[4910-60]

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-139 Amdt. Nos. 173-114, 179-221]

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

PART 179—SPECIFICATIONS FOR TANK CARS

Conversion of Individual Exemptions to Regulations of General Applicability; Correction

AGENCY: Materials Transportation Bureau, Department of Transportation.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule on the effective date for compliance with 49 CFR 179.200-18 and 179.201-1 and corrects Note 24 to read Note 25 in 49 CFR 173.314(c) which begins on page 8519 of the FEDERAL REGISTER of March 2, 1978.

EFFECTIVE DATE: March 2, 1978, except that mandatory compliance with 49 CFR 179.200-18 and 179.201-1 is January 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Alan I. Roberts, Director, Office of Hazardous Materials Operations, 2100 Second Street, SW., Washington, D.C. 20590, 202-426-0656.

SUPPLEMENTARY INFORMATION: In FR Docket 78-5410 beginning on page 8519 in the FEDERAL REGISTER of March 2, 1978, in item 8, § 173.314(c), column 3 is amended by changing Note 24 to read Note 25, each time it appears; Note 24 is renumbered Note 25.

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

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

L. D. SANTMAN,
Acting Director,
Materials Transportation Bureau.
[FR Doc. 78-11463 Filed 4-26-78; 8:45 am]

[4910-59]

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

[Docket No. 71-7; Notice 101]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Truck-Camper Loading

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Final rule.

SUMMARY: This notice amends Standard No. 126, Truck-Camper Loading, by removing the requirement that a camper's vehicle identification number (VIN) be printed in its owner's manual. Such a modification will reduce the cost of compliance with the standard, without adversely affecting the level of safety prescribed. This action is being taken in response to a request by the Recreation Vehicle Industry Association.

EFFECTIVE DATE: April 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Kevin Cavey, Crash Avoidance Division, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-2716.

SUPPLEMENTARY INFORMATION: On November 29, 1973, the NHTSA issued a notice proposing to amend Standard No. 126, Truck-Camper Loading, to remove the requirement that the vehicle identification number (VIN) of each camper be printed in its owner's manual (38 FR 32945). The amendment, requested by the Recreation Vehicle Industry Association, was proposed to reduce the burdens and costs associated with compliance with the requirement.

Comments were received from Ford, the Recreation Vehicle Industry Association, and the Recreational Vehicle Division of the Trailer Coach Association. The Vehicle Equipment Safety Commission did not submit comments.

The three comments received supported the suggested modification. Some commenters asserted that the requirement added little to vehicle safety while resulting in increased costs and the increased possibility of errors associated with inserting the incorrect VIN in an owner's manual. The NHTSA concurs with the commenters and concludes that the intent of the requirement can be achieved by permitting a manufacturer to state in the owner's manual that the VIN can be found by referring to the camper's cer-

tification label. Accordingly, Standard No. 126 is amended to make optional the provision of the VIN in a camper's owner's manual. If the VIN is not placed in the owner's manual, a reference must be made in the manual to the location of the VIN on the certification label.

In consideration of the foregoing, the second sentence of paragraph § 5.1.2 of Standard No. 126, 49 CFR Part 571.126 is amended to read as follows:

§ 5.1.2 *Owner's Manual.*

(a) * * * Instead of the information required by subparagraphs (b), (c), and (e) of paragraph § 5.1.1, a manufacturer may use the statements, "See camper certification label (located on camper's rear exterior surface) for month and year of manufacture and for the Vehicle Identification Number" and "This camper conforms to all applicable Federal Motor Vehicle Safety Standards in effect on the date of manufacture".

Since this amendment relieves a restriction and imposes no additional burden on any person, it is found for good cause shown that an immediate effective date is in the public interest.

The principal authors of this notice are Kevin Cavey of the Office of Vehicle Safety Standards and Roger Tilton of the Office of Chief Counsel.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50.)

Issued on April 21, 1978.

JOAN CLAYBROOK,
Administrator.

[FR Doc. 78-11568 Filed 4-26-78; 8:45 am]

proposed rules

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

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 944]

IMPORTS OF AVOCADOS

Proposed Rulemaking with Respect To Issuance of Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: Consideration is being given to the following proposal, which would prescribe requirements for the importations of avocados into the United States during the period May 29, 1978, through April 30, 1979. The proposed import regulation would prescribe the same grade and comparable minimum size or weight requirements for imported avocados as those applicable to avocados grown in south Florida. Weights or diameters and dates, when specified varieties of avocados may be imported, are indices used to assure that imported avocados are mature and will ripen satisfactorily after purchase by consumers.

DATE: Comments must be received on or before May 15, 1978.

ADDRESSES: Comments may be addressed to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the Office of the Hearing Clerk during business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: This import regulation would be effective pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

As proposed, the domestic regulation under the marketing order for Florida avocados would become effective May 29, 1978. To prevent the import of immature avocados, the import regulation would be made effective on the same date. Hence, the time available does not permit preliminary notice beyond that herein provided.

Such proposal reads as follows:

§ 944.18 Avocado Regulation 26.

(a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited unless such avocados are inspected and meet the following requirements:

(1) All avocados imported during the period May 29, 1978, through April 30, 1979, shall grade not less than U.S. No. 3.

(2) Avocados of the Pollock variety shall not be imported: (i) Prior to July 3, 1978; (ii) from July 3, 1978, through July 16, 1978, unless the individual fruit in each lot of such avocados weighs at least 18 ounces or measures at least $3\frac{1}{16}$ inches in diameter; (iii) from July 17, 1978, through July 30, 1978, unless the individual fruit in each lot of such avocados weighs at least 16 ounces or measures at least $3\frac{1}{8}$ inches in diameter; and (iv) from July 31, 1978, through August 13, 1978, unless the individual fruit in each lot of such avocados weighs at least 14 ounces or measures at least $3\frac{1}{8}$ inches in diameter.

(3) Avocados of the Catalina variety shall not be imported: (i) Prior to August 28, 1978; (ii) from August 28, 1978, through September 10, 1978, unless the individual fruit in each lot of such avocados weighs at least 24 ounces; and (iii) from September 11, 1978, through October 1, 1978, unless the individual fruit in each lot of such avocados weighs at least 22 ounces.

(4) Avocados of the Trapp variety shall not be imported: (i) Prior to July 31, 1978; (ii) from July 31, 1978, through August 13, 1978, unless the individual fruit in each lot of such avocados weighs at least 14 ounces or measures at least $3\frac{1}{16}$ inches in diameter; and (iii) from August 14, 1978, through August 27, 1978, unless the individual fruit in each lot of such avocados weighs at least 12 ounces or measures at least $3\frac{1}{8}$ inches in diameter.

(5) Avocados of any variety other than Pollock, Catalina, and Trapp varieties, of the West Indian varieties not listed elsewhere in this regulation, shall not be imported: (i) Prior to July 3, 1978; (ii) from July 3, 1978, through July 30, 1978, unless the individual fruit in each lot of such avocados weighs at least 18 ounces; (iii) from July 31, 1978, through September 3, 1978, unless the individual fruit in each lot of such avocados weighs at least 16 ounces; (iv) from September 4, 1978, through October 1, 1978, unless

the individual fruit in each lot of such avocados weighs at least 14 ounces: *Provided*, That any lot of such avocados may be imported without regard to the date or minimum weight requirements of this paragraph if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(6) Avocados of any variety of the Guatemalan type, including hybrid-type seedlings, unidentified Guatemalan and hybrid varieties, and Guatemalan and hybrid varieties not listed elsewhere in the regulation shall not be imported: (i) Prior to September 18, 1978; (ii) from September 18, 1978, through October 15, 1978, unless the individual fruit in each lot of such avocados weighs at least 15 ounces; and (iii) from October 16, 1978, through December 17, 1978, unless the individual fruit in each lot of such avocados weighs at least 13 ounces.

(7) Notwithstanding the provisions of subparagraphs (2) through (6) of this paragraph regarding the minimum weight or diameter for individual fruit, not to exceed 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified and be less than the specified diameter: *Provided*, That such avocados weigh not over 2 ounces less than the applicable specified weight for the particular variety specified in such subparagraphs. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of avocados that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports of avocados. Since inspectors are not locate in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of avocados should make ar-

rangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the avocados will be imported:

Ports, Office, and Advance Notice

All Texas points: Officer in Charge, P.O. Box 107, San Juan, Tex. 78589, phone 512-787-4091, or Officer in Charge 724 East Overland, El Paso, Tex. 79905, phone 915-543-7723, 1 day.

All New York points: Officer in Charge, Room 28A, Hunts Point Market, Bronx, N.Y. 10474 phone 212-991-7668 and 7669; Officer in Charge, 176 Niagara Frontier Food, Terminal, Room 8, Buffalo, N.Y. 14206, phone 716-824-1585, 1 day.

All Arizona points: Officer in Charge, P.O. Box 1614, Nogales, Ariz. 85621, phone 602-287-2902, 1 day.

All Florida points: Officer in Charge, 1350 Northwest 12th Avenue, Room 530, Miami, Fla. 33136, phone 305-324-6116, or Officer in Charge, P.O. Box 1232, Winter Haven, Fla. 33880, phone 813-294-2089, or Officer in Charge, Unit 46, 3335 North Edgewood Avenue, Jacksonville, Fla. 32205, phone 904-354-5983, 1 day.

All California points: Officer in Charge, 784 South Central Avenue, Room 266, Los Angeles, Calif. 90021, phone 213-688-2489 3 days.

All Louisiana points: Officer in Charge, 5027 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, La. 70113, phone 504-589-6741 1 day.

All other points: Chief, Fresh Products Branch, FVQD, FSQS, USDA, Washington, D.C. 20250, phone 202-447-5870, 3 days.

(c) Inspection certificates shall cover only the quantity of avocados that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR PART 51). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any avocados to be imported into the United States shall set forth, among other things:

- (1) The date and place of inspection;
- (2) The name of the shipper or applicant;
- (3) The commodity inspected;
- (4) The quantity of the commodity covered by the certificate;
- (5) The principal identifying marks on the container;
- (6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, the name of the air carrier, or other identification of the shipment; and
- (7) The following statement, if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(f) Notwithstanding any other provisions of this regulation, any importation of avocados which, in the aggregate, does not exceed 55 pounds may be imported without regard to the restrictions specified herein.

(g) It is hereby found that the application of the maturity restrictions being imposed, pursuant to Order No. 915 (7 CFR Part 915), upon avocados grown in south Florida to imported avocados, other than of the Pollock, Catalina, and Trapp varieties, is not practicable because of variations in characteristics between the domestic and imported avocados; and the maturity restrictions applicable to imported avocados other than of the Pollock, Catalina, and Trapp varieties are comparable to those imposed upon the domestic commodity. The quality restrictions for all imported avocados and the maturity restrictions for imported avocados of the Pollock, Catalina, and Trapp varieties are the same as those being imposed upon the domestic commodity.

(h) No provisions of this section shall supersede the restrictions or prohibitions on avocados under the Plant Quarantine Act of 1912.

(i) Nothing contained in this section shall be deemed to preclude any imported from reconditioning, prior to importation, any shipment of avocados for the purpose of making it eligible for importation.

(j) The terms relating to grade, as used herein, shall have the same meaning as when used in the United States Standards for Florida Avocados (7 CFR 51.3050-51.3069). "Diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit. "Importation" means release from custody of the U.S. Bureau of Customs.

Dated: April 24, 1978.

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

[FR Doc. 78-11467 Filed 4-26-78; 8:45 am]

[3410-02]

[7 CFR Part 953]

IRISH POTATOES GROWN IN SOUTHEASTERN STATES

Proposed Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on proposed expenses of \$11,125 and a rate of assessment of one-fourth cent per hundredweight of potatoes for the functioning of the Southeastern Potato Committee. The

regulation would enable the committee to collect assessments from first handlers on all assessable potatoes and to use the resulting funds for its expenses.

DATES: Comments due May 12, 1978.

ADDRESS: Comments should be sent to: Hearing Clerk, Room 1077-S, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written materials shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-6393.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 104 and Order No. 953, both as amended, regulate the handling of potatoes grown in designated counties of Virginia and North Carolina. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Southeastern Potato Committee, established under the order, is responsible for its local administration.

The proposals are as follows:

\$953.215 Expenses and rate of assessment.

(a) The expenses the Secretary finds may be necessary to be incurred during the fiscal period ending May 31, 1979, by the Southeastern Potato Committee for its maintenance and functioning amount to \$11,125.

(b) The rate of assessment to be paid during this period by each handler under this part shall be one-fourth cent (\$0.0025) per hundredweight of potatoes of which he is the first handler. However, potatoes for canning, freezing and other processing shall be exempt. Also, the minimum quantity exemption of up to 5 hundredweight of potatoes that may be shipped per day by each handler shall be exempt.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in the said amended marketing agreement and this part.

Dated: April 24, 1978.

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

[FR Doc. 78-11466 Filed 4-26-78; 8:45 am]

[3410-02]

[7 CFR Part 1004]

[Docket No. AO-160-A54]

MILK IN THE MIDDLE ATLANTIC MARKETING AREA

Recommended Decision and Opportunity to File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision is based on industry proposals considered at a public hearing held in October 1977. It would provide for the continuation of the present method of pricing Class I milk under the Middle Atlantic Federal milk order. Industry proposals that would establish "bracketed" pricing or lower the Class I price level are not adopted.

The decision also would modify the requirements for pooling a distributing plant, and would increase the number of days' milk production of a producer that may be diverted monthly to nonpool plants as pooled milk during the months of September through February. These changes are adopted in response to changed marketing conditions.

DATE: Comments are due on or before May 12, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, 202-447-7311.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing issued September 1, 1977, published September 8, 1977 (42 FR 45001).

PRELIMINARY STATEMENT

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Middle Atlantic marketing area, and of the opportunity to file written exceptions thereto. This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by May 12, 1978. The exceptions should be filed in four copies. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27 (b)).

The hearing on the record of which the proposed amendments, as herein-after set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Philadelphia Pa., on October 4-7, 1977, pursuant to notice thereof.

The material issues on the record of the hearing relate to:

1. Class I price: (a) Continuation of the present formula, (b) bracketed pricing, and (c) Class I differential.
2. Pooling standards for distributing plants: (a) Total Class I disposition, and (b) in-area route disposition.
3. Diversion provisions.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I price.* The present method of computing the Class I price should be continued. The order should not provide for bracketed pricing, and the present Class I differential of \$2.78 should not be reduced.

The Class I price issue in this proceeding stemmed from an October 4, 1976, order of the U.S. District Court for the Eastern District of Pennsylvania in *Abbotts Dairies Division of Fairmont Foods, Inc. v. Butz*, following three decisions by the Court, as reported at 351 F. Supp. 561 (E.D. Pa. 1972); 389 F. Supp. 1 (E.D. Pa. 1975); and 421 F. Supp. 415 (E.D. Pa. 1976). The Court concluded that the failure of the secretary in his decision of August 20, 1969 (34 FR 13601) to adopt bracketed pricing in connection with the adoption of the Minnesota-Wisconsin formula for Order No. 4 was unsupported by substantial record evidence. The Court ordered that "the Secretary of Agriculture shall convene a hearing to consider what milk pricing method shall be applicable to Order No. 4. The Secretary shall allow all interested parties to submit pricing proposals and appropriate evidence and thereafter, using his discretion, may refuse to adopt any pricing order or may adopt any proposal supported by substantial record evidence. The Secretary may not, however, by refusing to act, retain the present pricing system in Order No. 4."

Three proposals concerning Class I pricing were published in the hearing notice that was issued in response to the Court's directive. One proposal

would continue the method now provided in the order for pricing Class I milk. Under the proposal, price changes would stem only from changes in the basic formula price (the Minnesota-Wisconsin price). A second proposal would provide a schedule of "brackets" for changing the Class I price in units of 20 cents per hundredweight. A third proposal would reduce the Class I price at least \$1 per hundredweight. The proposals are discussed herein as Issues 1 (a), (b), and (c), respectively.

(a) *Continuation of the present Class I price formula.* The order should continue to provide that the Class I price for the month shall be the basic formula price for the second preceding month plus \$2.78. The basic formula price should continue to be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent, as now provided by the order.

A federation of five cooperatives that represent a substantial proportion of the producers supplying milk to the Middle Atlantic market proposed that the present method of computing the Class I price be continued. At the hearing, proponent modified the proposal as discussed under Issue 1(c). In essence, however, the federation supported the continuation of a Class I price formula based on the basic formula price (Minnesota-Wisconsin price) of the second preceding month, plus a Class I differential, and without provision for bracketing. Thus, changes in the Class I price would continue to be determined solely by changes in the Minnesota-Wisconsin price.

Continuation of the present Class I price formula, without modification, was proposed by another cooperative, and, in a posthearing brief, an additional cooperative supported the continuation of this method of pricing Class I milk.

Currently, all Federal milk orders use the Minnesota-Wisconsin price (referred to herein as the MW price) for the second preceding month as the basic formula price in each Class I price formula to establish the Class I price for the current month.

Proponent cooperatives supported the continued use in Order 4 of the basic formula price of the second preceding month, plus a Class I differential, as an integral part of the method by which the Department implements a program-wide basis for pricing Class I milk. In their view, this method of pricing Class I milk was appropriately developed as a Department policy in response to changing milk marketing conditions throughout the country, and to the statutory responsibilities vested in the Secretary.

Proponents testified that the program-wide method of pricing Class I milk reflects, necessarily, the competitive conditions prevailing in the largest area of production and sale of manufacturing grade milk in the U.S. Also, in their view, it provides a measure of the cost of alternative supplies of milk, and coordinates changes in Federal order Class I prices with changes in price measures established by the dairy price support program.

A witness representing some of the proprietary handlers regulated by Order 4 did not oppose the continued use of the MW price for the second preceding month as the basic formula price for Order 4. However, the handlers, who distribute fluid milk primarily in the Philadelphia area segment of the Order 4 market, proposed a method for providing Class I price changes that is different from that now provided by the Class I price provisions of the order. This aspect of the proposal of the Philadelphia handler group (i.e., bracketed pricing) is discussed in connection with Issue 1(b).

Testimony presented by proponents established that over the years the focus of Federal milk orders has shifted. Proponent witnesses testified that in the earlier years of the Federal order program, milk markets essentially were local in character. Consequently, the need for intermarket price coordination was not a prime consideration as it is under present milk marketing conditions.

Proponents noted that the MW price series has not always been the method by which Federal order Class I prices were changed. In the earlier days of the Federal order program, varying Class I price provisions were provided that moved prices automatically and maintained some fixed relationship between the price of Class milk I and the value of milk for manufacturing purposes.

Proponents cited formulas that changed prices based on dairy product prices or on manufacturing grade milk prices. Some orders, such as the precursor of Order 4, provided for an economic-type formula to change Class I prices on the basis of such factors as feed prices, wages rates and other economic indices. This type of formula represented a divergence from the formulas based on milk and dairy product prices. However, since markets were essentially local in structure, as indicated by proponents, such divergence did not present problems in the operation of the Federal order program as a whole.

Proponents testified further that as technological improvements throughout the dairy industry occurred, milk markets became increasingly less local in character. By 1960, it became evident, they said, that a more closely coordinated system of Class I prices for

the Federal order program was needed by which changes in supply-demand conditions for milk would be reflected simultaneously in all Class I prices. Also, proponents indicated that it was necessary to give increasing weight to the cost at which milk supplies were available from sources outside a market's traditional (local) milkshed.

Proponents testified that to meet the foregoing circumstances, the MW price series was developed by the Department and adopted as the basic mover of Class I prices. In this regard, the record of this proceeding established that the Federal milk orders of the Northeast, including Order 4, were among the last to be provided with such price coordination at the end of the 1960's.

A witness for the five federated cooperatives stated that at that time he testified for the federation in favor of retaining the earlier method of pricing milk that was provided prior to the substantial enlargement of the marketing area and scope of regulation that is now represented by Order 4. However, the witness noted, the proponent federation of producers now supports the program-wide method of coordinating Federal order Class I prices, including the present method of pricing Class I milk under Order 4.

Proponent witnesses were united in the view that use of the MW price as the basic formula price has been and will continue to be an appropriate means of coordinating price changes among Federal orders because it is the best indicator available of changes in the overall supply and demand situation for milk. Additionally, proponent witnesses testified that the MW price represents a measure (when appropriate Class I differentials are added) of the cost of alternative supplies of milk. Proponents stated also that use of the MW price provides a means of coordinating changes in Federal order Class I prices with changes in price measures established by the dairy price support program.

The Economics, Statistics and Cooperatives Service (ESCS) of the U.S. Department of Agriculture publishes each month an estimate of the average price received by farmers and the average milkfat test for milk of manufacturing grade for the preceding month for the Minnesota-Wisconsin area. These States produce over half of the manufacturing grade milk marketed in the United States. The estimate relates only to manufacturing grade milk bought from farmers, and does not include Grade A milk diverted to manufacturing uses. The estimate is for milk delivered in bulk tanks and in cans f.o.b. plant or receiving station before hauling costs are deducted. It includes bulk-tank, quantity, or other premiums paid to producers, but excludes hauling subsidies.

The price estimate for a given month is derived from two factors: (1) Estimated average price for the base month, which is the month preceding that to which the MW price estimate relates, and (2) estimate of change from the base month to the month to which the MW price estimate relates.

The base-month price and fat test are determined from about 200 plants in Wisconsin and 120 in Minnesota. These plants buy about 60 percent of all manufacturing grade milk sold in the two States. Plants report total pounds of manufacturing grade milk received from producers, total pounds of milkfat in the milk, and total dollars paid to producers.

The 320 plants in the base-month sample are well distributed geographically over both States and represent all the major processing plants using manufacturing grade milk. At the end of the year, reports from all manufacturing grade milk plants in each State indicate close agreement with the monthly prices derived from the 320 plants.

The estimate of change from the base month to the month to which the MW price estimate relates is derived from reports from a sample of 110 plants selected in the two States (40 plants in Minnesota and 70 in Wisconsin). The estimated price for each month on a hundredweight basis at the average milkfat test and on a 3.5 percent basis is issued about the 5th of the following month by the ESCS.

The MW price is representative of prices paid to farmers for more than half of the manufacturing grade milk sold in the U.S., and reflects prices being paid farmers by processors who are meeting the competitive test of the unregulated market. The prices paid at these manufacturing plants are particularly sensitive to changes in the national supply-demand relationship for milk. This characteristic makes the MW price valuable as a means of providing current and simultaneous price changes for Federal milk orders, including Order 4. This has been accomplished by providing the MW price as the basic formula price in Order 4. This should be continued without change.

The use of the MW price series as the basic formula price of Order 4 (and other Federal milk orders) not only reflects competitive prices being paid for manufacturing grade milk, but also provides coordination with the price support program. A common objective of both programs is to provide an adequate supply of milk for the nation. At the present time, about 66 percent of the milk marketed in the U.S. is regulated by Federal milk orders.

Under the presently coordinated pricing system, the Secretary of Agriculture can adjust support prices with

the knowledge that the changes will be reflected in both the fluid and manufacturing segments of the dairy industry. If supply prospects indicate that a milk price increase is needed, action can be taken under the price support program to increase prices and to encourage milk production by both Grade A and manufacturing grade shippers. In the absence of coordination, and if overall supplies were short, the Secretary could not take such far-reaching action to assure an adequate supply of milk simply by raising the support price. Instead, he would need to consider separate action under the milk orders to provide the same incentive for all producers to provide the needed production increase. These considerations have resulted in the present coordination between the two programs.

If the Class I price level is not established in a way which reflects price support adjustments and conditions in manufacturing milk markets, serious problems can develop. Class I prices could keep arising at a time when heavy milk supplies in the manufacturing industry might require a reduction in the price support level. Rising Class I prices under Federal orders could call forth unneeded supplies of milk which directly, or indirectly, could end up in the hands of the Commodity Credit Corporation and increase price support costs. Also, the pressures on the price support program from the excess supplies being generated by the Class I prices could result in an adverse impact on manufacturing grade milk producers.

The basic Federal order pricing standard established by the Congress requires that prices be set at those levels necessary to assure an adequate supply of milk. Accordingly, Class I prices under the orders must change promptly in response to changes in the supply and demand for milk. Inherent in the supply-demand standard of the Act is the concept of prices to producers that are high enough to encourage the maintenance of adequate resources in dairying so that over the long run consumers will be assured of an adequate supply of milk.

Further, the coordination of Class I price movements is needed throughout the Federal order system because milk can now move readily between and among Federal order markets. The Class I price in one market frequently will be the alternative supply price for another market. Without price coordination, even small disparities in the normal price relationships will encourage uneconomic movement of milk and disruption of markets. Identical Class I price changes in all orders is a necessary pricing feature under the Federal order system.

The present price system under Federal orders operates in such a way that

it provides uniform price changes in all orders. This is accomplished by adding a specific differential directly to the MW price. The system evolved from the necessity to coordinate price changes within regions and also to provide coordination on an inter-regional basis. It is concluded that the present Class I price formula of Order 4, which is an integral part of this coordinated pricing systems, should be continued without change.

(b) *Bracketed pricing.* The order should not provide for adjusting Class I prices through the use of brackets. A group of Philadelphia area handlers who are regulated by Order 4 proposed that the order be amended to include bracketed pricing, indexed to change Class I prices in 20-cent units, or in such other units as the evidence may demonstrate to be appropriate.

At the hearing, the proponents' spokesman presented a specific proposal for bracketed pricing as a component of the Class I price provisions of the order. Under the proposal, the present basic formula price would be continued. A schedule of price ranges or "brackets" would be provided. When the basic formula price (MW price) of the second preceding month changed sufficiently to fall within a new bracket, the Order 4 Class I price would change in units of 20 cents from one bracket to the next.

For example, the MW price of \$8.74 for September 1977 would have been within the bracket of \$8.71-\$8.81 and a Class I price of \$11.63 for November 1977 would have resulted. If the MW price for October 1977 had increased to \$8.94, such price would have been in the next bracket, i.e., \$8.91-\$9.01, and would have yielded a 20-cent higher price of \$11.83 for December 1977, as follows:

Bracket	Class I price
\$8.71 to \$8.81	\$11.63
\$8.91 to \$9.01	11.83

If the October MW price had been \$8.80 (within the same bracket), there would have been no price change. If the October MW price had been \$8.83 (in a "twilight" zone between brackets), there would have been no price change.

The proposed schedule of Class I price would have been lowered 15 cents per hundredweight by a further proposal of proponent, which is discussed under Issue 1(c).

The spokesman stated that the Philadelphia segment of the present Middle Atlantic market had a long history of pricing Class I milk on the basis of an economic-type formula that changed Class I prices in set amounts, such as 20 cents per hundredweight. This method of changing Class I prices was called bracketed pricing. Based on a hearing held in 1969, the Department denied the use

of bracketed pricing for Order 4 (then the Delaware Valley marketing area), which led to the litigation cited earlier. Proponents continue to advocate the use of bracketed pricing for Order 4, but in conjunction with the MW price, rather than with the economic-type formula with which bracketing was previously associated.

In support of the proposal, the proponents' spokesman reiterated the reasons that were presented in support of bracketing pricing at the 1969 hearing. Stated briefly they are:

(a) Bracketed pricing historically provided orderly marketing.

(b) Small changes in price are not meaningful to producers and can be confusing to them.

(c) Bracketed pricing results in less contrasasonal changes in the Class I price.

(d) Bracketed pricing, with its infrequent price changes, results in marketing stability without resulting in misaligned prices between Federal orders.

The handlers' proposal was opposed by a cooperative association on the basis that it would hamper the appropriate adjustment of Order 4 Class I prices to changes in manufacturing milk values and changes in Class I prices in other Federal order markets. The cooperative's spokesman stated that the resulting price misalignment would create economic stress from one market to another and lead to disruptive marketing conditions in the Order 4 region.

A federation of five cooperatives representing a substantial proportion of the producers supplying the market also opposed the adoption of bracketed pricing. The spokesman for the federation testified that previously (at the 1969 hearing) the federation had supported the continuation of the earlier method of pricing Class I milk for Order 4, including bracketed pricing. Since then, however, the federation has concluded from the operation of the Class I price formula now provided by the order that the formula has provided orderly marketing for producer milk, as intended by the Act.

The spokesman indicated that a primary reason that producers wanted to maintain bracketed pricing in 1969 was to continue the historical method of pricing for the Philadelphia area. Since then, he claimed, producers have concluded that the historical experience does not favor bracketed pricing over the present method of pricing because the present method also has resulted in an adequate supply of milk for the market as presently constituted.

The spokesman for the federation of cooperatives testified that marketing conditions for Order 4 have changed substantially since the demise of bracketed pricing, and in ways that have diminished the utility of such

pricing as a means of changing Class I prices. He indicated that the federation has concluded that the present, coordinated, program-wide method of providing Class I price changes is superior under present marketing conditions to the much earlier method of bracketed pricing.

It is observed that proponents of bracketed pricing comprise a group of seven Philadelphia handlers. None of the 56 other pool plant handlers serving the rather extensive Order 4 marketing area appeared at the hearing to support this change in the method of pricing Class I milk. While this is not a reason for denying bracketed pricing, it reveals the relatively narrow base of support in the record of this proceeding for the proposal among Order 4 handlers.

Evaluation of the record evidence in this proceeding leads to the conclusion that proponents' arguments are not valid, and bracketed pricing should not be adopted. Proponents' major points are discussed in the following sections (i) through (v).

(i) *The claim that bracketed pricing would not create price alignment problems with other orders, and particularly with Order 2 (New York-New Jersey).* Proponents' spokesman stated that if bracketed pricing had been provided for Order 4 over the past 5 years, there would have been a greater degree of price alignment between Order 4 and Order 2 than has been the case. An exhibit introduced by proponent indicated that over the 5-year period bracketed pricing would have increased the Order 4 Class I price level that actually prevailed under the present provisions an average of 6 cents per hundredweight. Presumably, this would have reduced the competitive advantage that, in a 1976 proceeding for the Order 2 market, Order 4 handlers were found to have had in relation to certain Order 2 handlers. The implications of the findings of that proceeding for this one are discussed under Issue 1(c). It is concluded that the improved price alignment between Order 4 and Order 2 that proponent claims would be achieved with bracketed pricing relates to marketing conditions and issues that were considered and resolved by the 1976 proceeding and the Order 2 amendments that became effective November 1, 1977.¹

The adoption of bracketed pricing, under prevailing marketing conditions, could result in the loss of a contract, such as a contract at a military installation in New Jersey, if bracketed pricing resulted in substantial differences between the Class I prices of Order 4 and Order 2. There are substantial institutional outlets for fluid milk in the Philadelphia metropolitan area that can be served by Order 4 or Order 2

handlers. The ability to acquire such outlets could be affected by Class I price differences which could result from bracketed pricing. A fraction of a cent a quart can mean success or failure to a handler bidding on such contracts. The provision for bracketed pricing in Order 4, alone among Federal milk orders, would not contribute to orderly marketing. Neither would it be in the interest of dairy farmers because of the potential changes in Class I sales among the markets as a result of price disparity caused by bracketing.

If bracketed pricing were provided for Order 4, the differences in Class I prices that could result would be sufficient to create competitive problems for competing handlers regulated by the respective orders. This would be true even if the MW price continued to be the basic formula price for both orders. Bracketed pricing for Order 4 could prevent price changes in the MW price from being reflected in both orders simultaneously, as is now the case under the program-wide method of pricing Class I milk under Federal orders.

For the months of January-November 1977, the Order 4 Class I prices changed eleven times and ranged between \$10.94 and \$11.43, a difference of 49 cents. For the same period, bracketed pricing would have provided three price changes, with the Class I prices ranging between \$11.03 and \$11.63, a difference of 60 cents. The largest difference in any one month between the announced order price and the proposed bracketed price was for May 1977 when the bracketed price would have been 14 cents higher than the actual Order 4 price. The testimony of this hearing is that a price discrepancy of that magnitude between orders can cause disorderly marketing conditions for handlers of the respective orders who compete with each other. This is amply demonstrated by the proposals discussed under Issue 1(c).

It is concluded that bracketed pricing would prevent simultaneous price changes between Order 4 and other orders resulting from changes in the MW price. The record of this proceeding established that handlers often compete with each other on the basis of price differences of a fraction of a cent a quart. Where handlers regulated by different orders compete for the same sales outlets, as is the case here, relatively minor differences in Class I prices can have an adverse competitive impact. Proponents' own proposal under Issue 1(c) demonstrates this. Bracketed pricing would contribute to such price disparity, at times quite seriously, whereas the present Class I pricing method does not.

Two of the chief objectives of the Act are to provide orderly marketing

for producers' milk and to attain adequate supplies of milk for the market. The present method of pricing Class I milk has achieved these objectives. It is concluded that bracketed pricing would result in disorderly marketing conditions for producers' milk and disrupt competitive relationships among Federal milk orders, and particularly between Orders 4 and 2, under current marketing conditions. The proposal, therefore, is denied.

While the foregoing is the chief basis for denying bracketed pricing for Order 4, the following discussion provides additional reasons for concluding that bracketed pricing would not promote orderly marketing conditions for the Middle Atlantic market.

(ii) *The claim that small changes in price are not meaningful to producers and can be confusing to them.* Proponents' spokesman stated that producers are confused when the Class I price increases, for example, during a month of heavy milk production when blend prices normally are decreasing. The implication is that such a contra-seasonal Class I price change may result in a wrong production signal being transmitted to producers, or that their confidence in the effectiveness of the order may be shaken. However, there was no testimony from any producer, or from any producer spokesman, that the proponents' view of this is correct.

Proponents' spokesman recognized on cross-examination that bracketed pricing would not eliminate situations in which the uniform prices of Order 4 may decrease in a month in which the Class I price has increased. This can result from the interaction of the Class I price that is based on the basic formula price of the second preceding month, a Class II price that is the basic formula price of the current month, and variations in the proportion of milk used in Class I and Class II. There is no persuasive evidence in the record of this proceeding that this condition, when it occurs, results in disorderly marketing conditions for producers.

(iii) *The claim that small changes in price are not meaningful to consumers and can be confusing to them.* The proponents' spokesman testified that the marketing of milk must be viewed not just in terms of producers marketing their milk to handlers but in terms of all transactions within the milk marketing system, including the final sale to consumers. Proponents' view is that bracketed pricing, as it was provided for the Philadelphia area by Order 4 in earlier years, was a great aid in maintaining market stability, because it resulted in fewer consumer price changes. The handler spokesman stated that market stability is, to a very large extent, generated by stable retail prices. He said that price move-

¹42 FR 52379.

ments, whether up or down, normally are misunderstood by consumers.

In support of this view, the proponents' witness noted the testimony of a witness at the 1969 hearing who stated that when producer price changes (Class I) and consumer price changes are coordinated, this provides a basis for explaining the price change to consumers as a fair price change. His view was that fair prices are the prices that a consumer understands, and ones to which they are less apt to object.

The proponents' witness further testified that when Class I prices change in relatively minor amounts, as can happen under the present Class I price formula, handlers tend to adjust margins, when they adjust them at all, in multiples of one-half cent to one cent per quart. He stated that no consistent pattern regarding increases in store prices occurs. In his view, the more minor the Class I price change, the more random and unstable the price changes at the consumer level become. In proponents' view, this inconsistent pattern of resale price causes confusion in the minds of consumers.

There were no consumer witnesses at this proceeding who supported this view. On cross examination, the proponents' witness stated that he did not know to what extent prices to consumers actually changed month by month in 1977 as Order 4 Class I prices went up or down. Further, there are no data in the record of this proceeding from which to conclude that consumers react adversely to competitive price changes by handlers.

However, the record did provide information about the changed relationships that have occurred between handlers and consumers since 1969. For example, in 1969, a substantially greater proportion of Class I milk was sold on home-delivered routes than is now the case. In November 1969, 24 percent of the fluid milk sales in the Philadelphia area were sold on home-delivered routes. By October 1975, home-delivery was down to 9 percent of fluid sales. When home delivery sales were more prevalent, a change in the Class I price to regulated handlers could be converted by them to a change in price to consumers. Now, with most of the milk being sold through stores, handlers do not, to any great extent, directly set the prices that consumers pay for milk.

(iv) *The claim that bracketed pricing for Order 4 will tend to coordinate changes in Order 4 Class I prices and State regulated resale prices to consumers.* The handler spokesman testified that the State of Pennsylvania currently regulates milk prices at the wholesale level. Such prices are minimum prices below which no handler is permitted to sell. Handlers may sell at varying prices above the established

minimum. This is in contrast to 1969 when handlers' wholesale selling prices were more closely related to consumer resale prices established by the State of Pennsylvania for the Philadelphia area.

The wholesale prices that handlers now charge their customers are not presently coordinated with consumer resale prices established by State authority. Each handler must decide what price to charge above the minimum wholesale price. Bracketed pricing, if adopted now, would not be a means of coordinating Order 4 Class I price changes with either wholesale or resale State prices. Bracketed pricing, at this time, would serve primarily as a signal to handlers to consider whether they should change prices to customers in units of one-half cent per quart when the Federal order price changes 20 cents per hundredweight.

Under present marketing conditions, each firm, whether processing milk or selling it to consumers, must have a marketing strategy within which the cost of goods and services to itself and the price it charges to customers are very important considerations. It is not reasonable to expect an identical pattern of price changes for fluid milk in the absence of regulation that fixes the price to be charged. This is true for handlers and store operators. At the same time, competition for sales is a major consideration to handlers in establishing the prices they charge their customers.

It is reasonable to conclude that when handlers compete with other handlers for milk sales, and stores compete with other stores for sales (not limited to milk sales), some prices may be raised, others may not, and still others may be lowered. This is the essence of price competition. It cannot be concluded from the evidence of this record that this process in the Philadelphia area has resulted, on an aggregate basis, in consumer sales resistance, as claimed by proponents. It may, however, encourage a shift in milk sales from higher priced handlers and stores to lower priced handlers and stores. This is a result one would expect from price competition.

(v) *The claim that bracketed pricing will restore the confidence of handlers' customers in the validity and integrity of the price schedules offered by handlers.* The proponents' spokesman stated that the present method of pricing Class I milk for Order 4 almost always results in monthly price changes. As a result, handlers have to go to their customers and change prices on a monthly basis. He stated that the customers don't understand this and become annoyed with it. On cross-examination, the proponents' witness stated that a substantial portion of handlers' sales to customers, i.e., chain stores, is made on a contrac-

tual basis. Normally, such contracts provide for cost changes whenever the Class I price changes. He stated that it is becoming more of a prevailing practice to have such contracts accepted by customers.

The record of this proceeding does not establish the extent to which handlers have changed prices to customers on a month-to-month basis in response to Class I price changes. It is not clear whether the contract clauses that would allow month-to-month price changes actually have been invoked by the Philadelphia handlers. Neither does the record establish that Class I price changes were an impediment to the contractual arrangements between handlers customers that provide for cost changes whenever the Class I price changes.

It must be concluded that proponents are requesting "coordination between Class I price changes and price changes to customers in a marketing situation that is competitive and intrinsically uncoordinated, except for contractual arrangements between handlers and customers. If frequent, small price changes are inconvenient to the parties, the contract provisions relating to price changes might be revised.

Proponents' basic position concerning bracketed pricing is that it will enable handlers to pass on to their customers uniform Class I price changes in multiples of about one-half cent a quart. They contended that when the MW price changes sufficiently to trigger a 20-cent Class I price change under the proposed bracket schedule, handlers can then decide whether to change their selling prices. In this connection, however, cross-examination developed that in these circumstances handlers who increased their selling prices one-half cent a quart would be obtaining from customers more than the Class I price increase. The Class I price change would be 20 cents per hundredweight while the handler price increases, at one-half cent a quart, would be about 23 cents per hundredweight. The handler witness stated that with every increase in the Class I price of, say, 20 cents per hundredweight, there are other cost increases that handlers experience that should be covered in their price change to customers.

There is no basis in this proceeding for concluding that handlers' costs—other than the Class I price for milk—change simultaneously and by the same amounts. Testimony indicates otherwise. Accordingly, there is no persuasive reason for coordinating Order 4 Class I price changes with handlers' price changes to customers since the latter can be and are being negotiated through a contractual arrangement with customers.

(c) *Class I differential.* The Class I differential should not be changed.

The order now provides that the Class I price for the month shall be the basic formula price for the second preceding month, plus \$2.78. The amount added to such basic formula price is called the Class I differential.

In conjunction with proposals to consider what the appropriate milk pricing method should be under the order, the hearing notice contained a proposal to reduce the Class I differential by at least \$1. At the hearing, however, the proposal was withdrawn by the counsel for the proponent handlers, and no testimony was presented in support of it.

Specific testimony that the Class I differential should not be reduced by \$1 was presented by a federation of five cooperatives. The spokesman for the federation presented data for the record to establish that any change of this magnitude would not be in accord with the alignment of prices now existing under the program-wide structure of Class I prices.

No evidence was introduced into the record from which it could be concluded that a reduction of \$1 in the Class I differential would be appropriate. The proposal, therefore, is denied.

In a post-hearing brief, the proponents of the proposal to reduce the Class I differential at least \$1 argued that on the basis of testimony and evidence in the record the Class I differential should be reduced about 25 cents per hundredweight. They arrived at this amount by taking the Class I differential of \$2.78, subtracting 92 cents to reflect what they claimed to be the lower cost of producing milk in eastern Pennsylvania compared with western Pennsylvania, and adding a transportation cost of 70 cents per hundredweight from Pittsburgh to Philadelphia. The resulting amount of \$2.56, which is 22 cents less than the present differential, represents, in their view, what the Class I differential should be at Philadelphia.

Proponents presented no testimony at the hearing that the Class I differential should be reduced by a specific amount, the counsel for proponents presented a witness who testified only that the cost of producing milk in eastern Pennsylvania was 92 cents per hundredweight less than in western Pennsylvania for the second quarter of 1977, as determined by the Pennsylvania Milk Marketing Board. The witness made no claim that the testimony was aimed at reducing the Class I differential. No specific data about the production costs cited were presented in evidence for evaluation and cross-examination by participants at the hearing. The witness disclaimed any specific knowledge about the Order 4 Class I differential or how it had been or should be arrived at. He did not know to what extent it should reflect transportation factors or whether one

of the components of the Class I differential should be production costs.

A second witness presented by the counsel for proponents testified that a hauler who sometimes transports surplus milk for the firm with which he is associated said that he would charge 70 cents per hundredweight to haul milk from Pittsburgh to Philadelphia. There was no claim that milk was in fact ever hauled for that amount. The witness merely asked for a quotation and reported it.

The proposed findings and conclusions in the post-hearing brief to reduce the Order 4 Class I differential 25 cents are not persuasive. Neither the hearing evidence relied upon by proponents in their brief nor other evidence presented in the record supports such a reduction. Accordingly, the request is denied.

Two other proposals to reduce the Class I differential were made at the hearing. One would reduce the Class I differential 15 cents; the other would reduce it 10 cents.

A group of seven Philadelphia area handlers proposed that the Order 4 Class I differential be reduced 15 cents, to \$2.63, to restore what the handlers claimed to be the relationship between the announced Class I prices of Orders 2 and 4 that existed prior to the order 2 amendments effective November 1, 1977. Proponents' spokesman stated that it is not claimed that the present \$2.78 Class I differential is in itself inappropriate, only that the previous relationship with Order 2 should be restored.

The previous relationship referred to by proponents is the Order 4 Class I differential of \$2.78 and the previous \$2.40 Class I differential of Order 2 (a difference of \$0.38). After the November 1, 1977, amendment of Order 2 the difference became \$0.53 (\$2.78-\$2.25). Proponent's proposal would restore the previous relationship of \$0.38 (\$2.63-\$2.25).

Proponents' spokesman quoted from a portion of the decision of that proceeding which stated that the combination of amendments was designed to improve the competitive situation for Order 2 handlers located in or near the major metropolitan area of the market.² He stated that the handlers he represents are regulated by Order 4, and that a majority of them distribute substantial quantities of Class I milk into the Order 2 marketing area. He stated further that such handlers would be affected by the changed competitive conditions resulting from the Order 2 amendments.

Proponents' spokesman hypothesized that under the new changes an

²Official notice is taken of the Assistant Secretary's decision on proposed amendments to the New York-New Jersey order that was issued on August 12, 1977 (42 FR 41582).

Order 2 handler located in the 1-10 mile zone could obtain milk that is shipped direct from producers' farms in the 141-150 mile zone at a cost of \$2.558 over the MW price, while an Order 4 handler at Philadelphia would have to pay a differential of \$2.84. For the Order 2 handler, this cost was constructed by proponents in terms of the Class I differential at the 141-150 mile zone (\$2.358), plus the farm-to-plant hauling cost (\$0.50), and less the bulk tank hauling credit (\$0.15) and authorized hauling deduction (\$0.15) permitted under the order. For the Order 4 handler, the cost was represented by the Class I differential of \$2.78, plus a direct delivery differential of 6 cents.

The spokesman stated that other examples, some less favorable and some more favorable to an Order 2 handler, could be constructed, depending on the location of the Order 2 handler's supply, and the procedures he employs in bringing the milk from the farm to the plant (whether direct-shipped or from a supply plant). He stated that there is a substantial supply of milk for use at plants in the 1-10 mile zone of the Order 2 marketing area that could originate within the 141-150 mile zone and compete with milk regulated by Order 4.

Proponents concluded that in view of the cost advantage that they believed an Order 2 handler acquired November 1 over an Order 4 handler in receiving milk direct from farms in the 141-150 mile zone, a reduction of 15 cents in the Order 4 Class I differential is necessary to restore the former relationship between the announced Class I prices of the two orders. In proponents' view, reducing the Order 4 Class I differential, as proposed, would tend to narrow the potential differences between costs of Order 4 and Order 2 milk to handlers at their city plant locations.

A federation of five cooperatives proposed that the Class I differential of Order 4 be reduced 10 cents, to \$2.68, to maintain price alignment between Orders 4 and 2. Proponent's spokesman stated that the Order 2 Class I price amendments effective November 1 misaligned the prices of Orders 2 and 4. Proponent's view is that unless the Order 4 Class I differential is reduced 10 cents, disorderly marketing could occur between Orders 4 and 2.

It is observed that proponent's testimony focused mainly on a specific problem in the market rather than on a general problem of inter-order price alignment affecting all handlers regulated by Order 4. Proponent's testimony centered on the possible effect of the Order 2 amendments on the competitive position of an Order 4 handler at Flemington, New Jersey. Proponent stated that unless the Order 4 Class I differential is reduced 10 cents, the

Order 4 handler at Flemington, New Jersey, would find it feasible to become regulated by Order 2, thereby reducing the blend price of Order 4 through a removal of Class I sales.

As was the case with the Philadelphia area handlers, proponent has no objection to the present Order 4 Class I differential of \$2.78 except that it should be lowered as a result of the Order 2 amendments. The spokesman reiterated his support for a program-wide system of Class I differentials based on the application of a transportation factor as is now the case. Any such method not universally applied would, in his view, disrupt orderly marketing among Federal orders.

A reduction of the Class I differential was opposed by a cooperative at the hearing and by another cooperative in a posthearing brief after evaluating the testimony and evidence of the proceeding. The chief basis of the opposition was that the proposed reduction would disrupt the competitive equity achieved between Orders 2 and 4 by the November 1, 1977, amendments to Order 2.

Proponent's chief argument in support of the proposal centered on the availability of milk that is shipped direct from farms to Order 2 handlers in the major metropolitan area. Proponent claimed that the use of such milk would provide the Order 2 handlers with a cost advantage in competing with the Order 4 handler at Flemington, N.J. However, Order 2 handlers in the metropolitan area rely chiefly on milk obtained through supply plants. The cost of such milk is substantially higher than the cost of direct shipped milk. There was no persuasive demonstration in the record of the proceeding of the availability of direct shipped milk to Order 2 handlers in the metropolitan area.

The Order 2 decision cited the example of a New York City handler's procurement cost in obtaining milk from a supply plant in the 201-210 mile zone prior to the November 1, 1977, amendment. It was \$3.27 over the MW price compared with a Philadelphia handler's differential cost of \$2.84. Proponent of the 15-cent reduction constructed a similar example involving a supply plant in the 141-150 mile zone, and cited \$3.162 as the cost for the Order 2 handler. After the November 1, 1977, amendments to Order 2, milk obtained from supply plants in the 141-150 mile zone would cost an Order 2 handler in the 1-10 mile zone \$2.848. Reducing the Order 4 Class I differential 15 cents as proposed by handler proponents would provide Order 4 handlers with a cost advantage of \$0.158 (\$2.848-\$2.69). The Order 2 decision previously cited found that Order 2 handlers in the major metropolitan area obtain milk for their operations largely through

supply plants, so that the above costs normally would apply. There is no conclusive evidence in the record of this proceeding that such is not now the case. Moreover, since procurement through supply plants is relied on for a substantial proportion of the milk obtained by Order 2 metropolitan area handlers, the price of those quantities of direct shipped milk that may be transported to the market at an abnormally low hauling cost would tend to be increased through competition for such supply. The record of this hearing does not provide the basis for concluding that proponents' proposal to reduce the Order 4 Class I differential should be adopted.

Proponent of the 10-cent reduction presented data concerning the disposition of Class I milk (bulk and packaged) by Order 2 handlers into the Order 4 marketing area between July 1975 and June 1977 (prior to the November 1 Order 2 amendments). The total disposition for the 12-month period ending June 1976 was 31.6 million pounds. For the twelve months ending June 1977, it was 50.2 million pounds. Proponent concluded from the data that there was price "comparability" between the orders at least to the extent that it was economically feasible for Order 2 milk to be disposed of in the Order 4 market. That being the case, a reduction of Class I milk costs for Order 2 handlers should, in proponent's view, be accompanied by a comparable reduction in the Order 4 handlers' costs for milk by reducing the Class I differential 10 cents.

Proponent's data concerning the movement of milk from Order 2 to Order 4 illustrate, primarily, the limited flow of Class I milk from Order 2 handlers to the Order 4 marketing area. The data purport to demonstrate an increasing volume of Class I sales from Order 2 handlers into the Order 4 market prior to the November 1 amendment of Order 2. Apparently, this was aimed at contradicting the finding of the Department's decision in that proceeding that Order 2 handlers had lost Class I sales to Order 4 handlers as a result of competitive inequities. However, the data introduced by proponent indicate that since October 1976, the quantities of milk sold by Order 2 handlers in the Order 4 market have declined from the preceding month in all but two months.

Proponent also introduced data to show a substantial reduction in the cost of Class I milk after November 1, 1977, to Order 2 handlers in the major metropolitan area who receive milk direct from producers. The reduction, proponent claimed, provides Order 2 handlers with a competitive advantage over Order 4 handlers of between 9 cents and 13.6 cents per hundredweight on milk received direct from

farms in the 71-210 mile zone of the Order 2 market. Also, proponent based this claim on the assumption that Order 2 handlers in the metropolitan area would not negotiate the 15-cent hauling deduction permitted by Order 2 effective November 1, 1977.

Proponent concludes that the cost advantage to Order 2 handlers in the metropolitan area will result in a substantial increase of Order 2 Class I sales in the Order 4 area and a reduction in the blend prices of Order 4 producers if the Order 4 Class I differential is not reduced 10 cents as proposed.

The data presented by proponent were arithmetic extensions of the purported cost of milk to an Order 2 handler in the metropolitan area when he receives milk direct from farms in selected mileage zones up to 310 miles. Proponent compared such costs before and after the November 1, 1977, amendment to Order 2 with the costs of an Order 4 handler at Flemington, N.J. (which is within the major metropolitan area of Order 2).

The data indicate, for example, that Order 2 handlers in the 31-40 mile zone who receive milk direct from farms in the 91-100 mile zone would have a cost differential of \$2.728 after November 1, 1977, compared with \$2.962 before that date. This may be compared with a cost of \$2.84 for an Order 4 handler at Flemington, N.J. (a difference after November 1 of 11.2 cents). The cost computation of \$2.728 is comprised of the following: A Class I differential of \$2.25, plus a location adjustment of \$0.198, plus a hauling cost of \$0.43, and minus a transportation credit of \$0.15. If the handler succeeded in obtaining the 15-cent allowable hauling deduction provided by the November 1 amendment of Order 2, the purported cost advantage of the Order 2 handler after November 1 could be 26.2 cents instead of the 11.2 cents claimed by proponent.

It is not likely, however, that an Order 2 handler in the metropolitan area could obtain the 15-cent allowable hauling deduction provided by the Order 2 amendment effective November 1, 1977. The Department decision, previously cited, found that such handlers had not been successful in obtaining a similar hauling deduction that was provided in the past. A handler might not seek the negotiable 15-cent hauling deduction in order to maintain conveniently located sources of milk. This might involve such considerations as whether a farm is close to a main highway.

Proponent claims that the cost advantage to Order 2 handlers in the metropolitan area who receive milk direct from farms in the 71-210 mile zone ranges between 9 cents and 13.6 cents per hundredweight. All the factors used in the construction of costs

were taken from the provisions of Order 2 as amended effective November 1 except the farm-to-plant hauling rates, which ranged between 40 cents and 65 cents per hundredweight in proponent's data. The rates represent those used by one of the proponent cooperatives in the federation for hauling bulk milk the distances indicated. A critical deficiency about them is that they do not represent any of the hauling rates that an Order 2 handler in the metropolitan area actually pays in obtaining bulk tank milk.

Proponent's witness argued that the rates are comparable based on data that he is familiar with from studies he participated in at a midwestern university about four years ago. However, the specific information concerning the studies was not introduced in evidence at this proceeding. If the direct delivery hauling rate for an Order 2 handler obtaining milk from the 201-210 mile zone, for example, were 10 percent greater than proponent's, the cost advantage claimed by proponent would be effectively eliminated.

It cannot be concluded that the cost advantages to Order 2 handlers claimed by proponent are realized to any significant extent because Order 2 handlers in the metropolitan area obtain most of their milk from supply plants with attendant higher costs than apply to direct-ship milk. The Order 2 amendments effective November 1, 1977, were promulgated to provide a greater degree of competitive equity between Order 2 and Order 4 handlers than previously was the case. The record of this proceeding does not establish that the pricing changes in Order 2 have now placed Order 4 handlers at a competitive disadvantage.

The record of this hearing provides severely limited data concerning the milk procurement methods and costs of Order 2 handlers. The limited data available do not demonstrate the purported cost advantage that an order 2 handler in the major metropolitan area of the New York-New Jersey market would have over an Order 4 handler competing for sales in northern New Jersey. The crucial question of whether such advantage exists centers in part on whether there is a substantial supply of nearby milk available for use by such handlers.

There may be isolated pockets of nearby milk, as was noted in the Order 2 decision previously cited. However, there was no persuasive demonstration in this proceeding that such milk is available in any substantial quantity to Order 2 handlers in the metropolitan area of the market. It cannot be concluded from the record of this proceeding that nearby milk represents a threat to orderly marketing as claimed by proponent. Further, the proposal to lower the Class I differential 10 cents, which is aimed at resolving the

dubious question of competitive inequity between Order 4 and Order 2 handlers competing in northern New Jersey, would apply to all Class I milk and all handlers regulated by Order 4. The record of this proceeding does not establish that marketing conditions throughout the Middle Atlantic market require reduction of the Class I differential.

Some of the testimony at the hearing was aimed at demonstrating that it would be feasible for the Order 4 handler at Flemington, N.J., to become regulated by Order 2 and achieve the cost advantages over Order 4 handlers that were claimed by the proponent. The record of this proceeding does not demonstrate that it would be feasible for the handler at Flemington to shift to regulation by Order 2. There is no basis in the record to conclude that an economic incentive exists or that there is a source of direct-shipped milk within the Order 2 market readily available to the handler.

The competitive problems that proponents testified about may well exist to a very limited extent. However, it is not possible for the Department to amend Order 4 as requested on the probability that substantial quantities of nearby milk are available to handlers in northern New Jersey with the cost advantage claimed by proponents. For the foregoing reasons, the proposals to lower the Class I differential are denial.

2. Performance standards for pooling distributing plants. The requirements that a distributing plant must meet to qualify as a pool plant should be changed. The two measures of performance in this regard are discussed separately under the following subheadings:

a. Total Class I dispositions. The order now requires that a pool distributing plant must have not less than 50 percent of its dairy farmer receipts (including milk diverted to other plants and milk received from a cooperative association bulk tank handler) disposed of as Class I milk during the month. This should be changed by providing that the total Class I disposition requirement be 40 percent for each month of March through August. The present 50 percent standard should continue to be applicable during September through February.

A Philadelphia pool plant operator proposed that a pool distributing plant's total Class I utilization requirement be computed as a percentage of base milk receipts only rather than as a percentage of total milk receipts. Alternatively, the handler proposed that the present 50 percent requirement be reduced to 40 percent for each of the months of March through August. Proponent maintains that a relaxation of the pooling standards is necessary to reflect changed market conditions

and to lessen the need for suspension actions that might otherwise be necessary to avoid depooling milk regularly associated with the market.

The spokesman for proponent supported the proposals on the basis that substantial increases in producer milk receipts in recent years have not been accompanied by substantial increases in Class I milk utilization. He indicated that this is a marketwide problem rather than a situation faced only by proponent. The spokesman also expressed the view that it is better to have the pooling provisions of the order reflect current marketing conditions than to rely on suspension actions to maintain the pool status of milk during periods when production is seasonally large relative to Class I use.

Proponent's stated preference is to base the total Class I disposition requirement on receipts of base milk. The spokesman testified that a fixed performance standard (i.e., 50 percent-40 percent) may be outmoded by radical shifts in production and Class I use. He maintained that relating Class I disposition to receipts of base milk only would not adversely affect overall returns to farmers because, as farmers build larger bases, handlers would be forced to market more and more milk as Class I from their plants in order to retain pool status.

A federation of five dairy farmer cooperative associations that represent over 60 percent of the market's producers also supported the adoption of a pooling standard that relates Class I disposition to receipts of base milk only. The federation's witness cited the increase in milk production relative to Class I sales as evidence that the pooling standard should be reduced. He took the position that a pooling standard relating Class I disposition to receipts of base milk only would be more responsive to changing supply-demand conditions. This would be especially important, in his view, in the month of December when Class I sales normally decline substantially during the holiday season.

A reduction in the pooling standard also was supported by a spokesman for an organization of producers who are not affiliated with any cooperative association. The spokesman's testimony favored reducing the total Class I disposition percentage required for pool plant status to 40 percent during March through August. He pointed out that the proposed percentages now apply to supply plants and expressed a view that different standards for distributing plants and supply plants are discriminatory. The notice of hearing included a proposal by the organization that a plant be accorded pool status for the month if it meets the pooling requirements in either of the two preceding months. However,

the organization's spokesman indicated that the adoption of that proposal was being urged only in the event that both of the alternative proposals by the proponent Philadelphia handler were denied.

The witness for the independent producers indicated concern that a plant may lose pool status due to the unexpected loss of a contract or a minor fluctuation in sales, especially when its Class I sales comprise only slightly more than 50 percent of receipts. In such a case, he stated, dairy farmers shipping to the plant would lose the benefits of pooling unless emergency action were taken to maintain pool status for the plant. The spokesman expressed the view that it is preferable to have a qualification standard always in effect, even if at a lower level, than to take emergency suspension actions for the purpose of maintaining market stability.

The supply-demand relationship for milk associated with the market has changed since June 1975 when the marketing area was expanded effective June 1, 1975. Since then, there has been a steady decline in the percentage of producer milk assigned to Class I use. This has occurred primarily because producer milk receipts have increased substantially while Class I utilization generally has been relatively unchanged, varying from above year-earlier levels in some months to below year-earlier levels in other months. For example, June 1976 producer milk receipts were 5.5 percent above a year earlier, while Class I dispositions by pool handlers were down 1.5 percent. June 1977 receipts of producer milk were up 5.7 percent from June 1976, and up 11.5 percent from June 1975. Total Class I dispositions in June 1977 were up 2.1 percent from June 1976, but were only 0.5 percent above the June 1975 level. As a result, the percentage of producer milk assigned to Class I uses declined from 61 percent in June 1975 to 55 percent in June 1976 and then to 54 percent in June 1977. These data clearly indicate changed conditions that are marketwide in scope.

Increasing supplies of milk relative to Class I sales necessitated the suspension of the 50 percent Class I pooling standard for certain months during each of the last two flush milk production periods. The 50 percent requirement was suspended for June and July 1976, and again in 1977 during May through August. These actions were taken to prevent some distributing plants, and thus the milk of producers who regularly supply the plants, from losing pool status. Such loss of pool status could have occurred because increasing production, at a time when Class I sales were not increasing, caused handlers to divert the additional supplies to nonpool manu-

facturing outlets for Class II use. Since such diverted milk must be reported as a receipt at the pool plant from which it is diverted, some plants likely would not have had Class I sales equal to at least 50 percent of their receipts. Thus, the suspension actions were needed.

As witnesses supporting a reduction in the pooling standard pointed out, however, suspension of the 50 percent Class I standard leaves no requirement for pool plant status other than the 10 percent in-area Class I sales requirement. Thus, it is possible during the period of suspension that plants normally not having sufficient Class I dispositions to achieve pool status may nevertheless become pooled. In such a case, additional quantities of milk not regularly associated with the fluid market and not intended by the plant operator to be fully priced under the order would be pooled. This situation should be minimized by providing a lower pooling standard.

The proposal preferred by the proponent pool handler, and by the federation of five cooperatives, would provide a lower pooling standard throughout the year. If, for example, the Class I disposition requirement had been 50 percent of base milk receipts only during June 1975 through June 1977, that standard would have averaged about 5.5 percentage points below the present standard. Expressed another way, the average pooling standard would have been 44.5 percent of total receipts. The monthly percentages would have varied, however, from as high as 48.1 percent to a low of 42.5 percent. If such a standard had been in effect, the suspension actions referred to above probably would not have been needed to avoid depooling the milk of some producers regularly associated with the market. Although a pooling standard computed on receipts of base milk only would accomplish the purpose intended by proponent, other considerations lead to the conclusion that base milk should not be used to determine the pool status of distributing plants.

It is not apparent from the record that there is a need to relax the pooling standard during the months of September through February. Class I utilization during this period in 1975-76 and in 1976-77 remained well above the present performance standard. Moreover, there is no evidence that distributing plants have experienced problems maintaining pool status during these months. Relaxing the performance standard during the relatively short production months thus would not meet any needs of the market at this time and could result in the pooling of additional supplies not needed to serve the fluid milk needs of the market.

Testimony favoring receipts of base milk only for determining pool plant

status stressed a common view that such a provision is preferred because it would be more responsive to changing supply-demand conditions. One witness maintained that as producers increased base milk production, handlers would be forced to market more Class I milk in order to maintain pool status for their plants. However, it is evident from other testimony of the same witness that handlers are not always able to increase Class I sales. If a handler could readily increase Class I disposition to the level necessary to avoid depooling the plant there would be no need to relax the present pooling standard.

A critical consideration in determining whether to adopt a proposed order provision is equity of application to handlers. In this regard, the record clearly shows that the proposed standard for determining pool status of distributing plants would vary from plant to plant. It is possible, for example, that two plants, each having identical quantities of producer milk receipts and Class I dispositions in the marketing area, would not be regulated on the same basis. This could occur if base milk comprise a certain proportion of the producer milk receipts at one plant and a different proportion at the other, a situation that would be expected to exist. Thus, one plant's Class I sales may equal or exceed the percentage of base milk receipts required to achieve pool status and the plant would be fully regulated. The other plant, however, might not qualify for pooling because of having a higher proportion of base milk in its receipts from producers.

The only variable in the example just cited is the percentage of base milk in each plant's receipts from dairy farmers. Since there is no definite relationship between base milk and Class I utilization, this is not an adequate basis for determining whether a plant is associated with the fluid market to a degree that requires full regulation in order to preserve orderly marketing conditions. Moreover, the potential inequity in the application to handlers is, by itself, sufficient reason to deny the proposal.

Instead, the needs of the market can be met by reducing the total Class I percentage requirement from 50 percent to 40 percent for the months of March through August. This will provide handlers, cooperative and proprietary alike, with reasonable means for assuring pool status of distributing plants during the months when increasing production could otherwise result in depooling some milk. A reduced pooling standard in the flush production months should minimize the need for suspension actions, which could still be necessary under future emergency conditions that may unexpectedly arise.

The pooling standard adopted herein is the same as is now provided for supply plants. In this proceeding there is a demonstrated need to lower the pooling standards for distributing plants. Appropriate standards for supply plants were not at issue here. Nevertheless, we must reject the view expressed by a witness at the hearing and in a post-hearing brief that differing standards for the two types of operations are discriminatory. Each type of operation functions differently in serving the fluid milk needs of the market and may require different standards for determining whether it is associated with the market to the degree that warrants its full regulation under the order.

(b) *In-area Class I disposition.* The order should be changed to provide that a pool distributing plant shall dispose of not less than 15 percent of its receipts of milk as Class I route disposition (other than as filled milk) in the marketing area.

The order presently accords pool status to a distributing plant that has route disposition in the marketing area (in-area sales) of not less than 10 percent of its receipts of milk, if it also has 50 percent total Class I utilization. A distributing plant (other than a producer-handler plant and a plant fully regulated under another Federal order) that disposes of less than 10 percent of its receipts of milk as in-area sales is partially regulated. As provided herein, such plant would be partially regulated if in-area sales are less than 15 percent of receipts.

The operator of an Order 4 partially regulated plant in Richmond, Va., proposed that the present in-area sales requirement be increased to 15 percent of receipts. Proponent's spokesman stated that the change would permit fluid milk sales in the Order 4 area to be increased from the plant without having it regulated as a pool plant.

Briefly stated, proponent supported the change on the basis that: (1) If the plant were fully regulated by Order 4, it would be disadvantaged in competing with handlers who are not regulated by Order 4, (2) the returns to dairy farmers who supply proponent's plant would be lowered substantially, (3) marketing changes, including the earlier merger of the Delaware Valley, Upper Chesapeake Bay and Washington, D.C., orders, justify the proposed change, and (4) the provisions of Order 4 should be like the provisions of other Federal orders that provide for more than 10 percent of receipts as in-area sales to qualify a distributing plant for pooling.

A cooperative association that operates a partially regulated distributing plant and a fully regulated distributing plant submitted a post-hearing brief in support of the proposal.

The proposal was opposed by a federation of cooperatives on the basis

that: (1) The present provision is appropriate for identifying a distributing plant that is sufficiently associated with the market to be regulated as a pool plant, (2) adopting the proposal would increase substantially the potential in-area sales of partially regulated plants, and could result in disorderly marketing conditions, and (3) proponent does not handle the reserve supplies of milk associated with the fluid milk utilization at its plant, and the plant should be regulated if it qualifies for pooling under the present provisions of the order.

A proprietary handler opposed the proposal on the basis that a Department decision issued in connection with the Tennessee Valley order concluded that 10 percent of receipts as in-area sales was an appropriate basis for pooling a distributing plant.

There is no fixed formula for determining the appropriate in-area sales percentage for qualifying a fluid milk distributing plant as a pool plant under an order. The considerations are aimed primarily at determining the appropriate sales association that a fluid milk distributing plant should have with a particular marketing area to qualify as a pool plant.

In determining whether the in-area sales percentage should be changed, a decisive consideration is to assess the marketing conditions that prompted the proposal, and the impact that adoption of the proposal would have in the market.

Many orders have different qualifying percentages than Order 4. The present 10 percent requirement was carried over from previous orders and adopted when Order 4 was formed from the merger of three separate markets. It was found on the record of that proceeding that the 10 percent in-area sales provision was appropriate for the merged order. That does not mean, of course, that a change may not be made when marketing conditions are such that an amendment of the provision is warranted. Similarly, adoption of the 15 percent factor at this time would not mean that another increase automatically would be made in the future. Contrary to proponent's claim, the appropriate in-area pooling provision for Order 4 should not necessarily be what is provided in other orders.

Proponent operates a sizable fluid milk plant about 100 miles from the Order 4 marketing area. Milk received at the plant is subject to regulation by the North Carolina Milk Commission, the Virginia Milk Commission and Federal Order No. 4. The plant's major competitor's are regulated by the Virginia Milk Commission. Less than 10 percent of the plant's fluid milk sales are within the Order 4 marketing area.

If the Richmond plant were fully regulated by Order 4, it thus could be

competitively disadvantaged on a substantial part of its sales whenever the Federal order Class I price is higher than the State Class I prices, particularly those set by the State of Virginia. In the past, this apparently would have been only a limited problem since Order 4 prices in recent years have been above the Virginia Milk Commission prices. No information is available in the record regarding the past level of prices set by the State of North Carolina. Nevertheless, it is recognized that price disparities in the future could present a competitive problem for proponent.

In this regard, it is noted that proponent claimed that the Federal order Class I price had been above the Eastern Virginia State Class I price in 46 of the 87 months of August 1970 through October 1977, with the Federal order prices during the 46 months averaging 16 cents per hundredweight higher. This was not actually the case. The Class I prices submitted by proponent for the Order 4 market included over-order charges for most of the months cited. A comparison of minimum Order 4 Class I prices (adjusted for location at Richmond) with Virginia Milk Commission Class I prices indicates that for the 87-month period the Order 4 prices exceeded the Virginia prices only seven times (3 months in 1973, 1 month in 1974, and 3 months in 1976.³)

An additional reason for adopting the proposal is that marketing conditions have changed substantially since the current in-area sales requirement was adopted. Fewer but larger plants are now processing milk, and their distribution areas have been greatly extended. Proponent's plant has experienced this type of growth, and the Order 4 market is an outlet for the plant under present marketing conditions.

Also, prior to the merger of the Delaware Valley, Upper Chesapeake Bay and Washington, D.C., markets in 1970, a plant could distribute up to 10 percent of its receipts in each of the three markets without being subject to full regulation. Under the merged order, a plant distributing 10 percent or more of its receipts anywhere in the enlarged marketing area now becomes subject to full regulation. Proponent's distribution is in areas that were previously included in the separate Washington, D.C., and Upper Chesapeake Bay marketing areas. Had the plant disposed of milk into the separate marketing areas, it could have distributed up to 20 percent of its receipts without being regulated.

³Official notice is taken of Federal Milk Order Market Statistics, Annual Summaries for 1970 through 1975, published by the Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C.

Full regulation by Order 4 could result in lower returns to the dairy farmers who regularly supply a major portion of the milk received at the Richmond plant and who are now paid pursuant to Virginia Milk Commission regulations. No information is available in the record regarding the past prices paid to producers by the plant under the Commission regulations. Nevertheless, lower producer prices under Order 4 are indicated because Class I utilization under Order 4 is substantially below that of the Virginia Milk Commission markets.

For the period August 1976 through July 1977, the Order 4 Class I utilization averaged 30 percentage points (88.94 percent vs. 58.75 percent) below the Virginia Milk Commission market's Class I utilization. Another factor would be that a minus 15 cents per hundredweight location adjustment would further lower the Order 4 Class I and uniform prices applicable at the Richmond plant location. If the plant were regulated under Order 4, lower returns to its producers over time could jeopardize the customary supply of milk for the plant. This is a further reason for adopting proponent's proposal.

Proponent buys Order 4 Class I milk to cover in-area sales, and it was claimed that this procurement policy would continue. Accordingly, the increased in-area sales by proponent that are expected to result from the adoption of a 15 percent in-area pooling standard would not adversely affect the total utilization of producer milk under the order. It is not anticipated that such increase would have an adverse impact on returns to Order 4 producers.

No information was presented about any pool plants that would actually lose pool plant status if the proposal were adopted. Apparently, two plants would not have met the proposed standard if it had been adopted earlier, but the plants might have adjusted operations in such a way as to remain pooled.

A federation of cooperatives opposed the proposal. A spokesman for the cooperatives stated that a distributing plant that disposes of 10 percent of its receipts on routes in the marketing area is sufficiently identified with the market to be fully regulated. He indicated that some plants now partially regulated under the order have the potential for disposing in the marketing area up to 1 million pounds of milk a month without being pooled. Moreover, the spokesman testified that the milk receipts of partially regulated handlers increased 35 percent between June 1975 and June 1977, which automatically increased their potential total in-area sales. The cooperatives' position was that any substantial increase in in-area sales by partially reg-

ulated handlers could be a disruptive factor in the market.

The route disposition in the marketing area of Order 4 by partially regulated handlers comprises a very small percentage of total in-area sales from all sources. Under present order provisions, partially regulated handlers could have distributed an average of 5.3 million pounds of Class I milk per month in the marketing area during January-June 1977 without being fully regulated. This potential amounts to 2.2 percent of total in-area sales by all handlers.

Actual disposition, however, has been far below the potential, averaging just over 2 million pounds a month during January-June 1977. Thus, actual in-area sales amounted to less than 40 percent of the potential and comprised less than 1 percent of the total in-area sales by all handlers. Moreover, the January-June 1977 average monthly disposition by partially regulated handlers was 12 percent below a year earlier. By comparison, the average monthly in-area sales for the market as a whole during January-June 1977 declined by less than 2 percent from the same period in 1976. It is apparent from this information that the sales of fluid milk in the Order 4 marketing area by partially regulated handlers has been of declining significance since 1976, and has been well below the handlers' potential sales.

Adoption of the proposal would result in a 50-percent increase in the potential in-area route distribution that partially regulated plants could make and still remain partially regulated. However, aside from proponent's stated intent to expand sales somewhat, there is no indication that other partially regulated plants also will increase in-area sales. Based on proponent's current level of receipts, it appears likely that in-area sales may increase by about 0.5 million pounds per month if the proposed 15 percent in-area provision becomes effective. Such an increase would result in partially regulated handlers' in-area sales comprising just slightly over 1 percent of the total in-area sales for the market, compared to a monthly average of 0.85 percent of the total during January-June 1977. There was no demonstration that this would result in disorderly conditions in the market.

The spokesman for the cooperatives that opposed the proposal stated also that proponent does not handle the reserve milk supplies associated with the plant's fluid sales. On this point, the record testimony indicated that proponent's Class I sales in the Order 4 market are relatively constant, but that the milk production to supply such sales varies seasonally. Normally, the reserve milk is utilized in lower-priced Class II milk. Thus, according

to the co-operative spokesman, someone other than proponent bears the cost of disposing of the reserve milk supplies associated with his Class I sales. In a post-hearing brief, the cooperatives maintained that this means that proponent's plant should be fully regulated when its route sales in the Order 4 market represent at least 10 percent of its receipts, which is the basis for pooling under the present provisions of the order.

As noted earlier, proponent handler buys milk priced under Order 4 to cover in-area fluid sales, plus an additional amount to cover a part of proponent's Class II milk use in the plant. The Order 4 milk is received from a cooperative association as diverted milk, and, in recent months, has approximated 9 percent of the plant's receipts from dairy farmers. The Order 4 milk received at the plant normally is classified about 95 percent Class I and 5 percent Class II.

The quantity of Order 4 milk received weekly at the Richmond plant remains almost constant throughout the year. To the extent that production varies seasonally, the cooperative that sells milk to proponent undoubtedly has some production of reserve milk associated with the sales that must be disposed of. This would be no different than if the cooperative's sales were to a fully regulated handler. Since all of proponent's Class I sales in the Order 4 market are covered by milk priced under the order, it cannot be concluded that the burden of carrying reserve supplies for the Order 4 milk associated with the Richmond plant provides a sound basis for denying the proposal.

A proprietary handler also opposed the proposal. The handler's representative stated that a 1976 decision involving the merger of three markets to form the Tennessee Valley milk order had established a policy of 10 percent of receipts as the appropriate in-area sales percentage for determining the regulatory status of distributing plants. In a post-hearing brief, the handler maintained that adoption of the proposal would not implement the intent and purposes of the Agricultural Marketing Agreement Act.

Opponent's view that a decision regarding this issue in another market establishes a policy applicable to Order 4 is without merit. The order provisions for determining the pool status of plants that have route disposition in the marketing area are decided on the basis of the record evidence obtained at a hearing held to consider the issue for the particular market in question. Thus, the appropriate provisions are determined on a market-by-market basis, which is consistent with the provisions of the Act.

It is concluded from the facts of this proceeding that the proposed in-area

sales percentage should be adopted. The record does not establish that such action will affect adversely the orderly marketing of milk for the Order 4 area.

3. *Diversion provisions.* The order should be amended to increase to 15 days the number of days' production of an individual producer that may be diverted to nonpool plants each month during the period September through February.

The order now provides that a handler's total monthly diversions to nonpool plants during September through February may not exceed 25 percent of the milk delivered to the handler by dairy farmers during the month. Alternatively, up to 10 days' production of each dairy farmer may be diverted during the month to nonpool plants. No diversion limitations apply during the months of March through August.

A handler and a group of independent producers who ship their milk to the handler each proposed that limits now applicable on diversions to nonpool plants (other than a producer-handler plant) during September through February be eliminated. As an alternative, the handler proposed that the number of days' production of an individual producer that may be diverted to nonpool plants each month during September through February be increased to 15 days. Proponents' stated preference was to eliminate such restrictions on diversions during September through February.

In support of the proposal to eliminate diversion limits, the handler's spokesman stated that prevailing marketing conditions do not warrant diversion limits to nonpool plants. The proposal was supported on the basis that: (1) The adoption of a base plan in 1971 has resulted in relatively uniform production throughout the year, but at an ever higher level; (2) milk production by the market's regular producers has increased much faster than Class I sales; (3) there are now fewer distributing plants, and they bottle milk fewer days per week than they used to; and (4) home delivery sales have declined while store sales of milk have increased. It is proponent's view that from a marketwide standpoint these changes have resulted in a need to divert increasing volumes of milk to nonpool plants during September through February. The witness stated also that adoption of a base-excess plan in 1971, wherein four of the base-building months also are months when diversions are limited, had eliminated at least part of the need for diversion limits.

Proponent witness claimed that his distributing plant is faced with the same changes that have occurred marketwide. The witness stated also that proponent has for several years transferred milk to nonpool plants each

month during September through February. He maintained that this is more costly than diverting milk from farms. However, increased milk production by the producers who supply proponent's distributing plant necessitates such transfers because more milk must be disposed of to a nonpool plant than can be pooled as diverted milk. Proponent's witness expressed concern that some producers may lose pool status for milk that a handler over-diverts. He indicated, however, that over-diversion of milk has not been a serious problem at proponent's distributing plant.

The group of independent producers that also proposed unlimited diversions during September through February was concerned mainly that some producers would not have their milk priced under the order if a handler over-diverts milk. A spokesman for the producers stated that: (1) Diversion limits do not restrict the association of milk with the market but merely necessitate inefficient movement of milk by costly transfers; (2) diversion limits have not aided in achieving higher Class I utilization for the market; and (3) due to the relatively low Class I utilization of the market, the qualification standards effectively control and place a limit on the quantity of milk that can be diverted. The producers contend that the elimination of the diversion limits would be appropriate in present circumstances because such action would not adversely affect the blend prices to producers. Moreover, the spokesman for the group maintained that the recent trend in Federal order actions has been to eliminate diversion limits on individual producer's milk.

Changes in the diversion provisions were opposed at the hearing by a federation of cooperatives. A witness for the cooperatives stated that the present provisions have been adequate and will continue to be so in the foreseeable future. He expressed the view that recent milk production increases will begin to diminish in the second half of 1978. He maintained that for these reasons there is no marketwide need to eliminate or to relax the diversion provisions of the order. He expressed the concern that relaxed diversion limits would permit milk to be pooled that was intended primarily for manufacturing uses. He contended that such milk should not be pooled.

In its post-hearing brief, the federated cooperatives reversed their initial position and stated that unlimited diversions throughout the year should be permitted because of the potential impact on the Order 4 market of the New York-New Jersey order amendments effective November 1, 1977.

In a post-hearing brief, a dairy farmer cooperative association that is not a member of the federate coopera-

tives opposed any modification of the diversion provisions, claiming that the record of this proceeding did not support any change.

a. *Elimination of diversion limits.* The present diversion limits were adopted in 1971. The final decision issued in that amendment proceeding contained the following paragraph:

When the Middle Atlantic order was promulgated, the pooling provisions were formulated to accommodate the pooling of four manufacturing plants which historically had held pool plant status under one or another of the previous three separate orders. These particular plants were the primary outlets for the reserve milk supply then associated with the individual markets. With these plants holding pool plant status, it was anticipated that there would be a minimal need for diversions to nonpool plants. The present provisions were formulated to accommodate the then existing market structure, insure an orderly and efficient disposition of the market's necessary reserve, and at the same time to deter handlers from associating with the market unneeded milk supplies solely for manufacturing uses.⁴

The quoted paragraph explains the basis upon which limits on diversions to nonpool plants were provided in the Middle Atlantic order. The proposal to eliminate diversion limits must be considered from the standpoint of whether these basic reasons for the diversion limits no longer exist. Also, the issue must be determined without regard to the diversion provisions that are provided in other orders.

During the months when production is seasonally low and Class I sales are relatively high, it is necessary to provide assurance that milk supplies will be available to meet the needs of fluid milk handlers. Nevertheless, because of plant bottling schedules, weekends and other variables, not all the milk produced is needed for Class I uses. Rather than require such milk to be physically received at the distributing plant and then moved to a manufacturing outlet for disposal, the order provides for the diversion of milk directly from the farm to the manufacturing plant. The diversion provisions facilitate the economical disposition of milk not needed for Class I uses. The limits are set at levels appropriate to accomplish that purpose, not as a means of attempting to maintain Class I utilization at a predetermined level.

With no diversion limits a handler presumably could move up to half of his milk receipts to nonpool plants for manufacturing. For Order 4, however, Class I utilization is well above the 50 percent Class I pooling standard in the fall months. In 1977 the percentages of producer milk allocated to Class I

⁴Official notice is taken of the Assistant Secretary's decision on Proposed Amendments to the Middle Atlantic order that was issued August 17, 1971 (36 FR 16517).

uses were 61.1 in September, 59.5 in October, 60.4 in November, 58.9 in December, and 58.7 percent in January 1978.⁵

Some marketing conditions clearly have changed since the present diversion provisions were adopted. One important change has been the increase in milk production without a corresponding increase in Class I milk sales during the past 2 years. A result of this change has been a decline in the percentage of receipts needed to serve the fluid milk market. Concurrently, there has been increased need to dispose of more milk for other than fluid uses. One outcome of this has been a large increase in the quantity of milk diverted to nonpool plants. Such diversions during September 1976 through February 1977 (the months when limits apply) totaled 297.2 million pounds, up 48 percent from the same period a year earlier. Measured in a different way, the September-February diversions amounted to 11.1 percent of total producer milk, compared to 8.3 percent a year earlier. It is noted that these figures include relatively small quantities of milk diverted to nonpool plants for Class I use.

Handlers may, of course, receive milk at a pool plant and subsequently transfer the milk to a nonpool plant. However, the record in this proceeding does not show that this is done on a widespread basis in the Middle Atlantic market in order to move more milk to nonpool plants than can otherwise be diverted under the limits provided. Instead, only one handler witness testified that milk is so handled, which is not a sufficient basis for concluding that diversion limits now serve no purpose in the Middle Atlantic market.

During 1976, diversions to nonpool plants totaled 601.8 million pounds; milk received at reserve processing plants either directly from farms or through cooperative associations totaled 1,050.6 million pounds; and transfers of bulk Class II milk from pool handlers to nonpool handlers totaled 92.5 million pounds. Thus reserve processing plants continue to provide the primary outlets for reserve milk. Although the quantity of milk that is diverted to nonpool plants has increased, such diversion continues to be of secondary significance for the market.

The data referred to above also establish that pool handlers generally have not increased the use of transfers as a means of pooling milk regularly associated with the market that could not otherwise be pooled under the diversion limits. It is concluded, there-

⁵Official notice is taken of Announcement of Uniform Prices for Base and Excess Producer Milk, issued monthly by the Market Administrator for September through December 1977, and for January 1978.

fore, that diversion limits have not generally caused problems for handlers seeking to maintain pool status for their producers, even though some marketing conditions have changed. Thus, the market data support the federated cooperatives' position taken at the hearing that elimination of the diversion limits is not needed to facilitate the disposition of reserve milk supplies on a marketwide basis.

In the Middle Atlantic market, reserve processing plants provide major outlets for milk not needed for fluid use. When reserve processing plants qualify as pool plants, milk delivered there directly from dairy farms is not subject to the limits placed on milk diverted to nonpool plants. There are three such plants currently operating in the market, two of which are operated by dairy farmer cooperatives. Another manufacturing plant is being built by cooperatives and is expected to qualify as a pool reserve processing plant when completed and operating. Access to such reserve processing plants lessens the need for milk to be moved to nonpool plants for surplus disposition. Provision in the order for pooling such plants is a primary reason for the limits on diversions to nonpool plants being set at the level provided in this market.

During cross-examination of proponent handler's witness at the hearing, the view was expressed that producers associated with a reserve processing plant are less likely to lose pool status for their milk than are producers not so associated. It must be noted here that the order provisions do not preclude any handler from diverting the milk of producers to a reserve processing plant. Also, diversions to reserve processing plants that have pool status are not subject to the limits imposed on diversions to nonpool plants. It cannot be concluded, therefore, that the order, by itself, provides an advantage for producers associated with a reserve processing plant over those whose surplus production is disposed of to nonpool plants under the diversion provisions.

Also pointed out was the fact that the diversion limits were suspended twice in 1970⁶ at the request of one of the major cooperatives. It must be noted that in both cases the actions taken were due to the development of unusual conditions (school closings because of a teachers' strike, and the closing of a pool plant), not due to general changes in marketing conditions.

Two post-hearing briefs referred to a suspension of the limits on diversions to nonpool plants for the month of November 1977 and the proposed sus-

⁶Official notice is taken of Suspension Orders appearing at 35 FR 15287 (Oct. 1, 1970) and 35 FR 19565 (December 24, 1970).

pension of such limits for December 1977 through February 1978.⁷ The suspension action was taken because a strike had occurred at a large distributing plant. Again, this action was necessitated by an unusual development in the market, and in no way is indicative of any marketwide need to abolish diversion limits. Moreover, the suspension requested for December through February was denied.⁸ In view of this, it must be concluded that the earlier suspension actions do not support a need for totally eliminating the diversion provisions of the order.

As noted earlier, at the hearing a federation of cooperatives opposed any change in the diversion provisions, but later reversed that position in its post-hearing brief. The fact that the New York-New Jersey order was amended effective November 1, along with the potential adverse effects on Order 4 that various witnesses testified could result, were cited as the reasons why the federated cooperatives now believe that unlimited diversions to nonpool plants are needed to handle the market's supplies of reserve milk.

In the discussion on Class I pricing, it was found that the evidence presented at the hearing concerning the potential impact on Order 4 of the amended New York-New Jersey order was speculative and without any apparent foundation. The cooperatives' arguments do not provide a sound basis for determining that the position taken by them at the hearing should now be disregarded in considering this issue. Moreover, as stated earlier, the cooperatives' stated position at the hearing is substantiated by market data presented at the hearing.

The record does not establish that the basic reasons for establishing diversion limits are no longer valid. Accordingly, the proposals to remove all diversion limits must be denied.

b. Relaxed diversion limits. As indicated earlier, the handler proposal to increase to 15 the number of days' production that a producer's milk may be diverted to nonpool plants monthly during September through February should be adopted.

Proponent handler operates a distributing plant at which virtually no milk is used for Class II. Thus, reserve milk supplies associated with the Class I operation must be disposed of elsewhere. The handler accepts during the entire year the responsibility for pooling the milk production of the dairy

⁷Official notice is taken of the Suspension Order appearing at 42 FR 59956 and the Notice of Proposed Suspension appearing at 42 FR 59980, both published November 23, 1977.

⁸Official notice is taken of the Termination of Proceedings on Proposed Suspension appearing at 42 FR 63178 (December 15, 1977).

farmers who supply his distributing plant. The dairy farmers have increased their production at about the same general rate of increase experienced for the market as a whole. As a result, during the months when diversion limits are applicable, the handler utilizes the days of production basis for diverting to nonpool plants because more milk can be diverted under that provision than under the percentage limits.

In addition to diverting milk, the handler regularly receives some milk at the distributing plant and then transfers it to a nonpool plant in order to maintain the pool status of the milk during the months when diversion limits apply. The handler's witness indicated that the need for such transfers is increasing as production increases exceed sales increases. It is more costly to receive and then transfer milk than it is to move the milk directly from the farms to the nonpool plant. Such uneconomic handling can be avoided by providing for the diversion to nonpool plants of up to 15 days' production of individual producers.

The present 10-days' production limit on diversions permits more milk to be diverted to nonpool plants than does the 25 percent limit. Nevertheless, in view of the general increase in production, handlers who do not receive milk from cooperatives, and thus balance their own supplies, may not be able to economically accommodate the disposition of their reserve milk supplies under the diversion limits, even when the days of production basis is used. This is the situation faced by proponent handler.

Providing that up to 15 days' production of a dairy farmer may be diverted to nonpool plants as producer milk will make it possible for the handler, and any others similarly situated, to continue to pool all the milk produced by their regular producers without incurring costly transfer expenses. The change will not provide the means by which large volumes of milk intended only for manufacturing milk may be associated with the market.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Middle Atlantic marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. In §1004.7, the introductory text of paragraph (a) is revised to read as follows:

§1004.7 Pool plant

(a) A plant from which during the month a volume not less than 50 percent in the months of September through February, and 40 percent in the months of March through August, of its receipts described in subparagraph (1) or (2) of this paragraph is

disposed of a Class I milk (except filled milk) and a volume not less than 15 percent of such receipts is disposed of as route disposition (other than as filled milk) in the marketing area:

§1004.12 [Amended]

2. In the introductory text of §1004.12(d)(2), the number "10" is changed to "15".

Signed at Washington, D.C., on April 21, 1978.

IRVING W. THOMAS,
Acting Deputy Administrator
for Program Operations.

[FR Doc. 78-11464 Filed 4-26-78; 8:45 am]

[3410-02]

[7 CFR Part 1036]

[Docket No. AO-179-A43]

MILK IN THE EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing exceptions to proposed rule.

SUMMARY: This notice extends the date for filing exceptions to a recommended decision concerning a proposed amended order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area. A group of handlers located principally in the Pittsburgh metropolitan area requested additional time to complete an analysis of the decision.

DATE: Exceptions now are due on or before May 17, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7183.

SUPPLEMENTARY INFORMATION:

Prior documents in this proceeding: Notice of Hearing, issued September 20, 1977, published September 26, 1977 (42 FR 48886).

Notice of Extension of Time for filing briefs, issued November 25, 1977, published November 30, 1977 (42 FR 60927).

Recommended Decision, issued March 31, 1978, published April 6, 1978 (43 FR 14478).

Notice is hereby given that the time for filing exceptions to the above listed recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area is hereby extended to May 17, 1978.

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

Signed at Washington, D.C., on April 24, 1978.

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

[FR Doc. 78-11465 Filed 4-26-78; 8:45 am]

[3410-05]

Commodity Credit Corporation

[7 CFR Part 1421]

1978 RICE LOAN, PURCHASE AND PAYMENT PROGRAMS

Proposed Determinations Regarding 1978 Rice Price Support Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Secretary of Agriculture proposes to make determinations and issue regulations relative to the 1978 rice price support program, including: (a) The final loan and purchase rate for 1978-crop rice; (b) commodity eligibility and storage requirements; (c) premiums and discounts for grades, classes, other qualities, and location differentials; (d) the final established (target) price; and (e) other related provisions necessary to carry out the loan, purchase, and payment programs. These determinations are required to be made by the Secretary in accordance with provisions of the Agricultural Act of 1949, as amended. This notice invites comments on the proposed determinations.

DATES: In order to be sure of consideration, comments must be received on or before May 30, 1978.

ADDRESSES: Acting Director, Production Adjustment Division, ASCS, USDA, Room 3630 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

George H. Schaefer (ASCS), 202-447-8480.

SUPPLEMENTARY INFORMATION: (a) *Loan and purchase level.* Section

101 of the Agricultural Act of 1949, as amended by section 702 of the Food and Agriculture Act of 1977, provides that the Secretary shall make available to cooperators loans and purchases for 1978-crop rice at such level as bears the same ratio to the 1977-crop rice loan and purchase rate as the 1978-crop rice established (target) price bears to the 1977-crop established (target) price. If the Secretary determines that such loan and purchase level would substantially discourage the exportation of rice and result in excessive stocks of rice in the United States, the Secretary may establish a loan and purchase rate for the crop at such level, not less than \$6.31 per hundredweight nor more than the rice parity price, as the Secretary determines necessary to avoid such consequences.

(b) *Established (target) price level.* Section 101 of the Agricultural Act of 1949, as amended by section 702 of the Food and Agriculture Act of 1977, provides that the established (target) price for 1978-crop rice will be the established (target) price for the 1977-crop rice adjusted to reflect any change in: (i) The average adjusted cost of production for the 1976 and 1977 crop years from (ii) the average adjusted cost of production for the 1975 and 1976 crop years. The adjusted cost of production for each such year shall be determined by the Secretary on the basis of such information as the Secretary finds necessary and appropriate for the purpose and shall be limited to: (i) Variable costs, (ii) machinery ownership costs, and (iii) general farm overhead costs, allocated to the crop involved on the basis of the proportion of the value of the total production derived from the crop.

(c) *Additional information.* The 1977-crop rice established (target) price is \$8.25 per hundredweight. The 1977-crop rice loan and purchase rate is \$6.19 per hundredweight. The Department has announced a preliminary established (target) price of \$8.53 per hundredweight for 1978-crop rice, based on the estimated change in the two-year moving average of variable costs, machinery ownership costs and general farm overhead costs for producing rice, as described in (b). The Department has also announced a preliminary 1978-crop loan and purchase level of \$6.40 per hundredweight, in accordance with the ratio relationship described in (a).

PROPOSED RULE

The Secretary of Agriculture is considering the following determinations for the 1978-crop rice:

A. The final loan and purchase rate and established (target) price.

B. Commodity eligibility and storage requirements.

C. Premiums and discounts for grades, classes, and location differentials.

D. Other related provisions necessary to carry out the loan, purchase, and payment program.

Prior to making these determinations consideration will be given to any data, views, and recommendations submitted in writing to the Acting Director, Production Adjustment Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All comments will be made available to the public at the office of the Acting Director, Production Adjustment Division, ASCS, USDA, during regular business hours (8:15 a.m. to 4:45 p.m.), Monday through Friday, in Room 3630, South Building, 14th and Independence Avenue SW., Washington, D.C. (7 CFR 1.27 (b)).

A draft economic impact statement has been prepared.

Signed at Washington, D.C., on April 21, 1978.

RAY FITZGERALD,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 78-11374 Filed 4-26-78; 8:45 am]

[3410-05]

[7 CFR Part 1421]

1978 AND SUBSEQUENT CROPS PEANUT FARM-STORED LOAN AND PURCHASE PROGRAM

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: Commodity Credit Corporation (CCC) proposes to amend the regulations which set forth the terms and conditions under which producers may obtain and settle farm storage loans and purchases for 1978 and subsequent crops of peanuts. Only quota peanuts will be eligible for farm-stored lands and purchases, and CCC will pay the cost of inspection at time of delivery. This proposed revision is necessary in order to implement the 1978 and subsequent crops farm stored peanut price support program.

DATE: In order to be sure of consideration, comments must be received on or before May 30, 1978.

ADDRESS: Send comments to the Director, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, Room 3741, South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Dalton J. Ustynik, ASCS, 202-447-6611, P.O. Box 2415, Washington, D.C. 20013.

SUPPLEMENTARY INFORMATION: The Commodity Credit Corporation (CCC) is inviting comments on the proposed revision of the regulations. All written submissions will be available for public inspection at the Office of the Director, Price Support and Loan Division, Room 3741, South Building, 14th and Independence Avenue SW, during regular business hours (7 CFR 1.27 (b)).

It is proposed to revise the title of the subpart and 7 CFR sections 1421.280-1421.289 to read as follows:

Subpart—1978 and Subsequent Crops Peanut Farm-Stored Loan and Purchase Program

Sec.	
1421.280	Purpose.
1421.281	Availability.
1421.282	Eligible peanuts.
1421.283	Determination of type and quality of farmers stock peanuts.
1421.284	Storage deduction for early delivery.
1421.285	Determination of quantity.
1421.286	Price support rates.
1421.287	Delivery charge.
1421.288	Maturity of loans.
1421.289	Settlement.

AUTHORITY.—Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 (b) and (c)); secs. 101, 108, 401, 403, 405, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1445c, 1421, 1423, 1425).

Subpart—1978 and Subsequent Crops Peanut Farm-Stored Loan and Purchase Program

§ 1421.280 Purpose.

This subpart and the General Regulations Governing Price Support for the 1978 and Subsequent Crops in this Subchapter B to the extent that the provisions thereof are not made inapplicable by the provisions of this subpart, contain the terms and conditions under which CCC will make farm-stored peanut loans to, and purchases from, eligible producers of eligible 1978 and subsequent crops of farmer stock quota peanuts. Notwithstanding the provisions of the general regulations, CCC will not make warehouse storage loans directly to individual producers on 1978 and subsequent crops of peanuts. The General Regulations Covering 1978 and Subsequent Crops Peanut Warehouse Storage Loans and Handler Operations in this Subchapter B, and any amendments and annual crops supplements thereto (hereinafter referred to in this subpart as "the peanut warehouse storage regulations"), contain the terms and conditions under which eligible producers may obtain price support advances on eligible 1978 and subsequent crops of warehouse stored farmers stock peanuts from certain cooperative marketing associations which, acting in behalf of such producers collectively, will obtain price support warehouse storage loans from CCC.

§ 1421.281 Availability.

Producers desiring price support for farmers stock peanuts must request a farm-stored peanut loan or notify the ASCS county office of intentions to sell to CCC no later than the dates set forth in the applicable annual peanut crop supplement to the regulations in this subpart.

§ 1421.282 Eligible peanuts.

(a) *General.* In order to be eligible for a farm-stored peanut loan or for purchase, farmers stock peanuts, as defined in § 1446.3 of the peanut warehouse storage regulations must meet the requirements of this section in addition to the other eligibility requirements of § 1421.4 of the general regulations.

(b) *Eligible producer.* The peanuts must have been produced by an eligible producer in one of the areas defined in § 1446.4(b) of the peanut warehouse storage regulations. For the purpose of this subpart, an eligible producer is a producer who meets the requirements of § 1421.3 of the general regulations and of § 1446.13 in the peanut warehouse storage regulations.

(c) *Types.* The peanuts must be one of the types specified in § 1446.3(mm) of the peanut warehouse storage regulations.

(d) *Quota peanuts.* Peanuts must be quota peanuts as defined in § 1446.3(jj) of the peanut warehouse storage regulations.

§ 1421.283 Determination of types and quality of farmers stock peanuts.

The type and quality of each lot of farmers stock peanuts acquired by CCC as a result of a loan or purchase shall be determined at the time of delivery to CCC by a Federal-State inspector authorized or licensed by the Secretary, U.S. Department of Agriculture.

§ 1421.284 Storage deduction for early delivery.

The storage deduction for early delivery provided for in § 1421.23 of the general regulations shall be five (5) cents per day per ton for Virginia-type peanuts or four and two-tenths (4.2) cents per day per ton for all other types of peanuts from the date delivery is accomplished to, and including, the original loan maturity date.

§ 1421.285 Determination of quantity.

The quantity of peanuts placed under farm-stored peanut loans shall be determined in accordance with § 1421.18 of the general regulations and shall be expressed in units of tons and tenths of tons.

§ 1421.286 Price support rates.

The basic quota price support loan rates by types for farmers stock pea-

nuts placed under loan shall be as set forth in the annual peanut crop supplement to the regulations in this subpart.

§ 1421.287 Delivery charge.

A delivery charge of 20 cents per ton net weight will be made for the quantity of peanuts acquired by CCC as a result of a loan or purchase and shall be handled in accordance with § 1421.11 of the general regulations. As used in this subpart, the term "net weight" shall have the meaning specified in § 1446.3(z) of the peanut warehouse storage regulations.

§ 1421.288 Maturity of loans.

Farm stored peanut loans will mature on demand but not later than the date specified in the annual peanut crop supplement to the regulations in this subpart.

§ 1421.289 Settlement.

(a) *General.* Settlement for eligible peanuts acquired by CCC under a loan or purchase will be made with the producer as provided in paragraphs (a), (d), (e), (g), (j), and (k) only of § 1421.22 of the general regulations and in this section. The producer may deliver under a farm-stored loan only the quantity of peanuts on which he had obtained the loan except as provided in item (b)(2)(i) of this section.

(b) *Settlement values.* The settlement value of the peanuts acquired by CCC shall be the amount computed on the basis of (1) the net weight and quality thereof; (2) the quota support rates, premiums and discounts provided in the annual peanut crop supplement to the regulations in this subpart except that the additional support rate shall be used (i) for any peanuts for a farm delivered by a producer to CCC which, when added to the peanuts otherwise marketed or considered marketed from the farm as quota peanuts, would exceed the farm poundage quota if CCC determines that the producer made an inadvertent error in determining the loan quantity or (ii) for all peanuts which do not grade Segregation 1 at time of delivery, (3) an allowance of four-tenths of a cent (\$0.004) per pound, net weight, to compensate the producer for shrinkage during storage; and (4) discounts of (i) \$2 per ton, net weight, for each full 1 percent of foreign material in excess of 10 percent, and (ii) \$10 per ton, net weight, for peanuts containing more than 10 percent moisture.

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

RAY FITZGERALD,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 78-11503 Filed 4-26-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Docket No. 78-SO-26]

DESIGNATION OF FEDERAL AIRWAYS, AREA
LOW ROUTES, CONTROLLED AIRSPACE, AND
REPORTING POINTSProposed Designation of Transition Area,
Hurtsboro, Ala.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This proposed rule will designate the Hurtsboro, Ala., transition area and will lower the base of controlled airspace in the vicinity of the Sehey Airport (a private airport) from 1200 to 700 feet to accommodate Instrument Flight Rule (IFR) operations. A special use instrument approach procedure has been developed for the Sehey Airport and is presently in use. The additional controlled airspace is required to protect aircraft conducting Instrument Flight Rule (IFR) operations.

DATES: Comments must be received on or before June 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, Atlanta, 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 June 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 Hurtsboro, Ala., 700-foot transition area. This action will provide additional controlled airspace to accommodate aircraft performing IFR operations at Sehey Airport.

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 Administration Regulations (14 CFR Part 71) by adding the following:

HURTSBORO, ALABAMA

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Sehey Airport (Lat. 32°13'12" N., Long. 85°28'05" 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 April 19, 1978.

GEORGE R. LACAILLE,
Acting Director, Southern Region.

[FR Doc. 78-11459 Filed 4-26-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-RM-02]

TRANSITION AREAS AT GWINNER, NORTH
DAKOTA

Withdrawal of Notice of Proposed Rulemaking
AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of Notice of Proposed Rulemaking.

SUMMARY: The Federal Aviation Administration issued a Notice of Proposed Rulemaking on February 2, 1978, 43 FR 4437, for cancellation of transitional areas at Gwinner, N. Dak. This action was taken pursuant to notification by the owner of the Gwinner Non-Federal, Non-Directional Beacon (NDB) of his proposal to reclassify the navigational aid (NDB) to (VFR) use only and cancel the published instrument approach. Subsequent to the issuance of the NPRM, the sponsor decided to retain the current status of the navigational aid (NDB) and the published instrument approach procedures negating the necessity to cancel the controlled airspace. Consequently, the Notice of Proposed Rulemaking is hereby withdrawn.

DATE: Effective date: April 27, 1978.

FOR FURTHER INFORMATION
CONTACT:

Mr. Joseph T. Taber, Airspace Specialist, Operations, Procedures and Airspace Branch (ARM-530), Air Traffic Division, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colo. 80010; telephone 303-837-3937.

SUPPLEMENTARY INFORMATION:

HISTORY

On February 2, 1978 the Federal Aviation Administration published for comment a proposal to amend Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revoke the transition areas at Gwinner, N. Dak. The owner of the Non-Federal, Non-Directional Beacon (NDB) at Gwinner, N. Dak. requested that the NDB be reclassified as a VFR navigational aid and the Instrument Approach Procedure be cancelled.

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. Subsequent to the issuance of the NPRM, the sponsor decided to retain the current status of the NDB and the published instrument approach procedure.

DRAFTING INFORMATION

The principal authors of this document are Mr. Joseph T. Taber, Air

Traffic Division, and Mr. Daniel J. Peterson, Office of the Regional Counsel, Rocky Mountain Region.

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

Issued in Aurora, Colo., on April 12, 1978.

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

[FR Doc. 78-11461 Filed 4-26-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[14 CFR Part 369]

[Spec. Reg. Docket 31735, SPDR-62B;
SPDR-63B]

PROTECTION OF CHARTER PARTICIPANTS' FUNDS

Extension of Comment Period

APRIL 21, 1978.

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental Notice of Proposed Rulemaking.

SUMMARY: This notice extends for an additional 60 days the filing date for comments in a rulemaking proceeding that proposes a new part to the Board's Special Regulations establishing uniform procedures for the protection of charter participants' funds. The extension was requested by attorneys for the American Society of Travel Agents, Inc., (ASTA) and the Air Charter Tour Operators of America (ACTOA).

DATES: Comments by: June 30, 1978. Reply comments by: July 31, 1978. Comments and other relevant information received after these dates will be considered by the Board only to the extent practicable.

ADDRESSES: Comments should be sent to: Docket 31735, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Comments may be examined at the Docket Section, Civil Aeronautics Board, Room 711, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT:

Richard B. Dyson, Office of the General Counsel, Rules Division, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTARY INFORMATION: By Notice of Proposed Rulemaking SPDR-63 and SPDR-62, dated November 22, 1977 (42 FR 61408 and 42 FR 61420, December 2, 1977), the Board proposed amending its Special Regulations to establish a new scheme for the protection of charter participants'

funds. The proposed new Part 369 would require a depository escrow account and one of three forms of additional security agreements.

The deadline for filing comments in response to the notice, originally set for January 31, 1978 was extended until May 1, 1978 in SPDR-62A/SPDR-63a, dated January 19, 1978 (43 FR 3285, January 24, 1978), Docket 31735. The extension of time was granted upon the request of several charter operators and carriers, in order to allow additional time to collect data and to study the impact of the proposed rule on the charter industry and particularly on those operators who are small businesses.

The Board has now received letters from attorneys for ASTA and ACTOA, requesting an extension of an additional 60 days for the filing of comments. In support of the request they state that a further extension of time is required in view of significant recent changes in the charter industry. The petitioners state that time is needed to study the impact recent changes in charter regulations will have on the soundness of the proposed rules to protect charter participants' funds. In addition, they note that the extensive involvement of charterer associations in recent Board proceedings has been time-consuming and has diverted effort from the issues raised in SPDR-63 and SPDR-62, particularly from the development of sound alternatives to the Board's proposed rule.

Upon consideration of the above, the undersigned finds good cause to grant these requests for another extension of time for the preparation of views on the proposed rule. However, because of this extraordinary extension of time, totaling 150 days, it should be emphasized that no further extensions should be expected.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations (14 CFR 385.20(d)), the time for filing comments is extended to June 30, 1978, and the time for filing reply comments is extended to July 31, 1978.

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

SIMON J. EILENBERG,
Associate General Counsel,
Rules Division.

[FR Doc. 78-11496 Filed 4-26-78; 8:45 am]

[6750-01]

FEDERAL TRADE COMMISSION

[16 CFR Part 461]

CHILDREN'S ADVERTISING

Proposed Trade Regulation Rulemaking and
Public Hearing

AGENCY: Federal Trade Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This rulemaking will consider certain restrictions regarding television advertising directed towards children. This notice describes the procedures to be followed in this proceeding.

DATES AND SCHEDULING: General written comments, exhibits, and requests to appear at a legislative hearing accompanied by verbatim statement, must be received on or before October 24, 1978. A legislative hearing will begin on November 6, 1978, in San Francisco. The hearing will continue on November 20, 1978, in Washington, D.C. ending by December 16, 1978. Proposed disputed issues of fact that are material and necessary to resolve at a disputed issues hearing, requests to cross-examine at a disputed issues hearing witnesses who appeared at the legislative hearing, and request to present oral rebuttal at a disputed issues hearing must be received on or before January 15, 1979. Disputed issues, if any, will be published February 27, 1979, and rulings of the Presiding Officer regarding request to present rebuttal statements and conduct cross-examination and regarding the designation of group representatives will be made shortly thereafter. Verbatim rebuttal statements for disputed issues hearing must be received in writing on or before March 29, 1979. A disputed issues hearing, if any, will begin April 2, 1979. Written rebuttal statements must be received within 20 days following the completion of the disputed issues hearing. A staff report will be released July 27, 1979. The Presiding Officer's report will be released September 12, 1979. Comments on reports will be received until October 12, 1979.

ADDRESS: All documents submitted in response to this notice should be submitted in five copies, when feasible, to Morton Needleman, Presiding Officer, Children's Advertising, Federal Trade Commission, Washington, D.C. 20580. These documents will be available for public inspection in Room 120, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue N.W., Washington, D.C. In addition, the verbatim statements of witnesses appearing for the San Francisco segment of the legislative hearing will be available for examination in Room 12470, Federal Building, 450 Golden Gate Avenue, San Francisco, Calif. The legislative hearing will commence November 6, 1978 at 9 a.m., in Room 12138, Federal Building, 450 Golden Gate Avenue, San Francisco, Calif. The hearing will continue at 9 a.m., November 20, 1978 in Room 332, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Ellis M. Ratner, Program Advisor for
Children's Advertising, Federal

Trade Commission, Washington, D.C. 20580, 202-724-1464; or Randell C. Ogg, Division of Advertising Practices, Federal Trade Commission, Washington, D.C. 20580, 202-724-1449.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41 et seq., the provisions of Part I, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.7 et seq., and Section 553 of Subchapter II, Chapter 5, Title 5 of the United States Code (Administrative Procedure), has initiated a proceeding for the promulgation of a Trade Regulation Rule concerning Children's Advertising. Because the Commission has found that the public interest requires expeditious procedures for the rule, it has determined, pursuant to 16 CFR 1.20, to employ the procedures set forth in this notice for this proceeding.

These procedures are modeled after those adopted by the Environmental Protection Agency (EPA) to implement the Toxic Substances Control Act, 15 U.S.C. 2605, which contains a rulemaking provision virtually identical to the Commission's authority under Section 18 of the FTC Act. See 42 FR 61259 (1977). The EPA procedures as adapted by the Commission contemplate that all information relevant to the proposed rule will be submitted during the written comment period or at a legislative-type hearing. No participants will be allowed to cross-examine any other participants at the hearing but they may submit written questions to the Presiding Officer who, accompanied by a panel, may ask those or any other questions. If, after review of the record of that hearing and the written comments, the Commission determines that there are disputed issues of material fact that are necessary to resolve, a second hearing will be held to resolve only those issues. At this disputed issues hearing, cross-examination and the presentation of rebuttal witnesses may be allowed.

These procedures have received favorable comment by Senator Ribicoff's Committee on Governmental Affairs in its recent report on delay in the regulatory process which compared the EPA's implementation of its statute with our implementation of identical statutory language.¹

The EPA procedures were also discussed at oversight hearings last June before the House Subcommittee on

Consumer Protection and Finance. During those hearings Chairman Eckhardt observed:

For instance, if as in the case of the Federal Trade Commission process you invite, at an early stage, designation of areas for cross-examination, it seems to me that you rather invite a tedious, lengthy, detailed adversary process. Whereas, under (EPA's) proposed procedure in toxic substances, you don't designate issues until after you have gone through the legislative hearing and you have had the panel-type decision. You get a lot of steam blown off at the level which may lighten your load later. (H.R. Rep. No. 95-44, 95th Cong., 1st Sess. 28-29 (1977).)

The Commission believes this procedural experiment, which is designed to expedite this proceeding while affording interested persons all of their statutory rights, is necessary in view of need to explore expeditiously the health and other issues raised by this proceeding as well as generally to expedite the conduct of Commission rulemaking.

The Commission has also determined, pursuant to 16 CFR 1.20, to provide for designation of the presiding officer by the Chairman. The current and projected demands on the time of the existing ranks of presiding officers necessitated this departure from the normal procedure (see 16 CFR 1.13 calling for selection of the presiding officer by the Special Assistant Director for Rulemaking).

SECTION A.—THE PROPOSED RULE FOR CHILDREN'S ADVERTISING

The Commission's determination to commence this rulemaking proceeding arises from consideration of two petitions² for rulemaking concerning television advertising of sugared products to children. On April 6, 1977, the Commission received a petition from Action for Children's Television (ACT Petition)³ requesting the promulgation of a trade regulation rule prohib-

²A third petition for rulemaking was filed jointly by Consumers Union of America and Committee on Children's Television, Inc., on February 16, 1978. This petition raises many of the issues raised by the two previous petitions and requests that the Commission adopt a rule that (1) prohibits brand name advertising to preschoolers; (2) requires that advertisers to children aged 6 to 11 fund non-commercial informational advertisements; (3) requires advertisers to children to verify that their ads are not unfair or deceptive; and (4) mandates that if the Commission finds that this verification was unwarranted, the ad will be immediately removed from the air, and that counter-ads will be funded by the offending seller.

³ACT is a non-profit corporation located in Massachusetts organized for the purpose of improving television programming directed to children. See ACT Petition at 2. The ACT Petition is on the public record and is available for public inspection in the Public Records Room of the Commission.

iting the advertising of candy products⁴ on television (a) where the dominant appeal of that advertising is to children, or (b) before 9:05 p.m., or (c) on programs where children make up at least half the audience. On April 26, 1977, the Commission received a petition from the Center for Science in the Public Interest (CSPI Petition)⁵ requesting the promulgation of a trade regulation rule prohibiting advertising on television of snack foods⁶ containing added sugar and requiring disclosures of amounts of added sugar in other food products with significant amounts of sugar⁷ as well as dental health risks associated with their consumption. The regulations proposed by CSPI would apply only during "children's programming."⁸

In support of the relief requested, each petition cites evidence relating to the enormous numbers of television advertisements for sugared products seen by children each year;⁹ the limited ability of young children—particularly pre-schoolers—to recognize "selling intent";¹⁰ the "believability" of commercial television messages;¹¹ and the tendency of these television advertisements for sugared products to promote unbalanced over-sugared diets which has led to pandemic levels of tooth decay in this country.¹² Both petitions cite the dangers to dental health occasioned by consumption of sugared products—particularly between meals—and review other medical evidence that consumption of sucrose—particularly if in excess—con-

⁴ACT does not define "candy products" and proposes that the American Dental Association or other appropriate body define the term so as to cover offenders. See ACT Petition at 50-51.

⁵CSPI is a non-profit organization located in Washington, D.C. which investigates and endeavors to solve problems related to food and the environment. See CSPI Petition at 2. That Petition is also on the public record and available for inspection.

⁶CSPI defines snack foods as those food products which are depicted in advertising as being eaten between or after meals rather than as part of a meal. CSPI Petition at 5.

⁷CSPI defines "significant" when employed in the context of "significant amount of added sugar content" as sugar constituting 10 percent or more of the caloric content of the food product in question. CSPI Petition at 6.

⁸CSPI defines "children's programming" as comprising those programs found on the basis of reputable viewer surveys to have an average audience consisting of 50 percent or more individuals under 12 years of age. CSPI Petition at 5.

⁹ACT Petition at 2-3; CSPI Petition at 13-14.

¹⁰ACT Petition at 15-16; CSPI Petition at 18-19.

¹¹ACT Petition at 20; CSPI Petition at 17-18.

¹²ACT Petition at 4-8; CSPI Petition at 12-15.

¹Senate Comm. on Governmental Affairs, Study on Federal Regulation, Vol. IV, 95th Cong., 1st Sess. 44 (concluding that a trial-type hearing is necessary only "if there were a clear conflict over an adjudicative fact.")

tributes to nutrition-related problems.¹³

Each petition concludes that television advertising of sugared products directed to children is both deceptive and unfair in violation of sections 5 and 12 of the Federal Trade Commission Act.¹⁴

To ensure that the petitions received full and fair consideration, the Division of Advertising Practices undertook a broad inquiry into the full range of factual and legal issues raised by the petitions. The staff has set forth the results of that investigation in a publicly available document entitled Staff Report on Televised Advertising to Children.¹⁵

The petitions raise, and the Report discusses, facts which suggest that the televised advertising of any product directed to young children who are too young to understand the selling purpose of, or otherwise comprehend or evaluate, commercials may be unfair and deceptive within the meaning of Section 5 of the Federal Trade Commission Act, requiring appropriate remedy.¹⁶ The Report also discloses facts which suggest that the current televised advertising of sugared products directed to older children may be unfair and deceptive, again requiring appropriate remedy.¹⁷

The staff Report sets forth the facts (Part III), applies the law to the facts (Part IV), examines jurisdictional and constitutional issues (Part V), discusses the advantages and disadvantages of five possible remedies, and recommends adoption of three of the five (Part VI).

The Commission has carefully and deliberately considered the staff report and recommendations. Based upon that report, the Commission believes that a comprehensive rulemaking proceeding addressing the problems posed by television advertising to children is necessary and appropriate.

The Commission has reviewed each of the remedies addressed by the staff. Each remedy has merit and each remedy may entail technical difficulties and drawbacks. For each proposed remedy there remain unanswered questions, the answers to which may alter the Commission's judgment as to their appropriateness.

¹³ACT Petition at 8-12; CSPI Petition at 4-10.

¹⁴ACT Petition at 43-49; CSPI Petition at 25-33.

¹⁵Copies of this report may be obtained by writing: Distribution and Duplication Branch, Federal Trade Commission Building, Room 128, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

¹⁶The staff Report defines this group ("young children") as children who are under the age of 8. The Commission seeks comments on the appropriateness of this age classification.

¹⁷The staff Report defines this group ("older children") as children between the ages of 8 and 12. The Commission seeks comments on the appropriateness of this age classification.

The staff's recommendation is one possible response to the need for a comprehensive remedial approach and the Commission desires that the "package" proposed by the staff receive serious consideration. Accordingly, the Commission invites comment on the advisability and manner of implementation of a rule which would include the following three elements:

(a) Ban all televised advertising for any product which is directed to, or seen by, audiences composed of a significant proportion of children who are too young to understand the selling purpose of or otherwise comprehend or evaluate the advertising;

(b) Ban televised advertising for sugared food products directed to, or seen by, audiences composed of a significant proportion of older children, the consumption of which products poses the most serious dental health risks;

(c) Require televised advertising for sugared food products not included in Paragraph (b), which is directed to, or seen by, audiences composed of a significant proportion of older children, to be balanced by nutritional and/or health disclosures funded by advertisers.

In addition, the Commission desires comment on the appropriateness and workability of the following alternative remedial approaches, as well as other possible remedies not contained in the foregoing list or discussed in the staff report:

1. Affirmative disclosures located in the body of advertisements for highly cariogenic products directed to children.

2. Affirmative disclosures and nutritional information contained in separate advertisements, funded by advertisers of highly cariogenic products advertised to children.

3. Limitations upon particular advertising messages used and/or techniques used to advertise to very young children, or to advertise highly cariogenic products to all children.

4. Limitations upon the number and frequency of advertisements directed at very young children; limitations upon the number and frequency of all advertisements of highly cariogenic products directed at all children.

SECTION B—INVITATION TO COMMENT

Any interested person may submit to Morton Needelman, Presiding Officer, Children's Advertising, Federal Trade Commission, Washington, D.C. 20580, data, views, or arguments on any issue of fact, law or policy which may have some bearing on the proposed rule. Such written comments will be accepted until October 24, 1978. To assure prompt consideration, comments should be identified as "Children's Advertising Rulemaking Comment".

SECTION C—GENERAL QUESTION AND ISSUES

While interested persons are invited to address any questions of fact, law or

policy which they feel may have bearing upon the proposed rule, listed below are several general questions and issues of fact about which the Commission particularly desires comment, in writing or orally at the legislative hearing.

ISSUES RELATED TO PARAGRAPH (a) OF STAFF PROPOSAL

1. Is there a specific age below which significant numbers of children are unable to understand the selling purpose of, or are otherwise unable to comprehend or evaluate, advertising? If so, what is that age?

2. Is televised advertising for any product directed to, or seen by, young children who are unable to understand its selling purpose, or are otherwise unable to comprehend or evaluate that advertising, unfair and/or deceptive within the meaning of Section 5 of the Federal Trade Commission Act? If so, is the remedy suggested in paragraph (a) of the Staff proposal appropriate?

3. How should the terms "directed to or seen by" be defined? For example, should restrictions be imposed when young children constitute a certain minimum percentage of the viewing audience? If so, what should that percentage be? Should the percentage vary with the time of day? Are there other feasible regulatory mechanisms by which to define the term "directed to or seen by"?

4. Will the proposed ban on televised advertising to young children adversely affect the quantity or quality of children's television programming? Are there considerations—economic, competitive, legal or otherwise—which would preclude or limit reductions in the quantity or quality of children's television programming? Is there any evidence which would assist the Commission to estimate the magnitude of the harm to very young children from exposure to advertising whose selling intent or content they may be unable to understand?

5. Are there alternatives to a ban on televised advertising to very young children that the Commission should consider? Comment on the propriety and feasibility of alternatives is invited.

ISSUES RELATED TO PARAGRAPHS (b) AND (c) OF STAFF PROPOSAL

6. Is there evidence which bears upon the proposition that advertising of certain highly sugared products to children causes increased tooth decay in children, by causing greater consumption of cariogenic products by children than would occur without the advertising? If so, how serious is the effect of such advertising, and what improvement in the incidence of tooth decay might be expected to result by limiting, eliminating, or requiring qualification of such advertising? Is there evidence to indicate that tele-

vised advertising of sugared products is more harmful to children than other forms of advertising, such as point of sales messages? Does this harm justify more stringent restrictions, including bans?

7. In a report prepared for the Food and Drug Administration, the Federation of American Societies for Experimental Biology stated that "Sucrose is among the most cariogenic substances. However, the magnitude of the effect is complex and depends on frequency of consumption, duration of exposure, the form in which the sucrose is fed and the nature of the other materials eaten with sucrose."¹⁹ What factors affect the cariogenicity of sucrose and what are their relative magnitudes?

8. Does between-meal consumption of sugared products have a sufficiently greater negative impact on dental health than consumption of sugared products at mealtime so as to justify more stringent regulation of television advertising of the former than the latter? If so, how should regulations be phrased so as to distinguish between the two classes of products?

9. What evidence is there that sugar consumption contributes to or acts as a potentiating factor with respect to non-dental health or nutrition-related problems, whether in childhood or in later life?

10. What is the nature and extent of the awareness of children at various ages of the impact on their dental health or nutrition of consumption of sugared products? Does this awareness vary with the product? What is the impact of advertising of sugared products on that awareness? Does the impact vary with the product?

11. How should the term "directed to or seen by" be defined with respect to the older group of children? For example, should television advertisements be presumed to be addressed to children when children constitute a majority of the audience viewing it? Are there any other definitions which are appropriate?

12. Should warnings or disclosures be presented to children in televised sugared snack food advertising? Should they include disclosure of sugar content or of dental health risks or other risks to health? How can information concerning possible harms arising out of sugar consumption be communicated most effectively to children? Should it be presented in the course of children's programming or at other times? Should food and nutritional-related television messages be directed to children and to parents? Can that information be presented most effectively within the advertising for the product itself, or elsewhere? Are there certain techniques or approaches, such as animation or make-

believe settings, which will ensure that such message are meaningful? How can messages be made appropriate for children of differing ages in the viewing audience?

13. Who should devise such messages? Should advertisers of products regulated by paragraph (c) prepare these disclosures? Or should they be prepared by other persons or organizations? Are there persons or organizations with expertise in the subject areas of dentistry, nutrition and medicine, as well as in communicating with children, who are interested in participating in a program designed to provide children with supplementary information concerning harms arising out of sugar consumption? How can the Commission ensure that such messages are professionally created and produced?

14. Will the remedies proposed in paragraphs (b) and (c)—a ban on advertising to children for certain sugared foods and balanced nutritional and health disclosures for certain other sugared foods—adversely affect the quality or quantity of children's television programming? Are there considerations—economic, competitive, legal or otherwise—which would preclude or limit reductions in the quantity or quality of children's televised programming?

15. Various remedies designed to undo harms arising out of television advertising of sugared products to children are identified and discussed at Part VI of the staff's *Report* to the Commission. Comment on the propriety and feasibility of each of these remedies, whether alone or in combination with others, is invited. In particular, we invite comment on whether there are certain categories of claims which, because of their special capacity to negatively influence children, should be prohibited in television advertising of sugared products to children. Such claims might include, for example, excessive promotions of the virtues of sugar or sweetness. We invite identification of others.

ADDITIONAL ISSUES

16. In light of the First Amendment protection afforded commercial speech, what considerations should be applied in deciding whether a ban on television advertising to very young children, or of certain sugared products, is constitutionally permissible? What basis, other than deception, can be used to justify a restriction or ban on commercial speech to children that is consistent with the First Amendment? Is advertising to young children deception solely because they are unable to appreciate the commercial nature of such messages? Do "Bates v. State Bar of Arizona," 45 U.S.L.W. 4895 (U.S. June 27, 1977), and "Virginia State Board of Pharmacy v. Virginia

Citizens Consumer Council," 425 U.S. 748 (1976), contemplate some form of misrepresentation, either by affirmative misstatement or omissions, before restrictions may be imposed? Assuming non-deceptive advertising to children is protected speech under the First Amendment, what considerations are relevant in determining whether a ban on TV advertising to young children constitutes a reasonable time, place or manner restriction?

SECTION D—LEGISLATIVE HEARING

A public, legislative-type hearing will begin on November 6, 1978, at 9 a.m., in Room 12138, at the Federal Building, 450 Golden Gate Avenue, San Francisco, Calif. The hearing will continue at 9 a.m., November 20, 1978, in Room 332, Federal Trade Commission, 6th and Pennsylvania Avenue NW, Washington, D.C. 20580. If you desire to present your views orally at this hearing, you must so advise the Presiding Officer, and furnish him with a verbatim copy of the statement you wish to read or summarize and an estimate of the time you will need, no later than October 24, 1978. Your request to appear must indicate whether you prefer to appear in San Francisco or Washington, D.C., and it must include a list containing any dates between November 6, 1978, and December 16, 1978, on which you could not be present to give your statement.

The Presiding Officer has the right to limit the number of witnesses to be heard if the orderly conduct of the hearing so requires. Although the Presiding Officer may change the deadlines established by this notice, they will not be extended and hearing dates will not be postponed unless hardship to participants can be demonstrated.

1. *Conduct of the legislative hearing.* The Presiding Officer appointed for this proceeding shall have all powers prescribed in 16 CFR 1.13(c), subject to the limitations described in this notice. He shall preside at the legislative hearing and may be accompanied by one or more members of the Commission and such experts, including Commission staff economists, as the Presiding Officer may designate to assist him. Any member of this panel may question any participant in the hearing on any subject relating to the rule. Interested persons may submit questions in writing for the President Officer to ask and he may, in his discretion, ask any question. Any person who appears at the legislative hearing may be required to appear at the disputed issues hearing for cross-examination.

2. *Instructions to participants—Presentation of your statement.* It will not be necessary for you to read your verbatim statement at the hearing. You may summarize your statement or simply appear to answer questions

¹⁹LSRO Report at 12.

with regard to the important aspects of that statement. No witness will be allowed more than 20 minutes to read or summarize his or her statement unless express approval is given in advance by the Presiding Officer.

b. *Use of exhibits.* Use of exhibits during oral presentations is encouraged, especially when they are to be used to help clarify technical or complex matters. If you plan to offer documents as exhibits, they must be filed during the general comment period so they can be studied by other interested persons. Mark each of the documents with your name, and number them in sequence, e.g., Jones Exhibit 1.

c. *Expert witnesses.* If you are going to testify as an expert witness, you must attach to your statement a curriculum vitae, biographical sketch, resume, or summary of your professional background and a bibliography of your publications. It would be helpful if you would also include documentation for the opinions and conclusions you express by footnotes to your statements or in separate exhibits. If your testimony is based upon or chiefly concerned with one or two major scientific works, copies must be furnished. The remaining citations to other works can be accomplished by using footnotes in your statement referring to those works.

d. *Results of surveys and other research studies.* If in your testimony you will present the results of a survey or other research study, as distinguished from simple references to previously published studies conducted by others, you must also present as an exhibit or exhibits in compliance with paragraph (a) above the following:

i. A complete report of the survey or other research study and the information and documents listed in (ii) through (v) if they are not included in that report.

ii. A description of the sampling procedures and selection process, including the number of persons contacted, the number of interviews completed, and the number of persons who refused to participate in the survey.

iii. Copies of all completed questionnaires or interview reports used in conducting the survey study if respondents were permitted to answer questions in words of their choice rather than to select an answer from one or more answers printed on the questionnaire or suggested by the interviewer.

iv. A description of the methodology used in conducting the survey or other research study including the selection of and instructions to interviewers, introductory remarks by interviewers to respondent and a sample questionnaire or other data collection instrument.

v. A description of the statistical procedures used to analyze the data

and all data tables which underlie the results reported.

Other interested persons may wish to examine the questionnaires, data collection forms and any other underlying data not offered as exhibits and which serve as a basis for your testimony. The information along with punch cards or computer tapes which were used to conduct analyses should be made available (with appropriate explanatory data) upon request of the Presiding Officer. The Presiding Officer will then be in a position to permit their use by other interested persons or their counsel.

e. *Other information relevant to the rule.* Any person who seeks to present information either orally or in writing, shall also present any studies or surveys in the possession, custody or control of the person or the organization he represents or is otherwise compensated by in connection with this proceeding which support, contradict or otherwise pertain to the person's presentation. This need not include information submitted by any other person or information which is publicly available.

SECTION E—DISPUTED ISSUES HEARING

1. *Designation of issues and witnesses.* No later than January 15, 1979, any interested person may submit for purposes of a second hearing proposed disputed issues of fact that are material and necessary to resolve within the meaning of Section 18 of the FTC Act. If you are proposing disputed issues, you must identify your interest with respect to each issue. The issues must be ones of specific or adjudicative, in contrast to legislative, fact. See H.R. Rep. No. 93-1606, 93rd Cong., 2d Sess. 33 (1974) (Conference Report); Davis, *Administrative Law Treatise*, §§ 7.01-7.04 (1970 Supp.). Only those crucial issues about which a *bona fide* dispute (established on the written record or at the legislative hearing) exists should be proposed to the Commission. They are the types of issues that are generally susceptible to definitive resolution through cross-examination. It is therefore possible that few, or no issues will require designation. In any event, the Commission expects that substantially fewer issues will be designated than have been designated in most previous Commission rulemakings under Section 18 of the Federal Trade Commission Act. Because a disputed issues hearing may be unnecessary and in any event will be narrow in scope, interested persons wishing to ensure that their views are fully considered should make full submissions to the record during the initial comment period or at the legislative hearing.

If you want to cross-examine a person who has presented evidence on the record or to rebut evidence on the

record at a disputed issues hearing, you must specify the person to be cross-examined or the person who shall appear with the rebuttal presentation, the specific presentation to which the cross-examination or rebuttal will be addressed, and a proposed disputed issue to which the cross-examination or rebuttal relates. The Presiding Officer has the power to disallow any cross-examination or rebuttal presentation which is not directed to a disputed issue designated by the Commission or which is not appropriate and required for a full and true disclosure with respect to such an issue. No further presentations will be permitted at this hearing. The Presiding Officer may conduct any examination, including cross-examination, to which a person may be entitled.

2. *Notice of disputed issues.* No later than February 27, 1979, the Commission shall publish a notice in the Federal Register designating any issues which it has determined to be disputed issues of fact that are material and necessary to resolve. The Commission may decide that some of those issues may appropriately be resolved by means of written rebuttal submissions only and will identify any such issues in the notice. Shortly thereafter, the Presiding Officer shall determine what cross-examination and oral rebuttal presentations will be allowed and shall identify groups of persons with the same or similar interests in the proceeding who will be required to choose a single representative for purposes of cross-examination. If a group is unable to select a representative, then the Presiding Officer may select a representative of each group provided that no person shall be denied the opportunity to cross-examine if she or he seeks to present substantial and relevant issues which will not be adequately presented by the group representative.

3. *Conduct of hearing.* A disputed issues hearing shall begin April 2, 1979. No later than March 29, 1979, persons who will make oral rebuttal presentations shall file with the presiding Officer a verbatim account of their presentations. This advance notice is required so that other interested persons can prepare for cross-examination if appropriate. The instructions of Section D (2) above apply equally with respect to rebuttal presentations in the disputed issues hearing.

SECTION F—POST-HEARING PROCEDURES

Interested persons will be afforded 20 days after the close of the disputed issues hearing to file written rebuttal submissions concerning disputed issues designated for the disputed issues hearing or disputed issues identified by the Commission on which only written rebuttal submissions will be re-

ceived. All such submissions must be based only upon identified, properly cited matters already in the record. The presiding Office will reject all submissions which are essentially additional written comments in contrast to rebuttal.

Not later than July 27, 1979, the staff shall release its report on the proceeding analyzing the record including the disputed issues, if any, and make its recommendations as to the form of the final rule. The Presiding Officer's report shall be released not later than September 12, 1979 and shall generally be confined to points of difference with the staff report. Post record comments, as described in § 1.13 (h) of the Commission's rules of practice, may be submitted until October 12, 1979.

SECTION G—RULEMAKING RECORD

In view of the substantial rulemaking records that have been established in prior trade regulation rulemaking proceedings (and the consequent difficulty in reviewing such records), the Commission urges all interested persons to consider the relevance of any material before placing it on the rulemaking record. While the Commission encourages comments on its proposed rule, the submission of material that is not generally probative of the issues posed by the proposed rule merely overburdens the rulemaking record and decreases its usefulness, both to those reviewing the record and to interested persons using it during the course of the proceeding. Readily available public material, such as books, articles, and journals should only be incorporated by reference in submissions for the record. The Commission's rulemaking staff has received similar instructions. Material that the staff has obtained during the course of its investigation prior to the initiation of the rulemaking proceeding that is not placed in the rulemaking record will be made available to the public, to the extent that it is considered to be non-exempt from disclosure under the Freedom of Information Act, 5 U.S.C. 552.

SECTION H—COMPENSATION FOR REPRESENTATION IN RULEMAKING PROCEEDINGS

Pursuant to Section 18 (h) of the FTC Act, funds may be available for reimbursement of public participation costs incurred in this proceeding to those who satisfy the requirements of § 1.17 of the Commission's rules. For further information regarding compensation contact Bonnie Naradzay, Special Assistant for Public Participation, Bureau of Consumer Production, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington D.C. 20580, 202-523-3391.

Issued: April 27, 1978.

By direction of the Commission.

CAROL M. THOMAS,
Secretary.

[FR DOC. 78-11323 Filed 4-26-78; 8:45 am]

[6355-01]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR 1115, 1116]

SUBSTANTIAL PRODUCT HAZARDS

Proposed Requirements, Policies, and Procedures

AGENCY: Consumer Product Safety Commission.

ACTION: Opportunity for oral presentation and additional comments on proposed regulation.

SUMMARY: On September 15, 1977, the Commission proposed for public comment a rule setting forth its interpretation of the requirements of section 15(b) of the Consumer Product Safety Act that manufacturers, importers, distributors, and retailers of consumer products immediately report to the Commission products that fail to comply with an applicable consumer product safety rule or contain a defect which could create a substantial product hazard. The proposed rule would clarify when a firm has obtained information which reasonable supports the conclusion that one of its products contains a reportable non-conformity with an applicable consumer product safety rule or a defect which could create a substantial product hazard. In addition, the proposed rule defines the information that must be supplied to the Commission as part of a report under section 15 and sets forth procedures and policies governing processing of reports and remedial action. The purpose of this notice is to announce that due to the number of comments received on this proposal and the importance and complexity of the issues raised, the Commission had decided to hold a limited public hearing to receive oral presentations and has decided to receive written comments specifically directed to the issues identified in this notice. Comments should not duplicate comments previously submitted.

DATES: (1) Those unable to appear at the public hearing may submit written comments on the specific issues identified in this notice by May 5, 1978. (2) There will be an opportunity for interested persons to orally present data, views, or arguments regarding these specific issues on May 5, 1978, at 9:30 a.m. in Room 390, Third Floor, Federal Building, Second Avenue, Seattle Wash. Oral presentations should not exceed ten (10) minutes. Those wishing to make oral presentations should

notify the Commission's Seattle area office 206-442-5276, by May 4, 1978. A written copy of the oral comments should be submitted to the Office of the Secretary of the Commission by May 12, 1978.

ADDRESS: Written comments should be submitted to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. All material which the Commission has that is relevant to this proposed regulation, including comments that have been or may be received regarding the proposed regulation, may be seen in and copies obtained from the Office of the Secretary, Consumer Product Safety Commission, Third Floor, 1111 18th Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Eric Stone, Product Defect Correction Division, Consumer Product Safety Commission, Washington, D.C. 20207, 202-492-6608.

Persons wishing to make oral presentations should contact: Mr. Lee Baxter at the Commission's Seattle area office, 206-442-5276.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On September 16, 1977, the Consumer Product Safety Commission (Commission) published in the FEDERAL REGISTER proposed regulations entitled "Substantial Product Hazards. Proposed Reporting Requirements for Manufacturers, Importers, Distributors, and Retailers of Products" under section 15(b) of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2064(b)) and invited comments from the public (42 FR 46720). Section 15(b) of the Consumer Product Safety Act requires that every manufacturer, distributor, or retailer of a consumer product who obtains information which reasonably supports the conclusion that such product either fails to comply with an applicable consumer product safety rule, or contains a defect which could create a substantial product hazard, shall immediately inform the Commission, unless such manufacturer, distributor, or retailer has actual knowledge that the Commission has been adequately informed of such defect or failure to comply. Section 15(a) defines a substantial product hazard as a failure to comply with an applicable consumer product safety rule or a product defect which because of the pattern of defect, the severity of the risk, the number of defective products, or other reasons, presents a substantial risk of injury to the consumer. Sections 15(c) and (d) set forth various actions that the Commission can take to eliminate a hazard, including ordering the firms in question to notify the public, and/or to repair, replace, or

refund the purchase price of the product. In addition, the Commission may seek to enjoin further sale or distribution of the product.

The proposed rule combines into one regulation many of the existing Commission policies and procedures under section 15(b), set forth in 16 CFR Parts 1115 and 1116. In addition, it clarifies the reporting requirements of section 15(b) by defining the term "defect," indicating the kinds of information that are reportable, and explaining when an obligation to report arises.

The Commission received 133 comments from consumer groups, manufacturers, importers, distributors, retailers, trade associations, private labelers, and others concerning various aspects of the proposed rule. Because a number of these comments indicate concern or confusion about basic provisions of the proposed rule, the Commission has determined that it is in the public interest to allow interested parties to make oral presentations on the specific issues framed by the Commission in a public hearing. Parties unable to make an oral presentation may submit written comments on these issues. The Commission asks that where possible, commenters should provide alternative language, economic data, and specific examples to support their arguments. The Commission believes that the additional comments on these issues will help it to formulate a fair and effective final rule. The Commission is considering issuing this rule as a substantive rather than an interpretative rule. The Commission asks that commenters evaluate the impact of each of the provisions for which comments are solicited with this possibility in mind. As a result, commenters may wish to address the impact that one of these provisions might have both if it is legislative or interpretative in nature.

ISSUES RAISED

From the comments already received, the Commission has identified the issues discussed below as those aspects of the proposal producing the greatest misunderstanding or controversy. The Commission is therefore seeking additional comments limited specifically to one or more of these issues. At the oral presentation, comments not addressing one or more of these issues may be ruled out of order.

The fact that the Commission is not seeking comment on all issues contained in the proposed regulations does not mean that the Commission has foreclosed all thought on issues for which comments are not being sought. Rather, it means that the Commission believes that adequate comments have already been received on the excluded issues.

1. The definition of defect as any aspect of a product which creates an

unnecessary risk of injury (proposed §1115.3(b)(3)).

The failure to include a definition of "defect" in the CPSA has created uncertainty for the Commission and those subject to the Act in determining when a report under section 15(b) is required. The Commission has viewed the legal concept of "defect" as having a meaning broader than the dictionary or common usage definition. In specific cases, the Commission or its staff has applied section 15(b) to consumer products manufactured exactly in accordance with specifications but posing a substantial risk of injury inherent in the design of the product. In another case, the staff believes that the failure to provide adequate installation instructions for an otherwise safety-designed and constructed consumer product creates a reportable "defect." The proposed definition of "defect" contained in §1115.3(b)(3) represents an effort to incorporate the Commission's broad interpretation of the word and provide guidance to parties subject to section 15(b). Numerous comments on the proposed definition were submitted, including statements that it is too broad, imprecise and subjective. Alternative approaches would be to have no definition at all or to describe the factors that the Commission includes in its concept of defect, including design, construction, packaging, etc. The Commission seeks comments on these alternatives and invites additional proposals.

2. A firm is deemed to have received information 5 days after an employee has received the information (proposed §1115.10(d)).

Proposed §1115.10(d) provides that a firm subject to section 15(b) is deemed to have received information within a reasonable time, but not more than 5 working days, within which the information has been received by an official or employee of the firm in the normal course of business. The proposal reflects Commission experience with firms that failed to provide adequate internal procedures for transmitting product safety information to the officer or employee responsible for reporting to the Commission. Commenters have objected to the Commission's selection of 5 working days as a maximum reasonable time. The Commission wishes to know from firms that have established internal procedures for transmitting product safety information and have delegated the reporting function, whether 5 days is a reasonable period of time. Please provide the reasons for the answer. Suggestions and discussions are invited on alternatives for meeting the Commission's concern.

3. The presumption that a product-related death or grievous bodily injury should be reported unless a firm has clear evidence that the death or injury

is not the result of a product defect or nonconformity with a consumer product safety rule (proposed §1115.11(a)).

The Commission views the reporting requirement of section 15(b) as one of the most important statutory mechanisms for safeguarding the public from injury from hazardous consumer products. Proposed §1115.11(a) establishes a presumption that firms have obtained information which reasonably supports the conclusion that a product fails to conform with an applicable consumer product safety rule or contains a defect which could create a substantial product hazard when it receives information that the product was involved in a death or grievous bodily injury, unless it has clear evidence that the injury was not caused by a nonconformity or defect. The Commission staff anticipates that if this section is adopted as a final regulation, firms learning of a death or grievous bodily injury will either utilize the period provided for investigation and evaluation (§1115.11(c)(1)) or will immediately notify the Commission (§1115.11(c)(2)). Many commenters oppose this presumption and predict that proposed §1115.11(a) will require firms to report a large volume of useless information on conforming or nondefective products because there is not an adequate opportunity for subject firms to assess the safety of the product or the accuracy of the accident report. They question whether the Commission will be able to assess the resulting defect reports. In addition, many express concern that the reporting of unverified information will increase the risk of private products liability suits against subject firms. In view of the controversy surrounding this proposal, the Commission invites new comments and alternative proposals to the provision that retain the basic idea that firms be encouraged to investigate serious accidents involving their products to determine if a substantial product hazard may be present.

4. The listing of types of information which the Commission believes should be studied and evaluated to determine if there is an obligation to report; the allowance of a period, not to exceed 10 working days, to conduct such study and evaluation (proposed §1115.11(b)).

Proposed §1115.11(b) lists several types of information that a manufacturer, importer, distributor, or retailer should study and evaluate, absent a report of death or grievous bodily injury associated with a consumer product, to determine if there is an obligation to report under section 15(b). The purpose of the section is to be sure subject firms recognize that information which may trigger the reporting obligation may be obtained from sources other than a report of death or grievous bodily injury. For

example, consumer complaints may lead a manufacturer to conduct an engineering or laboratory analysis of the product. The results may, in turn, lead to design or quality control changes that remove a hazard from future production but do not remove the hazard from past production. Study of the type of information listed in proposed § 1115.11(b) is to be accomplished within a reasonable period of time, not to exceed 10 working days in accordance with proposed § 1115.11(c). The Commission is seeking comments on the § 1115.11(c) generally, and specifically on whether the allowance of 10 working days is a reasonable period of time and or whether a firm should be held to the conclusions that would be drawn from the data had it been properly analyzed. Interested parties are invited to comment on the reasonableness of these proposals.

5. The confidentiality and disclosure of information submitted to the Commission in a report under section 15 (proposed § 1115.13).

Proposed § 1115.13 provides that a person who submits information in a report under section 15 must submit with the report a written request (or indicate that such a request will be submitted within 10 working days) that the information be considered exempt from disclosure under the Freedom of Information Act, as amended (15 U.S.C. 552(b)), or the CPSA. The proposed section also describes CPSA section 6(b), which generally requires 30 days notification to manufacturers and private labelers before information is made public. Comments on this proposed section included suggestions that the Commission treat as confidential all information contained in the initial report, all information submitted until the Commission finds that the product contains a substantial product hazard, or all information submitted until the reporting party has been notified of a request for disclosure and has had an opportunity to object. At least one commenter suggested that in the event the Commission did not find that the product contained a substantial product hazard, the information should be returned to the party that submitted it. The Commission is seeking comments specifically on these proposals and generally on the confidentiality of information submitted to it.

PROCEDURES FOR ORAL AND WRITTEN COMMENTS: There will be an opportunity for interested persons to orally present data, views, or arguments on the aspects of the proposed regulation described in this notice on May 5, 1978 at 9:30 a.m. in the North Auditorium, Fourth Floor, Federal Building, 915 Second Avenue, Seattle, Wash. Those wishing to make oral presentations should notify the

Commission's Seattle area office, 206-442-5276 by May 4, 1978. In addition, a copy of the testimony, preferably in five (5) copies, is to be submitted to the Office of the Secretary by May 12, 1978. Oral presentations shall not exceed ten (10) minutes (unless extended by the Commission to compensate for time expanded in responding to questions from the Commission) and shall be limited to the issues described above. Oral presentations shall not duplicate comments previously submitted during the comment period which ended on November 30, 1977. The Commission may rule out of order comments that are outside the scope of the public hearing or are repetitious. The Commission and its staff may ask questions of persons making presentations. Persons who cannot attend the public hearing may submit written comments on the issues described above by submitting them to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, preferably in five (5) copies, by May 5, 1978. Comments received after the date will be considered to the extent practicable.

The official transcript of the public meeting to hear oral presentations of data, views, or arguments, any written comments are received, and all other material which the Commission has that is relevant to this proceeding may be seen in, or copies obtained from, the Office of the Secretary, 3rd floor, 1111 18th Street NW., Washington, D.C. 20207.

Dated: April 24, 1978.

SADY DUNN,
Acting Secretary, Consumer
Product Safety Commission.

[FR Doc. 78-11479 Filed 4-26-78; 8:45 am]

[4910-62]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[41 CFR Part 12-60]

[OST Docket No. 19; Notice 78-2]

PROCUREMENT REGULATIONS

Contract Appeals Procedures

AGENCY: Department of Transportation, Office of the Secretary.

ACTION: Proposed rule.

SUMMARY: The Department of Transportation is proposing to revise the procedures of its Contract Appeals Board and also to amend the authority of the Board members. The proposed revisions to the Board's contract appeals procedures will bring them into substantial conformity with the Uniform Rules of Practice for Boards of Contract Appeals, as proposed by the National Conference of Boards of Contract Appeals Members.

DATES: Comments should be received by June 12, 1978.

ADDRESS: Comments should be submitted to Docket Clerk, OST Docket No. 19, Department of Transportation, Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Gerson B. Kramer, Chairman, Department of Transportation Contract Appeals Board, Room 9126, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-4305.

SUPPLEMENTARY INFORMATION:

The revision will change the contract appeals procedures published in the FEDERAL REGISTER, May 27, 1967 (32 FR 7772), amended September 23, 1967 (32 FR 13411), re-issued March 4, 1972, (37 FR 4887), and again re-issued September 8, 1977, (42 FR 45176). The rules which the Department's Contract Appeals Board proposes to adopt have been adopted in major part by a majority of other boards of contract appeals in the executive establishment. Some changes from the Uniform Rules of Practice, as proposed by the National Conference of Boards of Contract Appeals Members, have been made to adapt procedures to the Board's existing organization. Among the major features incorporated in the proposed revisions are adoption of the Uniform Rules' optional accelerated procedure for small claims. The Department's proposal, however, would expand the dollar limits for this procedure to a larger number of small claims and a greater proportion of the Board's docket. The Board's existing conference hearing procedure has been deleted in favor of the expanded optional accelerated procedure for small claims. Also added are provisions for sanctions and summary dismissals by the Board for failure to comply with its orders; a new rule prohibiting ex parte communications; and a provision authorizing Board members to act for the Secretary in requesting subpoenas under 5 U.S.C. 304.

Adoption of the proposed procedural rules will make more uniform the procedural rules which contractors must follow when they appear before agency contract appeals boards and thus relieve them of the administrative burden of mastering differing procedural rules.

Interested persons are invited to participate in this proposed rulemaking by submitting written views, data or arguments. Persons submitting comments should include their name and address and the specific section of the proposal to which the comment applies giving the basis for the comment. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal.

All comments received will be available for public inspection and copying in the Office of the Assistant General Counsel for Regulation and Enforcement, Room 10100, Nassif Building, 400 Seventh Street, SW., Washington, D.C., between the hours of 9:00 a.m. and 5:30 p.m. local time, Monday through Friday except Federal holidays.

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are: Gerson B. Kramer, Chairman, Department of Transportation Contract Appeals Board, and Board members Emanuel P. Snyder, Thaddeus V. Ware, and Howard L. Auten.

In consideration of the foregoing, the Department of Transportation proposes to revise Part 12.60 of Title 41, Code of Federal Regulations, to read as appears below.

PART 12-60—CONTRACT APPEALS

Sec.

- 12-60.000 Scope of part.
12-60.001 Definitions.

Subpart 12-60.1—Contract Appeals Board

- 12-60.101 Establishment.
12-60.102 Qualifications of members.
12-60.103 Authority and duties of the Board and its members.
12-60.104 Authority and duties of the chairman.
12-60.105 Maintenance of records.

Subpart 12-60.2—Contract Appeals Procedures

Sec.

- 12-60.201 General.
12-60.202 Rules of Procedure.
12-60.203 Ex Parte Communications.
12-60.204 Effective date.

AUTHORITY: 80 Stat. 931 et. seq.; 49 U.S.C. 1651 et seq.

§ 12-60.000 Scope of part.

This part establishes the Department of Transportation Contract Appeals Board, prescribes its functions and procedures, and provides for the appointment of a chairman and members of the Board and sets forth their duties.

§ 12-60.001 Definitions.

For the purposes of this part—

- (a) "Appellant" means the contractor who appeals;
(b) "Board" means the Department of Transportation Contract Appeals Board;
(c) "Contracting Officer" means the Government contracting officer whose decision is appealed, or the successor contracting officer;
(d) "The parties" means the appellant and the Contracting Officer; and
(e) "The Secretary" means the Secretary of Transportation.

Subpart 12-60.1—Contract Appeals Board

§ 12-60.101 Establishment

A Department of Transportation Contract Appeals Board is hereby established. The Secretary appoints and terminates the appointments of the members of the Board, and designates one of them as chairman. The Board is responsible directly to the Secretary.

§ 12-60.102 Qualifications of members.

Each member of the Board must be a qualified attorney who is admitted to practice before the highest court of a State or the District of Columbia, and shall be a civilian employee or a commissioned officer of the Department. Members of the Board are designated as Administrative Judges.

§ 12-60.103 Authority and duties of the Board and its members.

(a) The Board acts for the Secretary in hearing and deciding: (1) Appeals by contractors from decisions made by contracting officers under contracts which provide for such an appeal to the Secretary; and (2) other matters as directed by the Secretary. In each case, the Board shall make a final decision which is impartial, fair, and just to the parties and is supported by the record of the case and the law. The member or members assigned to hear an appeal have authority to act for the Board in all matters with respect to such appeal. No member may act for the Board or participate in a decision who has participated directly in any aspect of the award or administration of the contract involved.

(b) Except for appeals considered under accelerated procedures, appeals are assigned to a panel of three members of the Board. The decision of a majority of the panel shall constitute the decision of the Board.

(c) Any presiding Board member may act for the Secretary in requesting the issuance of subpoenas under 5 U.S.C. 304.

§ 12-60.104 Authority and duties of the chairman.

The chairman is delegated authority over and is responsible for—

- (a) The internal organization and administration of the Board;
(b) The receipt and custody of all papers and materials relating to contract appeals;
(c) The assignment of a member or members of the Board to act for the Board in each appeal and the assignment of the panel of Board members to decide each appeal, where required;
(d) The designation of an acting chairman during the absence, disqualification, or disability of the chairman; and
(e) The promulgation of additional or supplemental rules of procedure, not inconsistent with those established by the Secretary.

§ 12-60.105 Maintenance of records.

Appeal record files will be maintained for a period of ten years from the date of the Board's decision.

Subpart 12-60.2—Contract Appeals Procedures

§ 12-60.201 General.

(a) It is the intent of the rules in this part to provide for the just and inexpensive determination of appeals without unnecessary delay. It is the objective of the Board's preliminary procedures to encourage full disclosure of relevant and material facts, and to discourage surprise. Each specified time limitation is a maximum, and should not be fully exhausted if the action described can be accomplished in a shorter period. The Board may extend any time limitation for good cause and in accordance with legal precedent.

(b) Ordinarily, the appellant has the burden of proof.

§ 12-60.202 Rules of procedure.

These rules shall govern the procedures in all contract disputes appeals coming before the Board.

PRELIMINARY PROCEDURES

Rule 1. How to appeal a Contracting Officer's decision. Notice of an appeal must be in writing, addressed to the Secretary; the original, together with two copies, shall be filed with the Contracting Officer from whose decision the appeal is taken. The notice of appeal shall be mailed or otherwise filed within 30 days unless a different time is specified in the contract or allowed by applicable directive, regulation, or law.

Rule 2. Contents of notice of appeal. A notice of appeal shall indicate that an appeal is intended and identify the contract by number, the administration, bureau, or office cognizant of the dispute, and the decision from which the appeal is taken. The notice of appeal shall be signed personally by the appellant, or by an officer of the appellant corporation or member of the appellant firm, or by an appellant's authorized representative or attorney.

Rule 3. Forwarding of appeals by the Contracting Officer. Upon receipt of a notice of appeal in any form the Contracting Officer shall endorse on the notice the date of mailing by the appellant (or date of receipt, if otherwise conveyed) and within 10 days shall forward the notice of appeal to the Board. Following receipt by the Board of the original notice of an appeal, whether through the Contracting Officer or otherwise, the appellant and the Contracting Officer are promptly notified of its receipt and docketing by the Board, and the Board furnishes the contractor with a copy of these rules.

Rule 4. Preparation, contents, organization, forwarding, and status of appeal file.—(a) Duties of Contracting Officer. Within 30 days of receipt of notice that an appeal has been docketed, the Contracting Officer shall assemble and transmit to the Board, with a copy to the Government attorney, an appeal file consisting of all documents pertinent to the appeal, including:

(1) The Contracting Officer's decision and findings of fact from which the appeal is taken;

(2) The contract, including pertinent specifications, modifications, plans, and drawings;

(3) All correspondence between the parties pertinent to the appeal, including the letters of claim in response to which the decision was issued;

(4) Transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board; and

(5) Any additional information considered pertinent.

Within the 30 days specified above, the Contracting Officer shall furnish the appellant a list of each document transmitted to the Board, together with a copy of each document so sent, except for those listed in subparagraph (a)(2) above or those subject to paragraph (d) below.

(b) **Duties of the appellant.** Within 30 days after receipt of a copy of the appeal file assembled by the Contracting Officer, the appellant may supplement the file by transmitting to the Board any additional documents which it considers pertinent to the appeal and shall furnish two copies of such documents to the Government attorney.

(c) **Organization of appeal file.** Documents in the appeal file may be originals or legible facsimiles or authenticated copies, and shall be arranged in chronological order where practicable, numbered sequentially, tabbed, and indexed to identify the contents of the file. The Contracting Officer's final decision and the contract shall be conveniently placed in the file for ready reference.

(d) **Lengthy documents.** The Board may waive the requirement of furnishing to the other party copies of bulky, lengthy, or out-of-size documents in the appeal file when a party has shown that doing so would impose an undue burden. At the time a party files with the Board a document as to which such a waiver has been granted, he shall notify the other party that the document or a copy is available for inspection at the offices of the Board or of the party filing the document.

(e) **Status of documents in appeal file.** Documents contained in the appeal file are, without further action

by the parties, a part of the record upon which the Board renders its decision, unless a party objects to the consideration of a particular document at or before the hearing or, if there is no hearing on the appeal, before settling the record. If objection to a document is made, the Board rules upon its admissibility into the record as evidence in accordance with Rules 15 and 21.

Rule 5. Service of documents. A copy of every written communication submitted to the Board shall be sent to every other party to the dispute. Such communications shall be sent by delivering in person or by mailing, properly addressed with postage prepaid, to the opposing party or, where the party is represented by counsel, to its counsel. Each communication with the Board shall be accompanied by a statement, signed by the originating party, saying when, how, and to whom a copy was sent.

Rule 6. Computation and extension of time limits.—(a) Computation. Except as otherwise provided by law, in computing any period of time prescribed by these rules or by any order of the Board, the day of the event from which the designated period of time begins to run is not included, but the last day of the period is included unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs to the end of the next business day.

(b) **Extensions.** All requests for extensions of time shall be submitted to the Board in writing and shall state good cause for the request.

Rule 7. Motions. Motions are made by filing an original and two copies, together with any supporting papers, with the Board. Motions may also be made upon the record, in the presence of the other party, at a prehearing conference or a hearing. The Board considers any timely motion:

(a) For extension of time (Rule 6) or to cure defaults;

(b) To require that a pleading be made more definite and certain, or for leave to amend a pleading (Rule 9);

(c) To dismiss for lack of jurisdiction (Rule 31); to dismiss for failure to prosecute (Rule 33); or to grant summary relief because a pleading does not raise a justifiable issue;

(d) For discovery, for interrogatories to a party, or for the taking of depositions (Rules 16, 17);

(e) To reopen a hearing; or to reconsider a decision, (Rule 30); or

(f) For any other appropriate order.

The Board may, on its own motion, initiate any such action by notice to the parties. Unless a longer time is allowed by the Board, a party who receives a motion shall file any answering material within 20 days after the date of receipt. The Board makes an order on each motion that is appropriate and just to the parties, and upon

conditions that will promote efficiency in disposing of the appeal. The Board may permit oral hearing or argument on motions, and may require the presentation of briefs.

Rule 8. Pleadings.—(a) Complaint. Within 30 days after receipt of notice of docketing of the appeal, the appellant shall file with the Board an original and two copies of a complaint setting forth simple, concise, and direct statements of each of its claims, alleging the basis, with appropriate reference to contract provisions, for each claim, and the dollar amount claimed. This pleading shall fulfill the generally recognized requirements of a complaint, although no particular form is required. If the complaint is not filed within 30 days and, in the opinion of the Board, the issues before the Board are sufficiently defined, the appellant's claim and notice of appeal may be deemed to set forth its complaint, and the parties are so notified.

(b) **Answer.** Within 30 days from receipt of said complaint or a Rule 8(a) notice from the Board, the Government shall file with the Board an original and two copies of an answer, setting forth simple, concise, and direct statements of the Government's defenses to each claim asserted by appellant. This pleading shall fulfill the generally recognized requirements of an answer and shall set forth any affirmative defenses or counterclaims as appropriate. Should the answer not be filed within 30 days, the Board may, in its discretion, enter a general denial on behalf of the Government, and the parties are so notified.

Rule 9. Amendments of pleadings or record.—(a) Pleadings. The Board upon its own initiative or upon application by a party may, in its discretion, order a party to make a more definite statement of the complaint or answer, or to reply to an answer. The application for such an order suspends the time for responsive pleading. The Board may, in its discretion and within the proper scope of the appeal, permit either party to amend its pleading upon conditions just to both parties.

(b) **Record.** When an issue within the proper scope of the appeal, but not raised by the pleadings or the documentation described in Rule 4, is tried by consent of the parties or by permission of the Board, the issue is treated in all respects as if it had been raised. A motion to amend the pleadings to conform to the proof may be made but is not required. If evidence is objected to at a hearing on the ground that it is not within an issue raised by the pleadings or the Rule 4 documentation (which are part of the pleadings for this purpose), it may be admitted in evidence, but the objecting party may be granted a continuance if necessary to enable him to meet such evidence.

Rule 10. Hearing election. (a) Upon receipt of the Government's answer or of the notice that the Board has entered a general denial on behalf of the Government, appellant shall advise the Board in writing whether he desires a hearing under the Board's regular procedures (Rules 18 through 26), or whether, in the alternative, he elects to submit his case on the written record without a hearing. (Rule 13)

(b) In cases where the sums involved fall within the limits of the Board's optional accelerated procedure the appellant shall, promptly after receipt of a copy of the appeal file, notify the Board whether he elects the use of the optional accelerated procedure. (Rule 14)

Rule 11. Prehearing briefs. The Board may, in its discretion, require the parties to submit prehearing briefs in any case in which a hearing has been elected pursuant to Rule 10. If the Board does not ask for briefs, either party may, upon notice to the other party, furnish a prehearing brief to the Board. In any case where a prehearing brief is submitted, it shall be furnished so as to be received by the Board at least 15 days prior to the date set for hearing, and a copy shall be furnished simultaneously to the other party.

Rule 12. Prehearing conference. Whether the case is to be submitted pursuant to Rule 13, or heard pursuant to Rule 18 through 26, the Board, upon its own initiative or upon the application of either party, may call upon the parties to appear before the Board for a conference to consider:

- (1) The simplification or clarification of the issues;
- (2) The possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already of record, or similar agreements which will avoid unnecessary proof;
- (3) The limitation of the number of witnesses and the avoidance of similar cumulative evidence;
- (4) The possibility of agreement disposing of all or any of the issues in dispute; and
- (5) Such other matters as may aid in the disposition of the appeal.

The result of the conference is set forth in an appropriate memorandum or order which becomes part of the record.

Rule 13. Submission of appeal without a hearing. Either party may elect to waive a hearing and to submit its case upon the record before the Board pursuant to Rule 15. Submission of a case without hearing does not relieve the parties from the necessity of proving the facts supporting their allegations or defenses. Affidavits, depositions, admissions, answers to interrogatories, and stipulations may be em-

ployed to supplement other documentary evidence in the Board record. The Board may permit such submission to be supplemented by oral argument (transcribed if requested) and by briefs in accordance with Rule 24.

Rule 14. Optional accelerated procedure.—(a) *Application.* In appeals involving \$50,000 or less, either party may elect to have the appeal considered under a shortened and accelerated procedure. The election shall be in writing and filed with the Board as provided in Rule 10(b). For application of this rule the amount in controversy is determined by the sum of the amounts claimed by each party against the other in the appeal proceeding. If no specific amount of claim is stated, a case is considered to fall within this rule if the sum of the amounts which each party represents in writing that it could recover as a result of a Board decision favorable to it does not exceed \$50,000. A case is considered under this rule unless the Board, at the request of the other party or on its own motion, finds that the substantive nature of the dispute requires the use of the Board's regular procedures. In cases proceeding under this rule, the parties are encouraged to the extent possible and consistent with adequate presentation of their factual and legal positions to waive pleadings, discovery, and briefs.

(b) *Decisions.* Written decisions by the Board in cases proceeding under this rule normally are brief and contain only summary findings of fact and conclusions of law. The Board endeavors to render its decision within 30 days after the appeal is ready for decision. Decisions are rendered for the Board by a single Administration Judge with the concurrence of the Chairman or a designated member; however, in cases involving \$10,000 or less where there has been a hearing, the single Administrative Judge presiding at the hearing may at the conclusion of the hearing and after entertaining such oral arguments as he deems appropriate, render on the record oral summary findings of fact, conclusions of law, and a decision of the appeal. In the latter instance, the Board subsequently furnishes the parties a copy of the oral decision for record and payment purposes and to establish the date from which the period for filing a motion for reconsideration under Rule 30 commences.

(c) *Applicable rules.* Except as modified herein, these rules apply to accelerated cases in all respects.

Rule 15. The record of the appeal.—(a) *Contents.* The record upon which the Board's decision is rendered consists of the appeal file described in Rule 4 and, if filed, the pleadings, prehearing conference memoranda or orders, prehearing briefs, depositions and interrogatories and answers to in-

terrogatories received in evidence, admissions, stipulations, transcripts of hearings, hearing exhibits, post-hearing briefs, and documents which the Board has specifically made a part of the record. The record is at all reasonable times available for inspection by the parties at the office of the Board.

(b) *Time of closing the record.* Except as the Board, in its discretion, may otherwise order, no proof is received in evidence after completion of the oral hearing of the appeal or, in cases submitted on the record, after notification by the Board that the case is ready for decision.

(c) *Weight of the evidence.* The weight to be attached to any evidence of record rests within the sound discretion of the Board. The Board may require either party, with appropriate notice to the other party, to submit additional evidence on any matter relevant to the appeal.

Rule 16. Discovery—Depositions.—(a) *General policy and protective orders.* The parties are encouraged to engage in voluntary discovery procedures. In connection with any deposition or other discovery procedure, the Board may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, undue burden or expense. Such orders may include limitations on the scope, method, time and place for discovery, or provisions for protecting the secrecy of confidential information or documents.

(b) *Obtaining a deposition.* If the parties are unable to agree upon the taking of a deposition, the Board, upon application of either party and for good cause shown, may order the taking of testimony of any person by deposition upon oral examination or written interrogatories before any officer authorized to administer oaths at the place of examination, for use as evidence or for purposes of discovery. The application for such order shall specify whether the purpose of the deposition is for discovery or for use as evidence.

(c) *Orders on depositions.* The time, place, and manner of taking depositions are as mutually agreed upon by the parties, or failing such agreement, as ordered by the Board.

(d) *Use as evidence.* No testimony taken by deposition is considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at the hearing. Testimony by deposition is not ordinarily received in evidence if the deponent is present and can testify personally at the hearing. However, any deposition may be used to contradict or impeach the testimony of a witness at the hearing. In cases submitted on the record, the Board, in its discretion, may receive depositions as evidence to supplement the record.

(e) *Expenses.* Each party bears its own expenses associated with discovery, unless, in the discretion of the Board, the expenses are apportioned otherwise.

Rule 17. *Interrogatories to parties, admission of facts, and inspection of documents.*—(a) *General.* The general policy governing interrogatories to parties, admissions of facts, and production and inspection of documents is as stated in Rule 16.

(b) *Interrogatories to parties.* After an appeal has been filed with the Board, a party may serve on the other party written interrogatories to be answered separately in writing, signed under oath, and returned within 30 days of receipt by the answering party. Within 10 days after service the answering party may object to any interrogatory and the Board determines the extent to which the interrogatory is permitted.

(c) *Admission of facts.* After an appeal has been filed with the Board, a party may serve upon the other party a written request for the admission of specified facts. If the request is to admit the genuineness of a document or the truth of any facts stated in a document, a copy of such document shall be served with the request. Within 30 days after receipt of the request, the party served shall answer each requested admission of fact or file objections thereto in writing. The factual propositions set out in the request are deemed admitted, if the answering party, willfully and without good cause, fails to respond to the request for admissions.

(d) *Production and inspection of documents.* Upon motion of any party showing good cause, the Board may order the other party to produce and permit the inspection and copying or photographing of any designated documents, not privileged, regarding any matter which is relevant to the appeal.

HEARINGS

Rule 18. *Time and place of hearing.* Hearings are scheduled at the discretion of the Board, ordinarily at locations mutually convenient to the parties and their witnesses. At the request of either party and for good cause shown, the Board, in its discretion, may advance a hearing, after giving due consideration to the regular order of appeals and other pertinent factors.

Rule 19. *Notice of hearings.* The parties are given at least fifteen (15) days notice of the time and place set for hearing. In scheduling hearings, the Board gives due regard to the desires of the parties and to the requirement for the just and inexpensive determination of appeals without unnecessary delay. Notices of hearing shall be promptly acknowledged by the parties.

Rule 20. *Unexcused absence of a party.* The unexcused absence of a

party at the time and place set for hearing is not occasion for delay. In the event of such absence, the presiding Administrative Judge may order the hearing to proceed and, in his discretion, may invoke the provisions of Rule 33.

Rule 21. *Nature of hearings.* Hearings are as informal as may be reasonable and appropriate under the circumstances. At the hearing appellant and respondent may offer such relevant evidence as they deem appropriate and as would be admissible under the Federal Rules of Evidence, subject, however, to the sound discretion of the presiding Administrative Judge in supervising the extent and manner of presenting the evidence. In general, admissibility is governed by relevancy and materiality. Copies of documents, affidavits, or other evidence not ordinarily admissible under judicial rules of evidence, may be admitted in the discretion of the presiding Administrative Judge. The weight to be attached to evidence presented in any particular form is within the discretion of the Board, taking into consideration all the circumstances of the particular case. Stipulations of fact agreed upon by the parties may be used as evidence at the hearing. The parties may stipulate the testimony that would be given by a witness if the witness were present. In any case the Board may require evidence in addition to that offered by the parties.

Rule 22. *Examination of witnesses.* Witnesses before the Board are examined orally under oath or affirmation, unless the facts are stipulated, or the Board otherwise orders. If the testimony of a witness is not given under oath, the Board warns the witness that his statements are subject to the provisions of Title 18, United States Code, sections 287 and 1001, and any other provision of law imposing penalties for knowingly making false representations in connection with claims against the United States.

Rule 23. *Copies of papers.* When books, records, papers, or documents have been received in evidence, a true copy or any material or relevant part may be substituted during or at the conclusion of the hearing.

Rule 24. *Posthearing briefs.* Posthearing briefs may be submitted upon such terms as may be agreed upon by the parties and the presiding Administrative Judge at the conclusion of the hearing.

Rule 25. *Transcript of proceedings.* Testimony and argument at hearings are reported verbatim, unless the Board otherwise orders. Transcripts or copies of the proceedings are supplied to the parties and others at such rates as may be fixed by the Board.

Rule 26. *Withdrawal of exhibits.* After a decision has become final the Board, in its discretion, upon request

and after notice to the other party, may direct or permit the withdrawal of all or part of original exhibits. The substitution of true copies of exhibits or photographs of physical objects may be required by the Board as a condition of withdrawal.

REPRESENTATION

Rule 27. *The appellant.* An individual appellant may appear before the Board in person, a corporation by an officer, a partnership or joint venture by a member, or any of these by an attorney at law admitted to practice before the highest court of the District of Columbia or any State, Commonwealth, or territory of the United States. An attorney representing an appellant shall file a written notice of appearance with the Board.

Rule 28. *The Government.* Government counsel may, in accordance with their authority, represent the interest of the Government before the Board. They shall file notices of appearance with the Board. Whenever at any time it appears that the appellant and the Government are in agreement as to disposition of the controversy, the Board may suspend further processing of the appeal; however, if the Board is advised thereafter by either party that the controversy has not been disposed of by agreement, the case is restored to the Board's calendar without loss of position.

DECISIONS AND RECONSIDERATION OF DECISIONS

Rule 29. *Decisions.* Decisions of the Board are rendered in writing. Copies are forwarded simultaneously to both parties. The rules of the Board and all final orders and decisions are open for public inspection at the offices of the Board in Washington, D.C. Decisions of the Board are made solely upon the record, as described in Rule 15.

Rule 30. *Motion for reconsideration.* A motion for reconsideration by either party shall set forth specifically the grounds relied upon to sustain the motion and be filed within 30 days from the date of receipt of a copy of the Board's decision.

DISMISSALS AND SANCTIONS

Rule 31. *Dismissal for lack of jurisdiction.* Any motion addressed to the jurisdiction of the Board shall be promptly filed. A hearing on the motion may be afforded on application of either party. The Board has the right at any time on its own motion to raise the issue of its jurisdiction to proceed with a particular case and do so by an appropriate order, affording the parties an opportunity to be heard.

Rule 32. *Dismissal without prejudice.* When the Board is unable to proceed with disposition of an appeal for

reasons not within its control, such appeal is placed in a suspense status. In any case where such suspension has continued, or it appears that it may continue for a period in excess of 1 year, the Board may dismiss the appeal without prejudice to its restoration to the Board's docket when the cause of suspension has been eliminated. Unless either party or the Board acts to reinstate any appeal so dismissed within 3 years from the date of dismissal, the dismissal is automatically converted to a dismissal with prejudice without further action by the parties or the Board.

Rule 33. *Dismissal for failure to prosecute.* Whenever a record discloses the failure of any party to file documents required by these rules, respond to notices or correspondence from the Board, comply with orders of the Board, or otherwise indicates a party's intention not to continue the prosecution or defense of an appeal, the Board may issue an order requiring the offending party to show cause why the appeal should not be dismissed or granted, as appropriate.

Rule 34. *Sanctions.* If any party fails or refuses to obey an order issued by the Board, the Board may make such order in regard to the failure as it considers necessary to the just and expeditious conduct of the appeal, including dismissal with prejudice.

COURT REMANDS

Rule 35. *Remand from court.* Whenever any court remands a case to the Board for further proceedings, each of the parties shall, within 20 days of such remand, submit a report to the Board recommending procedures to be followed so as to comply with the court's order. The Board considers the reports and enter special orders governing the handling of the remanded case. To the extent the court's directive and time limitations permit, such orders conform to these rules.

§12-60.203 Ex parte communications.

Ex parte communications, that is, written or oral communications with the Board by or for one party only without notice to the other, are not permitted. No member of the Board or of the Board's staff entertains, nor shall any person directly or indirectly involved in an appeal submit to the Board or to the Board's staff, any off-the-record evidence, explanation, analysis, or advice, whether written or oral, regarding any matter at issue in an appeal. This provision does not apply to consultation between Board members nor to ex parte communications concerning the Board's administrative functions or procedures.

§12-60.204 Effective date.

This part becomes effective April 27, 1978, as to all appeals received by the

Board after that date. In addition, the Board may, upon notice to the parties, apply these rules to any appeal pending under the prior rules of the Board; however, if any party to such an appeal objects, in writing, within 20 days after receipt of notice, these rules do not apply unless the Board finds their application to be just and warranted. The contract appeals rules in effect prior to the publication of these rules shall remain in effect for the completion of appeals pending on April 27, 1978.

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

BROCK ADAMS,
Secretary of Transportation.

[FR Doc. 78-11545 Filed 4-26-78; 8:45 am]

[4110-86]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

[42 CFR Part 37]

CHEST ROENTGENOGRAPHIC EXAMINATIONS OF UNDERGROUND COAL MINERS

Proposed Amendment To Transfer Criteria

AGENCY: National Institute for Occupational Safety and Health, Center for Disease Control, PHS, HEW.

ACTION: Notice of Decision to Develop Regulations.

SUMMARY: The proposed regulation will revise 42 CFR Part 37, section 37.7 entitled "Transfer of Affected Miner to Less Dusty Area," which currently specifies among other things that a coal miner whose chest X-ray shows evidence of the development of simple pneumoconiosis may transfer to a less dusty area of the coal mine only if the miner develops the condition in less than 10 years from first entering the coal mining industry. The revision to section 37.7 affords the miner the option to transfer if his chest X-ray shows evidence of simple pneumoconiosis regardless of the number of years the miner has worked in underground coal mining.

FOR FURTHER INFORMATION CONTACT:

Mr. Harlan Amandus, Chief, Examination Processing Branch, Division of Respiratory Disease Studies, National Institute for Occupational Safety and Health, 944 Chestnut Ridge Road, Morgantown, W. Va. 26505, telephone 304-599-7301 or FTS: 923-7301.

Dated: April 14, 1978.

JULIUS B. RICHMOND,
Assistant Secretary for Health.

[FR Doc. 78-11407 Filed 4-26-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[BC Docket No. 78-129; RM-3008; RM-3009]

FM BROADCAST STATIONS IN BARSTOW, YERMO, AND MOUNTAIN PASS, CALIF.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of class B FM channels to Barstow, Calif., and Mountain Pass, Calif. Petitioner, Howard Anderson, requested class B channels to Yermo and Mountain Pass, but the Commission believes it is preferable to propose assigning it to Barstow, a larger community, instead of Yermo. Because of the proximity of the two communities, the channel, if assigned to Barstow, still could be licensed as a Yermo facility. Petitioner claims the proposed stations would provide aural broadcast service to the larger numbers of people traveling on Interstate Highway 15.

DATES: Comments must be received on or before June 6, 1978, and reply comments on or before June 26, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of §73.202(b), table of assignments, FM broadcast stations (Barstow, Yermo, and Mountain Pass, Calif.); BC Docket No. 78-129, RM-3008, RM-3009; notice of proposed rulemaking.

Adopted: April 7, 1978.

Released: April 21, 1978.

By the Chief, Broadcast Bureau.

1. The Commission has before it two petitions¹ filed by Howard Anderson ("petitioner"), proposing the assignment of class B FM channels 251 and 258 to Yermo, Calif., and Mountain Pass, Calif., respectively, as those communities' first FM assignments. The proposed assignments could be made in conformity with the minimum distance separation requirements provided the transmitter site at Yermo is located approximately 10 kilometers (6 miles) north of Yermo, and 19 kilometers (12 miles) northeast of Barstow,

¹Public notice of the petitions were given on December 14, 1977, report No. 1093.

Calif. Neither community has any local aural broadcast service.

2. Yermo (population 1,304), in San Bernardino County (population 682,233),² is located approximately 18 kilometers (11 miles) east of Barstow, Calif., and about 144 kilometers (90 miles) from the California border along Highway 15.

3. Mountain Pass (population less than 100),³ in San Bernardino County, is located approximately 16 kilometers (10 miles) west of the California-Nevada border along Interstate Highway 15, and about 112 kilometers (70 miles) northwest of Needles, Calif.

4. These two proposals are being considered in a single proceeding because the arguments in favor of the assignment rest on essentially the same showing of the need for service to an area along Interstate Highway 15.⁴ Although petitioner acknowledges the sparse permanent population along the portion of the highway which passes through this desert area, it estimates that 8 million people traveled the 150-mile stretch between Barstow, Calif., and Las Vegas, Nev. According to petitioner, there are no AM or FM stations and no means of public communication in this entire area. He contends that radio stations from adjoining metropolitan areas penetrate only a portion of the proposed service area and cannot provide effective service to the people traveling the highway because of their obligation to serve all the people living in their metropolitan coverage areas. Petitioner also asserts that the proposed assignments to Yermo and Mountain Pass would provide for a first aural broadcast service which would feature important local highway and weather information, news, public interests, and entertainment features. He adds that while he intends to operate the proposed stations in Yermo and Mountain Pass to serve the needs and interests of the respective communities, much attention will be given to serving the needs and interests of the mobile population passing daily through Highway 15.

YERMO-BARSTOW

5. Although petitioner proposed assigning a class B channel to the small community of Yermo, that does not seem the only (or for that matter the best) way of bringing any needed service to this area. Yermo is located about 18 kilometers (11 miles) from Barstow, Calif. (population 17,442). Barstow is clearly the population center for this area and a class B chan-

nel is normally assigned to such a larger community. We think this is the better approach to follow here, too. This does not foreclose use of the channel in Yermo, since the proximity of the two communities involved would permit a channel assigned to Barstow, to be licensed as a Yermo facility instead under section 73.203(b), the "15-mile" rule. Barstow already has an FM assignment, but under the allocation guidelines, the population of Barstow is sufficiently large to justify considering two FM assignments. If the channel is assigned to Barstow, the permittee of the existing class A station could file for its use. Under the original proposal, it would have been barred from filing to improve its facilities, with the net result that the class B channel would be used in the small town and not be available for use in the nearby town which is 10 times as large. Ordinarily, we do not intermix classes of channels in a community but exceptions have been made when doing so would bring a first or second service. Thus, intermixture does not constitute an impediment to adoption of this proposal.

6. In its preclusion study, petitioner shows eight⁵ communities with populations over 1,000 which would be precluded as a result of the assignment of channel 251 to Yermo.⁶ Of these eight communities, six are without an FM assignment or local AM service (China Lake, Fort Irwin, Searles Valley, Nebo Center, Lenwood, and California City). The remaining two have an AM station and FM assignment. Petitioner is requested to indicate whether alternate channels are available for assignment to the six communities which have no FM assignments.

7. Although petitioner has submitted *Roanoke Rapids*⁶ and *Anamosa*⁷ showings of first and second service, coverage is based on the present facilities of FM stations. Petitioner is requested to submit a proper *Roanoke Rapids* showing based on a class B FM station operating at Barstow, with proposed maximum facilities (50 kW and 152 meters (500 feet) AAT), existing stations operating with reasonable facilities values (or greater in the event the station is already authorized greater facilities) and stations on all unoccupied assignments in the area operating with reasonable facilities values. We also note that a number of stations which should have been considered

⁵California: China Lake (population 11,105); Ridgecrest City (7,629); Fort Irwin (2,991); Searles Valley (3,838); Nebo Center (1,828); Lenwood (3,834); and California City (1,309).

⁶*Roanoke Rapids-Goldsboro, N.C.*, 9 FCC 2d 672 (1967).

⁷*Roanoke Rapids-Goldsboro, N.C.*, 9 FCC 2d 672 (1967).

⁸*Anamosa-Iowa City, Iowa*, 46 FCC 2d 520 (1974).

are not included in petitioner's study. Also the location of some 1 mV/m contours, including those of stations KOLA, San Bernardino; KDUO, San Bernardino; KBIG, Los Angeles; and KNX, Los Angeles, need to be depicted with greater accuracy.

MOUNTAIN PASS

8. Seven communities⁸ of over 1,000 population would be precluded on one or more channels as a result of the proposed assignment of channel 258 to Mountain Pass. Of these seven communities, Eagle Mountain is without an FM assignment and local AM service. The remaining six have one or more AM stations and FM assignments with the exception of Boulder City, which has an FM assignment but no local AM service. Petitioner is requested to indicate in comments whether an alternate FM channel is available for assignment to Eagle Mountain.

9. Petitioner's *Roanoke Rapids* and *Anamosa* showings indicate a Mountain Pass station, operating with maximum facilities, would provide first and second FM services to 5,928 square kilometers (1,903 square miles) and 3,582 square kilometers (1,383 square miles) area, respectively. However, no data has been submitted as to the population residing in these areas. Since the above showings were based on facilities of stations presently in operation, a proper *Roanoke Rapids* study made in accordance with the *Roanoke Rapids* values, would show that the second FM service would be 40-50 percent less than indicated. The missing information should be provided.

10. Because Mountain Pass' status is not clear, some additional information is needed before the channel could be assigned, namely:

(a) Information which demonstrates whether Mountain Pass in fact is a community. This information should include economic, political, and cultural data, and any other information which could demonstrate that Mountain Pass is a community.

(b) Information as to the permanent population of the unincorporated area in which petitioner claims Mountain Pass is situated, the unofficial boundary of the community and the location of the community relative to any neighboring unincorporated communities.

11. Since Barstow and Mountain Pass are located within 320 kilometers (199 miles) of the United States-Mexico border, proposed channels 251 and 258 to Barstow and Mountain Pass, Calif., respectively, require co-

⁸Nevada: Boulder City (population 5,223); Henderson City (16,395); Las Vegas City (125,787); California: Eagle Mountain (2,453); Needles (4,051); Utah: St. George (7,087); Arizona: Kingman (7,312).

²Population figures are taken from the 1970 U.S. Census, unless otherwise indicated.

³Petitioner's estimate.

⁴The main highway between Los Angeles and Las Vegas.

ordination by the Mexican Government.

12. It is directed, That the Secretary of the Commission shall send a copy of this notice of proposed rulemaking by certified mail, return receipt requested, to Mojave Valley Broadcasting, Inc. (KWTC-FM), Box 1230, Barstow, Calif. 92311.

13. Comments are invited on the following proposals to amend the table of assignments with regard to the communities of Barstow and Mountain Pass, Calif., as follows:

City and Channel No.

Barstow, Calif., Present, 232A; Proposed, 232A, 251.

Mountain Pass, Calif., Present, —; Proposed, 258.

14. The Commission's authority to institute rulemaking proceedings; showings required; cutoff procedures used; and filing requirements are contained in the attached appendix and are incorporated herein.

NOTE.—A showing of continuing interest is required by paragraph 2 of the appendix before a channel will be assigned.

15. Interested parties may file comments on or before June 6, 1978, and reply comments on or before June 26, 1978.

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §0.281(b)(6) of the Commission's rules, it is proposed to amend the FM table of assignments, §73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rulemaking to which this appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rulemaking to which this appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only re-submits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cutoff procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See §1.420(d) of Commission rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given as long as they are filed before the date for filing initial

comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rulemaking to which this appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See §1.420 (a), (b), and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of §1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 78-11473 Filed 4-26-78; 8:45 am]

[6712-01]

[47 CFR Part 73]

[BC Docket No. 78-130; RM-3016]

FM BROADCAST STATIONS IN OCEAN CITY, N.J.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a second class A FM channel to Ocean City, N.J., in response to a petition filed by Daniel B. Bradley. The proposed station could provide a second FM broadcast service to the community.

DATES: Comments must be received on or before June 17, 1978, and reply comments must be received on or before July 7, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTAL INFORMATION:

In the matter of amendment of §73.202(b), table of assignments, FM broadcast stations. (Ocean City, N.J.), BC Docket No. 78-130, RM-3016; notice of proposed rulemaking.

Adopted: April 18, 1978.

Released: April 21, 1978.

By the Chief, Broadcast Bureau.

1. *Petitioner, proposal and comments.* (a) Petition for rulemaking¹ filed by Daniel B. Bradley ("petitioner"), proposing the assignment of FM channel 252A to Ocean City, N.J., as a second class A assignment.

(b) The channel may be assigned without affecting any existing FM assignments in the table. An opposition was filed by Salt-Tee Radio, Inc. ("Salt-Tee"), licensee of daytime-only AM station WSLT and station WSLT-FM, channel 292A, Ocean City, N.J.

(c) Petitioner states that he stands ready to file an application for the construction of an FM station, if the channel is assigned.

2. *Community data.*—(a) *Location.* Ocean City, situated in Cape May County on the New Jersey shore, is located approximately 16 kilometers (10 miles) southwest of Atlantic City, N.J., and 96 kilometers (60 miles) southeast of Philadelphia, Pa.

(b) *Population.* Ocean City—10,575; Cape May County—59,554².

(c) *Present local aural services.* Ocean City is presently served by daytime-only AM station WSLT and station WSLT-FM (channel 292A).

(d) *Economic considerations.* Petitioner states that Ocean City is the northernmost county resort community along the Ocean Drive known as "America's First Choice in Family Resorts." He asserts that it is expected that both year-round and summer-time populations will experience large increases due to the approval of gambling in Atlantic City. In support of his petition, petitioner has submitted information regarding the government, education, transportation, and churches in the community. He also submitted a list of Ocean City citizens that have stated their support for the proposed assignment.

3. *Preclusion studies.* No additional preclusion will be caused on any channel as a result of the assignment of channel 252A to Ocean City, N.J.

4. Since the request is for a second class A assignment to a community, petitioner should submit in its comments a *Roanoke Rapids*, 9 FCC 672 (1967), study showing the number of people who would receive a first or second FM service. In addition, petitioner should show the extent of nighttime service provided by AM stations in the area and the extent of first and second aural service, if any—see *Anamosa-Iowa City, Iowa*, 46 FCC 2d 520 (1972).

5. In opposing comments, Salt-Tee questions the suitability of petitioner's proposed transmitter site. Salt-Tee

¹Public notice of the petition was given on December 14, 1977, report No. 1093.

²Population figures are taken from the 1970 U.S. Census.

states that according to a statement from the Department of Works, Ocean City, N.J., the site proposed by petitioner is a designated wetlands area as defined by the New Jersey Wetlands Act, the terms of which make it highly improbable that permission for construction of a transmitter could be obtained.

6. Petitioner is requested to state in his comments whether approval of the State of New Jersey for the proposed transmitter site can be obtained. Alternatively, petitioner should provide a showing that another site meeting spacing requirements could be obtained.

7. Comments are invited on the following proposal to amend the table of FM assignments with regard to the community of Ocean City, N.J., as follows:

City and Channel No.

Ocean City, N.J., present, 292A; proposed, 252A, 292A.

8. The Commission's authority to institute rulemaking proceedings; showings required; cutoff procedures used; and filing requirements are contained in the attached appendix and are incorporated herein.

NOTE.—A showing of continuing interest is required by paragraph 2 of the appendix before a channel will be assigned.

9. Interested parties must file comments on or before June 17, 1978, and reply comments on or before July 7, 1978.

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM table of assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rulemaking to which this appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rulemaking to which this appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only re-submits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cutoff procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this notice, they will be considered as comments in the proceedings, and public notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rulemaking to which this appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 78-11472 Filed 4-26-78; 8:45 am]

[6712-01]

[47 CFR PART 73]

[BC Docket No. 78-101; FCC 78-203]

MULTIPLE OWNERSHIP OF TELEVISION
BROADCAST STATIONS

Future Enforcement of the Top-50 Policy

AGENCY: Federal Communications Commission.

ACTION: Proposed rulemaking and notice of inquiry.

SUMMARY: The Commission issues a notice of proposed rulemaking and inquiry relating to its Top-50 market television policy to determine, in light of the history of the enforcement of that policy, whether it should be retained, modified, or terminated, and whether if retained or modified, it should be codified.

DATES: Comments must be received on or before July 5, 1978, and Reply Comments must be received on or before August 4, 1978.

ADDRESSES: Send Comments to: Federal Communication Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Dennis S. Kahane, Broadcast Bureau, telephone 202-632-9356, or

Carol Foelak, Broadcast Bureau, 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: March 16, 1978.

Released April 27, 1978.

In the matter of Amendment of § 73.636(a) of the Commission's Rules Relating to Multiple Ownership of Television Broadcast Stations; BC Docket No. 78-101; Notice of inquiry and notice of proposed rulemaking.

By the Commission: Commissioners Ferris, Chairman; and Fogarty issuing separate statements; Commissioner Brown concurring and issuing a statement.

1. Notice is hereby given of inquiry and proposed rulemaking in the above-entitled matter.

2. Through the years, the Commission has adopted various regulations, generally referred to as the multiple ownership rules (Sections 73.35, 73.240, and 73.636), designed to promote media competition and diversity of programming viewpoints. In 1953, for instance, the Commission adopted a "seven station" rule, placing a strict ceiling on the number of stations which may be commonly owned. 18 FCC 288. In 1964, the Commission adopted its "duopoly" rule, which prohibits the common ownership of stations operating in the same service where there is overlap of their signals at certain specified powers. 45 FCC 1476. In 1970, the Commission adopted its "one-to-a-market" rule, which extended the duopoly concept cross-service. 22 FCC 2d 306. In 1975, the Commission determined to prohibit common ownership of broadcast stations with co-located newspapers. 50 FCC 2d 1046. Most recently, the Commission determined to define and thus prohibit the creation of regional concentrations of control. 63 FCC 2d 824 (1977).

3. As an adjunct to the television multiple ownership rules the Commission adopted a "Top-50 Policy" in an effort to stem the proliferation of commonly-owned television broadcast stations in the nation's largest metropolitan areas. The policy requires applicants seeking to acquire a fourth television station (or a third VHF television station) in the top fifty markets¹ to submit a compelling public interest showing demonstrating that the benefits of the acquisition would outweigh the benefits of diversity of ownership. Since the inception of the Top-50 policy, and a predecessor Top-50 policy adopted in 1964, the Commis-

¹Prior to April 1, 1974, the Commission's Top-50 list was based upon the net weekly circulation of the largest station in each market. Since that date, the ARB market rankings, based upon prime time households, have been employed. See 29 RR 2d 411 (1974).

sion has granted every application presenting Top-50 considerations. Thus, in 1977 we announced our intention to re-examine this policy, stating:

[T]he history surrounding the development of the "Top-Fifty" policy and its subsequent enforcement raises a serious question whether the policy has any continued efficacy. Because of our concern in the area of multiple ownership of broadcast media, we intend to institute in the near future a Notice of Inquiry seeking comments as to whether the "Top-Fifty" policy serves a useful function in our regulatory scheme or whether multiple ownership is sufficiently limited under our present rules. In re Application of Screen Gems Stations, Inc., 65 FCC 2d 210.

Accordingly, this notice of inquiry and notice of proposed rulemaking concerns the Top-50 policy.

HISTORY OF THE POLICY

4. To place this proceeding in proper perspective, we believe it useful to set out the history of the development of the Top-50 policy. The Commission on December 18, 1964, adopted a Public Notice, FCC 64-1171, 3 RR 2d 909, announcing an "interim policy" to regulate multiple ownership of VHF television stations in major cities. This policy, the Commission stated, would serve to block the "sufficiently serious" trend toward undesirable media concentration.

We do not believe that this degree of multiple ownership concentration in the largest population centers is desirable. While we do not now propose a divestiture of existing interests, we have determined that the trend toward concentration in the VHF service is sufficiently serious to require the immediate adoption of an interim policy. Absent a compelling affirmative showing, we will designate for hearing any application for the acquisition of a VHF station in one of the top 50 television markets, if the applicant or any party thereto already owns or has interest in one or more VHF stations in the top 50 markets; we shall treat likewise any application to acquire interests in two or more VHF stations in these markets if the applicant now has no interest in VHF stations in these 50 markets.

In a dissenting statement, Commissioner Rosel H. Hyde voiced concern

that the impact of the proposed new policy would tend to limit the effectiveness of the competition of other broadcast interests against the national networks, the dominant forces in the industry. I can see no reason why the Commission should feel that larger units should not be permitted to compete in the larger markets where the number of facilities is the greatest and competition is the strongest.

5. Within six months of the adoption of the "interim policy," the Commission determined that it should consider adopting that policy as a rule, thereby placing a fixed ceiling on top fifty market acquisitions by multiple owners. Thus, on June 21, 1965, the Commission released a Notice of Proposed Rule Making in Docket No.

16068, FCC 65-547, 5 RR 2d 1609, which proposed disallowing (absent a compelling public interest showing) the creation of new common ownership of more than three television stations or more than two VHF stations in the top fifty television markets. At the same time, the Commission terminated the December 18, 1964 interim policy, and adopted a new interim policy based upon the proposed rule.

6. The majority of the comments received by the Commission attempted to show that no need existed which would require or justify the adoption of the proposed rule. Consequently, on February 9, 1968, Chairman Hyde, with Commissioner Lee seconding the motion, moved to adopt a document concluding the proceeding and adopting a policy of case-by-case determination "within the standards of the multiple ownership rules." Report and Order in Docket No. 16068, FCC 68-135, 33 FR 3078 (February 16, 1968), 12 RR 2d 1501. The Top-50 policy was adopted with three Commissioners dissenting and two concurring, and provides:

In particular, in light of the special problems concerning the top 50 markets set forth . . . we will expect a compelling public interest showing by those seeking to acquire more than three stations (or more than two VHF stations) in those markets. The compelling showing should be directed to the critical statutory requirement of demonstrating, with full specifics, how the public interest would be served by a grant of the application—that is, the benefits in detail that are relied upon to overcome the detriment with respect to the policy of diversifying the sources of mass media communications to the public. However, within the total limits now contained in the rules, we believe the ad hoc approach will better enable us to deal with particular situations in particular communities than would a new fixed limit. Our conclusion in this respect is further reinforced by the present critical phase of UHF development and the need to have the flexibility to take action which balance promotes the public interest in this vital area upon which the Congress and the American people, through purchase of all-channel receiver sets, have staked so much.

7. Three Commissioners dissented, Bartley, Cox, and Johnson. Bartley objected to the termination of the proceeding without oral argument, while Cox² and Johnson³ sought the adop-

²Cox, unlike Bartley and Johnson, did not issue a statement; however, his view is known by his motion, defeated 4-3, to amend Chairman Hyde's motion (to adopt the Report and Order terminating the rule-making) to retain that portion of the rule-making which would not allow more than two VHF television stations in the top fifty markets to a single multiple owner. Commissioner Bartley seconded Cox's proposal.

³Johnson faulted the "compelling public interest showing" requirement, stating that it was the same showing "that a Commission majority has so far found to justify waiving the hearing requirement in every

tion of a strict go-no-go rule governing television acquisitions in the top fifty markets.

8. Commissioners Loevinger and Wadsworth concurred in the adoption of the Report and Order, stating that, "there is no evidence of increasing concentration in television station ownership in the top 50 markets." They expressed concern that, "the proposed rule would tend to perpetuate the present network oligopoly and protect the present multiple owners against new or increased competition, while preventing or discouraging the growth and expansion of smaller enterprises in the television field . . . [T]he proposed rule is likely to do significant harm to the cause of diversity and competition in the field of television broadcasting without countervailing benefits." 12 RR 2d at 1518.

9. Thus, it would appear, upon review of the vote with the benefit of the above history, that the "Top Fifty" policy was favored by two Commissioners (Hyde and Lee), that two others (Loevinger and Wadsworth) concurred in order to avoid a stricter rule, that two others (Cox and Johnson) sought the stricter rule, and that one (Bartley) believed no action should have been taken without the benefit of oral argument.

10. Since the adoption of the Top-50 policy, the Commission has dealt with a number of applications raising Top-50 policy considerations. In each case, the Commission has been persuaded by the applicant's "compelling showing," and has granted all such applications without a hearing. A review of Commission Orders granting Top-50 applications, shows the following factors most often to be of decisional significance:

The sale would increase diversity of media by breaking up "grandfathered" combinations not in compliance with the multiple ownership rules. *Avco Broadcasting Corp.*, 35 RR 2d 1456 (1975); *Broadcast Plaza, Inc.*, 45 FCC 2d 101 (1974); *Tribune Publishing Company*, 45 FCC 2d 227 (1974).⁴

The sale would revitalize a financially ailing station. *Tribune Publishing Company*, supra; *U.S. Communications Corp.*, 36 FCC 2d 653 (1972); *Taft Broadcasting Co.*, 17 FCC 2d 876 (1969).⁵

case brought to the Commission under the previous interim policy."

⁴In the *Avco* case, the divestiture served to increase diversity of television ownership in the State of Ohio by eliminating "grandfathered" Grade B overlap with two other commonly owned television stations; in *Broadcast-Plaza* an AM-FM-TV combination was terminated; and in *Tribune Publishing* the sale increased diversity from a combination of AM-FM-TV, cable and newspaper.

⁵In *Tribune*, the licensee had lost money every year for the past 15 years (except during 1969) in the order of \$9 million; in *U.S. Communications*, the licensee had

Footnotes continued on next page

The sale would allow the resumption of construction of a community's first UHF station. *Memphis Telecasters*, 54 FCC 2d 574 (1975).

The sale would preserve the vitality of a UHF group by preserving experienced management, sales personnel, and syndicated programming. *Field Communications Corporation*, 40 RR 2d 1639 (1977).⁴ Other factors which in combination have also been considered decisional at different times include:

The buyer's stations are not geographically concentrated.

The buyer's stations do not dominate their respective markets.

The buyer will improve public affairs programming.

The buyer's increase in potential households is minimal.

The buyer faces substantial competition in each market.

The acquisition will not improve the buyer's competitive position.

The sale will diversify commonly owned television and non-broadcast media. *Times-Life Broadcast, Inc.*, 33 FCC 2d 1099 (1972).

11. Additionally, in one case, *Criscraft Industries, Inc.*, 35 FCC 2d 523 (1972), the Commission allowed Metro-media, Inc. to acquire a fifth VHF television station after Metro-media donated a losing UHF television station in a higher-ranked market to an educational television association.

THE INQUIRY AND PROPOSAL

12. As we have noted, no application raising a Top-50 issue has ever been designated for hearing, either under the 1964 or 1965 interim policies or under the 1968 policy. Every showing submitted under these policies has been found to justify a grant of the subject applications. Thus a very real question has existed for some time as to whether the Commission's Top-50 policy retains any value as an effective tool in the regulation of multiple ownership.

13. Therefore, it is reasonable to ask whether the regulation of multiple ownership of television communications is suitably addressed by our multiple ownership rules, and thus whether the Top-50 policy has served as an unnecessary adjunct to those rules. Conversely, the very existence of the policy may have served to discourage the filing of applications which could not be supported by the required showing.

14. In view of the history of the policy the Commission solicits com-

ments concerning whether the Top-50 policy should be retained, terminated, or modified, and whether, if retained or modified, it should be codified as a rule. We request that parties comment as to whether since the adoption of the Top-50 policy, there has been a continuing trend of additional concentration of television ownership in the top fifty markets, and, if so, whether this trend is necessarily undesirable. We also seek comments on whether our rule has not in fact, as former Commissioners have argued, served as a deterrent to competition and diversity on a nationwide basis by locking into place existing multiple owners—including the networks—who have acquired their limit of Top-50 market stations, while preventing new multiple owners from acquiring sufficient economic power to acquire or produce competitive programming. With respect to the foregoing, we encourage the submission of economic analyses that bear on these issues and, to the extent possible, we seek data on and quantification of the economic effects of concentrated ownership. For example, at what level of ownership concentration in the top 50 markets could we expect the decisions of multi-station owners to be felt industry-wide? Would the costs of the competitors of multi-station firms be expected to change and, if so, how much and in what direction. Would there be effects of multi-station ownership in the top 50 markets on advertising prices and, if so, what would be the direction and magnitude of such effects? We also seek comments directed toward whether diversity of ownership is properly addressed and fostered by the several existing limitations of the multiple ownership rules.

15. Additionally, we also invite comments relating to the following matters: (1) the number of markets that should be considered; (2) the standard for measuring those markets, i.e., market size, audience size, prime time households, etc.; (3) the desirability of a separate UHF standard; (4) special considerations for licensees exchanging stations or trading up or down in the top fifty markets; and (5) consideration of the dominance or small market share of an applicant's stations in their respective markets. Additionally, we are aware that one station in the nation's top market reaches more potential households than seven stations in markets 44 through 50. Thus, we question whether we should look at the cumulative number of Top-50 households served or the percentages of Top-50 homes reached rather than making our determination on a market-by-market basis. Commenting parties are also invited to discuss which factors the Commission should consider under its present Top-50 policy, if it is determined to retain

that policy in basically unchanged form. We also solicit comments concerning the standards for waiver that should be considered if the Top-50 policy is codified as a rule.

INTERIM POLICY

16. All applications now on file or filed during the pendency of this rule making proceeding will be governed by the present policy. Accordingly, all applications raising Top-50 policy considerations must contain the required compelling public interest showing described earlier in this notice.

AUTHORITY AND PROCEDURE

17. Authority for the institution of this proceeding and the adoption of rules concerning the matters involved, is contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended.

18. Pursuant to procedures set forth in § 1.415 of the Commission's Rules, interested persons may file comments on or before July 5, 1978, and reply comments on or before August 4, 1978. The Commission will consider all relevant and timely comments and may also consider other relevant information before it before taking further action in this proceeding.

19. In accordance with the provisions of § 1.419, an original and five copies of all comments, replies, briefs, and other documents shall be furnished the Commission. Further, members of the general public who wish to participate informally in the proceeding may submit one copy of their comments, specifying the docket number in the heading. All filings in this proceeding will be available for examination by interested persons during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

FEDERAL COMMUNICATIONS
COMMISSION,⁷
WILLIAM J. TRICARICO,
Secretary.

SEPARATE STATEMENT OF CHAIRMAN CHARLES
D. FERRIS

RE: TOP 50 POLICY INQUIRY

I do not believe that a regulatory agency should have uncoded "policies" that it never enforces. As to this particular area, we seem to have created what is in effect a policy of not applying a policy. This seems to me to have no useful purpose except to generate a great deal of useless paper, and fees for the communications bar, as licensees try to jump through the mythical hoop of waiver criteria we have created.

If our announced "Top 50 Policy" makes sense, we should make it a rule. If it is not, we should change it by either adopting a

⁷See attached Separate Statement of Chairman Ferris and Separate Statement of Commissioner Pogarty and Concurring Statement of Commissioner Brown.

Footnotes continued from last page
debts of over \$3.1 million and cash flow losses of over \$1.2 million in 1970 and \$231,000 in 1971; In *Taft*, the licensee had a cumulative operating deficit of over 2.15 million in just over 3 years of operation.

⁴In *Field*, an element in the grant was *Field's* long association as 22.5 percent partner in the licensee of the UHF group and its position as the previous licensee of one of the stations.

more rational rule that recognizes the economic facts of life within the Top 50 markets or, if we decide our existing multiple ownership rules are sufficient, we should get rid of this unenforced "policy."

SEPARATE STATEMENT OF COMMISSIONER
JOSEPH R. FOGARTY

In Re: Amendment of § 73.636(a) of the Commission's rules relating to multiple ownership of television broadcast stations, notice of inquiry and notice of proposed rulemaking.

I join in this Commission action as the adopted Notice of Inquiry and Notice of Proposed Rulemaking are sufficiently broad in scope to allow any and all pertinent comment on the retention, modification or termination of the "Top-50 policy." In view of the Commission's imperfect record¹ of administering the existing policy, it is wholly appropriate to institute this re-examination.

The Top-50 policy was founded on a general concern about concentration of ownership of stations in those markets of the country having the largest potential audiences. The premise appears to have been that the public interest in a competitive programming marketplace would not be served by allowing multiple owners to concentrate in the largest markets and thereby to acquire program procurement leverage grossly unequal to that of other licensees. If a group owner could clear millions of major market TV households for advertisers and program packages, then that owner could theoretically impact on national programming supply and demand and consistently outbid non-multiple owner stations for programming on a market-by-market basis. At the same time, however, there was a competing or conflicting value seen in allowing such Top-50 multiple ownership and programming leverage—the development of an effective competitive counterweight to what was perceived to be the dominance of the three major networks in the programming marketplace. As might have been expected, this ambivalence in regulatory purpose has resulted in a non-policy with respect to multiple ownership in the Top-50 markets as the so-called "compelling public interest showings" have been made with ever-increasing facility.

The point of these observations is not to identify any solution in advance, but rather to indicate the kind of questions which I believe must first be asked before we start talking about answers. To borrow from the dictum of *Home Box Office, Inc. v. FCC*, 567 F.2d 9, 36 (D.C. Cir. 1977), we need to know much more about the perceived "problems" of ownership concentration, on the one hand, and the perceived public interest "benefits" of multiple ownership, on the other. By way of example:

Is there any evidence that allowing concentration of multiple ownerships in the Top-50 markets has enhanced or is likely to enhance programming competition with the networks, or otherwise contribute significantly to program diversity?

Given each network's ownership of 5 VHF stations in the largest markets, together with the network affiliation system, is it realistic to expect significant competitive benefits from non-network multiple ownerships in the Top-50 markets?

¹It could be argued that the Commission's record of administration is "perfect" in that every application raising Top-50 policy issues has nonetheless been granted.

Is there any evidence that concentration of multiple ownerships in the Top-50 markets has had or is likely to have a negative effect on interstation competition for program supply—e.g., are non-multiple owners in the Top-50 markets unfairly disadvantaged in competition for off-or non-network syndicated programming vis a vis multiple owners?

If we cannot identify any positive public interest benefits resulting from Top-50 multiple ownerships, should the Commission's long-stated commitment to diversity dictate a strict limit on such ownerships, such as one to a licensee? Or, is the existing "7-station" rule sufficient in this respect?

In my judgment, answers to these questions, supported by pertinent economic analysis and actual marketplace evidence, would provide a rational basis and the necessary record for Commission decision-making in this proceeding. I would encourage all interested parties to address these issues in their comments.

CONCURRING STATEMENT OF COMMISSIONER
TYRONE BROWN

In Re: notice of inquiry and notice of proposed rulemaking in the matter of: amendment of § 73.636(a) of the Commission's rules relating to multiple ownership of television broadcast stations.

I enthusiastically endorse the action which the Commission has taken today to initiate an inquiry regarding the Commission's Top-50 Market Policy. To date that "policy" has proven to be a "non-policy." I hope and expect that the Commission ultimately will either adopt Rules to loosen the hold which multiple owners have on television stations in the most attractive markets, or articulate a convincing reason why strict application of a multiple ownership limitation in these markets would not be in the public interest.

During the Commission's deliberations on this matter, questions arose concerning our interim policy toward applicants seeking waiver of our Top-50 "policy" during the pendency of this rulemaking proceeding. It was brought to my attention that one of the very few such applications now pending involves Post-Newsweek Stations, Inc., my former employer. During my Senate confirmation hearings, I stated that during the term to which I have been appointed I would not participate in any proceeding in which Post-Newsweek is a party or in other proceedings in which that licensee filed comments while I was employed there. This proceeding does not fall within either of those categories. We are here dealing with a new general rulemaking proceeding concerning our multiple ownership policies. However, because of its direct effect on the Post-Newsweek application, I did not participate in the Commission's decision regarding the policy to be applied to pending applications—including that of Post-Newsweek stations—as reflected in Paragraph 16 of today's Order.

[FR Doc. 78-11474 Filed 4-26-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE
COMMISSION

[49 CFR Part 1036]

[49 Ex Parte No. 252 (Sub-No. 3)]

INCENTIVE PER DIEM CHARGES ON BOXCARS

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Interstate Commerce Commission will institute a rulemaking proceeding to consider three proposed changes in the incentive per diem (IPD) regulations, 49 CFR 1036, to permit the use of IPD funds for purposes other than now specified in the regulations. The three proposed changes are: (1) Permitting the use of IPD funds for projects designed to improve freight car utilization; (2) permitting the use of IPD funds for repair and maintenance of cars in certain circumstances; and (3) permitting a second non-equity lease to be, in effect, an assumption of the initial lease where the initial lessee defaults and the term of the second lease equals the remainder of the initial lease. Upon evaluation of the submitted comments, the Commission will draft, if warranted, implementing regulations for further comment by the parties.

DATES: Persons interested in participating in this proceeding shall file a letter notice of intent to participate, an original and one copy, by May 17, 1978. As soon thereafter as possible the Commission will prepare a service list and establish procedural dates for the submission of evidence and arguments.

ADDRESS: Comments should be addressed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Deputy Director Janice Rosenak or Assistant Deputy Director Harvey Gobetz, Section of Rates, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7693 or 202-275-7658.

SUPPLEMENTARY INFORMATION: Under section 1(14)(a) of the Interstate Commerce Act, as amended in 1966 and 1976, Congress stated: "It is the intent of Congress to encourage the purchase, acquisition, and efficient utilization of freight cars." Under the authority of section 1(14)(a) the Commission instituted the incentive per diem program to "contribute to sound car service practices (including efficient utilization and distribution of

cars), and encourage the acquisition and maintenance of a car supply adequate to meet the needs of commerce and the national defense."

Commissioner Murphy, concurring in part, dissenting in part:

Although this is simply a fact gathering exercise, preliminary to a notice of proposed rulemaking, I believe that it is important to restate certain appropriate axioms. The incentive per diem (IPD) program was developed with the concurrence of the Congress as a means of stemming the rapid decline in the freight car supply, primarily plain boxcars, and to promote the utilization of those cars. Over the years, there have been suggestions that the accrued IPD funds be used for other purposes. Tragically, in some instances, specified carriers were authorized to use those funds for such purposes as normal operating expenses. The suggestion herein that such funds also be authorized for use in the repair of tracks, and the acquisition of diverse equipment, including car cleaning facilities,¹ seems wholly at odds with the tenets of Section 1(14)(a) of the Interstate Commerce Act.² If those accrued IPD funds are to be used for purposes largely alien to car acquisition and utilization, then, perhaps, the funds should be returned to the payers thereof.

With respect to the use of IPD funds to reduce the bad-order ratio, I am in sympathy with that approach, providing that the Commission exercises strict control over such a program so as to prevent any unauthorized use. The Commission's experience in the past with some carriers using the IPD funds for unauthorized purposes and then seeking a waiver should be a reference point. Moreover, I am not fully satisfied that the bench mark of 4.5 percent as a bad-order ratio should be an acceptable basis. Realistically, the carriers should be encouraged to reduce the ratio further, if feasible.

Since this is a fact-gathering process, I reserve my prerogative to more fully comment on the matter when the views of the public are received.

Commissioner Murphy, concurring in part, dissenting in part:

Although this is simply a fact gathering exercise, preliminary to a notice of proposed rulemaking, I believe that it is important to restate certain appropriate axioms. The incentive per diem (IPD) program was developed with the concurrence of the Congress as a means of stemming the rapid decline in the freight car supply, primarily plain boxcars, and to promote the utilization of those cars. Over the years, there have been suggestions that the accrued IPD funds be used for other purposes. Tragically, in some instances, specified carriers were authorized to use those funds for such purposes as normal operating expenses. The suggestion herein that such funds also be authorized for use in the repair of tracks, and the acquisition of diverse equipment, including car cleaning facilities,³ seems wholly at odds

with the tenets of Section 1(14)(a) of the Interstate Commerce Act.⁴ If those accrued IPD funds are to be used for purposes largely alien to car acquisition and utilization, then, perhaps, the funds should be returned to the payers thereof.

With respect to the use of IPD funds to reduce the bad-order ratio, I am in sympathy with that approach, providing that the Commission exercises strict control over such a program so as to prevent any unauthorized use. The Commission's experience in the past with some carriers using the IPD funds for unauthorized purposes and then seeking a waiver should be a reference point. Moreover, I am not fully satisfied that the bench mark of 4.5 percent as a bad-order ratio should be an acceptable basis. Realistically, the carriers should be encouraged to reduce the ratio further, if feasible.

Since this is a fact-gathering process, I reserve my prerogative to more fully comment on the matter when the views of the public are received.

To attain the goals, the Commission stated that the incentive per diem proceeding would be continuing and "open-ended." The Commission has issued, since 1969, eight reports and orders concerning incentive per diem for plain boxcars and one each for XF cars and gondolas. The incentive per diem regulations have changed considerably. XF cars as well as plain unequipped box-cars now earn incentive per diem; the gondola issue is still under consideration. The types of permissible acquisitions have been expanded from building, purchasing, and rebuilding to leasing the equivalent of a purchase (343 I.C.C. 49) and non-equity leasing (349 I.C.C. 303). For boxcars, the original three separate test periods have been expanded to include a matching requirement or an aggregate test period (353 I.C.C. 336 and the report on reconsideration of July 18, 1977). By order of December 7, 1977, incentive per diem will go on an hourly basis on July 1, 1978. The use of incentive per diem funds for repair and maintenance, however, was rejected at 349 I.C.C. 303, 323-26.

The first issue the parties should comment on deals with permitting incentive funds to be used for purposes, other than the building, leasing, purchasing, or rebuilding of freight cars, which improve freight car utilization and encourage an adequate freight car supply. For example, projects that might have this effect, and for which the use of accumulated IPD funds, on a matching-fund basis, might be allowed, include the following: one-step repair tracks, communication facilities, computer car-tracking systems, car cleaning and upgrading facilities, yard and technical improvements, upgrading main and key secondary tracks, track signaling, and locomotive maintenance facilities. This list is not intended to be all-inclusive. Parties are further urged to comment upon the

conditions for using incentive funds for these and other purposes. For example, should IPD funds be permitted to be used by a carrier without seeking additional Commission approval, or should there be a showing that use of such funds will improve the utilization and distribution of cars? Finally, the parties should comment on whether a carrier should be required to match the IPD funds it will use for these purposes with an equal amount of its own, non-IPD funds.

The second issue deals with whether IPD funds should be permitted to be used for repair and maintenance of cars. Under the present regulations, except for gondola cars,⁵ IPD funds can be spent on repair and maintenance only if a car is "rebuilt" according to instruction 2-11(b) in the Commission's Uniform System of Accounts: the cost of renewals of that car must exceed 50 percent of the cost of a new car of the same kind and class at that time. There are a number of alternatives to the 50-percent rule. For example, a railroad might spend its accumulated IPD funds, on a matching-fund basis, for car maintenance if (1) it accumulates less than \$2,500 in IPD funds in one year, or (2) it has not accumulated sufficient IPD funds in a five-year period to purchase one car. Another possible rule might provide that if the bad order ratio of a railroad exceeds 4.5 percent, that railroad should be permitted to spend its accumulated IPD funds, on a matching-fund basis, for car repair until it reduces its bad order ratio to 4.5 percent. The parties should also comment on whether this proposal should be restricted to railroads receiving Federal subsidies, or whether healthy railroads having trouble reducing their bad order ratio should be permitted to draw down incentive funds.

Another possible regulation might disregard the 50-percent test as the criterion for rebuilt cars, and adopt a new definition of "rebuilt", perhaps coupled with a sliding scale of required matching funds. The parties should also comment on whether a carrier should be required to match the IPD funds it uses for car repair and maintenance with an equal amount of its own, non-IPD funds. Finally, the parties should address their comments on this second issue in light of our discussion of using IPD on repair and maintenance in our report at 349 I.C.C. 303, 323-326.

The third issue involves the lessee's default in a non-equity lease. Such leases must be at least ten years in duration. The problem arises when the lessor enters into another lease after the default of the initial lease. Incen-

¹Obviously, enforcement of the consignee's obligation to clean a car may temper the need for funds for car cleaning facilities. See, *Consignees' Obligation to Unload Rail Cars*, 340 I.C.C. 405.

²49 U.S.C. 1(14)(a).

³Obviously, enforcement of the consignee's obligation to clean a car may temper the need for funds for car cleaning facilities. See, *Consignees' Obligation to Unload Rail Cars*, 340 I.C.C. 405.

⁴49 U.S.C. 1(14)(a).

⁵The regulations pertaining to gondola cars were stayed by order served February 2, 1978, in Ex Parte No. 252 (Sub-No. 2).

tive funds can only be used for "new" or "rebuilt" boxcars in non-equity leases, and under the second lease the boxcars may not be considered "new". A proposed solution to this problem could be to make the term of the second lease equal to the remainder of the defaulted lease, and consider that an assumption of the initial lease for IPD purposes. For example, if the initial lease was for ten years, and the lessee defaults after two years, the lessor could enter into another lease of eight years' duration with another carrier and receive incentive funds as lease payments.

Decided April 14, 1978.

By the Commission, Commissioner Murphy concurring in part and dissenting in part.

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

[FR Doc. 78-11497 Filed 4-26-78; 8:45 am]

notices

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

[3410-07]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

MAILING LIST

Inquiry

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice.

SUMMARY: The Farmers Home Administration is considering establishing a mailing list as a result of inquiries from interested individuals and groups. The intended effect of this action is to make our program regulations more readily available.

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

ADDRESSES: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Mr. Joseph H. Linsley, Chief, Directives Management Branch, phone 202-447-4057.

SUPPLEMENTARY INFORMATION: Although Farmers Home Administration program regulations are published in the Code of Federal Regulations as amended in the daily FEDERAL REGISTER, we have received several inquiries from individuals and groups desiring to be placed on a mailing list to receive copies of our regulations. As a result we are considering establishing such a mailing list.

The cost of a complete set of our program regulations, Administrative Notices, and forms will be \$250.00. We will also provide copies of all new regulations and forms, amendments to existing regulations and forms, and Administrative Notices for \$75.00 per year for those who are interested. These charges are based on the Freedom of Information Act rates established by the Department of Agriculture.

Individual regulations may still be ordered by contacting our Freedom of Information Officer, Mr. James Bryan, telephone 202-447-2211.

Dated: April 20, 1978.

JAMES E. THORNTON,
Associate Administrator,
Farmers Home Administration.
[FR Doc. 78-11405 Filed 4-26-78; 8:45 am]

[3410-07].

Farmers Home Administration

SECTION 504—RURAL HOUSING LOANS AND GRANTS

Procedures for Allocation of Supplemental Appropriation

ACTION: Request for Public Comment.

SUMMARY: The Farmers Home Administration has received a supplemental appropriation for "Very Low-Income Housing Repair Grants". In a committee report the Appropriations Committee indicated that it will expect the Department of Agriculture to develop and publish in the FEDERAL REGISTER, and receive comments on, procedures which will provide for the equitable distribution of these funds to areas of the country and to individuals where this assistance is most needed. This notice is published for public comment in accordance with the statements in the Committee and Conference Reports.

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

ADDRESS: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Mr. Reed J. Petersen, Rural Housing Specialist, Single Family Housing Loan Division, 202-447-4295.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration is authorized in Section 504 of Title V of the Housing Act of 1949, as amended, to make loans and grants to assist owner-occupants in repairing and improving their dwellings to make them safe and sanitary and remove hazards to the health of the occupants, their families, or the community. A loan, combination loan and grant, or grant

may be made depending on the repayment ability and age of the applicant (7 CFR Part 1904, Subpart G). The applications for grants, which are made only to senior citizens who do not have the repayment ability to qualify for a loan, have far exceeded the amount of grant funds available.

In Pub. L. 95-240, the Farmers Home Administration received a supplemental appropriation of \$4,000,000 for the fiscal year ending September 30, 1978. In the Conference Report, H. Rept. 95-812 it is stated: "The conferees agree that the \$4 million shall be primarily for weatherization grants to the elderly." In H. Rept. 95-644 which accompanied the supplemental appropriation bill, the Appropriations Committee indicated that it will expect the Department to publish this notice.

Accordingly, the \$4 million supplementary appropriation of Section 504 rural housing grant funds primarily for weatherization grants to the elderly is proposed to be distributed by formula as follows:

1. Amount available for allocation:

	Grants
Formula	3,600,000
Minimum allocation	130,000
Reserve	270,000
Total	4,000,000

¹Amount necessary to bring all States up to \$30,000 minimum, regardless of formula.

2. Basic Formula Criteria, Data Source and Weight.—The selected criteria identifies essential elements that are considered necessary to compare the needs of the various areas and individuals for rural housing to effectively utilize the program funds. The data source as indicated for each criterion used is considered to be the latest and best available data to quantify that criterion. The weight expressed in percentage is used to give a relative value to the importance of the selected criteria. The weight assigned each criterion is constant for all states.

Criteria and source	Weight (percent)
A. State percentage of occupied housing units lacking complete plumbing and/or crowded (substandard) in areas served by FmHA from 1970 census data. (ERS Stat. Bul. No. 492, pp. 15 and 16)	25
B. State percentage of households in poverty group in areas served by FmHA from 1970 census data	25
C. State percentage of residents over 62 years living in FmHA rural areas, from 1970 Census data	25
D. State winter degree days expressed as a percentage of the sum of degree days in all states from NAHB Insulation Manual	25
Total weight of criteria	100

3. Basic Formula used to make computations:

$$A \times a + B \times b + C \times c + D \times d = \text{State Factor}$$

When: A, B, C and D represent the criteria, and a, b, c, and d represent the weight given to the criteria.

The State Factor represents the percentage of the total allocation that a State is to receive.

Example: (Computation for Alabama):

$$A \times a + B \times b + C \times c + D \times d = \text{State Factor}$$

$$3.9016 \times .25 + 3.7387 \times .25 + 2.4906 \times .25 + .8999 \times .25 = 2.756$$

State Factor multiplied by total amount to be allocated by formula is the Basic Formula Grants Allocation for the State:

$$2.756 \text{ percent } (3,600,000) = 99,200 \text{ or } 100,000 \text{ (rounded)}$$

4. Minimum Allocation for each State:

	Grants
Minimum	\$30,000

5. Reserve of \$270,000 grant funds will be held by the Administrator to be distributed for HUD-USDA Demonstration Projects and to any State(s) when the Administrator determines the additional allocations are necessary and appropriate.

6. Pooling of funds may be considered on August 1, 1978, for funds not obligated.

7. Allocation by this formula of the supplemental appropriation of Section 504 grant funds for each State and area would be:

State or area	(In thousands)	Allocation
Alabama		\$100
Alaska		45
Arizona		30
Arkansas		80
California		95
Colorado		40
Connecticut		35
Delaware		30
Florida		90
Georgia		100
Hawaii		30
Idaho		35
Illinois		100
Indiana		90
Iowa		80
Kansas		55
Kentucky		115
Louisiana		85
Maine		50
Maryland		45
Massachusetts		45
Michigan		100
Minnesota		90
Mississippi		95
Missouri		105
Montana		40
Nebraska		50
Nevada		30
New Hampshire		35
New Jersey		40
New Mexico		35
New York		110
North Carolina		140
North Dakota		45
Ohio		110
Oklahoma		65
Oregon		45
Pennsylvania		145
Rhode Island		30
South Carolina		80
South Dakota		45
Tennessee		110
Texas		165
Utah		30
Vermont		40
Virginia		100
Washington		50
West Virginia		75
Wisconsin		90

	(In thousands)
Wyoming	30
American Samoa	30
Guam	30
Puerto Rico	110
Trust Territory	30
Virgin Islands	30
Reserve and HUD-USDA ¹	270
Total	4,000

¹HUD-USDA demonstration projects in California, Colorado, Illinois, and West Virginia, project funds would be used for the same purposes as grant allocations for other States.

Dated: April 19, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-11406 Filed 4-26-78; 8:45 am]

[3410-11]

Forest Service

BEAR PLANNING UNIT LAND MANAGEMENT PLAN

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 Bear Planning Unit, Gifford Pinchot National Forest, Wash., USDA-FS-R6-FES (Adm)-77-1.

The environmental statement describes five alternative land management plans for the National Forest land in the Bear Planning Unit.

The final environmental statement was transmitted to EPA on April 20, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3210, 12th Street and Independence Avenue SW., Washington, D.C. 20013.

USDA, Forest Service, Pacific Northwest Region, 319 Southwest Pine Street, Portland, Ore. 97204.

USDA, Forest Service, Gifford Pinchot National Forest, 500 West 12th Street, Vancouver, Wash. 98660.

A limited number of single copies are available upon request to Forest Supervisor Robert Tokarczyk, Gifford Pinchot National Forest, 500 West 12th Street, Vancouver, Wash. 98660.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Dated: April 20, 1978.

R. MAX PETERSON,
Deputy Chief.

[FR Doc. 78-11388 Filed 4-26-78; 8:45 am]

[3410-11]

BEAR RIVER LAND MANAGEMENT PLAN

Availability of Draft 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 draft environmental statement for the Bear River Planning Unit, Caribou National Forest, Idaho. The Forest Service report number is USDA-FS-R4-DES (Adm)-78-4.

The Bear River Planning Unit contains 343,289 acres of which 215,603 acres are located in Bear Lake County, 105,247 acres are in Franklin County, and 22,439 acres are in Caribou County. Within the boundaries of the Planning Unit are 3,629 acres of non-National Forest land. State land comprises 2,560 acres, 217 acres are patented mining claims, and the remaining 852 acres are other private lands.

All or part of 17 roadless areas within the Planning Unit comprise 74 percent of the total acreage. The roadless areas were identified as a part of the Roadless Area Review and Evaluation (RARE I and RARE II) Process.

Alternatives A through D and their associated impacts were evaluated in light of critical issues, planning unit goals, and selection criteria. Alternative C was selected as the preferred alternative.

This draft environmental statement was transmitted to EPA on April 20, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3210, 12th Street and Independence Avenue SW., Washington, D.C. 20013.

Regional Planning and Budget Office, USDA, Forest Service, Federal Building, Room 4120, 324 25th Street, Ogden, Utah 84401.

Forest Supervisor, Caribou National Forest, 427 North Sixth Avenue, Pocatello, Idaho 83201.

A limited number of single copies are available upon request to Forest Supervisor Charles J. Hendricks, Caribou National Forest, 427 North Sixth Avenue, Pocatello, Idaho 83201.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to

Forest Supervisor Charles J. Hendricks, Caribou National Forest, 427 North Sixth Avenue, Pocatello, Idaho 83201.

Comments must be received by June 20, 1978, in order to be considered in the preparation of the final environmental statement.

Dated: April 20, 1978.

VERN HAMRE,
Regional Forester.

[FR Doc. 78-11400 Filed 4-26-78; 8:45 am]

[3410-11]

CLEAN AIR ACT

Review of Primitive Areas for Recommending Class I Redesignation

Purpose: This notice is given to inform and invite comments from the public and States concerning procedures used for and preliminary results from a review of 15 National Forest primitive areas to determine if they should be recommended for redesignation to Class I.

Background: The Clean Air Act Amendments of 1977 adopted a system by which clean air areas throughout the nation would be designated in one of three categories—Class I, Class II, or Class III. Each Class represents a defined, allowable increase in particulate matter and sulfur dioxide. Class I allows the smallest increase and Class III the largest.

The Clean Air Act Amendments initially classified all lands. Mandatory Class I status was given by the Act to international parks, national wilderness areas larger than 5,000 acres; national memorial parks larger than 5,000 acres and national parks larger than 6,000 acres existing on August 7, 1977. All other areas (except those placed in Class I status prior to August 7) were designated Class II.

Section 164 of the Act gives States and Indian Tribes sole authority to redesignate classification for areas within their geographic boundaries. This authority was constrained to the extent that mandatory Class I areas could not be redesignated. National monuments, national primitive areas, national preserves, national recreation areas, national wild and scenic rivers, national wildlife refuges and national lakeshores or seashores could only be Class I or II if larger than 10,000 acres. National parks or national wilderness areas established after August 7, 1977, and larger than 10,000 acres can only be Class I or II. All other areas can be Class I, II or III.

The redesignation constraints gave an implicit indication of the relative importance at the national level of air quality in the various types of areas. Greatest importance was placed on air

quality over those areas given a mandatory Class I status and least on those that could be redesignated to Class III.

Between the two groupings (most important and least important) is the group whose designation can only be Class I or II. Three types of areas within this group (national monuments, primitive areas and national preserves) were given special attention in Section 164(d) of the Act.

This section directs the Federal land manager to review all national monuments, primitive areas and national preserves and to recommend any appropriate areas for redesignation as Class I where air quality related values are important attributes to the area. The Secretary of Agriculture is the Federal land manager for 15 primitive areas in the National Forests. The Secretary has delegated his responsibility for air quality matters affecting the National Forests to the Chief of the Forest Service. The Forest Service is, therefore, carrying out the requirements of the Clean Air Act—Section 164(d) as it pertains to 15 primitive areas whose names, locations and sizes are:

	Acres
Blue Range, Arizona and New Mexico	211,710
High Sierra, California	10,247
Salmon Trinity Alps, California	285,756
Emigrant Basin, California	6,151
Uncompahgre, Colorado	69,253
Wilson Mountains, Colorado	30,875
Idaho, Idaho	1,232,744
Salmon River Breaks, Idaho	217,185
Spanish Peaks, Montana	50,616
Gila, New Mexico	132,788
Black Range, New Mexico	169,984
High Uintas, Utah	237,177
Cloud Peak, Wyoming	136,905
Papo Agle, Wyoming	71,320
Glacier, Wyoming	6,497

Affected States are to be consulted before recommendations are made. The recommendations are to be reported within supporting analysis to Congress and the affected States by August 7, 1978.

PROCEDURE

Key factors in developing our procedure for the review are:

1. States have the authority to redesignate and are required to conduct public hearings and prepare and make available for public inspection, a description and analysis of the health, environmental, economic, social and energy effects of a proposed redesignation (Section 164(b)(1)(A)).

2. Appropriate areas for which to recommend redesignation to Class I are those in which air quality related values are important attributes. Congress, by designating certain Federal lands Class I, has provided us a guide for judging appropriate and important.

3. Air quality related values include the fundamental purpose for which such lands have been established and preserved. The Act (Pub. L. 95-95)

specifies visibility as one air quality related value. In our judgment, other air quality related values of primitive areas include odor, flora, fauna, soils, water, geologic features and climate.

Based on the above, our procedure will be to compare primitive areas to those areas designated Class I by Congress and where similar, recommend for Class I redesignation. Comparisons will be made of size, management policies and purposes. For each area, a review will be made to determine the types and importance of air quality related values present.

Our procedure will not evaluate the overall cost/benefit relationship of Class I versus Class II designation. To do so would require analysis of health, economic, social and energy effects and consequently, preempt the responsibilities assigned the States by the Act.

COMPARISONS

SIZE

The mandatory Class I areas designated by Congress varied in size. Minimum size was 5,000 acres for national wilderness areas and national memorial parks; 6,000 acres for national parks and no minimum size for international parks. All 15 National Forest primitive areas are larger than 6,000 acres.

MANAGEMENT POLICIES AND PURPOSES

National Forest primitive areas were originally created in the 1930's by the Secretary of Agriculture. The Wilderness Act of 1964 directed the Secretary to review each area for its suitability or nonsuitability for preservation as wilderness and report his findings to the President. The President was to advise the Congress of his recommendations for wilderness. The Wilderness Act also directed that primitive areas continue to be administered under the rules and regulations affecting such areas until Congress has determined otherwise.

The review of primitive areas required by the Wilderness Act has been completed and administration proposals made to Congress. Wilderness classification has been recommended for all or part of each primitive area. Until such time as Congress acts on these recommendations, Forest Service direction is to manage the primitive areas in accordance with policies and procedures established for wilderness. Therefore, the importance of air quality related values is the same for primitive areas as it is for those wildernesses designated as Class I.

INDIVIDUAL AREAS

A preliminary review of each primitive area has been made. Information has been gathered on the characteristics of each area. Air quality related values are present in each to an extent

comparable to mandatory Class I Federal Areas.

PRELIMINARY CONCLUSIONS

The 15 primitive areas administered by the USDA, Forest Service, are similar to wildernesses given mandatory Class I designation by Congress. Air quality related values are present in each area and are important attributes. Therefore, recommendations should be made for redesignating each area to Class I. Recommendations should be made with full realization that factors in addition to those covered by the review must be considered by the States and public prior to their final redesignation decision.

SCHEDULE FOR COMPLETION

Written comments are invited on the review process and results. Comments received by June 7, 1978, will become part of the formal agency record. Comments should be sent to:

Chief, Forest Service, P.O. Box 2417, Washington, D.C. 20013, Attention: Neil Paulson.

Affected States have been consulted and will be sent copies of this notice via each A-95 clearinghouse.

Evaluation of public comments and preparation of final recommendations will be accomplished by June 21, 1978.

The Forest Service will meet with affected States to explain final recommendations by July 1, 1978.

Recommendations with supporting analysis will be sent to Congress and the States by August 1, 1978. Recommendations will be published as a notice in the FEDERAL REGISTER.

R. M. HOUSLEY,
Associate Deputy Chief.

[FR Doc. 78-11495 Filed 4-26-78; 8:45 am]

[3410-10]

COOPERATIVE SPRUCE BUDWORM SUPPRESSION PROJECT, MAINE, VERMONT, AND NEW HAMPSHIRE—1978

Notice of Availability of Final Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service has prepared a final environmental statement for the 1978 Cooperative Spruce Budworm Suppression Project in Maine, Vermont, and New Hampshire, USDA, FS-NA (ADM.) NA-78-01.

The final statement concerns a proposed cooperative aerial spray project on a maximum of 1,253,000 acres of State and private woodlands in Aroostook, Piscataquis, Somerset, and Washington Counties, Maine, to protect forest resources from unacceptable damage caused by the spruce budworm. Registered dosage rates of the insecticides carbaryl (Sevin 4 Oil), trichlorfon (Dylox 4), acephate (Orth-

ene Forest Spray), and B.t. will be applied by aircraft to reduce spruce budworm larval populations and to preserve foliage. About 1,087,000 acres will be sprayed with carbaryl (Sevin 4 Oil); 51,000 acres with trichlorfon (Dylox 4); 94,000 acres with acephate (Orthene Forest Spray); and 21,000 acres with B.t. (Thuricide 16B).

This final statement was filed with EPA on April 21, 1978.

Copies of the final environmental statement have been sent to various Federal, State, and local agencies as outlined in the EPA guidelines.

Dated: April 20, 1978.

ROBERT D. RAISCH,
Area Director Northeastern Area,
State and Private Forestry.

[FR Doc. 78-11492 Filed 4-26-78; 8:45 am]

[3410-11]

LEESBURG LAND MANAGEMENT PLAN

Availability of Draft 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 draft environmental statement for the Leesburg Planning Unit, Salmon National Forest, Idaho. The Forest Service report number is USDA-FS-R4-DES (Adm)-78-5.

The Leesburg Planning Unit contains approximately 86,390 acres of which 2,009 acres are privately owned. The planning unit is in the north central portion of Idaho and entirely within Lemhi County. In developing the land management plan, the planning area was subdivided into two management areas on the basis of similarities such as landtypes, terrain, major drainages, and management qualities. Three inventoried roadless areas are within the unit: Haystack Mountain No. 4-507, Phelan Mountain No. 4-508, and Deep Creek No. 4-509.

Four management alternatives were evaluated for the Napias Creek Management Area and three alternatives for the Deep Creek Management Area. These alternatives considered a full range of opportunities, from wilderness classification to various resource production, protection, enhancement, and management.

This draft environmental statement was transmitted to EPA on April 17, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3210, 12th St. and Independence Avenue SW., Washington, D.C. 20013.

Regional Planning and Budget Office, USDA, Forest Service, Federal Building, Room 4120, 324 25th Street, Ogden, Utah 84401.

Forest Supervisor, Salmon National Forest, Forest Service Building, Salmon, Idaho 83467.

A limited number of single copies are available upon request to Forest Supervisor Richard T. Hauff, Salmon National Forest, Forest Service Building, Salmon, Idaho 83467.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Richard T. Hauff, Salmon National Forest, Forest Service Building, Salmon Idaho 83467.

Comments must be received by June 17, 1978, in order to be considered in the preparation of the final environmental statement.

Dated April 17, 1978.

VERN HAMRE,
Regional Forester.

[FR Doc. 78-11399 Filed 4-26-78; 8:45 am]

[3410-11]

MAGPIE-CONFEDERATE LAND MANAGEMENT PLAN

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 Magpie-Confederate Planning Unit, report No. USDA-FS-R1(12) FES-Adm-78-19.

The environmental statement concerns a land management plan for the Magpie-Confederate Planning Unit on the Helena National Forest. The planning unit contains 83,773 acres of National Forest land. The planning unit is divided into five management units and the management plan contains specific management direction for activities in each of the five management units.

This final environmental statement was transmitted to EPA on April 20, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th St. and Independence Avenue SW., Washington, D.C. 20250.

USDA, Forest Service, Northern Region, Federal Building, Missoula, Mont. 59801.

USDA, Forest Service, Helena National Forest, 616 Helena Avenue, Helena, Mont. 59601.

USDA, Forest Service, Helena-Canyon Ferry Ranger District, 2001 Poplar, Helena, Mont. 59601.

USDA, Forest Service, Townsend Ranger District, 111 North Cedar, Townsend, Mont. 59644.

A limited number of copies are available upon request to:

USDA, Forest Service, Helena National Forest, 616 Helena Avenue, Helena, Mont. 59601.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Dated: April 20, 1978.

R. MAX PETERSON,
Deputy Chief.

[FR Doc. 78-11389 Filed 4-26-78; 8:45 am]

[3410-11]

RESOURCE MANAGEMENT PLAN—TIMBER MANAGEMENT PLAN—SOUTHERN CALIFORNIA NATIONAL FORESTS

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 proposed revision of the ten-year Timber Management Plan for the Angeles, Cleveland, Los Padres and San Bernardino National Forests, USDA-FS-R5-FES(Adm)-77-08. Portions of the Forests are located in San Diego, Riverside, Orange, San Bernardino, Los Angeles, Ventura, Kern, Santa Barbara, San Luis Obispo, and Monterey Counties, Calif.

The environmental statement concerns proposed silvicultural treatments to develop stand conditions which maintain an attractive, healthy forest capable of resisting disease, insects, fire, and the impacts of human use and development on the forest ecosystem.

The draft environmental statement was transmitted to the Council on Environmental Quality (CEQ) on September 16, 1977. The final environmental statement was transmitted to the Environmental Protection Agency (EPA) on April 18, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Rm. 3210, 12th St. & Independence, S.W., Washington, D.C. 20250.

Angeles National Forest, 150 S. Los Robles Ave., Room 300, Pasadena, Calif. 91101.

Cleveland National Forest, 3211 Fifth Avenue, San Diego, Calif. 92103.

Regional Forester, U.S. Forest Service, Rm. 529, 630 Sansome Street, San Francisco, Calif. 94111.

Los Padres National Forest, 42 Aero Camino, Goleta, Calif. 93017.

San Bernardino National Forest, 144 N. Mountain View Ave., San Bernardino, Calif. 92408.

A limited number of single copies are available, upon request, from Forest Supervisor Doug MacWilliams, San Bernardino National Forest, 144 N. Mountain View, San Bernardino, Calif. 92408.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

ROBERT W. CERMAK,
Deputy Regional Forester.

APRIL 18, 1978.

[FR Doc. 78-11346 Filed 4-26-78; 8:45 am]

[3410-16]

Soil Conservation Service RURAL CLEAN WATER PROGRAM

Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), the Soil Conservation Service, USDA gives notice that a program environmental impact statement is being prepared for the Rural Clean Water Program, authorized pursuant to section 208, Pub. L. 92-500, as amended by section 35, Pub. L. 95-217, 33 U.S.C. 1288.

The program environmental assessment indicates that cumulative effects of the program may cause significant local, regional or national impacts on the human environment. Therefore, the Soil Conservation Service has determined that the preparation and review of a program environmental impact statement is needed.

Section 35 of Pub. L. 95-217 authorizes the Secretary of Agriculture, with the concurrence of the Administrator, Environmental Protection Agency, to establish and administer a program to enter into long-term contracts of not less than 5 years nor more than 10 years with rural landowners and operators for the purpose of installing and maintaining measures incorporating best management practices to control nonpoint source pollution for improved water quality.

Only those States or areas which have an approved agricultural portion of a "Section 208 Water Quality Management Plan" authorized in Pub. L. 92-500 qualify for technical and financial assistance under the Rural Clean Water Program (RCWP) for the installation of measures incorporating best management practices to control nonpoint source pollution for improved water quality.

The Soil Conservation Service will solicit public participation in the development of the program environmental impact statement (EIS) through circulation of a draft EIS and holding public meetings. The draft EIS will be published on or about May 15, 1978. The date and location of the public meetings will be announced at the same time the notice of availability of the draft EIS is published in the FEDERAL REGISTER.

Information concerning the Rural Clean Water Program and copies of the draft EIS, when available, may be obtained by contacting Mr. Ernest Todd, Rural Clean Water Program Task Force, Soil Conservation Service, USDA, Washington, D.C.; 202-447-2771.

(Catalog of Federal Domestic Assistance Programs number to be assigned.)

Dated: April 17, 1978.

EDWARD E. THOMAS,
Assistant Administrator for
Land Resources, Soil Conservation
Service.

[FR Doc. 78-11377 Filed 4-26-78; 8:45 am]

[3410-16]

STUCKER FORK WATERSHED, INDIANA

Intent To Not Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Stucker Fork Watershed, Scott, Jefferson, Clark, and Washington Counties, Inc.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Buell M. Ferguson, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a supplement to a partially installed plan for watershed protection and flood prevention that was authorized for construction in September 1962. The supplement provides 16 floodwater retarding structures to augment 15 floodwater retarding structures which have been installed. The 16 structures replace 22.3 miles of channel and a floodwater retarding structure that is deleted from the plan.

The notice of intent to not prepare an environmental impact statement

has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment is on file and may be reviewed by contacting Mr. Buell M. Ferguson, State Conservationist, Soil Conservation Service, 5610 Crawfordsville Road, Suite 2200, Indianapolis, Ind. 46224; 317-269-3785. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal is available to fill single copy request.

No administrative action on implementation of the proposal will be taken until May 30, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83-566, (16 U.S.C. 1001-1008).

Dated: April 17, 1978.

JOSEPH W. HAAS,
Assistant Administrator for
Water Resources, Soil Conservation Service, U.S. Department of Agriculture.

[FR Doc. 78-11376 Filed 4-26-78; 8:45 am]

[1505-01]

CIVIL AERONAUTICS BOARD

[Docket 32268; Order 78-4-24]

ALOHA AIRLINES, INC. AND HAWAIIAN AIRLINES, INC.

Order Vacating Suspension and Terminating Investigation

Correction

On page 15345 in the issue for Wednesday, April 12, 1978, the following corrections should be made to the document for Aloha Airlines, Inc. and Hawaiian Airlines, Inc.:

(1) In the heading add "Order 78-4-24" to the bracketed material.

(2) At the end of the document add "[FR Doc. 78-9746 Filed 4-11-78]".

[1505-01]

[Docket 32163; Order 78-4-25]

SOCIETE ANONYME BELGE D'EXPLOITATION, DE LA NAVIGATION AERIENNE (SABENA)

Foreign Air Carrier, Permit; Order to show Cause

Correction

In FR Doc. 78-9748 appearing at page 15346 in the issue for Wednesday, April 12, 1978, add "Order 78-4-25" to the bracketed material in the heading.

[1505-01]

[Docket 30345; Order 78-4-20]

TEXAS INTERNATIONAL AIRLINES, INC.

Order

Correction

In FR Doc. 78-9749 appearing at page 15348 in the issue for Wednesday, April 12, 1978, add "Order 78-4-20" to the Bracketed material in the heading.

[3510-22]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL'S STONE CRAB ADVISORY PANEL

Public Meeting

The subpanel on Stone Crab of the Advisory Panel of the Gulf of Mexico Fishery Management Council, established under Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94-265) will meet May 19, 1978, at the Lincoln Center, 5401 West Kennedy Boulevard, Suite 881, Tampa, Fla. The meeting starts at 9 a.m. and will adjourn at about 4 p.m.

Proposed Agenda: (1) Develop goal and objectives for the Stone Crab FMP; and (2) Consider special considerations for the plan.

Meeting is open to the public. For more information on seating, changes to the agenda, and/or written comments, contact Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 881, Tampa, Fla. 33609; 813-228-2815.

Dated: April 18, 1978.

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

[FR Doc. 78-11481 Filed 4-26-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

HUBBS/SEAWORLD RESEARCH INSTITUTE

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:
a. Name: Hubbs-Seaworld Research Institute, Dr. William Evans, Director.

b. Address: 1700 South Shores Road, San Diego, Calif. 92109.

2. Type of permit: Scientific Research.

3. Name and number of animals:

Common dolphin (*Delphinus delphis*)—20. Spinner dolphin (*Stenella longirostris*)—20. Spotted dolphin (*Stenella attenuata*)—20.

4. Type of take:

Up to ten (10) each of the above named species will be captured, tagged/marked, and released, and up to ten (10) each will be captured and maintained.

5. Location of activity: Cabo San Lucas, Baja, Calif., the Florida coast and/or Mexican waters.

6. Period of activity: 3 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the FEDERAL REGISTER the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Fla. 33702.

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, Calif. 90731.

Dated: April 12, 1978.

ROLAND F. SMITH,
Acting Assistant Director for
Fisheries Management, National Marine Fisheries Service.

[FR Doc. 78-11373 Filed 4-26-78; 8:45 am]

[3510-22]

**NEW ENGLAND FISHERY MANAGEMENT
COUNCIL**

Public Meeting

This is a public announcement of a meeting of the Standing Regulatory Measures Committee of the New England Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94-265). Representatives of the Regulatory Measures Committee of the Mid-Atlantic, South Atlantic, Gulf of Mexico and Caribbean Fishery Management Councils are invited to participate in this meeting.

The meeting will be held from 10:00 a.m. to 5:00 p.m. May 22, 1978 at the Holiday Inn, Junction of Route 1 and 128, Peabody, Massachusetts.

Proposed Agenda: (1) Review and adoption of common vessel logbook for all finfish, and (2) review and adoption of common dealer-processor logbook for all finfish.

The meeting is open to the public. For more information on seating, changes to the agenda, or written comments, contact Spencer Apollonio, Executive Director, New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Mass. 617-535-5450.

Dated: April 24, 1978.

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

[FR Doc. 78-11480 Filed 4-26-78; 8:45 am]

[3510-22]

**NEW ENGLAND FISHERY MANAGEMENT
COUNCIL**

Public Meeting

The New England Fishery Management Council, established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet May 17-18, 1978 at the United States Coast Guard Academy, New London, Conn. The meeting starts at 10 a.m. and will adjourn at approximately 5 p.m., May 17, and 9 a.m. to approximately 5 p.m. on May 18.

Proposed agenda. (1) Groundfish Management; (2) Herring Management Plan; (3) Limited Entry Conference Participation; and (4) Other Business.

Meeting is open to the public. For more information on seating, changes to the agenda, or written comments, contact Spencer Apollonio, Executive Director, New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Mass. 01960, telephone 617-535-5450.

Dated: April 24, 1978.

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

[FR Doc. 78-11482 Filed 4-26-78; 8:45 am]

[3510-25]

**COMMITTEE FOR THE
IMPLEMENTATION OF TEXTILE
AGREEMENTS**

INDIA

**Increasing Import Levels for Certain Cotton
and Wool Textile Products**

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing the consultation levels for women's, girls', and infants' cotton skirts in Category 342 and wool floor coverings in Category 465 during the twelve-month period which began on January 1, 1978.

(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).)

SUMMARY: Under the terms of paragraph 6 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, between the Governments of the United States and India, the Government of India has requested permission to exceed the consultation levels for Categories 342 and 465 during the agreement year which began on January 1, 1978. The U.S. Government has agreed to increase the level for Category 342 to 1.5 million square yards equivalent (84,270 dozen) and the level for Category 465 to 800,000 square yards equivalent (8,000,000 square feet) and will control imports at those levels for the year which began on January 1, 1978.

EFFECTIVE DATE: April 24, 1978.

FOR FURTHER INFORMATION
CONTACT:

Edmond Callahan, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

SUPPLEMENTARY INFORMATION: On February 2, 1978, a letter dated January 27, 1978 was published in the FEDERAL REGISTER (43 FR 4451) from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established the levels of restraint applicable to certain categories of cotton, wool and man-made fiber textile products, produced or manufactured in India and exported to the United States during the twelve-month period which began on

January 1, 1978, under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977. The bilateral agreement also provides consultation levels for categories not subject to designated consultation limits, such as Categories 342 and 465. The U.S. Government has agreed, at the request of the Government of India, to increase the consultation levels for Categories 342 and 465 for the year which began on January 1, 1978, and will control imports in those categories at the increased levels during the twelve-month period which began on January 1, 1978.

In the letter of April 24, 1978, published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of textile products in Categories 342 and 465, produced or manufactured in India, in excess of the designated levels of restraint.

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**

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

APRIL 24, 1978.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive issued to you on January 27, 1978 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in India.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, between the Governments of the United States and India; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on April 24, 1978 and for the twelve-month period beginning on January 1, 1978 and extending through December 31, 1978, entry into the United States for consumption and withdrawal from warehouse for consumption of textile products in Categories 342 (visaed) and 465, produced or manufactured in India, in excess of the following levels of restraint:

12-month level of restraint¹

Category:	
342.....	84,270 dozen.
465.....	8,000,000 square feet.

¹The levels of restraint have not been adjusted to reflect any imports after December 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).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of India and with respect to imports of cotton and wool textile products from India 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 Implementation of Textile Agreements,
and Deputy Assistant Secretary for Domestic Business Development.

[FR Doc. 78-11540 Filed 4-26-78; 8:45 am]

Commission requesting an exemption and a report of a CPSC contract to evaluate the effectiveness of the poison prevention program at the manufacturer, retailer, and consumer levels. The meeting is open to the public; however, space is limited. Persons who wish to make oral or written presentations to the Technical Advisory Committee should notify the Office of the Secretary (see address above) by May 12, 1978. The notification should list the name of the individual who will make the presentation, the person, company, group or industry on whose behalf the presentation will be made, the subject matter and the approximate time requested. Time permitting, these presentations and other statements from the audience to the Committee may be allowed by the presiding officer.

Dated: April 20, 1978.

SADYE DUNN,
Acting Secretary.

[FR Doc. 78-11387 Filed 4-26-78; 8:45 am]

States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8845.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc. 78-11384 Filed 4-26-78; 8:45 am]

[3810-70]

Office of the Secretary

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Closed Meeting

Pursuant to the provisions of subsection (d) of section 10 of Pub. L. 92-463, as amended by section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of a Panel of the DIA Scientific Advisory Committee will be held as follows:

Monday, May 22, 1978, Pomponio Plaza, Rosslyn, Va.

The entire meeting, commencing at 0900 hours, is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a study on the functional use of phased array radars.

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

APRIL 24, 1978.

[FR Doc. 78-11486 Filed 4-26-78; 8:45 am]

[6355-01]

CONSUMER PRODUCT SAFETY COMMISSION

TECHNICAL ADVISORY COMMITTEE ON POISON PACKAGING

Meeting

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of meeting: Technical Advisory Committee on Poison Prevention Packaging.

SUMMARY: This notice announces a meeting of the Technical Advisory Committee on Tuesday, May 23, 1978 from 9 a.m. to 5 p.m. The meeting will be held in the third floor conference room, 1111 18th Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Dee Wilson, Committee Management Officer, Office of the Secretary, Suite 300, 1111 18th St. NW., Washington, D.C. 20207, 202-634-700.

SUPPLEMENTARY INFORMATION: The Technical Advisory Committee provides advice and recommendations on the types and kinds of products which require special packaging that will protect children from injury or illness resulting from handling or ingestion of household substances. The Tuesday morning session will be devoted to an update of CPSC activities in the area of poison prevention packaging including a discussion of the CPSC policy on the criteria for granting an exemption from the PPPA REGULATIONS. The afternoon session will cover new petitions received by the

[3910-01]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

APRIL 20, 1978.

The USAF Scientific Advisory Board Division Advisory Group, Aeronautical Systems Division, will hold a meeting on May 12, 1978 at Wright-Patterson Air Force Base, Ohio, in Building 12, Room 108, Area B.

The Division Advisory Group will receive unclassified briefings on May 12 from 8:30 a.m. to 6 p.m. on F-16 fatigue test results. These briefings will be open to the public.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc. 78-11383 Filed 4-26-78; 8:45 am]

[3910-01]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

APRIL 24, 1978.

The participants of the USAF Scientific Advisory Board Workshop on Land-Based Ballistic Missile Strategic Issues will hold a meeting on May 25-26, 1978 at the Pentagon, Washington, D.C. from 8:30 a.m. to 4:30 p.m. each day.

The participants will hold a preparatory meeting to organize the upcoming Summer Study. The discussions will be classified.

The meeting concerns matters listed in Section 552b(c) of Title 5, United

[3128-01]

DEPARTMENT OF ENERGY

MOUND FACILITY, MIAMISBURG, OHIO

Availability of Draft Environmental Impact Statement

Notice is hereby given that the U.S. Department of Energy (DOE) has issued a draft environmental impact statement, DOE/EIS-0014-D, Mound Facility, Miamisburg, Ohio. The statement was prepared pursuant to implementation of the National Environmental Policy Act of 1969 to support DOE's continued operation of the Mound facility located in Miamisburg, Montgomery County, Ohio. The statement addresses the potential environmental impacts associated with continuing operations at the over 30-year old facility.

Copies of the draft environmental impact statement have been distributed

ed for review and comment to appropriate Federal, Ohio State and local agencies, and other organizations and individuals who are known to have an interest in the facility.

Copies of the statement are available for public inspection at the DOE public document rooms located at:

- DOE Headquarters, 20 Massachusetts Avenue NW., Washington, D.C.
- Albuquerque Operations Office, National Atomic Museum, Kirtland Air Force Base East, Albuquerque, N.M.
- Chicago Operations Office, 9800 South Cass Avenue, Argonne, Ill.
- Chicago Operations Office, 175 West Jackson Boulevard, Chicago, Ill.
- Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho.
- Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nev.
- Oak Ridge Operations Office, Federal Building, Oak Ridge, Tenn.
- Richland Operations Office, Federal Building, Richland, Wash.
- San Francisco Operations Office, 1333 Broadway, Oakland, Calif.
- Savannah River Operations Office, Savannah River Plant, Aiken, S.C.

Comments and views concerning the draft environmental impact statement are requested from other interested agencies, organizations, and individuals. Single copies of the statement will be furnished for review and comment upon request addressed to W. H. Pennington, Director, Office of NEPA Coordination, Mail Station E-201, U.S. Department of Energy, Washington, D.C., 20545 301-353-4241. Comments should be sent to the same address.

In accordance with the guidelines of the Council on Environmental Quality, those submitting comments on the draft environmental impact statement should endeavor to make their comments as specific, substantive, and factual as possible without undue attention to matters of form in the impact statement. However, it should assist in the review of the comments if the comments were organized in a manner consistent with the structure of the draft environmental impact statement. Commenting entities may recommend modifications and/or new alternatives that will enhance environmental quality and avoid or minimize adverse environmental impacts.

Copies of comments received on the draft environmental impact statement will be placed in the above-referenced locations for inspection and will be considered in the preparation of the final environmental impact statement, if received on or before June 26, 1978.

Dated at Washington, D.C., this 21st day of April 1978.

For the U.S. Department of Energy,

WILLIAM S. HEFFELFINGER,
Director of Administration.

[FR Doc. 78-11355 Filed 4-26-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket No. CP78-96]

ARKANSAS LOUISIANA GAS CO. AND SOUTHERN NATURAL GAS CO.

Amendment to Pipeline Application

APRIL 18, 1978.

Take notice that on March 15, 1978, Arkansas Louisiana Gas Co. (Arkla), P.O. Box 1734, Shreveport, La. 71151, and Southern Natural Gas Co. (Southern), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP78-96 on November 21, 1978 to include Natural Gas Pipeline Co. of America (Natural), 122 South Michigan Avenue, Chicago, Ill. 60603, as an Applicant to the proceedings and request the Commission to issue a certificate of public convenience and necessity authorizing the construction and operation of pipeline and related facilities to connect gas supplies located in Block 57, Eugene Island Area, to the existing pipeline system of United Gas Pipeline Co. (United).

Natural has arranged to purchase 18.75 percent of the reserves attributable to the Block 57, Eugene Island Area Field and accordingly, wishes to join Southern and Arkla in constructing and operating the necessary pipeline facilities. As more fully described in the application and the amendment filed thereto, which are on file with the Commission and open to public inspection, the total cost of the proposed 10.34 miles of 20-inch pipeline and related facilities is \$5,597,243, including the FERC filing fee.

Any person desiring to be heard or to make any protest with reference to said application, on or before May 9, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this

application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11413 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. CP78-272]

BROOKLYN UNION GAS CO.

Application

APRIL 21, 1978.

Take notice that on April 5, 1978, The Brooklyn Union Gas Co. (Applicant), 195 Montague Street, Brooklyn, N.Y. 11202, filed in Docket No. CP78-272 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sales of gas to Delmarva Power and Light Co. (Delmarva), Philadelphia Electric Co. (PECO), and South Jersey Gas Co. (South Jersey), (SG Purchasers) all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that by order of December 14, 1977, in *Transcontinental Gas Pipe Line Corporation*, Docket No. CP77-495 et al., the Commission dismissed Applicant's petition for a declaratory order disclaiming jurisdiction over Applicant in connection with these transactions, which were and are considered by Applicant to be sales of synthetic gas (SG) or artificial gas exempt from Commission jurisdiction by virtue of the provisions of the Natural Gas Act. The application further states that the Commission denied rehearing of the December 14 order by order of March 7, 1978, and stayed the proceedings for thirty days to provide an opportunity for Applicant to file for authorization to make the proposed sales. Consequently, Applicant states that it makes this application under protest and without waiver of its right to contest the Commission's assertion of jurisdiction over it in connection with the proposed transactions.

It is indicated that pursuant to three agreements, dated June 8, 1977, these following companies have contracted with Applicant for the purchase of SG as follows:

Company	Annual quantity in million Btu	Term
Delmarva	500,000	Nov. 1, 1977-Oct. 31, 1980
PECO	3,500,000	Nov. 1, 1977-Oct. 31, 1982
South Jersey.	2,000,000	Nov. 1, 1977-Oct. 31, 1982

Applicant states that the SG would be produced from a naphtha feedstock and sold to each of the SG purchasers by Applicant, unmixed with natural gas, at the tailgate (outlet) of its SG plant at its Greenpoint Energy Center within its Brooklyn, N.Y. service area. Applicant's SG plant is used to produce gas to supplement its curtailed natural gas supply in meeting the requirements of its customers, it is stated.

Applicant indicates that additional synthetic gas is to be produced for sale to the SG purchasers by operating the plant to a greater extent than necessary for Applicant's local customer requirements, and that it is only through operation of the SG plant that gas can be made available to the SG purchasers. Applicant states that gas would be available to the SG purchasers only to the extent that the SG plant is being operated.

It is indicated that ownership of the gas would pass to each SG purchaser at the tailgate of the SG plant, and arrangements for the transportation of the gas from that delivery point to the service area of each customer are the sole responsibility of that customer. Applicant indicates that it and the SG purchasers are resale customers of Transco, and that the SG purchasers have arranged with Transco for the transportation of the quantities of gas purchased from Applicant to their respective service areas. Applicant states that in that connection, it has agreed to assist the SG purchasers with their transportation arrangements, at no charge to them, by releasing quantities of gas thermally equivalent to the quantities sold to the SG purchasers. The SG purchasers have separately entered into letter agreements with Transco providing for requisite transportation service, it is said.

Applicant states that the rates for the gas proposed to be sold would be computed on a utility-type, cost of service basis, and the SG purchasers would pay the sum of the following charges:

(a) An annual demand charge, fixed for the term of the contract, of \$1.25 per million Btu based on the contract quantity of SG.

(b) A commodity charge equal to the sum, on a proportional per million Btu basis, of all production-related costs incurred by Applicant in providing the SG service to each SG customer. The production-related costs would be esti-

mated and billed monthly based on current costs and would be adjusted at the end of each contract year to equal the actual costs incurred during that year.

(c) A winter delivery charge, fixed for the term of the contract, of \$0.04 per million Btu for all quantities of gas delivered or tendered by Applicant in the winter period of each contract year.

It is stated that each SG purchaser would bear only its proportionate share of the costs actually incurred by Applicant in the provision of gas to such purchaser.

Applicant indicates that each SG purchaser has stated that it requires the gas to be purchased from Applicant to assure safe and adequate service to its high priority customers in the face of curtailment by its pipeline supplier(s).

Any person desiring to be heard or to make any protest with reference to said application should on or before May 12, 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. 78-11436 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. CP78-275]

CITIES SERVICE GAS CO.

Application

APRIL 19, 1978.

Take notice that on April 6, 1978, Cities Service Gas Co. (Applicant), P.O. Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP78-275 an application pursuant to section 7 of the Natural Gas Act for permission and approval to abandon in place, by reclaim and by transfer and sale to the Gas Service Co. (Gas Service) certain facilities and for a certificate of public convenience and necessity authorizing the construction of certain replacement facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to:

Item 1.—Abandon by reclaim approximately 1.32 miles of 3-inch and 4-inch transmission pipeline in the Lone Jack Pipeline and replace by constructing approximately 1.32 miles of 2-inch pipeline and appurtenant facilities in Jackson County, Mo., and also abandon in place approximately 0.92 mile of 4-inch, 5-inch and 6-inch pipeline in Jackson and Cass Counties, Mo.

It is stated that the segment of pipeline which Applicant proposes to abandon was purchased in 1947 and is now deteriorated to the extent that it can no longer be economically operated and maintained, and that since present and anticipated sales on this part of the pipeline can be met by replacing this section with a 2-inch pipeline, the economies of using smaller pipeline for this construction can be achieved without losing the required capacity. It is further stated that the 0.92-mile segment of pipeline being abandoned in place is no longer required to serve Applicant's customers and would not be replaced, it is said.

Item 2.—Abandon by reclaim approximately 0.72 mile of 2-inch pipeline in the Wellsville Pipeline and replace by constructing approximately 0.72 mile of 4-inch pipeline, all in Franklin County, Kans.

Applicant indicates that this segment of pipeline was originally constructed in 1936 and is now deteriorated to the extent that it can no longer be economically operated and maintained, and additional capacity is required to serve the town of Wellsville, Kans.

Item 3.—Abandon by reclaim approximately 1.49 miles of 2-inch pipeline in the Edgerton Pipeline and replace by constructing approximately 1.49 miles of 3-inch pipeline, all in Johnson County, Kans.

It is stated that this segment of pipeline was originally constructed in 1926 and is now deteriorated to the extent that it can no longer be economically operated and maintained.

Item 4.—Abandon by reclaim approximately 1.04 miles of 6-inch pipeline and replace by constructing approximately 1.04 miles of 4-inch pipeline the Camp Crowder Pipeline in Newton County, Mo.

Applicant states that this segment of pipeline was constructed in 1941 and is now deteriorated to the extent that it can no longer be economically operated and maintained. Applicant further states that since present and anticipated sales on this part of the pipeline can be met by replacing this section with a 4-inch pipeline, the economies of using smaller pipeline for this construction can be achieved without losing the required capacity.

Item 5.—Abandon by transfer to Gas Service approximately 0.28 mile of 3-inch pipeline in the Haven Pipeline, Reno County, Kans.

It is stated that the transfer of this segment of pipeline to Gas Service would result in Gas Service owning and operating the facilities which are downstream from Applicant's existing town border meter setting through which deliveries are being made to Haven, Kans. The facilities which Applicant proposes to transfer to Gas Service are more properly a part of Gas Service's distribution system than Applicant's transmission system, it is stated.

Item 6.—Abandon by sale to Gas Service approximately 0.91 mile of 3-inch pipeline in the Mt. Hope Pipeline in Sedgwick County, Kans.

Applicant indicates that this abandonment by sale would result in Gas Service owning and operating the facilities which are downstream from Applicant's existing town border meter setting through which deliveries are being made to Mt. Hope, Kans. Applicant further indicates that the facilities proposed for abandonment by sale to Gas Service are more properly a part of Gas Service's distribution system than Applicant's transmission system.

It is stated that the total estimated cost of all the proposed facilities to be constructed is \$140,600, which cost would be paid from treasury cash, and that total reclaim cost for the proposed abandonments is \$11,760, with an estimated salvage value of \$5,797.

The abandonment of the facilities proposed in Items 1 through 6 would not result in any abandonment of service to any customers, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 12, 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. 78-11414 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. CP77-512]

CLAY BASIN STORAGE CO.

Amendment to Application

APRIL 21, 1978.

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

Take notice that on April 6, 1978, Clay Basin Storage Co. (Applicant), 100 Broadway, New York, N.Y. 10005, filed in Docket No. CP77-512 an amendment to its application filed herein on July 19, 1977, pursuant to section 7(c) of the Natural Gas Act so as to provide for the continuation of the sale of natural gas by Applicant to El Paso Natural Gas Co.'s (El Paso) east-of-California (EOC) distributor

customers and to El Paso, respectively, and to the extent required, to exchange gas with Northwest Pipeline Corp. (Northwest), for a term extended through September 30, 1980, which sales and exchange of natural gas are necessary to implement part of the proposed extended Clay Basin Interim Storage Arrangements, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

Applicant indicates that in its original application in the instant docket it requests authorization to undertake the sale of natural gas in interstate commerce for resale and the exchange of gas in interstate commerce, all as part of its participation in the effectuation of the Clay Basin Interim Storage Arrangements. Applicant further indicates that pursuant to the Federal Power Commission order of September 30, 1977, as amended, in Mountain Fuel Resources, Inc., et al., Docket No. CP76-285, et al. it was granted temporary certificate authorization, *inter alia*, to sell natural gas to certain of El Paso's EOC distributor customers, namely, Arizona Public Service Co. (APS), Southern Union Co. (Southern Union), Southwest Gas Corp. (Southwest) and Tucson Gas & Electric Co. (TG&E, together with APS, Southern Union and Southwest herein jointly referred to as EOC Distributors), in accordance with the terms and conditions of letter agreements, dated June 10, 1977, between El Paso and each of the EOC Distributors; to sell natural gas from time to time to El Paso for use by El Paso to replace compressor fuel usage and lost or unaccounted for gas volumes associated with the physical transportation of Applicant's gas through El Paso's interstate facilities, such sale being made in accordance with a gas sales agreement between Applicant and El Paso dated July 6, 1977; and to effectuate the exchange of its gas stored in the Clay Basin Field for equivalent quantities delivered by Northwest Pipeline Corp. (Northwest) to El Paso in the San Juan Basin area for Applicant's account pursuant to a gas transportation and exchange agreement dated March 24, 1977, between Applicant (as El Paso's assignee) and Northwest.

It is stated that said sales of natural gas by Applicant to EOC Distributors and to El Paso, respectively, and said exchange arrangements with Northwest, are integral to the effectuation of the Clay Basin Interim Storage Arrangements, which arrangements are designed to assist El Paso in providing for the storage and subsequent utilization of available gas supplies in protecting service to the Priority 1 and 2 requirements of El Paso's EOC customers through December 31, 1979. It is further stated that operations conducted thus far under the existing ar-

rangements have resulted in the accumulation and retention in storage in the Clay Basin Field for Applicant's account as of March 31, 1978, of approximately 6.0 Mcf of natural gas, and that some 350,000 Mcf of Applicant's gas was redelivered to El Paso by exchange over a period of six days during the 1977-78 heating season and sold by Applicant to the EOC Distributors in order to enable El Paso to maintain full Priority 1 and 2 service in its EOC market areas.

As set forth in El Paso's concurrent filing in Docket No. CP77-289, El Paso projects that from time to time through April 30, 1980, it would continue to have certain quantities of gas available for storage in the Clay Basin Field which would otherwise be available for sale and delivery in satisfaction of the Priority 3, 4, or 5 requirements of its interstate system customers.

Applicant and El Paso, as part of the extended Clay Basin Interim Storage Arrangements, have entered into a letter agreement dated March 15, 1978, amending the interim storage agreement between them dated July 6, 1977, which provides for the continued purchase of natural gas by Applicant from El Paso through April 30, 1980, at certain points of delivery in the San Juan Basin area in Rio Arriba County, N. Mex., and La Plata County, Colo., as provided in the initial arrangement, it is stated. It is further stated that El Paso would continue to sell such gas to Applicant and physically deliver such gas to Northwest, for Applicant's account, at existing points of interconnection between the facilities of El Paso and Northwest. Such deliveries are to be made in quantities not to exceed the excess pipeline capacity available in Northwest's transmission facilities, as excess capacity may exist from time to time, on a daily basis, through April 30, 1980, it is said. It is stated that for each Mcf of natural gas sold by El Paso to Storage Company and delivered to Northwest for Applicant's account, Applicant would continue to pay El Paso a rate equivalent to the rate in effect at the time of sale under Rate Schedule G of El Paso's FERC Gas Tariff, Original Volume No. 1.

It is indicated that Applicant, El Paso, and Northwest have entered into an amendment to the Clay Basin Gas Transportation and Exchange Agreement dated March 13, 1978, amending the gas transportation and exchange agreement dated March 24, 1977, between the parties, which amendment provides that the gas purchased by Applicant from El Paso would continue to be delivered to Northwest and transported and delivered to Mountain Fuel Resources, Inc. (Resources) which shall inject and store such delivered quantities in the Clay Basin Stor-

age Field, near Dutch John, Daggett County, Utah, all for Applicant's account for the extended term through September 30, 1980. Applicant states that Northwest would continue to charge Applicant a transportation rate of 16.03 cents per Mcf under the extended arrangements.

It is indicated that pursuant to Resources' Clay Basin Interim Storage Service Rate Schedule S-2, as amended and restated, dated March 15, 1978, between El Paso, Applicant, Resources and Northwest, Resources has agreed to continue to accept delivery on a best efforts basis of the natural gas volumes transported and delivered to Resources by Northwest, for Applicant's account, and to transport and inject such gas into the Clay Basin Field during the period extending through April 30, 1980. It is further stated that pursuant to such agreement, Resources would withdraw such gas from time to time through April 30, 1980, for redelivery to Northwest for Applicant's account in order that Northwest, in turn, may redeliver equivalent volumes of gas by exchange to El Paso to assist El Paso in protecting EOC Priority 1 and 2 services; such withdrawal and redelivery by Resources to be on a best efforts basis, subject to its prior commitments to Northwest with respect to the withdrawal capacity of the Clay Basin Field. Applicant states that none of its gas remaining in its storage account after April 30, 1980 would be physically so withdrawn and redelivered to Northwest; rather, Applicant would exchange any such volumes with Northwest, transferring title to such volumes to Northwest in place in the Clay Basin Field and Northwest redelivering equivalent volumes to El Paso at the San Juan Basin delivery point, all pursuant to said gas transportation and exchange agreement, as amended, with the transfer of title to, and redelivery of, all such gas to and by Northwest to be completed prior to October 1, 1980. As compensation for providing such storage service, Resources would charge Applicant a two-part rate which would reflect an allocation to Applicant of its pro rata share of Resources' cost of service, together with certain carrying charges (to be flowed through to Northwest) associated with Northwest's investment in the cushion gas inventory in the Clay Basin Field, and together with all of the costs associated with certain temporary compression facilities which are being maintained by Resources solely to accommodate the storage of gas for Applicant's account, it is stated.

Applicant indicates that under the extended Clay Basin Interim Storage Arrangements, Northwest, by displacement, would from time to time through September 30, 1980, deliver to El Paso at the existing delivery point,

near Ignacio, Colo., for Storage Co.'s account, quantities of gas equivalent on a Btu basis to the quantities which were previously purchased by Applicant from El Paso and delivered by El Paso to Northwest for Applicant's account. Applicant further indicates that Northwest's obligation to redeliver gas to El Paso for Applicant's account on any day would be limited to that quantity of gas, if any, which Northwest, utilizing its best efforts, can receive on that day from Resources for Applicant's account. It is stated that except as the parties otherwise mutually agree, Northwest would not be required to redeliver to El Paso on any day for Applicant's account volumes of natural gas exceeding 250,000 Mcf.

The amendment states that El Paso would transport through its interstate pipeline system and deliver, for Applicant's account, to El Paso's EOC Distributors, the quantities of gas so received from Northwest, and El Paso, Applicant and the EOC Distributors have entered into letter agreements dated March 15, 1978, providing for the continued purchase by the EOC Distributors of the quantities of gas so received from El Paso for Applicant's account on terms and conditions which permit the effective utilization of such gas to protect Priority 1 and 2 service to all of El Paso's EOC customers during the 1978-79 and 1979-80 heating seasons and thereafter. The subject letter agreements contemplate that El Paso would have the right to tender such quantities of gas to the EOC Distributors, for Applicant's account, by October 1, 1980, at existing points of delivery to such customers located on El Paso's interstate transmission system and that the EOC Distributors would have the right, but not the obligation, to purchase such gas from Applicant, it is said. Applicant states that the sales that it would continue to make to the EOC Distributors would be made at a rate equivalent to the rate in effect at the time of delivery for El Paso's own sales of natural gas at the respective sales point locations.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before May 8, 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. Persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11443 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. CP78-273]

COLORADO INTERSTATE GAS CO.

Application

APRIL 19, 1978.

Take notice that on April 5, 1978, Colorado Interstate Gas Co. (Applicant), P.O. Box 1087, Colorado Springs, Colo. 80944, filed in Docket No. CP78-273 an application pursuant to section 7(c) of the the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale to, and exchange of natural gas with, Northwest Pipeline Corp. (Northwest), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Applicant has obtained control of certain new natural gas supplies in the Shute Creek Unit (Shute Creek) area in Wyoming, and that this new supply is remote from Applicant's existing pipeline. The application further states that Northwest operates the 30-inch Opal plant lateral which is in the vicinity of applicant's Shute Creek area. Consequently, Applicant and Northwest have entered into a gas gathering and transportation agreement dated December 28, 1977, which agreement provides that Northwest would gather at the wellhead and transport up to 5,000 Mcf of natural gas per day from certain gas supplies Applicant controls in the Shute Creek area in Wyoming to an existing interconnection between Applicant and Northwest at Green River, Wyo. It is stated that in return for gathering and transporting Applicant's gas, Northwest is contractually authorized to purchase 25 percent of the gas delivered by Applicant to Northwest's gathering system.

It is indicated that Northwest would construct the necessary extensions from its existing facilities pursuant to its budget-type authorization in order to provide well-head gathering services for Applicant's Shute Creek area supply. The gathering facilities would connect to Northwest's Opal plant lateral line, it is said. Applicant states that Northwest would commingle this gas with the other gas flowing in its pipeline and transport it for ultimate delivery to its customers. Applicant further states that redelivery to applicant would occur at the Green River

interconnection, and that the volumes redelivered to Applicant would be balanced as nearly as feasible on a monthly basis and would consist of volumes equivalent to the volumes delivered to Northwest, adjusted as follows:

1. Reduced by the volumes purchased by Northwest.
2. Reduced by an allowance for fuel usage on Northwest's system applicable to Applicant's share of the volume.
3. Reduced or increased, as appropriate, to achieve a thermal balance.
4. Adjusted, as appropriate, by an allowance for fuel usage, shrinkage, and loss of heating value resulting from processing operations at Northwest's Opal processing plant.

It is stated that Northwest would purchase its portion of the Shute Creek area gas from Applicant at the same average price paid by Applicant for such gas. Gathering charges, initially, would be assessed by Northwest for all of Applicant's gas which it gathers and transports, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 12, 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. 78-11415 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. CP78-274]

COLORADO INTERSTATE GAS CO.

Application

APRIL 19, 1978.

Take notice that on April 5, 1978, Colorado Interstate Gas Co. (Applicant), P.O. Box 1087, Colorado Springs, Colo. 80944, filed in Docket No. CP78-274 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale to, and exchange of natural gas with, Northwest Pipeline Corp. (Northwest), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Applicant has obtained control of certain new natural gas supplies in the Monument Butte III Unit (Monument Butte) area in Sweetwater County, Wyo., and that this new supply is remote for Applicant's existing pipeline system. Northwest operates an existing gathering system in the Lincoln Road Federal Unit area which is in reasonable proximity to Applicant's Monument Butte area supply, it is said. Consequently, Applicant and Northwest have entered into a gas gathering and transportation agreement dated December 30, 1977, which agreement provides that Northwest would gather at the wellhead and transport up to 5,000 Mcf of natural gas per day from certain gas supplies Applicant controls in the Monument Butte area in Wyoming to an existing interconnection between Applicant and Northwest at Green River, Wyo., it is stated. It is further stated that in return for gathering and transporting Applicant's gas, Northwest is contractually authorized to purchase 25 percent of the gas delivered by Applicant into Northwest's gathering system.

Applicant indicates that Northwest would construct the necessary extensions to its existing gathering facilities pursuant to its gas purchase budget-type authorization in order to provide wellhead gathering services for Applicant's Monument Butte area supply. The extended gathering facilities would commingle this gas with the other gas flowing in its pipeline and transport it for ultimate delivery to its customers, it is said. It is stated that Northwest would redeliver the gas, less the 25 percent of the gas that it would purchase, on a thermally equivalent basis to Applicant at the Green River interconnection. It is indicated

the delivery volumes to Applicant would be balanced as nearly as feasible on a monthly basis and would consist of volumes equivalent to the volumes delivered to Applicant, adjusted as follows:

(1) Reduced by the volumes purchased by Northwest; (2) Reduced by an allowance for fuel usage on Northwest's system applicable to Applicant's share of the volume; (3) Reduced or increased, as appropriate, to achieve a thermal balance; (4) Adjusted, as appropriate, by an allowance for fuel usage, shrinkage, and loss of heating value resulting from processing operations at Northwest's opal processing plant.

Applicant states that Northwest would purchase its portion of the Monument Butte area gas from Applicant at the same average price paid by Applicant for such gas. It is stated that gathering charges, initially 15.9 cents per Mcf, and transmission charges of 2.5 cents per Mcf, initially, would be assessed by Northwest for all of Applicant's gas which it gathers and transports.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 11, 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 and 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. 78-11416 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. CP78-277]

COLORADO INTERSTATE GAS CO.

Application

APRIL 19, 1978.

Take notice that on April 6, 1978, Colorado Interstate Gas Co. (Applicant), P.O. Box 1087, Colorado Springs, Colo. 80944, filed in Docket No. CP78-277 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of one new observation well and the conversion of one existing observation well to a withdrawal well at the Boehm Storage Field in Morton County, Kans., all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to convert Well No. 25, currently an observation well, to a withdrawal well and to drill and equip one additional observation well in the northern sector of the Boehm Storage Field. The total estimated cost of the proposed facilities is \$347,500, which cost would be financed from current funds on hand, funds from operations, short-term borrowings, or long-term financing, it is stated.

The application states that the Boehm Field was developed as a gas storage reservoir to aid Applicant in meeting its peak day and heating season gas requirements, and that full scale injection commenced in March 1974 and from that date to the present the injection of natural gas has constantly increased the pressure in the field. The application further stated that the proposed facilities are designed to better monitor and control the field development and operation.

Applicant indicates that Well No. 25, located on the northern edge of the Boehm Field, was originally drilled to the Keyes formation for injection-withdrawal purposes, but well logs showed poor sand development in that area. Consequently, the well was not fraced or connected to the pipeline system at that time but was redesignated an observation well and has been used to monitor the formation pressure in that area, it is said. Applicant states that since the wells completion in mid-1975, the pressure on Well No. 25 has risen steadily, indicating gas migration to the northwest, and that the increased pressure resulting from injection of natural gas into the field has caused the hydrocarbon

pore volume of the Keyes formation to expand as the gas-water contact is forced backward. Applicant further states that because gas migration has proceeded this far northward, Well No. 25 is proposed to be converted to a withdrawal well in order to produce gas from the edge of the field to assist in preventing migration.

It is stated that Keyes reservoir in the Boehm Storage Field is operating as anticipated, and that the northwest gas migration was expected; however, the proposed facilities, as well as future operations, are designed to deter that migration and stop the growth of the gas reservoir. Gas would not be injected into Well No. 25, it is said. It is indicated that withdrawals only will be made to reduce the pressure on the north end of the field, and that the entire Keyes reservoir would continue to be operated over the complete injection-withdrawal cycle on a balanced pound-day concept.

Applicant states that it is considered essential to observe the extent of further northward gas migration. Thus, a step-out observation well is proposed to monitor the Keyes formation, it is said. It is stated that the location of the step-out well to be designated Well No. 42, is approximately one-half mile west of Well No. 25. It is asserted that the proposed new observation well would be used to detect any additional gas migration.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 12, 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. 78-11417 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. CP78-276]

COLORADO INTERSTATE GAS CO.

Application

APRIL 19, 1978.

Take notice that on April 6, 1978, Colorado Interstate Gas Co. (Applicant), P.O. Box 1087, Colorado Springs, Colo. 80944, filed in Docket No. CP78-276 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation for, and exchange of natural gas with Northwest Pipeline Corp. (Northwest), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Northwest has a gas purchase contract for the Black Butte No. 1 Well located about 45 miles from Northwest's existing system. The application further states that Applicant operates gathering and transmission facilities in the Black Butte area and Applicant and Northwest have an existing pipeline system interconnection near Green River, Wyo. Consequently, Applicant and Northwest have entered into a gas transportation agreement dated March 16, 1978, providing for the gathering of up to 2,000 Mcf of gas per day, by Northwest, from the Black Butte area, and the delivering by Northwest, of said gas to Applicant at mutually agreeable points on Applicant's existing facilities. Applicant indicates that it would redeliver to Northwest, by displacement, thermally equivalent volumes of gas at the existing interconnection between Applicant and Northwest located near Green River, Wyo.

It is contemplated that the field interconnection would be made on Applicant's 4-inch gathering line, and that in order for Northwest to connect its gathering system to Applicant's facilities, it would be necessary for Applicant to install a side valve on its pipeline, it is stated. It is further stated that the estimated installed cost for a side valve on Applicant's 4-inch field line is \$3,300, and that these facilities would be installed by Appli-

cant pursuant to its budget-type authorization.

It is indicated that Applicant has the option of purchasing up to 25 percent of gas delivered to it by Northwest. Applicant states that it would reimburse Northwest for Northwest's gathering cost of service, including a reasonable rate of return and for all costs incurred attributable to Applicant's gas from the wellhead to the point of connection on Applicant's pipeline, which gathering cost of service would be determined by the parties prior to commencing initial deliveries.

The price to be paid by Applicant for any gas sold by Northwest hereunder when Applicant accepts delivery of such gas into its system from any one well at any point of delivery, would be equal to the price paid by Northwest, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 12, 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. 78-11444 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. CP78-271]

COLUMBIA GAS TRANSMISSION CORP.

Application

APRIL 18, 1978.

Take notice that on April 4, 1978, Columbia Gas Transmission Corp. (Applicant), 1700 MacCorkle Avenue, Charleston, W.Va. 25314, filed in Docket No. CP78-271 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 300 Mcf of natural gas per day during the winter of November 1 through March 31 for an initial term of three years for National Gas & Oil Corp. (National), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the proposed transportation of gas as requested herein would be accomplished in the following manner:

- (1) National would deliver natural gas to Columbia Gas of Ohio, Inc. (Columbia of Ohio) at existing interconnections between National and Columbia of Ohio in Newark, Licking County, Ohio, and/or Zanesville, Muskingum County, Ohio; and
- (2) Columbia of Ohio would reduce, by equivalent volumes, its receipt from Applicant at existing interconnections near Newark and/or Zanesville, Ohio; and
- (3) Applicant would redeliver in exchange therefor, like volumes of natural gas to National at existing point of delivery near Somerton, Ohio, and at a specific point as mutually agreed upon Applicant's line 0-1463 near Batesville, Ohio.

Applicant states that its charges for the proposed transportation is its average system-wide unit storage and transmission cost, excluding company-use and unaccounted-for gas. Applicant further states that it would retain for company-use and unaccounted-for gas a percentage of the total volumes of natural gas delivered into its system by National, which percentage is currently 4.0 percent.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 9, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to inter-

vene in accordance with the Commission's Rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc 78-11418 Filed 4-26-78; 8:45 am]
[Docket No. CP78-251]

COLUMBIA GULF TRANSMISSION CO.

Pipeline Application

APRIL 18, 1978.

Take notice that on March 23, 1978, Columbia Gulf Transmission Co. (Columbia Gulf), P.O. Box 683, Houston, Tex. 77001, filed in Docket No. CP78-251 an application for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline facilities offshore Louisiana.

Applicant proposes to construct and operate approximately 5.64 miles of 16-inch pipeline and appurtenant facilities originating on a production platform in Eugene Island Area Block 251, Offshore Louisiana and extending to an underwater connection to be installed in Eugene Island Block 250 on an existing 24-inch pipeline in which applicant is a joint owner. The total cost of the proposed facilities is estimated at \$7,046,100 (inclusive of filing fees).

Any person desiring to be heard or to make any protest with reference to said application, on or before May 9, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or

to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11419 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket Nos. RP76-94; RP76-138]

COLUMBIA GULF TRANSMISSION CO.

Proposed Changes in FERC Gas Tariff

APRIL 20, 1978.

Take notice that on April 3, 1978, Columbia Gulf Transmission Co. (Columbia Gulf) tendered for filing the following proposed changes in its FERC Gas Tariffs, to be effective November 1, 1976 and/or the initial date the tariff sheets were placed in effect:

Original Volume No. 1

Second Substitute Twenty-Third Revised Sheet No. 7

Original Volume No. 2

Substitute Fourth Revised Sheet No. 72
Substitute Fourth Revised Sheet No. 73
Second Substitute First Revised Sheet No. 92
Second Substitute First Revised Sheet No. 93
Second Substitute First Revised Sheet No. 126
Second Substitute Second Revised Sheet No. 145
Second Substitute Second Revised Sheet No. 146
Second Substitute First Revised Sheet No. 256
Second Substitute Second Revised Sheet No. 263
Substitute Original Sheet No. 278
Substitute Original Sheet No. 320
Substitute Original Sheet No. 337
Substitute Original Sheet No. 338
Substitute Original Sheet No. 386
Substitute Original Sheet No. 387

Substitute Original Sheet No. 416
Substitute Original Sheet No. 417
Substitute Original Sheet No. 440
Substitute Original Sheet No. 493
Substitute Original Sheet No. 567

The above tariff sheets are being issued in accordance with Federal Energy Regulatory Commission's letter order issued March 16, 1978 approving Columbia Gulf Transmission Co.'s (Columbia Gulf) Stipulation and Agreement in Docket Nos. RP76-94 and RP76-138.

A copy of this filing was served on each of Columbia Gulf's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 1, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11445 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. ER78-315]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Filing

APRIL 21, 1978.

Take notice that on April 17, 1978, Consolidated Edison Co. of New York, Inc. (Con Edison) tendered for filing, as superseding rate schedules, copies of an exchange agreement (the "Exchange Agreement") and three Amendments thereto (the "Amendment", the "Second Amendment" and the "Third Amendment") between Con Edison and three companies of the Northeast Utilities system (the "NU Companies"): The Connecticut Light & Power Co., the Hartford Electric Light Co. and Western Massachusetts Electric Co.

Con Edison states that the Exchange agreement, dated as of April 28, 1975, and the amendment, dated as of April 1, 1976, essentially extend the term of Con Edison Rate Schedule FPC No. 38 (and by concurrence, The Connecticut Light & Power Co. Rate Schedule FPC No. 120; The Hartford Electric Light Co. Rate Schedule FPC

No. 104; and Western Massachusetts Electric Co. Rate Schedule FPC No. 109). Con Edison further states that no increased rates are proposed by the agreement and amendment, which differ from the previously filed rate schedule only in that the amendment clarify the intention of the parties that New England Power Exchange shall operate the NU Companies' pumped storage project (the "project") in the most economic manner practicable. Con Edison indicates that the second amendment, dated as of July 1, 1977, increases Con Edison's entitlement in the pumping capability of the project and also provides for an increased rate during periods when a capability in excess of the basic contractual capability is available to Con Edison. Con Edison further indicates that the third amendment dated as of January 5, 1978 provides the NU Companies with an entitlement to Con Edison's gas turbine capacity or, at times when available, lower cost generation sources which are available to Con Edison.

Con Edison requests effective dates of the aforementioned Agreement and Amendments as follows: Exchange Agreement—April 28, 1975; Amendment—April 1, 1976; Second Amendment—July 1, 1977; and Third Amendment—January 5, 1978. Con Edison therefore requests waiver of the Commission's notice requirements.

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11446 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. RP77-140]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FERC Gas Tariff

APRIL 20, 1978.

Take notice that Consolidated Gas Supply Corp. (Consolidated) on April 18, 1978 tendered for filing Revised Alternate Second Substitute Original Sheet No. 16 to its FERC Gas Tariff,

Third Revised Volume No. 1. The tariff sheet is proposed to become effective, subject to refund, on April 1, 1978. Consolidated proposed that the rates shown on Revised Alternate Second Substitute Original Sheet No. 16 be approved in lieu of the rates filed April 4, 1978.

Consolidated stated that Revised Alternate Second Substitute Original Sheet No. 16 was filed to comply with the Commission's order of October 31, 1977, as amended and that the revisions are consistent with the allocation factors and treatment of LNG costs in its revised filing in Docket No. RP78-52, made concurrently. The proposed rates reflect an annual decrease of approximately \$5 million in revenues from the revenues that would have been generated from the rates contained in Alternate Second Substitute Original Sheet No. 16 and are based upon the resolution of the cost classification, cost allocation rate design and zoning issues provided in the Stipulation and Agreement filed November 28, 1977, and approved by the Commission on April 7, 1978 in Consolidated Gas Supply Corp., Docket Nos. RP73-107, et al.

Consolidated requests a waiver of any of the Commission's Rules and Regulations as may be required to make the rates effective, subject to refund, on April 1, 1978.

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

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR §§ 1.8 and 1.10). All such petitions or protests should be filed on or before May 2, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11447 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. RP72-157]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FERC Gas Tariff

APRIL 20, 1978.

Take notice that Consolidated Gas Supply Corp. (Consolidated) on April

18, 1978, tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1. The proposed changes, reflected on Second Substitute Alternate Second Revised Sheet No. 16, to be effective May 1, 1978, represent PGA adjustments because of changes in the Base Tariff rates for producer purchases included in a revised filing in Docket No. RP78-52 and a decrease in costs of gas purchased from Texas Eastern, previously filed to become effective May 1, 1978.

Consolidated requests a waiver of any of the Commission's rules and regulations as may be deemed necessary by the Commission.

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

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 2, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11448 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. RP72-157]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FERC Gas Tariff

APRIL 20, 1978.

Take notice that Consolidated Gas Supply Corp. (Consolidated) on April 18, 1978, tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1. The proposed changes, shown on Revised Alternate Third Substitute Original Sheet No. 16, are proposed to be effective April 1, 1978.

Consolidated states that the PGA filing is being made to adjust the rates being filed concurrently in Docket No. RP77-140, to reflect the pipeline supplier rate levels at April 1, 1978 and producer supplier rate levels included in Consolidated's currently effective rates. Consolidated has previously made PGA filings to reflect all the rate changes included herein.

Consolidated requests a waiver of any of the Commission's rules and reg-

ulations as may be deemed necessary by the Commission.

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

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 2, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11449 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. RP78-52]

CONSOLIDATED GAS SUPPLY CORP.

Revised Notice of Proposed Changes in Rate and Charges

APRIL 20, 1978.

Take notice that Consolidated Gas Supply Corp. (Consolidated), pursuant to Section 4 of the Natural Gas Act and Section 154.63 of the Commission's Regulations thereunder, tendered for filing on April 18, 1978, proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1 to become effective April 30, 1978. A prior notice of Consolidated's March 31 filing was inadvertently issued in Consolidated's purchased gas adjustment docket, RP72-157 (PGA78-8), and a corrected notice was issued on April 14, 1978.

The proposed revised rate changes would increase Consolidated's annual revenue from jurisdictional sales and services by \$83,748,589 compared with revised rates filed on April 18, 1978 to be effective April 1, 1978 in Docket No. RP77-140.

The revised rates reflect the costs associated with the purchase of liquefied natural gas (LNG) not previously reflected in Consolidated's effective rates and reflect the resolution of cost classification, cost allocation, rate design and zoning methods in accordance with a Stipulation and Agreement filed by Consolidated on November 28, 1977 which was approved by the Commission on April 7, 1978.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with

the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 2, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11450 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. RI78-43]

CORDILLERA CORP.

Petition for Special Relief

APRIL 19, 1978.

Take notice that on March 28, 1978, Cordillera Corp. (Petitioner), 2334 East Third Avenue, Denver, Colo. 80206, filed a petition for special relief in Docket No. RI78-43 pursuant to Section 2.76 of the Commission's rules.

Petitioner proposes to install equipment with a sulfur recovery unit at a cost of \$601,000 for the purpose of removing hydrogen sulfide, sweetening, and carbon dioxide from its gas produced from the Sugar Creek No. 1 Well, thereby rendering the gas salable. Further, Petitioner avers that it needs to sell its gas at a rate of \$2.12 per Mcf so that it can install the equipment for the purpose of sweetening its gas. Currently, Petitioner sells gas at the authorized rate of 52.7 cents per MM Btu.

According to Petitioner, the Sugar Creek No. 1 Well located in Carbon County, Wyo., will produce approximately 1,422,405 Mcf of gas over a seven year period. Western Transmission Corp. will purchase this gas.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 11, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file

a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11420 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. CP78-278]

EAST TENNESSEE NATURAL GAS CO.

Application

APRIL 21, 1978.

Take notice that on April 7, 1978, East Tennessee Natural Gas Co. (Applicant), P.O. Box 2511, Houston, Tex. 77001, filed in Docket No. CP78-278 an application pursuant to Section 7(c) of the Natural Gas Act and § 2.79 of the Commission's general policy and interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for two years for Uniroyal, Inc. (Uniroyal) and Eaton Corp. (Eaton), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Uniroyal and Eaton each operate manufacturing plants in Shelbyville, Tenn. The Uniroyal plant uses natural gas for certain processes in the manufacture of tire cord for tires used on automobiles, trucks, tractors, and airplanes, and the Eaton plant uses natural gas for certain processes in the manufacture of heavy duty vehicular transmissions for truck manufacturers as well as construction and agricultural vehicular machinery, it is said. It is stated that Uniroyal and Eaton have requested Applicant to receive and transport natural gas to Applicant's existing customer, United Cities Gas Co. (United Cities), for the accounts of Uniroyal and Eaton, for use in their respective plants. It is further stated that Uniroyal and Eaton have contracted to purchase the subject gas in the Douglas Branch Field located in Morgan County, Tenn., from Cumberland Oil Producing Co., Inc. (COPCO) at a price of \$2 per Mcf, pursuant to gas purchase contracts dated October 27, 1977, and October 29, 1977, respectively. It is indicated that the subject gas is not available to the interstate market.

Applicant proposes to receive from COPCO for the accounts of Uniroyal and Eaton, at the interconnection of Applicant's and COPCO's facilities located at Applicant's Main Line Valve 3109, a daily volume of gas up to the maximum daily quantity of 700 Mcf and 600 Mcf, respectively, and transport and deliver the respective volumes to United Cities, at Applicant's existing United Cities Sales Meter Station, for the accounts of Uniroyal and Eaton. Applicant states that in addi-

tion to their respective daily volume, Uniroyal and Eaton would each make available to Applicant daily, an additional volume of gas, the product of the scheduled daily volume multiplied by 0.72 percent, as a supplement to Applicant's system gas supply, for Applicant's system fuel and use requirements associated with these transportation services.

It is indicated that Uniroyal and Eaton would each pay to Applicant each month a charge for transportation to be determined by multiplying the rate of 26.67 cents per Mcf by the volume of natural gas delivered by Applicant to United Cities for their respective accounts, and that Applicant would also retain each day for its system fuel and use requirements, from Uniroyal and Eaton, a daily volume each, determined by multiplying 0.72 percent times the scheduled daily volume delivered by Applicant to United Cities for their respective accounts.

Applicant indicates that the proposed service would enable Uniroyal and Eaton to receive natural gas for their plants in Shelbyville, Tenn., in order to mitigate the effects of curtailment being imposed on them by United Cities, the gas distribution company for Shelbyville, Tenn., resulting from curtailment of United Cities by Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 12, 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. 78-11451 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. CP78-282]

EASTERN SHORE NATURAL GAS CO.

Application

APRIL 21, 1978.

Take notice that on April 11, 1978, Eastern Shore Natural Gas Co. (Applicant), Box 615, Dover, Del. 19901, filed in Docket No. CP78-282 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of up to 27 Mcf of natural gas per day to Natural Gas Pipeline Co. of America (Natural) as partial compensation for transportation services rendered to Applicant, all as more fully set forth in the application on file with the Commission and open to public inspection.

The Applicant states that pursuant to a contract amendment dated January 30, 1978, Applicant has agreed to purchase natural gas from its producing affiliate, Dover Exploration Co. (Dover) at the wellhead in the North East Traywick Field, Nacogdoches County, Tex. It is stated that Applicant and other limited partners of Enterprise Resources, Inc., have authorized South Jersey Exploration Co. (South Jersey) to act as the agent in arranging for transportation by Natural from the wellhead. Applicant indicates that Natural has agreed to take production from the field for delivery, by exchange or otherwise, to Transcontinental Gas Pipe Line Corp. (Transco) in Cameron Parish, La., for further transportation and delivery to Applicant. It is stated that as compensation for the transportation service it would provide, Natural would be paid 3.75 cents per Mcf transported and would have the option to purchase 10 percent of up to 5,000 Mcf per day of natural gas transported from the North East Traywick Field for the account of the limited partners. Dover holds approximately a 5.4 percent interest in the production transported from the North East Traywick Field, and thus Natural would transport a maximum of 270 Mcf per day for the account of Applicant, it is stated. Applicant indicates that Natural would have the option to purchase up to 27 Mcf of natural gas per day from Appli-

cant at a rate which would be the highest applicable price permitted by the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 12, 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. 78-11452 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. RP72-140]

GREAT LAKES GAS TRANSMISSION CO.

Corrected Notice of Proposed Tariff Sheet
Change

APRIL 21, 1978.

Take notice that Great Lakes Gas Transmission Co. (Great Lakes), on April 7, 1978, tendered for filing the following revised tariff sheets to its F.P.C. Gas Tariff proposed to be effective May 7, 1978.

First Revised Volume No. 1
First Revised Sheet No. 6
First Revised Sheet No. 9
First Revised Sheet No. 12

Original Volume No. 2
Second Revised Sheet No. 124

This filing had previously been noticed on April 14, 1978, but was erroneously docketed in Docket No. RM77-14.

Great Lakes states that the revised tariff sheets are required to eliminate a redundant Heating Valve Adjustment presently included in its resale Gas Tariffs. Great Lakes further states that, since the price of the gas purchased from TransCanada Pipelines Ltd. is determined on a Btu content basis, the Heating Valve Adjustment is already being provided to its customers through the Purchase Gas Adjustment Clause included in Great Lakes' F.P.C. Gas Tariff.

Great Lakes also states that copies of this filing have been served upon its customers and the Public Service Commission of Minnesota, Wisconsin, and Michigan.

Any person desiring to be heard or to protest said filing should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11453 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket Nos. CP75-104, etc.]

HIGH ISLAND OFFSHORE SYSTEM

Notice of Petition to Amend Certificate of Public Convenience and Necessity and Request of Temporary Authorization

APRIL 20, 1978.

Take notice that on March 31, 1978, High Island Offshore System (HIOS) filed a petition to amend its existing certificate requesting blanket authority to transport, within the limits of certificated capacity, natural gas volumes for shippers which are not affiliated with HIOS.¹ In addition, HIOS requests the issuance of temporary au-

thorization to perform such service pursuant to section 7(c) of the Natural Gas Act.

HIOS states that, while both HIOS and the Commission contemplated that transportation service would be rendered for nonaffiliates, the certificate issued on June 4, 1976, does not appear to provide such authorization. The blanket authority requested by HIOS would be performed pursuant to executed transportation agreements and existing provisions of HIOS' tariff, as approved by the Commission. Such blanket authority would apply only to the transportation of gas sold for resale and not to the transportation of gas reserved for a producer's own use. Finally, HIOS proposes to file reports, on a monthly basis, informing the Commission of any service rendered under such blanket authorization.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 11, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11454 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. RP73-23; PGA78-4]

LAWRENCEBURG GAS TRANSMISSION CORP.

Filing of Revised Gas Tariff Sheets

APRIL 18, 1978.

Take notice that on April 11, 1978 Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing two (2) revised gas tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1, both of which are dated as issued on April 6, 1978, proposed to become effective June 1, 1978, and identified as follows:

Fourteenth Revised Sheet No. 4, and
Thirteenth Revised Sheet No. 18.

Lawrenceburg states that these revised gas tariff sheets are being filed under its purchased gas adjustment provision in order to track an increase in its cost of gas purchased from Texas Gas Transmission Corp. proposed to become effective June 1, 1978.

On March 31, 1978, Texas Gas tendered for filing revised gas tariff sheets to affect a rate increase pursuant to Paragraph (G) of FERC Opinion No. 11, issued March 22, 1978 at Docket No. RM77-14, which allowed members of the Gas Research Institute to file a R. & D. cost adjustment provision to collect 0.12 cents per Mcf of Program Funding Services for payment to the GRI. It is this rate increase which Lawrenceburg proposes to track.

The proposed changes contained in this filing would increase revenues from jurisdictional sales by \$4,313 based on the 12 months ending February 28, 1978.

Lawrenceburg requests an effective date of June 1, 1978, on its proposed tariff sheets and states that copies of this filing have been mailed to its two wholesale customers and to the interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 1, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11421 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. RP75-104, etc.]

LAWRENCEBURG GAS TRANSMISSION CORPORATION, ET AL.

Filing of pipeline Refund Reports and Refund Plans

APRIL 19, 1978.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal

¹Affiliated shippers are Michigan Wisconsin Pipe Line Co., Natural Gas Pipeline Co. of America, Texas Gas Transmission Corp., Transcontinental Gas Pipeline Corp., and United Gas Pipe Line Co.

Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before May 8, 1978. Copies of the respective filings

are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Date filed	Docket No.	Company	Type filing
Sept. 8, 1977	RP75-104	Lawrenceburg Gas Transmission Corp.	Report.
Oct. 31, 1977	RP77-18	El Paso Natural Gas Co.	Do.
Do	AR70-1	Cities Service Gas Co.	Plan.
Jan. 3, 1978	RP73-35	Trunkline Gas Co.	Do.
Jan. 10, 1978	RP76-106	Natural Gas Pipeline Co. of America	Report.
Jan. 27, 1978	RP67-9	El Paso Natural Gas Co.	Plan.
Jan. 31, 1978	RP76-73	Distrigas of Massachusetts Corp.	Report.
Feb. 8, 1978	RP76-135	Cities Service Gas Co.	Do.
Feb. 13, 1978	RP75-86	Northern Natural Gas Co.	Do.
Feb. 14, 1978	RP76-148	Gas Gathering Corp.	Plan.

[FR Doc. 78-11422 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. RP75-79]

LEHIGH PORTLAND CEMENT COMPANY vs.
FLORIDA GAS TRANSMISSION COMPANY

Notice Granting Intervention

APRIL 21, 1978.

On December 5, 1977, the City of Sunrise, Fla., (Petitioner) filed a petition for leave to intervene in the above-captioned proceeding pursuant to section 15 of the Natural Gas Act and section 1.8 of the Commission rules of practice and procedure. No responses to the petition have been received.

The subject proceeding results from a complaint by Lehigh Portland Cement Co. alleging that the curtailment plan of Florida Gas Transmission Co. (FGT) is unduly discriminatory and preferential. In FPC Opinion No. 807, issued June 24, 1977, the Commission found that the plan is unduly discriminatory and preferential and ordered FGT to file a new curtailment plan. In Opinion No. 807-A, issued on September 22, 1977, the Commission, among other things, amended the ordering clauses of Opinion No. 807 to require FGT to file a case in chief setting forth its views on a curtailment plan and ordered a hearing under Section 5 of the Natural Gas Act to establish a just and reasonable curtailment plan for FGT.

Petitioner states that it is an incorporated community of the State of Florida, that it owns and operates a natural gas distribution system supplying natural gas to residential and small commercial customers in Sunrise, Florida, and that FGT is Petitioner's sole supplier. Petitioner says that the curtailment plan filed by FGT may affect the service rendered to Petitioner. Petitioner also says that the hearings scheduled in this proceeding

may be an appropriate forum for proposing certain changes it wishes to accomplish in FGT's curtailment plan.

Petitioner further states that its participation in this proceeding will be in the public interest and that its interest in this proceeding cannot be adequately represented by any other party.

On December 19, 1977, in an order issued after Petitioner's filing, the Commission provided for a prehearing conference in this proceeding and invited any person desiring to become a party to this proceeding to petition to intervene within 20 days.

Pursuant to § 3.5(a)(30) of the Commission's General Rules, Petitioner is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however*, That participation of Petitioner shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further*, That the admission of Petitioner shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11455 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. CP78-270]

MICHIGAN CONSOLIDATED GAS CO.,
INTERSTATE STORAGE DIVISION

Application

APRIL 20, 1978.

Take notice that on April 4, 1978, Michigan Consolidated Gas Co., Interstate Storage Division (Applicant), One Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP78-270 an

application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the rendition of a gas storage service for Columbia Gas of Ohio, Inc. (Columbia), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to render gas storage service to Columbia for a period of six years (1978-84) or, if Columbia so elects, for a period of thirteen years (1978-91), pursuant to a gas storage agreement dated March 1, 1978, between the two parties. Applicant indicates that the subject agreement provides that during the 1978 and ensuing summer periods (March 1 through October 31) Columbia would cause up to 2,750,000 Mcf of gas to be delivered to Applicant for storage, and that during the 1978-79 and ensuing winter periods (November 1 through March 31), Applicant would redeliver an equivalent volume of gas to Columbia. It is indicated that Columbia would also provide a volume of gas for compressor fuel equivalent to 1 percent of such deliveries, and that the storage agreement further provides that Columbia may elect to defer redelivery from one winter period to the next of all or any part of the volumes stored. To the extent that these deferred volumes exceed 550,000 Mcf, Columbia would furnish 2 percent of such excess as compressor fuel to permit cycling of such excess gas to maintain storage capacity.

The application states that Columbia would arrange with Columbia Gas Transmission Corp., Panhandle Eastern Pipe Line Co. (Panhandle) and Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin) to have all storage gas delivered to Applicant at Applicant's willow station near Ypsilanti, Mich., or other mutually agreeable delivery points, and that redeliveries of gas would be made by Applicant causing Michigan Wisconsin to deliver such volumes to Panhandle for the account of Columbia, at an interconnection between the facilities of Michigan Wisconsin and Panhandle near Defiance, Ohio.

It is indicated that pursuant to the gas-storage agreement, Columbia may elect each year through 1984 to shift all or any part of its short-term (1978-84) storage service to long-term (1977-91) storage service. Applicant states that it would charge Columbia the following annual rates for these storage services:

Short-term
\$.5523 per Mcf

Long-term
\$.4882 per Mcf

To render the proposed gas storage service, Applicant would utilize the Taggart Storage Field and associated pipeline and compression facilities for which the Commission has granted a temporary certificate in Docket No. CP76-254, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 12, 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. 78-11456 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. CP64-89]

NATURAL GAS PIPELINE CO. OF AMERICA
AND CITIES SERVICE GAS CO.

Petition to Amend

APRIL 20, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4,

1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

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

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

Take notice that on April 5, 1978, Natural Gas Pipeline Co. of America (Natural), 122 South Michigan Avenue, Chicago, Ill. 60603, and Cities Service Gas Co. (Cities Service), P.O. Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP64-89 a petition to amend the order of January 2, 1964 (31 FPC 3), as amended, issued by the Federal Power Commission (FPC) in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize Petitioner to exchange volumes of natural gas at a new exchange point, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the order of January 2, 1964, the FPC authorized Petitioners in the instant docket to construct and operate certain facilities and to exchange until May 1, 1964, up to 40,000 Mcf of natural gas per day pursuant to a gas exchange agreement between them dated September 30, 1963. It is further indicated that the January 2, 1964, order has subsequently been amended as follows:

1. Order dated August 14, 1964, extended until May 1, 1965, the period during which natural gas may be exchanged and changed the point of delivery of natural gas to Cities Service by Natural to Carter County, Okla.

2. Order dated April 13, 1965: (a) Extended to May 1, 1967, the period during

which natural gas may be exchanged; (b) provided for an additional delivery point (Pampa Exchange Point) for deliveries of natural gas by Cities Service to Natural; (c) provided for the replacement and abandonment of certain Compressor facilities by Cities Service; and (d) provided for the retention of the Pampa Exchange Point as an emergency interconnection after the May 1, 1967, exchange expiration date.

3. Order dated April 25, 1967, extended to May 1, 1970, the period during which natural gas may be exchanged.

4. Order dated July 11, 1967, authorized (a) the increase of maximum volumes to be exchanged from 40,000 Mcf per day to 60,000 Mcf per day; and (b) the establishment of the Signal Exchange Point in Carter County, Okla.

5. Order dated April 7, 1970, extended to May 1, 1975, the period during which natural gas may be exchanged.

6. Order dated October 21, 1974, extended to May 1, 1980, the period during which natural gas may be exchanged and authorized the retention and operation of the Hufnagel No. 1 Exchange Point in Canadian County, Okla., as a permanent exchange point.

7. Order dated March 25, 1976, authorized the establishment of the Anthony No. 1 Exchange Point in Grady County, Okla.

8. Order dated July 21, 1977, authorized (a) the connection of additional wells in the Watonga-Chickasha Trend Field providing the volume of gas delivered through the Anthony No. 1 Exchange Point does not exceed 5,000 Mcf per day, and (b) the establishment of the McCormick Exchange Point in Woodward County, Okla.

9. Order dated March 21, 1978, authorized an additional point of delivery (Alfalfa County Exchange Point) from Natural to Cities Service located in Section 2, Township 24 North, Range 9 West, Alfalfa County, Okla. This additional exchange point will allow Natural to deliver volumes of gas to Cities Service from wells in the North Goltry Field as such gas becomes available.

It is stated that on February 3, 1978, Petitioners further amended the subject gas exchange agreement to provide for an additional exchange point at an existing interconnection between the parties located in Ford County, Kans. (Ford County Exchange Point) whereby either Natural or Cities Service may deliver to the other, at times and daily rates mutually agreeable, volumes of exchange gas. It is indicated that Petitioners were previously authorized by order of October 30, 1953, in Docket No. G-1988 to operate said interconnection for the sale and delivery of natural gas under emergency conditions. Petitioners also propose to modify the term of said agreement, as amended, to continue the exchange beyond the May 1, 1980, termination date from year to year thereafter until terminated by either party by one year's written notice to the other.

Petitioners state that utilization of said interconnection as an exchange point would provide Petitioners a balancing point whereby imbalances between the parties may be alleviated and would provide additional flexibility for the exchange arrangement. No

increase in the maximum quantity of gas presently authorized for exchange (60,000 Mcf per day) is required at this time, it is said.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 11, 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 party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11428 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. CP77-1931]

NORTHERN NATURAL GAS CO.

Amendment to Application

APRIL 19, 1978.

Take notice that on April 4, 1978, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP77-193 an amendment to its application filed in said docket on February 7, 1977, pursuant to Section 7(c) of the Natural Gas Act so as to provide for the construction and operation of certain compressor facilities necessary to allow for testing of the Cunningham Storage Field, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

It is indicated the application in the instant docket requested authorization, among other things, to develop and operate the Cunningham Storage Field, and that a supplement to the application was filed on June 8, 1977. It is further indicated that on December 30, 1977, Applicant was granted a temporary certificate for the proposed 1978 construction and injection of gas.

Applicant states that it proposes to inject 15,000,000 Mcf of gas into the Cunningham Storage Field during the 1978 injection season, and that with this volume of gas in storage, Applicant can gain valuable data on the producing characteristics of the reservoir by making limited withdrawals during the 1978-79 heating season. Applicant further states that such withdrawal would provide important data

as to well performance and to temperature and gas composition of the withdrawal volumes. This data would provide additional detail for efficient field development, it is said. Applicant anticipates that such data can be obtained by the withdrawal of approximately 1,000,000 Mcf of gas. It is proposed that the volumes withdrawn during this testing phase would be replaced during the 1979 injection season, and that the replacement of the test volumes would be in addition to volumes scheduled for injection during 1979 so that the inventory at the beginning of the 1979-80 heating season would be equal to the volumes in storage as projected in the development schedule.

The amendment states that during the withdrawal testing, such volumes would be transported to Applicant's main line through the 30-inch line between the storage field and the Macksville compressor station, and that in order for this gas to be delivered into the main line, Applicant proposes to install and to operate until April 1, 1979, a 720 horsepower compressor unit at the Macksville station. Applicant indicates that it would also install on the same temporary basis a dehydration unit in the storage field area.

Applicant asserts that the proposed facilities would enable it to utilize limited volumes from the Cunningham Field to meet emergency situations should such a situation arise during the 1978-79 heating season. It is anticipated that the flowing pressure would vary between 125-300 psia during the testing period, and that during the testing period, it is projected that the peak day rate would be approximately 12,000 Mcf and that the total volumes withdrawn would be approximately 1,000,000 Mcf, it is said.

Applicant indicates that the estimated project cost is \$498,650, which cost would be financed from funds on hand.

It is stated that the compressor that Applicant proposes to install would be a unit currently installed at Edwards County No. 2, and that Applicant plans to abandon and then replace the existing 720 horsepower compressor at Edwards County No. 2, pursuant to budget-type authorization granted by the Commission, with a lower rated unit more suited to the specific gathering system requirements as now exist on the Edwards County system. After April 1, 1970, the compressor and dehydration unit would be removed and be available for use on Applicant's system as needed, it is stated.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before May 12, 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. Persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11423 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. ER78-316]

NORTHERN STATES POWER

Filing

APRIL 21, 1978.

Take notice that Northern States Power Company (Northern States) on April 17, 1978, tendered for filing Supplement No. 3, dated April 20, 1978, to the Firm Power Service Resale Agreement, dated January 6, 1969, with the City of Granite Falls, Minn.

Northern States states that Granite Falls has agreed to purchase Northern States' 69-4.16 Kv substation at the Point of Delivery. Northern States further states that Supplement No. 3 amends certain sections of the Resale Agreement to provide for the City's ownership of the substation.

Northern States requests waiver of the Commission's notice requirements to allow an effective date of April 20, 1978.

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11429 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. CP78-268]

NORTHWEST PIPELINE CORP.

Application

APRIL 18, 1978.

Take notice that on April 3, 1978, Northwest Pipeline Corp. (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP78-268 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and sale to and the exchange of natural gas with Colorado Interstate Gas Company (CIG), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant indicates that it has entered into a gas purchase contract dated September 16, 1977, with Northwest Exploration Co. (Exploration) covering an area which is remote from Applicant's existing transmission system, and that in order to make the volumes of gas to be purchased in the Black Butte Area available to its transmission system at the least possible investment, Applicant has entered into a gas transportation agreement dated March 16, 1978, with CIG. It is stated that CIG has a need for additional gas supplies in order to serve the requirements of its customers and is willing to transport and exchange natural gas with Applicant to the extent therein proposed in return for the right to purchase up to 25 percent of the volumes of gas received for exchange.

Applicant states that it would deliver to CIG during the term of the agreement, all volumes of gas purchased by Applicant in the Black Butte Area of Sweetwater County, Wyo., and that the volumes to be delivered to CIG for transportation and exchange would be at a mutually agreeable point on CIG's pipeline facilities located in Sweetwater County, Wyo. Applicant further states that the volumes of gas delivered to CIG under the authorization sought herein would be gathered by Applicant in the Black Butte Area and transported to the facilities of CIG.

Applicant proposes to construct the gathering facilities necessary to deliver the volumes of natural gas to CIG pursuant to its budget-type authorization granted in Docket No. CP77-507, it is said.

It is indicated that CIG would receive for exchange such volumes as are delivered by Applicant from the Black Butte Area and would redeliver equivalent volumes, subject to CIG's option to purchase up to 25 percent of the volumes delivered for exchange, at an existing point of interconnection between the facilities of Applicant and CIG in Sweetwater County, Wyo.,

where Applicant is currently authorized to sell and deliver volumes of natural gas to CIG. The volumes of gas so delivered and received for exchange would be balanced on a Btu basis and such balancing would, to the extent possible, be achieved monthly.

Applicant states that it estimates that initially the total volumes of gas to be delivered to CIG would be approximately 500 Mcf per day of which CIG would have the option to purchase 25 percent or approximately 125 Mcf per day. Applicant further states that CIG's purchase from Applicant would be at a price based on Applicant's cost of gas purchased in the Black Butte Area of Sweetwater County, Wyo. Applicant indicates that it would also charge CIG an initial rate of 26.89 cents per Mcf for the gathering and transportation to CIG of such volumes of natural gas as CIG may purchase from Applicant pursuant to the agreement.

The application states that CIG would not charge Applicant for the mainline displacement service as proposed herein; however, should connection points other than the points previously mentioned be utilized to transport Applicant's gas, then CIG would charge a cost-of-service associated with the new delivery points. Such cost-of-service would be determined in a manner consistent with the procedures normally used in the industry.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 9, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11424 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. ES78-19]

NORTHWESTERN PUBLIC SERVICE CO.

Application

APRIL 20, 1978.

Take notice that on April 13, 1978, Northwestern Public Service Co. (Applicant) filed an application with the Federal Energy Regulatory Commission seeking an order pursuant to Section 204 of the Federal Power Act authorizing it to issue, in separate transactions: (1) Not to exceed 400,000 shares of Common Stock, par value \$7 per share, in a negotiated underwritten public offering; and (2) not to exceed \$12,000,000 principal amount of First Mortgage Bonds in a negotiated private placement. Included in such application is a request for exemption from the competitive bidding requirements of Section 34.1a (b) and (c) of the regulations under the Federal Power Act for each of the separate transactions.

Applicant is incorporated under the laws of the State of Delaware and is qualified to do business in the States of Iowa, Nebraska, North Dakota, and South Dakota, with its principal business office being in Huron, S. Dak. Applicant is engaged in generating, transmitting, distributing and selling electric energy in the east central portion of South Dakota where it furnishes electric service in 108 communities and in distributing and selling natural gas in three Nebraska communities and in 24 communities in South Dakota.

It is proposed that the sales price and underwriting fees and commissions for the 400,000 shares of Common Stock will be determined by negotiation with the underwriters, and that the purchase price, interest rate, maturity date, redemption and sinking fund provisions and other terms of the First Mortgage Bonds will be fixed by negotiation with the purchasers.

A portion of the net proceeds from the \$12,000,000 principal amount of First Mortgage Bonds will be used to refund \$3,000,000 principal amount of Applicant's previously issued First Mortgage Bonds which mature in 1978. The remainder of such net pro-

ceeds, together with the net proceeds from the 400,000 shares of Common Stock (valued at approximately \$7,400,000 based on current market prices), will be used to refund outstanding short-term bank loans and to pay part of the costs of Applicant's 1978 construction program.

As of March 31, 1978, Applicant had outstanding \$16,000,000 principal amount of short-term bank loans which was used in part to finance a portion of Applicant's 1977 construction which totalled approximately \$22,478,000. Of that total amount, approximately \$14,956,000 were for electric generating facilities, \$3,068,000 for electric substations, \$2,284,000 for routine extensions and additions to electric systems, \$737,000 for miscellaneous extensions and additions to gas distribution systems, and \$691,000 for miscellaneous, general and transportation facilities.

Applicant's 1978 construction expenditures are estimated to be \$26,793,000, consisting of approximately \$20,349,000 for electric generating facilities (being principally for Applicant's share of the construction costs for Neal Electric Generating Unit No. 4 and Coyote No. 1 Electric Generating Plant), \$1,620,000 for transmission lines, \$2,218,500 for major electric substations, \$992,400 for miscellaneous extensions and additions to electric systems, \$977,000 for miscellaneous extensions and additions to gas distribution systems, and \$636,100 for miscellaneous, general and transportation facilities. Applicant has an 8.68 percent ownership interest in Neal Electric Generating Unit No. 4 which is being constructed near Sioux City, Iowa with a planned capacity of 576,000 KW and which is scheduled for completion in 1979. Applicant has a 10 percent ownership interest in Coyote No. 1 Electric Generating Plant which is being constructed near Beulah, N. Dak. with a planned capacity of 410,000 KW and which is scheduled for completion in 1981.

Any person desiring to be heard or to make any protest with reference to said application should, on or before May 10, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with

the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11430 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. ER78-313]

OHIO POWER CO.

Application

APRIL 21, 1978.

Take notice that American Electric Power Service Corp. (AEP) on April 17, 1978, tendered for filing on behalf of its affiliate, Ohio Power Co. (Ohio Power), Modification No. 7 dated April 5, 1978, to the Facilities and Operating Agreement dated September 6, 1962 between Ohio Power and Duquesne Light Co. (Duquesne), designated Ohio Rate Schedule FPC No. 33.

AEP states that Modification No. 7 provides that, for the purpose of conserving energy resources during extended fuel shortages either party may arrange to obtain Conservation Energy from the other. AEP further states that when supplied, the charge for Conservation Energy generated on the supplying party will be 110 percent of the out-of-pocket replacement cost of generating the energy, plus 5 mills per kilowatt-hour. AEP indicates that this Modification also provides for transmission service charges of 1.4 and .17 mills per kilowatt-hour for deliveries of Conservation Energy from systems interconnected with Duquesne and Ohio Power respectively.

AEP further indicates that because of uncertainty of events which might determine the need for Conservation Energy transactions under the proposed Modification No. 7, the parties have requested that the Commission waive its notice requirements and that the proposed Schedule become effective as soon as possible.

Accordingly to AEP copies of this filing were served upon Duquesne Light Company the Public Utilities Commission of Ohio and the Pennsylvania Public Utility Commission.

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

application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11431 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. RI77-11]

PENNZOIL CO.

Amended Application to Increase Gathering Allowance

APRIL 20, 1978.

Take notice that on April 4, 1978, Pennzoil Co. (Pennzoil), 3100 Pennzoil Place, Houston, Tex. 77002, filed an amended application¹ in Docket No. RI77-11 pursuant to Section 2.56(g).

Pennzoil now seeks authorization to charge 34.37 cents per Mcf for the gathering and compression of gas purchased from West Virginia small producers. The subject gas is then sold to Consolidated Gas Supply Corp. Pennzoil initially requested authorization to charge said rate for both the gas purchased from other small producers and for the gas which Pennzoil itself produced. The amended application eliminates the original request insofar as it relates to Pennzoil's own production.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 11, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11432 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. RI78-8]

RICHARD C. SLACK, ET AL.

Amended Petitions for Special Relief

APRIL 20, 1978.

Take notice that on January 6 and March 27, 1978, Richard C. Slack, et al. (Petitioners), Post Office Drawer

¹Pennzoil's initial application was noticed by the Commission on August 19, 1977.

820, Pecos, Tex. 79772 filed amended petitions for special relief in Docket No. RI78-8 which amended their previous petition filed October 11, 1977.

In their amended petition, filed January 6, 1978, Petitioners included two additional wells (wells No. 3 and No. 5) from the Sun Halley Lease in Weiner-Colby Field, Winkler County, Tex. to their previous petition for special relief.

Petitioners, in their March 27, 1978 amended petition, requested (1) the deletion of two wells from their Brown and Altman "H" Lease (2) authorization to collect a rate of \$1.3563 per Mcf for the sale of natural gas to West Texas Gathering Company from eighteen wells. Sixteen of these wells are on the Brown and Altman Leases and two are of the Sun Halley Lease.

In their original petition for special relief, filed November 8, 1977, petitioners request authorization to collect a rate of \$1.70 per Mcf at 14.65 psia for the sale of their gas to West Texas Gathering Co.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 11, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11433 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. CP78-262]

SEA ROBIN PIPELINE CO., ET AL.

Notice of Pipeline Application

APRIL 18, 1978.

Take notice that on March 29, 1978, Sea Robin Pipeline Co., United Gas Pipe Line Co., Southern Natural Gas Co. and Natural Gas Pipeline Co. of America, (Applicants) filed a joint application for a certificate of public convenience and necessity in Docket No. CP78-262, authorizing Applicants to purchase all rights and interests in certain compression facilities and related equipment to be installed at Block 586, West Cameron Area and to reimburse the Block Operator, Pennzoil Co. (Pennzoil), for its expenses incurred to date in the transportation,

installation, operation, maintenance and rental of such facilities.

Applicants state that, they are entitled to purchase 100 percent of the natural gas produced from Block 586, West Cameron area, and that the installation of compression by the operator will be necessary to increase production and to recover additional volumes of gas which would otherwise be lost. Both the subsequent accelerated production and enhanced recovery of volumes to be realized by such compression are vital not only to the continued availability of the Applicants' current gas supply but to their efforts to expedite whenever possible the flow of gas volumes committed to them, all as fully described in the application which is on file with the Federal Energy Regulatory Commission (Commission) and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application, on or before May 9, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11425 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. CP78-279]

SOUTHWEST GAS CORP.

Application

APRIL 19, 1978.

Take notice that on April 6, 1978, Southwest Gas Corp. (Applicant), P.O. Box 15015, Las Vegas, Nev. 89114, filed in Docket No. CP78-279 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a new tap facility in Lyon County, Nev., on the Carson City Lateral of Applicant's northern Nevada Transmission system, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to construct and operate a high pressure tap on its Carson City Lateral near Carson City. Applicant states that the tap, with appurtenant facilities would enable Applicant to deliver volumes of gas to 70 residential customers. Facilities downstream of the tap would be constructed and actual sales of gas would be made pursuant to Applicant's existing authorization from the Public Service Commission of Nevada, it is asserted.

Applicant indicates that the volumes to be delivered would be solely for Priority 1 uses. That the cost of the facilities would be approximately \$8,835, which cost would be financed by a refundable advance made to Applicant by the developer, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 12, 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. 78-11426 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. RI78-38]

SUN OIL CO.

Petition for Special Relief

APRIL 19, 1978.

Take notice that on March 13, 1978, Sun Oil Co. (Petitioner), 11 North Park East, Suite 800, Dallas, Tex. 75231, filed a petition for special relief in Docket No. RI78-38 pursuant to Section 2.76 of the Commission's rules.

Petitioner seeks a rate increase to 50 cents per Mcf. Petitioner states that it plans to repair the casing leak in the Tretbar Well No. 1 located in Beaver County, Okla. at a cost of \$21,150 so that it can start the well producing again in furtherance of recovering the total estimated reserves of 143,000 Mcf of natural gas. Currently, Petitioner sells gas at the rate of 29.5 cents per Mcf at 14.73 psia. Panhandle Easter Pipe Line Co. is the purchaser of Petitioner's gas from the Tretbar Well.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 11, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11427 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. RP75-73; AP78-2]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FERC Gas Tariff

APRIL 20, 1978.

Take notice that Texas Eastern Transmission Corporation on March 31, 1978 tendered for filing as a part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets:

Fortieth Revised Sheet No. 14
Fortieth Revised Sheet No. 14A
Fortieth Revised Sheet No. 14B
Fortieth Revised Sheet No. 14C
Fortieth Revised Sheet No. 14D

Texas Eastern is reducing its rates pursuant to Article V of the Stipulation and Agreement under Docket No. RP75-73. The proposed effective date of this reduction in rates is May 1, 1978.

Copies of the filing were served on the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 27, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-114344 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. RM-7714]

TEXAS GAS TRANSMISSION CORP.

Proposed Changes in FERC Gas Tariff

APRIL 21, 1978.

Take notice that on March 31, 1978, Texas Gas Transmission Corp. (Texas Gas) tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1. In this filing Texas Gas proposes to add a Gas Research Institute Charge Adjustment provision to the general rules and regulations of its FERC Gas Tariff pursuant to the Commission's Opinion No. 11, issued March 22, 1978, in Docket No. RM77-14. In addition, this filing will increase Texas Gas' rates charged

its jurisdictional customers pursuant to the Gas Research Institute Charge Adjustment provision in an amount of 0.12 cents per McF. This filing is proposed to become effective June 1, 1978.

Any person desiring to be heard to make any protest with reference to this filing should, on or before May 8, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NW., 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 and 1.10) under the regulations of 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 a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11435 Filed 4-26-78; 8:45 am]

[6740-02]

[Project No. 488]

THERMALITO AND TABLE MOUNTAIN
IRRIGATION DISTRICTS

Notice Granting Intervention

APRIL 21, 1978.

On March 23, 1978, the State of California, acting through its Department of Fish and Game (Fish and Game), filed a petition to intervene respecting an application filed by the Thermalito and Table Mountain Irrigation Districts for a new minor license for their constructed Concow Dam Project, FERC Project No. 488. The Concow Dam Project is located on Concow Creek in Butte County, Calif., in the vicinity of the town of Paradise and the city of Oroville. No response to the petition has been received.

In its petition Fish and Game states that it is charged with the administration of affairs of the State of California relating to the protection, propagation, and preservation of fish and wildlife in the State. Fish and Game claims, (a) that the manner of the operation of the Concow Dam Project can materially affect the existence and magnitude of trout and warm-water fisheries resources sustained by Concow Creek, and (b) that it is studying the fishery and recreational resources of the area to determine what conditions of operation will protect and enhance those resources. Fish and Game states that it expects to reach voluntary agreement with the Ther-

malito and Table Mountain Irrigation Districts, but that it seeks, through intervention, the right to be heard and present evidence in any proceeding that the Commission may conduct to resolve any differences that may arise.

It appears to be in the public interest to allow Fish and Game to participate in this proceeding.

Pursuant to section 3.5(a)(30) of the Commission's rules of practice and procedure (Rules), 18 CFR 3.5(a)(30) (1977), as promulgated by Federal Power Commission Order No. 577 (issued December 10, 1976), Fish and Game is hereby permitted to intervene in this proceeding subject to the Commission's rules and regulations under the Federal Power Act: *Provided*, That participation of Fish and Game shall be limited to matters affecting asserted rights and interests specifically set forth in its petition to intervene: *Provided further*, That the admission of Fish and Game shall not be construed as recognition by the Commission that Fish and Game might be aggrieved by any order entered in this proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11437 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. CP78-236]

TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL.

Pipeline Application

APRIL 18, 1978.

Take notice that on March 16, 1978, Transcontinental Gas Pipe Line Corp. (Transco), 2700 South Post Oak Road, Houston, Tex. 77056; Natural Gas Pipeline Co. of America (Natural), 122 South Michigan Avenue, Chicago, Ill. 60603; and Texas Eastern Transmission Corp. (Texas Eastern), Southern National Bank Building, Houston, Tex. 77002 (Applicants) filed in Docket No. CP78-236 a joint application pursuant to section 7(c) of the Natural Gas Act, as amended, and the rules and regulations of the Federal Energy Regulatory Commission, for a certificate of public convenience and necessity authorizing the construction and operation of natural gas pipeline facilities in the West Cameron area, offshore Louisiana in the Federal domain, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants Transco and Natural state that they have rights to purchase natural gas from reserves located in Blocks 436 and 437, West Cameron area, which will be produced together from a production platform installed in Block 436, West Cameron by Getty Oil Co. et al., the producers de-

veloping Block 436 and Texaco, Inc., the producer developing Block 437, West Cameron. Applicants Transco and Natural propose jointly to construct a meter and regulator station on the production platform and 13.76 miles of 12-inch pipeline extending from the platform to an underwater connection at Block 286, West Cameron area, with Texas Eastern's existing offshore Cameron pipeline system. Applicant Texas Eastern proposes to operate the meter and regulator station and the pipeline facilities for Transco and Natural. Applicants further state that the proposed facilities are estimated to cost \$5,950,000 which Transco and Natural will finance in equal shares with funds from revolving credit arrangements, short-term loans and funds on hand or obtained from parent companies, and each will arrange permanent financing for the proposed facilities at later dates as part of their overall long-term financing programs.

Applicants further state that the proposed facilities will have maximum capacity of 50,000 Mcf a day, of which Transco and Natural expect to utilize one-half each, or 25,000 Mcf a day, for the delivery of the gas supplies committed to them in Blocks 436 and 437, West Cameron area. Applicant Transco states that it has a call on 100 percent of the gas to be produced from Block 436, West Cameron, pursuant to advance payment agreements with Getty Oil Co., successor to Skelly Oil Co., owner of a 50-percent interest in the field, Finandel, Inc. (Finandel), owner of a 37.5-percent interest; and American Petrofina Co. of Texas (Apcot), owner of a 12.5-percent interest. It is stated that Finandel and Apcot, respectively, have reserved 25 percent of their interest in the production from Block 436 for their own use or use by affiliates; in the event that the reservation is not exercised, their reserved interests will be sold to Transco. It is further stated that, if the reservations are exercised, any transportation service for the reserved interests will be the subject of any other application. Applicant Natural states that it has a call on 100 percent of the gas to be produced by Texaco Inc., in Block 437, West Cameron, under an advance payment agreement. Applicants state that an estimated 31,431 Mcf of reserves are available to Transco and Natural from both blocks.

It is also stated that Transco's gas delivered into Texas Eastern's system through the proposed facilities will be transported by Texas Eastern and redelivered to Transco at existing points of interconnection onshore between the two pipeline systems, and Natural's gas will be redelivered through an exchange of gas committed to Texas Eastern in Block 593, West Cameron area, which will be delivered into fa-

cilities of Stingray Pipeline Co. for Natural's account.

Any person desiring to be heard or to make any protest with reference to said application, on or before May 9, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11483 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. CP76-118]

U-T OFFSHORE SYSTEM

Petition to Amend

APRIL 20, 1978.

Take notice that on April 12, 1978, U-T Offshore System (UTOS) filed a petition to amend its existing certificate requesting blanket authority to transport, within the limits of certificated capacity, natural gas volumes for shippers which are not affiliated with UTOS.¹ In addition, UTOS requests the issuance of temporary authorization to perform such service.

¹ The affiliated shippers are Natural Gas Pipeline Co. of America, Transcontinental Gas Pipe Line Corp. and United Gas Pipe Line Co.

UTOS states that, while its application contemplated that transportation service would be rendered for nonaffiliates, the certificate issued on January 13, 1977, does not specifically provide such authorization. The blanket authority requested by UTOs would be performed pursuant to executed transportation agreements and existing provisions of UTOs' FERC Gas Tariff, Original Volume No. 1, as approved by the Commission. Such service would not be rendered in excess of the authorized system capacity. It is further proposed that such blanket authority would apply only to the transportation of gas sold for resale and not to the transportation of gas reserved for a producer's own use. Finally, UTOs proposes to file reports, on a monthly basis, informing the Commission of any services rendered under such blanket authorization.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 11, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11484 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. ER78-310]

UNION ELECTRIC CO.

Cancellation

APRIL 20, 1978.

Take notice that Union Electric Co. (Union), on April 14, 1978, tendered for filing a Notice of Cancellation for the Interchange Agreement dated March 27, 1968 between Associated Electric Cooperative, Inc. and Union, Rate Schedule FERC No. 69.

Union states that the Interchange Agreement has an expiration date for its initial term of June 1, 1978. Union further states that because of continuing difficulties in administering the Agreement, Union determined that it was in its best interest to terminate such Agreement at the end of the initial term.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 1, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11438 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. CP-78-260]

UNITED GAS PIPE LINE CO.

Pipeline Application

APRIL 20, 1978.

Take notice that on March 27, 1978, United Gas Pipe Line Co. (United), P.O. Box 1478, Houston, Tex. 77001 filed an application in Docket No. CP78-260 pursuant to Section 7(c) of the Natural Gas Act, as amended, requesting authorization to transport gas for Natural Gas Pipeline Co. of America (Natural), all as more fully set forth in the application which is on file with the Federal Energy Regulatory Commission (Commission).

United states that pursuant to a transportation agreement dated March 20, 1978, between United and Natural, Natural will deliver or cause to be delivered to United for transportation up to 27,000 Mcf per day at a point to receipt on United's offshore pipeline system in Eugene Island Area, Block 32, offshore Louisiana. United will redeliver equivalent volumes, less fuel and company-used gas to Natural at existing authorized exchanged points of interconnection between United and Natural at Erath, Vermilion Parish, La. and/or Goodrich Polk County, Tex. and/or Mobil Oil Co.'s Cameron Meadows Plant, Cameron Parish, La. and/or at the terminus of U-T Offshore System, Cameron Parish, La.

Any person desiring to be heard or to make any protest with reference to said application, on or before May 9, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's rules and practice and procedure (18 CFR 1.8 or 1.10). All protests filed

with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in the 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 its 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. 78-11439 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. ER78-312]

UPPER PENINSULA GENERATING CO.

Filing

APRIL 20, 1978.

Take notice that on April 14, 1978, Upper Peninsula Generating Co. (Upper Peninsula) filed a supplement to the 1974 Power Contract (FERC Rate Schedule No. 3). Upper Peninsula states that the supplement provides that the sale of power from Upper Peninsula's Seventh and Eighth Units at its Presque Isle Station will be governed by the terms of the 1974 Power Contract. Upper Peninsula indicates that the supplement also amends paragraph 21 of the 1974 Power Contract so as to clarify the costs of the unit which must be met by the purchaser, Cliffs Electric Service Company.

Upper Peninsula proposes an effective date of April, 1978, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825, North Capitol Street NE.,

Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 1, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11440 Filed 4-26-78; 8:45 am]

[6740-02]

[Project No. 2820]

VERMONT ELECTRIC COOPERATIVE

Re-Notice of Application for Preliminary Permit

APRIL 19, 1978.

Take notice¹ that an application was filed on October 13, 1977, with the Federal Energy Regulatory Commission by the Vermont Electric Cooperative, Inc. (Correspondence to: Mr. Walter N. Cook, Executive Manager, Vermont Electric Cooperative, Inc., School Street, Johnson, Vermont 05656; Copy to: Acres American Incorporated, 900 Liberty Bank Building, Buffalo, New York 14202, ATTENTION: Mr. John D. Lawrence) for a preliminary permit for the proposed Hart Island Hydroelectric Project, which would be located in Windsor County, Vermont, near the Town of North Hartland, on the Connecticut River about 400 feet downstream from Hart Island, 1.5 miles downstream from Hartland, Vermont, and 12 miles downstream from the existing Wilder Project (FERC No. 1892).

The proposed project would have a capacity of 10,000 to 20,000 kW and consist of: (1) A concrete dam across the main river channel, with earth abutments, having an overall length of 1,300 feet and a maximum height of 51 feet above the streambed; (2) a storage reservoir having a normal power pool elevation of 331 msl extending 12 miles upstream to the tailwater of the existing Wilder Project No. 1892; (3) a powerhouse located on the right bank of the river containing three vertical Francis-type turbines driving generators; and (4) appurtenant facilities. Applicant states that the proposed use or market for the power to be developed is to meet present and future electric energy requirements of the residential members served by the Applicant. Any surplus capacity and/or

¹ This notice was first issued on March 10, 1978, but is being re-noticed because of an error in the newspaper publication.

energy would be sold by, or exchanged with, electric utilities in the area for the public utility purposes.

A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering and economic feasibility for the project, the market for the power, and all information necessary for inclusion in an application for license.

Any person desiring to be heard or to make any protest with reference to said application should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR § 1.8 or § 1.10). All such petitions or protests should be filed on or before June 26, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11441 Filed 4-26-78; 8:45 am]

[6740-02]

[Docket No. ER78-314]

VERMONT ELECTRIC POWER CO., INC.

Filing

APRIL 21, 1978.

Take notice that on April 17, 1978, Vermont Electric Power Co., Inc. (Velco) tendered for filing a Rate Schedule containing five separate bulk power transmission contracts between Velco and the Villages of Hardwick Electric Department, Ludlow Electric Light Department, Morrisville Water & Light Department, Northfield Electric Department, and the Stowe Water & Light Department, respectively, all being dated August 31, 1977. Velco states that the service to be rendered under this Rate Schedule is the provision of Velco's transmission facilities to Hardwick, Ludlow, Morrisville, Northfield, and Stowe for the transmission of bulk power purchased by them other than from the State of Vermont or Velco from points of interconnection of Velco's facilities with the transmission facilities of other companies. Velco further states that

the quantities of power which Velco will be transmitting for the five Villages under this Rate Schedule and the charges by Velco are as follows:

Purchasers	Kilowatts	Estimated Monthly Charges
Village of Hardwick Electric Department.....	500	\$550
Village of Ludlow Electric Light Department.....	500	550
Village of Morrisville Water and Light Department.....	500	550
Village of Northfield Electric Department.....	500	550
Village of Stowe Water and Light Department.....	2,300	2,550

Velco requests an effective date of November 1, 1977, and therefore requests waiver of the Commission's notice requirements.

According to Velco copies of this filing were served upon the Vermont Public Service Board, and the parties to the Rate Schedule.

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11442 Filed 4-26-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 889-1]

COMMONWEALTH OF PENNSYLVANIA

Notice of Request for State Program Approval for Control of Discharges of Pollutants to Navigable Waters

On October 18, 1973, Congress passed the Federal Water Pollution Control Act amendments of 1972 (33 U.S.C. §§ 1251-1376, Supp. 1973; hereinafter the Act). This legislation established the National Pollutant Discharge Elimination System (NPDES) permit program, under which the Administrator of the United States Environmental Protection Agency (EPA) may issue permits to municipal, indus-

trial, and agricultural entities to control the discharge of pollutants into navigable waters.

Section 402(b) of the Act (including amendments enacted in December of 1977) provides that the Governor of a State desiring to administer the NPDES program to control discharges of pollutants into navigable waters within its jurisdiction may submit to the Administrator of the EPA a full and complete description of the program it intends to administer, including a statement from the State Attorney General that the laws of the State provide adequate authority to carry out the described program unless the program does not meet the requirements of section 402(b) and EPA's guidelines. Among other authorities, the State must have: (1) Adequate authority to issue permits which comply with all pertinent requirements of the Act; (2) adequate authority, including civil and criminal penalties, to abate violations of permits; and (3) authority to ensure that the Administrator, the public, and any other affected State, and other affected agencies, are given notice of each application and are given the opportunity for a public hearing before acting on each permit application. Also, the State must have and commit itself to use manpower and resources sufficient to act on all outstanding permit applications in a timely manner and consistent with the periods prescribed by the Act, EPA's guidelines establishing State Program Elements Necessary for Participation in the NPDES are published in 40 CFR Part 124.

The Commonwealth of Pennsylvania has submitted a full and complete request for State Program Approval to the EPA and proposed that the Pennsylvania Department of Environmental Resources, Harrisburg, Pa. 17120, operate the NPDES permit program for discharges into the navigable waters within the jurisdiction of the Commonwealth in accordance with the Act.

Jack J. Schramm, Regional Administrator of EPA's Region III Office, has scheduled a public hearing to consider this request and enable all interested parties to present their views on the State's submission. The hearing will be held in the Fulton Building, Second Floor Hearing Room, Third and Locust Street, Harrisburg, Pa. 17120, on Thursday, May 25, 1978, at 10:30 a.m.

Any interested person may comment upon the Commonwealth's submission by writing to the EPA, Region III Office, Sixth and Walnut Streets, Philadelphia, Pa. 19106. Such comments will be made available to the public for inspection and copying. All comments or objections received by June 2, 1978, or presented at the public hearing, will be considered by

the EPA before EPA grants or denies the Pennsylvania request for State Program Approval.

A three-member hearing panel will hear the matter. The panel will consist of the Administrator of the EPA or his representative who will serve as the Presiding Officer, the Director of the Bureau of Water Quality Management or his representative and the Regional Administrator of EPA's Region III Office, or his representative. Oral statements will be heard and considered, but for the accuracy of the record, all testimony should be submitted in writing. Statements should summarize extensive written material so there will be time for all interested parties to be heard. Persons are encouraged to bring extra copies of their written statements for the use of the hearing panel and other interested persons.

Comments are particularly invited with respect to the Commonwealth's representations that it will not implement the provisions of section 316(a) of the Act (relating to thermal effluents) or its implementing regulations, 40 CFR Part 122. After the date of program approval, EPA will not entertain new applications pursuant to these procedures.

The Commonwealth's submission, related documents, and all comments received are on file and may be inspected and copied (at 10 cents per page) at the EPA, Region III Office, in Philadelphia.

Copies of this notice are available upon request from the Enforcement Division of EPA, Region III, 215-597-8541.

Please bring the foregoing to the attention of persons you know would be interested in this matter.

Dated: April 19, 1978.

A. R. MORRIS,
Acting Regional
Administrator, Region III.

[FR Doc. 78-11687 Filed 4-26-78; 8:45 am]

[6560-01]

[EPL 888-4]

**NATIONAL DRINKING WATER ADVISORY
COUNCIL**

Open Meeting

Under section 10(a)(2) of Pub. L. 92-423, "The Federal Advisory Committee Act," notice is hereby given that a meeting of the National Drinking Water Advisory Council established under Pub. L. 93-523, the "Safe Drinking Water Act," will be held at 9:00 a.m. on May 23, 1978, and at 8:30 a.m., May 24, 1978, in the 29th Floor Conference Room, Environmental Protection Agency, Region VI, 1201 Elm Street, First International Building, Dallas, Tex.

The purpose of the meeting is to discuss water reuse policy issues, EPA's proposed Underground Injection Control Regulations, and to exchange information with Region VI State Public Water Supply Directors.

Both days of the meeting will be open to the public. The Council encourages the hearing of outside statements and allocates a portion of time for public participation. Any outside parties interested in presenting an oral statement should petition the Council in writing. The petition should include the general topic of the proposed statement and the petitioner's telephone number.

Any person who wishes to file a written statement can do so before or after a Council meeting. Accepted written statements will be recognized at Council meetings.

Any member of the public wishing to attend the Council meeting, present an oral statement, or submit a written statement should contact Patrick Tobin, Executive Secretary for the National Drinking Water Advisory Council, Office of Drinking Water (WH-550), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

The telephone number is 202-426-8877.

THOMAS C. JORLING,
Assistant Administrator for
Water and Hazardous Materials.

APRIL 19, 1978.

[FR Doc. 78-11338 Filed 4-26-78; 8:45 am]

[6560-01]

[FRL 888-5; OPP-30139A]

PESTICIDE PROGRAMS

Approval of Application to Register Pesticide Product Containing a New Active Ingredient

On November 9, 1977, notice was given (42 FR 58442) that Conrel, an Albany International Company, 735 Providence Highway, Norwood, Mass. 02062, had filed an application (EPA File Symbol No. 36638-R) with the Environmental Protection Agency (EPA) to register the pesticide product GOS-SYPLURE, H.F. containing 3.8 percent of the active ingredient (Z,Z)-7,11-hexadecadien-1-ol-acetate and 3.8 percent (Z,E)-7,11-hexadecadien-1-ol-acetate which was not previously registered at the time of submission. As stated in the November 9 notice, Conrel proposed that the product be classified for general use.

This application was approved on February 9, 1978 and the product has been assigned the EPA Registration No. 36638-1. GOSSYPLURE, H.F. is classified for general use for preventing pink bollworm damage in cotton.

A copy of the approved label and the list of data references used to support

registration are available for public inspection in the office of the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street SW., Washington, D.C. 20460. The data and other scientific information used to support registration, except for the material specifically protected by Section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), will be available for public inspection in accordance with Section 3(c)(2) of FIFRA, within 30 days after the registration date of February 9, 1978. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), EPA, 401 M Street SW., Washington, D.C. 20460. Such requests should: (1) Identify the product by name and registration number and (2) specify the data or information desired.

Dated: April 20, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc. 78-11339 Filed 4-26-78; 8:45 am]

[6560-01]

[FRL 888-6; OPP-240015A]

STATE OF COLORADO

Approval of Amendment of Request for Interim Certification To Register Pesticides To Meet Special Local Needs

Pursuant to section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), the State of Colorado submitted to the Environmental Protection Agency (EPA) a request for Interim Certification to register pesticides for special local needs (Request), which was subsequently approved on August 26, 1976. Notice of approval of this Request was published in the FEDERAL REGISTER on September 20, 1976 (41 FR 40557). This initial Request sought authority to amend EPA registrations which do not involve "changed use patterns," as that term is defined in § 162.152(c) of the proposed regulations as they were published in the FEDERAL REGISTER on September 3, 1975 (40 FR 40538).

On February 3, 1978, the State of Colorado sought to amend its Request to include authority to register "new products," as that term is defined in § 162.152(g) of the proposed regulations, and to amend EPA registrations which involved changed use patterns. This Agency has found that the specific requirements of the Interim Certification program are satisfied in the Request, in that Colorado's registra-

tion program provides for both efficacy determination and product hazard review.

Accordingly, notice is hereby given that the Administrator, EPA, has approved the amendment from the State of Colorado for Interim Certification. The State agency designated responsible for issuance of such registrations, the Colorado Department of Agriculture, was notified on March 14, 1978, that the amendment to its Request had been approved.

Copies of the amendment to the Request for Interim Certification from Colorado, along with the letter reflecting the Agency's decision to approve the amendment, are available for public inspection at the following locations:

Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401 East Tower, 401 M Street SW., Washington, D.C. 20460.

Pesticide Branch, Hazardous Materials Control Division, EPA, 1860 Lincoln St., Suite 900, Denver, Colo. 80203.

Dated: April 20, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc. 78-11340 Filed 4-26-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

PRIVACY ACT OF 1974

Systems of Records

Notice is hereby given that the Federal Communications Commission has under consideration an additional system which it intends to adopt in accordance with the Privacy Act of 1974, 5 U.S.C. 552a.

It is proposed that this system will be established and maintained for records of money received, refunded, and returned, and personal checks destroyed.

The system notice, as it is proposed, is attached.

Comments on the proposed notice may be submitted to the Privacy Act Liaison Officer, Records Management Division, Room A-102, Federal Communications Commission, Washington, D.C. 20554. All comments received on or before May 26, 1978, will be considered. Copies of any comments received may be inspected in Room A-102, 1229-20th Street NW., Washington, D.C.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

FCC/OED-14

System name:

Records of money received, refunded, and returned and personal checks destroyed.

System location:

1919 M Street NW., Washington, D.C. 20554; 334 York Street, Gettysburg, Pa. 17325; and Room 207, Post Office Building, Gettysburg, Pa. 17325.

Categories of individuals covered by the system:

Individuals and companies making payments to cover goods acquired, forfeitures assessed, and services rendered; refunds for incorrect payments or overpayments; billing and collection of bad checks; and miscellaneous monies received by the Commission.

Categories of records in the system:

Names of individuals or companies; goods acquired or services rendered; forfeitures assessed and collected; amounts; dates; check numbers; locations; bank deposit information; transaction type information; United States Treasury deposit numbers; and information substantiating a refund issued to applicant.

Authority for maintenance of the system:

Budget and Accounting Act of 1921; Budget and Accounting Procedures Act of 1950; and 31 U.S.C. 525.

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

Accounting for all monies received by the Commission from the Public, refunded to the Public, and release of the information to Federal, State, or local Government agencies performing a tax or regulatory function.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage:

Manual copy, computer copy, microfilm, microfiche, magnetic disc, and magnetic tape.

Retrievability:

By name and/or tape of transaction; call sign; processing number; social security number, employer identification number or sequential number.

Safeguards:

Records are located in lockable metal file cabinets, metal vaults, in metal file cabinets in secured rooms or secured premises, with access limited to those individuals whose official duties require access.

Retention and disposal:

Retained for one year following the end of the fiscal year; then transferred to Federal Archives Records Center in accordance with Commission's Record Management System.

System manager(s) and address:

Executive Director, Office of Executive Director, 1919 M Street NW., Washington, D.C. 20554.

Notification procedure:

Same as above.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Subject individual and/or company; Federal Reserve Bank; Agent of Subject or company; or Attorney-At-Law.

[FR Doc. 78-11507 Filed 4-26-78; 8:45 am]

[6712-01]

[Docket No. 18128]

AMERICAN TELEPHONE AND TELEGRAPH COMPANY, LONG LINES DEPARTMENT

Private Line Services (TELPAK)

AGENCY: Federal Communications Commission.

ACTION: Denial of the American Telephone and Telegraph Company's (A.T. & T.'s) Motion to Defer Filing of responses to certain requests for refunds in Docket No. 18128, "American Telephone and Telegraph Company Private Line Rate Cases," and grant of an extension of time for the filing of A.T. & T.'s Response.

SUMMARY: A.T. & T.'s Motion to Defer Filing of Responses to requests for refunds filed by the Newswire Services, Aeronautical Radio, Inc. and the Air Transport Association of America in Docket No. 18128 was denied. A.T. & T. was given an extension of the time for filing its Response.

DATE: A.T. & T.'s response is to be filed by April 26, 1978.

ADDRESSES: Office of the Secretary, Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION:

Contact Claudia Pabo, Common Carrier Bureau, 202-632-6363.

SUPPLEMENTARY INFORMATION:*Order*

Adopted: April 17, 1978.

Released: April 20, 1978.

By the Chief, Common Carrier Bureau.

In the Matter of American Telephone and Telegraph Company, Long Lines Department. Revisions of Tariff FCC No. 260, Private Line Services, Series 5000 (TELPAK).

1. On October 1, 1976, the Commission released its decision in Docket No. 18128, "American Telephone and Telegraph Company Private Line Rate Cases," 61 FCC 2d 587 (1976). This Memorandum Opinion and Order concerned the costing methodology to be used by the American Telephone and Telegraph Company (A.T. & T.), the relationship between the rate levels of A.T. & T.'s various classes of service, and the lawfulness of Telpak, A.T. & T.'s bulk discount private line service. The Commission released a Memorandum Opinion and Order ruling on certain petitions for reconsideration and/or clarification of its previous decision in Docket No. 18128 on June 13, 1978. "American Telephone and Telegraph Company Private Line Rate Cases," 64 FCC 2d 971 (1977). This ruling held that the following A.T. & T. rate changes were unlawful since A.T. & T. had failed to meet its burden of proof in justifying them: (1) The teletypewriter station equipment rate increase which became effective on November 1, 1968; (2) the reduction in the Telpak telegraph to voice grade channel equivalency from 12:1 to 2:1; and (3) the revisions in the private line telephone, private line telegraph and Telpak rates which became effective on May 4, 1972. Id. at pp. 989-991.

2. Aeronautical Radio, Inc. (ARINC) and the Air Transport Association of America (ATA) filed a Request for Refunds on July 13, 1977 seeking a refund with interest of the amounts paid as the result of certain of the rate increases which the Commission had found unlawful in its Memorandum Opinion and Order in Docket No. 18128 released June 13, 1977.¹ The Associated Press, Commodity News Services, Inc., United Press International, Inc., Dow Jones & Company, Inc. and Reuters Limited (the Newswire Services) filed a Petition for Refund Order on July 13, 1977 seeking similar relief.²

3. A.T. & T. sought reconsideration of the Commission's determination that the rate changes discussed above were unlawful. The date for the filing

¹ARINC and ATA request refund with interest of: (1) The increased rates for teletypewriter station equipment which became effective on November 1, 1968; and (2) the various rate increases which became effective May 4, 1972.

²The Newswire Services request refund with interest of: (1) The increased charges for teletypewriter station equipment which became effective on November 1, 1968; and (2) the increased charges for "private line service terminal installation and recurring monthly charges" which became effective on May 4, 1972.

of A.T. & T.'s response to the requests for refunds was subsequently deferred until thirty days after Commission action on this request for reconsideration. "American Telephone and Telegraph Company Private Line Rate Cases," Docket No. 18128, Order by Chief, Common Carrier Bureau (released August 17, 1977.) The Commission's Second Order on Reconsideration, released February 24, 1978, reaffirmed the previous finding that these rate changes were unlawful since A.T. & T. had failed to justify them adequately. "American Telephone and Telegraph Company Private Line Rate Cases," Docket No. 18128, FCC-78-104, (released February 24, 1978.)

4. The Bureau presently has before it for consideration A.T. & T.'s Motion to Defer Filing of Responses which asks that the date for responding to the requests for refunds be deferred until thirty days after final disposition of petitions for appellate review of the Commission's actions in Docket No. 18128.³ In support of this request, A.T. & T. states that court review of the Commission's determination that the subject rate changes are unlawful will have a direct bearing on the requests for refunds. "In such circumstances," A.T. & T. contends that "all further proceedings related to these requests, including the filing of responsive pleadings, should be deferred pending final court review." A.T. & T. takes the position that a grant of its request would not injure any of the other parties involved.

5. The Newswire Services filed an Opposition to Motion to Defer Filing of Responses. They argue that A.T. & T.'s Motion is in effect a request for stay pending judicial review "because A.T. & T. is asking the Commission not to go forward with the processing of refunds under the Docket 18128 orders until those orders have been reviewed by a court." The Newswire Services contend that such "extraordinary relief * * * would be justified only if [A.T. & T.] could show: (1) That it is likely to prevail on the merits in court; (2) that it will suffer irreparable injury if the delay is not granted; (3) that the other parties will not be harmed; and (4) that the public interest requires delay." They allege that A.T. & T. has not addressed these criteria except to state categorically that none of the parties would be injured by deferral of the filing date. Contrary to A.T. & T.'s position, the Newswire Services argue that any additional delay in ordering refunds "will harm their operations in a very

³In its Motion to Defer Filing of Responses A.T. & T. states that it "plans to file a petition for judicial review of the Commission's orders in Docket No. 18128, including its June 13 Reconsideration Order, and its February 24 Second Order on Reconsideration."

real way by exacerbating the already difficult problems of coping with mounting costs under budgetary constraints."

6. The Newswire Services also believe that A.T. & T.'s "motion should be denied on the * * * ground that it is contrary to the sensible and orderly administration of justice." They state that "[i]f A.T. & T.'s motion is granted, the issues relating to these rate increases may ping pong back and forth between the Commission and the court for years * * *." In the opinion of the Newswire Services "[i]t would be far more desirable for the FCC to act first on the refund requests so that the court can then consider that action at the same time as it considers the legal basis for the action arising in Docket 18128."

7. An Opposition to Motion to Defer Filing of Responses was also filed by ARINC and ATA. ARINC and ATA "submit that it would be extremely inefficient and wasteful of administrative and judicial resources for the Commission to defer the refund question until after judicial disposition of all of the other issues in Docket 18128." They argue that determining the amount subject to refund should be a relatively simple task for the Commission since the rate increases found to be unlawful have been subject to accounting orders. Accordingly, ARINC and ATA contend that the Commission should act expeditiously on this question in order to permit consolidated court review of the determinations concerning the lawfulness of the rate changes and the payment of refunds.

8. ARINC and ATA recognize that appellate reversal of the Commission's finding that the subject rates are unlawful would eliminate the need for a determination concerning refunds. However, they argue that this possibility is far outweighed by the chance of delay due to piecemeal appellate litigation. ARINC and ATA also contend that the Commission has a duty to direct payment, as soon as due process permits, when refunds are found to be in order.⁴ They state that "[f]ailure to order A.T. & T. to refund the excess charges collected under the unlawful rate increases would render meaningless the Commission's finding of unlawfulness."

9. While ARINC and ATA opposed A.T. & T.'s Motion seeking deferral of the filing of its response to the requests for refunds pending judicial

review, they "do not * * * oppose a reasonable extension of the date for filing responses, consistent with getting the entire Docket 18128 matter before the Court of Appeals expeditiously."

10. A.T. & T. filed a Reply to the Newswire Services and ARINC and ATA Oppositions. A.T. & T. contends that it is not seeking a stay of substantive action already taken by the Commission. Rather, A.T. & T. states that it is simply requesting "that the Commission adopt the prudent administrative course [of permitting] completion of judicial review of the Docket 18128 orders before embarking on the complex issues related to these refund requests." A.T. & T. emphasizes that determining whether refunds should be ordered, and if so, the amount of any such refund, is not a simple matter. A.T. & T. points out that "the Commission has made no determination as to what a lawful rate would be and therefore has made no finding as to what portion, if any, of the specific rate increases are excessive and should be refunded." A.T. & T. contends that "[t]his is a necessary predicate to the exercise of the Commission's discretion to determine whether refunds are appropriate." A.T. & T. also argues that the Commission has found that the rates of return for the service categories involved in these rate changes have generally been too low rather than too high.

11. At the outset we would note that the Bureau does not believe that A.T. & T.'s Motion should be treated as a request for stay pending judicial review. A.T. & T. is not seeking stay of a substantive determination reached by the Commission. It simply requests deferral of the proceedings concerning the question of refunds.

12. We are aware that judicial action on an appeal of the Commission's determination concerning the lawfulness of the subject rate changes might eliminate the need for further proceedings concerning refunds. In our opinion this contingency does not warrant deferring the date for the filing of A.T. & T.'s response until judicial review has been completed. However, we will give A.T. & T. until April 26, 1978, in which to file its response. This action should not be considered a commitment that the Commission will rule on the requests for refunds so as to permit consolidated review with other appeals concerning Docket No. 18128.⁵

⁴The process of determining what, if any, sums are to be refunded is much more complex than the Newswire Services, ARINC and ATA appear to believe. Section 204 of the Communications Act, 47 U.S.C. 204, states that the "Commission * * * upon completion of the hearing and decision may by further order require the interested carrier or carriers to refund, with interest, to

13. Accordingly, it is ordered, That A.T. & T.'s Motion to Defer Filing of Responses is denied.

14. It is further ordered, That A.T. & T. is to file its response to the above referenced requests for refunds on or before April 26, 1978.⁶

WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc. 78-11343 Filed 4-26-78; 8:45 am]

[6712-01]

[FCC 78-247; CC Docket No. 78-132; File No. 21476-CD-MP-761]

BONDUEL TELEPHONE CO.

Memorandum Opinion and Order; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: April 6, 1978.

Released: April 25, 1978.

By the Commission: Commissioner Fogarty absent.

1. Presently before the Commission is an "Application for Review" filed by Telephone Communications, Inc. (TCI) on December 5, 1977. TCI seeks review of the action of the Chief, Common Carrier Bureau, released on November 4, 1977, denying TCI's "Petition for reconsideration" of the granting of a construction permit to Bonduel Telephone Co. (Bonduel) to establish additional facilities in the Domestic Public Land Mobile Radio Service (DPLMRS) on frequency 158.10 MHz at Green Bay, Wis. Responsive pleadings were filed by the parties. In its Application for Review, TCI incorporates by reference the arguments raised in its Petition for Reconsideration. Accordingly, we will at times refer to the Petition for Recon-

the persons in whose behalf such amounts were paid, such portion of such increased charges as by its decision shall be found not justified." (Emphasis added). In exercising its discretionary authority to grant refunds the Commission must evaluate numerous and sometimes conflicting equitable considerations.

⁶This action is taken by the Chief, Common Carrier Bureau pursuant to the delegation of authority contained in § 0.303(c) of the Commission's rules, 47 CFR 0.303(c). This provision states that the Chief, Common Carrier Bureau may act on "requests * * * [f]or the extension of time within which briefs, comments and pleadings may be filed in common carrier rulemaking proceedings." Docket No. 18128, "American Telephone and Telegraph Private Line Rate Cases", concerns the prescription of costing methodologies and inter-service rate level relationships for A.T. & T. and therefore clearly falls within the definition of rulemaking contained in section 551 of the Administrative Procedure Act, 5 U.S.C. 551. "Wilson & Co., Inc. v. United States", 335 F. 2d 788 (1964).

⁵In support of this contention ARINC and ATA cite "Federal Power Commission v. Tennessee Gas Transmission Company," 371 U.S. 145 (1962) and "American Television Relay, Inc.," FCC 78-81 (released February 28, 1978). These cases involve situations in which rates had been found to be excessive. No such finding has been made in the present case.

sideration as well as the Application for Review.¹

2. TCI, a miscellaneous common carrier, is the licensee of one-way signaling station KLF645, operating in Green Bay. Bonduel is a wireline telephone company presently providing a wireline telephone service in an area outside of Green Bay, and is the licensee of one-way signaling station KUS279 operating on frequency 158.10 MHz with a control point in its wireline service area.

3. The following issues are raised for our consideration:

(a) Whether the Bureau erred in concluding that the guardband frequencies allocated for use by "communication common carriers engaged also in the business of affording public landline message telephone service"² may properly be assigned to a telephone company applicant for use wholly outside its certificated wireline service area;

(b) Whether the Bureau erred in concluding that Bonduel established public need for its proposed service; and

(c) Whether the Bureau erred in concluding that TCI failed to establish a prima facie case of anti-competitive rates.

4. Operation Outside the Certificated Wireline Service Area. TCI alleges that permitting Bonduel to operate totally outside of its exchange area and in the exchange area of another telephone company (Wisconsin Bell) would expose petitioner to competition from two wireline common carriers, and that such a situation was not contemplated by the Commission's guardband frequency allocation plan adopted in Docket No. 16778, 12 FCC 2d 841, recon. denied, 14 FCC 2d 269, *aff'd sub nom. Radio Relay Corporation v. FCC*, 409 F.2d 322 (2d Cir. 1968). TCI therefore concludes that the grant of a construction permit to Bonduel is unlawful. We cannot agree with TCI.

5. In Docket No. 16778, the Commission allocated four frequencies for the exclusive use of one-way signaling (paging). Two frequencies were allocated to wireline common carriers, and two were allocated to miscellaneous common carriers, that is common carriers not engaged in the business of affording public landline message telephone service (known in the industry as radio common carriers or RCC's). The Commission found it in the public interest to allocate these frequencies in this way in order to allow the wireline companies and the RCC's to com-

pete on an equal footing. At the same time, the Commission imposed conditions upon wireline carriers to prevent them from utilizing their control over the wireline facilities as a method of gaining an unfair competitive advantage over the RCC's.

6. The Commission did not impose any conditions concerning how many companies, whether wireline or RCC, could use the pair of frequencies allocated. One company could obtain the exclusive use of two frequencies, two companies could each obtain the exclusive use of one frequency, or two or more companies could be authorized to share a frequency. The guiding consideration in these situations must be the public interest, not the competitive impact on a particular carrier. Section 21.501(h)(1) of the Rules allocates frequencies 152.84 MHz and 158.10MHz to "[c]ommunication common carriers engaged also in the business of affording public landline message telephone service." We find no rule or past case limiting the use of these frequencies to the certificated wireline service areas of wireline carriers, nor do we see any public interest reason for such a limitation.

7. TCI quotes the following language from the *Guardband* decision:

Radio Relay would create the erroneous impression that on this basis the MCC's [now known as RCC's] could be called upon to indulge in an astronomical number of protest proceedings. On the contrary, the MCC in a given community will only be involved in a contest with the wireline carrier in the same community.

14 FCC 2d at 273. TCI argues that this language clearly demonstrates that the intent of the Commission was to allow only one wireline carrier to compete with the RCC's in a given community. We do not agree with TCI. At the time of the *Guardband* decision, the Commission did not consider whether a wireline telephone company may operate a radio paging service outside of its state certificated wireline service area. It is true that there is commonly only one wireline carrier operating radio paging in each community, and we anticipate that this will continue to be the normal situation. But we do not think that we are compelled to read this into the quotation given above. Neither the language itself nor our perception of the public interest would demand this construction. Furthermore, we note that although the Commission used the language "the MCC," it was common then and is common now to find several MCC's, operating in a given community.

8. To buttress our conclusion, we can look to *General Mobile Radio Service*, 13 FCC 1190, 1218 (1949), where we stated:

[W]e have taken particular care to provide a family of frequencies within which

the development of common carrier mobile radio systems by enterprises other than existing telephone companies may take place. These dispositions have been effected adversely, and with the purpose, among others, of fostering the development of competing systems, techniques, and equipments.

We believe that the Bureau's grant of Bonduel's application is consistent with this policy.

9. TCI contends that "a [wireline] carrier is not, for the purpose of wireline-carrier allocation, a wireline carrier in areas where it does not provide wireline service." Petition for Reconsideration at 7. But the Rules neither state nor imply this contention. A wireline carrier is defined simply as a carrier "engaged also in the business of affording public landline message telephone service." Section 21.501(h)(1) of the Rules. The Rules do not limit the geographical area. TCI goes on to state: "Nor is [a wireline carrier], in such areas an RCC, for the purpose of the RCC allocation, under the *ITT* decision." Petition for Reconsideration at 7. TCI claims that in Green Bay Bonduel is neither a wireline carrier nor an RCC. If that were true, however, all wireline common carriers would be prohibited from establishing a radiotelephone service on any frequency outside their wireline operating areas. As discussed above, the Commission has never imposed such a limitation on wireline carriers. We agree with TCI, however, that Bonduel would be unable to operate on a nonwireline frequency because, in *ITT Mobile Telephone, Inc.*, 1 RR 2d 957, 963 (1963), the Commission stated that "any company which is directly or indirectly engaged in the business of affording public landline message telephone service within the continental limits of the United States [is barred] from acquiring or using frequencies assigned under section under section 21.501(c) of the Rules."³ We therefore conclude that, unless there exists a public purpose in limiting the area in which a wireline common carrier may operate a paging service to its certificated wireline area, we should allow the wireline carriers to operate radio paging on the frequencies allocated to wireline carriers.

10. In sum, we do not believe it would serve the public interest to limit the area in which a wireline common carrier may operate a paging service to its certificated wireline area, provided that (1) the state allows the carrier to operate in the proposed area and (2) the applicant has met the various requirements of the Commission's rules.

11. TCI argues that the *Guardband* conditions imposed upon Bonduel are meaningless because Bonduel does not operate a wireline telephone service in

¹In an order released on February 22, 1978, the Chief, Common Carrier Bureau stayed the grant of the construction permit pending Commission action on the Application for Review.

²See Section 21.501(h)(1) of the Rules.

³Section 21.501(c) assigns certain two-way frequencies to RCC's.

Green Bay. We do not agree. Bonduel operates Location No. 1 of Station KUS279, as well as a wireline telephone service in the Bonduel area. The Bureau reaffirmed the *Guardband* conditions in its grant to Bonduel of Location No. 2 in Green Bay in order to prevent Bonduel from using its control of its wireline facilities in the Bonduel area as a means of engaging in anticompetitive practices against any RCC.

12. TCI further argues:

Bonduel is immune from the conditions. They do not impose on it any obligations simply because Bonduel does not control the dial access interconnection in the Green Bay area nor does it control any other aspects of interconnection in Green Bay. At the same time, Bonduel is free with impunity to subsidize the Green Bay paging service from its revenues derived from its monopoly services in another exchange which is wholly beyond the reach of the conditions of its Green Bay guardband authorization.

Application for Review at 9. We fail to understand TCI's argument. If Bonduel does not control any aspects of interconnection in Green Bay, then Bonduel cannot use control of aspects of interconnection in Green Bay as a means of gaining an unfair competitive advantage over TCI or any other RCC. Nor is Bonduel free to subsidize its Green Bay paging service with revenues derived from its wireline telephone service because both the *General Mobile Radio Service* allocations of 1949 and the *Guardband* decisions of 1968 prohibit any anticompetitive practices on the part of wireline telephone companies. If Bonduel is ever shown to be subsidizing the Green Bay paging service from its wireline revenues, the Commission will take appropriate action at that time.

13. In conclusion, we find that the Bureau did not err in granting a construction permit to Bonduel to build facilities to operate a paging service outside its wireline service area on a frequency allocated to wireline common carriers.

14. *Need.* TCI alleges that in its "Supplement to Petition to Dismiss or Deny Application" filed on March 30, 1977, it raised substantial and material questions of fact concerning the validity of Bonduel's need survey submitted on February 28, 1977, and that the Bureau erred by not designating the application for a hearing on this matter. In the Supplement, TCI reported the result of a counter survey it had conducted where it had contacted approximately 20 percent of the firms listed in the *Green Bay Yellow Pages* and the *Green Bay Area Manufacturers Processors Directory* for each of the categories of firms that Bonduel had originally claimed it contacted. TCI claimed that not one of the people it had contacted answered affirmatively to the question of ever

being contacted by Bonduel with reference to a paging service. TCI concluded that these results cast doubt on the validity of the original Bonduel survey. In response to the TCI Supplement, Bonduel stated: "Bonduel Telephone Company has reviewed TCI's supplemental petition and believes that the nature of the allegations requires no response." In its order granting the construction permit and in its order denying reconsideration, the Bureau found that the Bonduel survey method used and the results reported were sufficiently within the survey criteria described in *New York Telephone Company*, 47 FCC 2d 488, *recon. denied*, 49 FCC 2d 264 (1974), *aff'd sub nom. Pocket Phone Broadcast Service, Inc. v. FCC*, 538 F.2d 447 (D.C. Cir. 1976), to sustain a finding of need for the proposed service. The Bureau found that the TCI counter survey did not present a prima facie case of invalidity of the Bonduel need survey for the following reasons:

The countersurvey does not duplicate the Bonduel survey because it does not take into account whether Bonduel may have spoken to an individual in the firm other than the individual to whom TCI may have spoken, nor does it consider whether Bonduel may have contacted firms not listed in either of the listings used by TCI. Finally, we must consider that Bonduel had contacted only a sampling of firms in Green Bay and that TCI contacted only 20% of the firms in its two lists.

Memorandum Opinion and Order (on Petition for Reconsideration) released November 4, 1977, at 6, — FCC 2d —, —.

15. In its Application for Review, TCI submitted, for the first time, an affidavit from Ernest R. Freeman, an electrical engineer in the State of Maryland. This affidavit contains a statistical analysis of the counter survey demonstrating that the chance of TCI not reaching one of the firms previously contacted by Bonduel is one in 31,290,000,000. Bonduel responded to the TCI pleading by stating that "any statistical study based upon the TCI counter-survey which had the defects referred to by the Bureau does not show that the Bureau erred in finding that the TCI counter-survey is mere surmise." Opposition to Application for Review at 7. After reviewing the new data submitted, we do not agree with Bonduel. In *New York Telephone* we stated:

If the application for a new frequency can demonstrate substantial unsatisfied need for service by one or more of the alternative methods set forth in *Long Island Paging* and existing carriers fail to raise substantial and material questions regarding that need showing, then no hearing will be required on this issue.

The statistical analysis of the counter survey presented by TCI raises substantial and material questions regard-

ing the Bonduel need showing. Although the defects mentioned by the Bureau may have an effect on the accuracy of the 31,290,000,000 to one ratio, this ratio is so overwhelming that the defects mentioned are insufficient to alleviate the doubts raised by TCI. Because Bonduel merely reiterated the findings made by the Bureau when it dismissed the TCI Petition for Reconsideration and did not present sufficient data to refute the conclusions that must be drawn from reading the Freeman affidavit, we find that it is necessary to reverse the Bureau and designate the Bonduel application for hearing on the need issue.

16. Because the TCI counter survey raises sufficient doubts as to the validity of the Bonduel need survey, we question whether the applicant has been fully candid in its communications with the Commission in connection with the need survey which it claims to have conducted. Accordingly, we find that it is necessary to designate the Bonduel application for hearing on the issue of candor.

17. *Anticompetitive rates.* TCI alleges that Bonduel's proposed rates are noncompensatory, and hence anticompetitive. In its Petition for Reconsideration, TCI submitted an affidavit from its vice president, A. L. Gignac, containing an analysis of the items expected to go into Bonduel's rate base for its Green Bay service. Gignac based his calculations on data presented by Bonduel in its application and on Gignac's personal knowledge resulting from his experience in the RCC industry.

18. Gignac calculated that based on 80 tone-plus-voice pagers in service,⁴ the estimated direct base station costs would be \$6.05 per pager per month. This figure was based on per pager per month costs of \$.94 for depreciation of the central office equipment based on a 10-year life, \$1.00 for maintenance, \$2.00 for WATS Service, \$.31 for site rental, and \$1.80 for return on investment based on a 10 percent rate of return and a 48 percent tax bracket. This estimate did not include the cost of a terminal which would be shared with Bonduel's operation in the Town of Bonduel.

19. Gignac calculated that the direct costs for the paging equipment would be \$10.43 per pager per month for tone-plus-voice pagers. This was based on per pager per month costs of \$3.48 for return on investment based on a 10 percent rate of return and a 48 percent tax bracket, \$2.58 for depreciation based on a seven-year life, \$2.01 for marketing, \$1.00 for field support, \$1.36 for inventory, and \$25.00 maintenance per pager per year after the first two years.

⁴The Bonduel need survey represented that there was a need for 80 paging units.

20. Gignac thus concluded that the direct costs per pager per month for tone-plus-voice service would total \$16.48 and that indirect costs including accounting, building allocation, utilities, insurance, labor, office supplies, legal costs, administrative salaries, administrative support (secretarial), executive salaries, executive support (secretarial), engineering salaries, engineering support (secretarial), payroll taxes, ad valorem taxes, employee fringe benefit expense, rate case expenses, reserve for bad debt, data processing expenses, billing expenses, and contributions, could not be included in his calculations because the necessary information is solely within Bonduel's knowledge. Gignac then stated that when the indirect costs are added to the direct costs, Bonduel's proposed rates of \$16.50 per unit per month for tone-only service and \$19.50 per unit per month for tone-plus-voice service are inadequate to provide a compensatory rate for Bonduel. He thus concluded that there is no justification for Bonduel's proposed Green Bay rates which are \$2.00 lower in each category than Bonduel's rates in the Town of Bonduel.

21. Bonduel responded to the Gignac affidavit by amending its application to state that the rates for its station on the Town of Bonduel as filed with the Wisconsin Public Service Commission are \$15.50 per unit per month for tone-only service and \$18.50 per month for tone-plus-voice service, and that these rates will apply to its Green Bay service. Bonduel further stated "[t]here is nothing to show that such rates are non-compensatory or anti-competitive." Opposition to Petition for Reconsideration at 7. No further arguments were made to counter the allegations presented in the Gignac affidavit.

22. Because we are designating the Bonduel application for a hearing on the need issue, and because the Gignac affidavit raises questions that can be answered only by Bonduel, and because Bonduel did not respond to the questions raised by the Gignac affidavit, we are reversing the Bureau on its finding with respect to alleged anti-competitive rates and are including an issue concerning anti-competitive rates in this order. In designating this issue, we find that consideration of the Gignac affidavit is required in the public interest. See § 1.106(c) of the Commission's Rules.

23. As in *United Telephone Co. of Ohio*, 26 FCC 2d 417 (1970), we find it appropriate to set out guidelines on the evidentiary burdens to be met in the hearing. Cf. Section 309(e) of the Communications Act of 1934, as amended. In *United* we stated:

In *D&E Broadcasting Co.*, 5 RR 2d 475 (1965), we outlined our policy with respect to evidentiary burdens where issues involv-

ing charges of misconduct were to be tried, and held that in such cases the burden of going forward with the introduction of evidence and the burden of proof should be on the petitioning party. But we also observed that exceptions to that general policy might occasionally be appropriate. One such exception which exists in instances where the operative facts are peculiarly within the knowledge of the applicant, *Midwest Radio Television, Inc.*, 16 RR 2d 987 (1967), applies here where the essential facts are all within United's sole power to produce. Therefore, both the burden of going forward with the introduction of evidence and the burden of proof will be on United with respect to the issues specified; United of course bears the burden of proof on the ultimate public interest issue since it is an applicant. See Sec. 309(a) of the Act, U.S.C., Sec. 309(a).

26 FCC 2d at 421. As in *United*, the burden of going forward with the introduction of evidence and the burden of proof will be on Bonduel with respect to the anti-competitive issue, as the cost justification for its rates is in its sole possession. With respect to the issue of public need, Bonduel will bear the burden of going forward with the evidence and the burden of proof. As to the issue of misrepresentation or lack of candor, however, the burden of going forward with the evidence and the burden of proof are placed upon TCI in light of the fact that TCI raised the facts which led us to designate this issue of possible misconduct. Bonduel bears the burden of proof on the ultimate public interest issue since it is the applicant.

24. Except as raised in the issues specified below, we find Bonduel to be legally, technically, financially and otherwise qualified to construct and operate the proposed additional facilities.

25. In view of the foregoing, *it is ordered*, That the Application for Review filed by Telephone Communications, Inc., is denied in part and is granted in part as set forth above.

26. *It is further ordered*, That the Order of the Chief, Common Carrier Bureau, released on July 13, 1977, granting the above-referenced application, and affirmed by Order of the Chief, Common Carrier Bureau, released on November 4, 1977, is vacated; and, pursuant to Section 309 of the Communications Act of 1934, as amended, the above-captioned application of Bonduel Telephone Co. is designated for hearing upon the following issues:

- To determine whether Bonduel has demonstrated public need for the proposed additional facilities;
- To determine the applicant has made any misrepresentations or evidenced a lack of candor in its application or communications with the Commission in connection with the survey of need which it claims to have conducted;
- To determine whether Bonduel Telephone Co. in connection with the rates to be charged for its proposed one-way

radio paging services for Green Bay, Wisconsin, will engage in any pricing practices which are (1) Noncompensatory, anticompetitive, or monopolistic, (2) Contrary to the public interest standards of the Communications Act, or (3) In violation of any rule, decision, or policy of the Federal Communications Commission; and

- To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the above-captioned application would serve the public interest, convenience, and necessity.

27. *It is further ordered*, That, with respect to issue (a), the burden of introduction of evidence and burden of proof are placed upon Bonduel Telephone Co.

28. *It is further ordered*, That with respect to issue (b), the burden of introduction of evidence and burden of proof are placed upon Telecommunications, Inc.

29. *It is further ordered*, That, with respect to issue (c), the burden of introduction of evidence and the burden of proof are placed upon Bonduel Telephone Co.

30. *It is further ordered*, That the hearing shall be held at the Commission offices in Washington, D.C., at a time and place and before an Administrative Law Judge to be specified in a subsequent order.

31. *It is further ordered*, That Telephone Communications, Inc. is made a party to the proceeding.

32. *It is further ordered*, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

33. *It is further ordered*, That parties may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221 of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-11475 Filed 4-26-78; 8:45 am]

[6712-01]

[Report No. 907]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

APRIL 24, 1978.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies.

Final action will not be taken on any of these applications earlier than 31

days following the date of this notice, except for radio applications not requiring a 30 day notice period (See § 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See § 1.227(b)(3) and 21.30(b) of the Commission's rules.]

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

- 20884-CD-P-(2)-78 WJBC Communications Corp. (KSA746). C.P. for additional facilities to operate on 454.175 and 454.300 MHz at a new site described as location No. 3: ½ mile south on U.S. Route 150 from Route 66 and 150 intersection, Bloomington, Ill.
- 20891-CD-P-(2)-78 General Telephone Co. of the Northwest, Inc. (KTS239). C.P. to change antenna system and replace transmitter operating on 454.400 MHz; and for additional facilities to operate on 454.550 MHz located at corner of 222nd Street and 58th Avenue SW., Lynnwood, Wash.
- 21054-CD-MP-78 John Grisby Wyatt (KKB420). C.P. to change antenna system, replace transmitter and change frequency from 152.21 MHz to 454.200 MHz to be located at Rainbow Road, 1 mile north of Great Falls, Mont.
- 21074-CD-P-78 Northwest Mutual Aid Telephone Corp. (KAI928). C.P. for additional facilities to operate on 152.63 MHz to be located 2 miles north and 0.25 mile east of Epping, N. Dak.
- 21076-CD-P-78 Tel-Car, Inc. (KUA224). C.P. to relocate facilities operating on

- 454.025 MHz from location No. 4 to a new location No. 5: Table Rock, 1¼ mile east-southeast of Boise, Idaho.
- 21077-CD-P-(2)-78 Rock Port Telephone Co., Inc. (KSV999). C.P. to change antenna system and replace transmitter operating on 152.57 MHz and for additional facilities to operate on 152.60 MHz located south of Junction U.S. 275 and 136, Rock Port, Mo.
- 21079-CD-P-78 Betty Bowen Bradshaw dba. Salisbury Answering Service (KGH868). C.P. for additional facilities to operate on 152.18 MHz at a new site described as location No. 3: South of U.S. 13, 5.1 miles northwest of Pocomoke City, Md.
- 21083-CD-P-78 Professional Communications, Inc. (KGI780). C.P. for additional facilities to operate on 72.58 MHz, Control at location No. 2: 5 miles south of Erie, Pa.
- 21084-CD-P-78 Hawkins Communications, Inc. (KUD232). C.P. to change antenna system operating on 454.275 MHz at location No. 1: 5321 First Place, NE., Washington, D.C.
- 21085-CD-P-(2)-78 Southwestern Bell Telephone Co. (KQA648). C.P. to change antenna system operating on 152.66 MHz located 1.5 miles west of Rosalia, Kans.
- 21136-CD-P-(4)-78 Empire Paging Corp. (KGI778). C.P. for additional facilities to operate on 454.275 MHz at a new site described as location No. 8: Westchester Community College—Route 100, Valhalla, N.Y.; same facilities at new site described as location No. 9: 4001 Grandview Avenue, Edison, N.J.; same facilities at a new site described as location No. 10: Off Sweetman Lane, Millstone Township, N.J.; same facilities at a new site described as location No. 11: Northwest corner of Freeway and Bangs Avenue, Neptune Township, N.J.
- 21211-CD-P-(4)-78 The Ohio Bell Telephone Co. (KQA768). C.P. to change antenna system and replace transmitter operating on 152.51 and 152.69; and for additional facilities to operate on 152.63 and 152.81 MHz to be located at 750 Huron Road, Cleveland, Ohio.
- 21240-CD-P-78 Southwestern Bell Telephone Co. (KKA282). C.P. for additional auxiliary test facilities to operate on 157.77, 157.80, 157.89, 157.98, 158.01, 158.04, 158.07, 459.375, 459.400, 459.425, 459.475, 459.500, 459.600 and 459.650 MHz located at 405 North Broadway Avenue, Oklahoma City, Okla.
- 21241-CD-TC-(2)-78 Dial-A-Page, Inc. Consent to transfer of control from Ethel Griffith, Transferor to William A. Houser, Transferee. Stations: KWU324 and KWU449, Oklahoma City, Okla.
- 21243-CD-TC-78 Cascade Utilities, Inc. Consent to transfer of control from Duane L. Day and June C. Day, Transferors to Day Management Corp., Transferee. Station: KOP324, near Estacada, Ore.
- 21244-CD-AL-78 Contact of Farmington, Inc. Consent to assignment of license from contact of Farmington, Inc., Assignor to Grants Radiotelephone Service, Inc., Assignee. Station: KWU261, Pajarito Peak, N. Mex.
- 21245-CD-P-78 Ranch Radio, Inc. (KKX713). C.P. for additional facilities to operate on 152.06 MHz at location No. 1: 1000 feet south of junction of Juan Linn and Mahan Road, 1 mile south of Victoria, Tex.
- 21246-CD-P/ML-78 Tadlock's Radio Dispatch (KMA259). C.P. and license to re-

- place transmitter operating on 152.06 MHz at location No. 2: Bald Mountain, 5 miles southeast of Guinda, Calif.
- 21247-CD-P-78 Gulf Central Communication & Electronics, Inc. (new). C.P. for a new 1-way signaling station to operate on 35.22 MHz to be located 1 mile northeast of Intracoastal City, La.
- 21251-CD-P-78 M. L. Green d.b.a. Gillette Radiotelephone (KUC875). C.P. for additional facilities to operate on 152.21 MHz located 2.65 miles south of Gillette, Wyo.
- 21252-CD-P-78 Filer Mutual Telephone Co. (KLF466). C.P. for additional facilities to operate on 152.75 MHz located at 405 Main Street, Filer, Idaho.
- 21253-CD-P-78 Radio Telephone Inc. (new). C.P. for a new station to operate on 454.025 MHz to be located on County Road HH 4.5 miles north of Sturgeon Bay, Wis.
- 21254-CD-P-78 Southwestern Bell Telephone Co. (KAA694). C.P. to change antenna system operating on 152.60 MHz located 7 miles southwest of Capital Building, Topeka, Kans.
- 21255-CD-P-78 Radio Communications, Inc. (KGC583). C.P. to relocate facilities and replace transmitter operating on 152.12 MHz at location No. 1: 2012 West Street, Annapolis, Md.
- 21140-CD-P-78 Empire Paging Corp. (KAA209). C.P. for additional facilities to operate on 152.24 MHz at a new site described as location No. 5: Westchester Community College—Route 100, Valhalla, N.Y.
- 20939-CD-P-(2)-78 Grant's Radiotelephone Service (KKT397). C.P. for additional facilities to operate on 2167.2 MHz, repeater at location No. 1: 16 miles northeast of Grant's, Mount Taylor, N. Mex.; and for additional facilities to operate on 2117.2 MHz, control at a new site described as location No. 4: 10820 Central Avenue East, Albuquerque, N. Mex.

CORRECTION

- 21134-CD-AL-78 Lakeland Telephone Co. (KDN394). The location was incorrectly listed as Columbia, Mo.; it should read: Bolivar, Mo. All other particulars remain as reported on PN No. 905, dated April 10, 1978.

MAJOR AMENDMENTS

- 20735-CD-P-(2)-78 Professional Communications, Inc. (new). Meadville, Pa. Amend to change frequency 454.150 MHz to 454.100 MHz. All other particulars remain as reported on PN No. 898, dated February 21, 1978.
- 20024-CD-ML-78 Intrastate Radio Telephone Inc., of San Francisco. Change repeater frequency 2160.8 MHz to read 2162.8 MHz at Sunol Ridge, Calif. All other particulars are to remain the same as reported in PN No. 881, dated October 25, 1977.
- 21195-CD-P-77 Colonial Mobiletelephone & Paging Service, Inc. (KUO607). Amend to change the base frequency to 454.325 MHz and the antenna system. The location remains unchanged. Previously reported on PN No. 856, dated May 2, 1977.

INFORMATIVE

- Assignment of License from Hopinton Telephone Company, assignor to Merrimack County Telephone Co., assignee, File No. 20746-CD-AL-78, granted 3-17-78 was rescinded on 4-19-78 since applicant's license is being reviewed for renewal in July, 1978.

Applications Accepted For Filing:

RURAL RADIO SERVICE

60107-CR-P-78 Continental Telephone Co. of the West (WBK306). C.P. to relocate facilities operating on 158.04 MHz to be located at 4 Corners No. 6 Mine, 12 miles west and 2 miles north of Green River, Utah.

60230-CR-AL-78 Mountain Messages Radio Telephone Service. Consent to assignment of license from Mountain Messages Radio Telephone Service, Assignor to Idaho Tele-Radio Service, Inc. Station WCE559, Kuna, Idaho.

60231-CR-TC-(4)-78 Cascade Utilities, Inc. Consent to transfer of control from Duane L. Day and June C. Day, transferors to Day Management Corp., transferee. Stations: WBK259 and WBK260, near Elkton, Ore., and KZI79 and KZS35, temporary locations.

Applications Accepted for Filing:

POINT TO POINT MICROWAVE RADIO SERVICE

NY-1932-CF-P-78 New York Telephone Co. (KEH92) 158 State St. Albany, (Albany) N.Y. Lat. 42°39'03" N., Long. 73°45'28" W. C.P. to add frequencies 6345.5H, 6271.4H and 10955V MHz toward Beadle Mountain, N.Y.

NY-1933-CF-P-78 Same (KXR79) Beadle Mountain, 0.5 mile west-northwest of South Easton, (Washington) N.Y. Lat. 42°58'56" N., Long. 73°31'57" W. C.P. to add frequencies 6123.1H MHz toward Glens Falls, N.Y.; 6093.5V, 6019.3H and 11405V MHz toward Albany, N.Y.

NY-1934-CF-P-78 Same (KXR80) 314 Glen Street Glens Falls, (Warren) N.Y. Lat. 43°18'39" N., Long. 73°38'54" W. C.P. to add frequencies 6315.9H MHz on azimuth 50.9 degrees toward Thorn Hill, N.Y., and 6375.2V MHz toward Beadle Mountain, N.Y.

NY-1935-CF-P-78 Same (new). Thorn Hill 2.0 miles south-southeast of East Whitehall, (Washington) N.Y. Lat. 43°30'48" N., Long. 73°18'20" W. C.P. for a new station on frequencies 6004.5H MHz on azimuth 347.0 degrees toward Mt. Defiance, N.Y. and 6063.8V MHz on azimuth 231.1 degrees toward Glens Falls, N.Y.

NY-1936-CF-P-78 Same (new) Mt. Defiance 1.4 miles southeast of Ticonderoga, (Essex) N.Y. C.P. for a new station on frequencies 6197.2H MHz on azimuth 359.7 degrees and 6255.5V MHz on azimuth 166.9 degrees toward Thorn Hill, N.Y. (Lat. 43°49'53" N. Long. 73°24'28" W.)

NY-1937-CF-P-78 Same (new) Ainger Hill 3.1 miles northeast of Westport, (Essex) N.Y. Lat. 44°13'14" N., Long. 73°24'35" W. C.P. for a new station on frequencies 6152.8H MHz on azimuth 0.8 degrees and 5945.2V MHz on azimuth 179.7 degrees toward Mt. Defiance, N.Y.

NY-1938-CF-P-78 Same (new) Mount Trembleau 1.2 Miles south-southeast of Port Kent, (Essex) N.Y. Lat. 44°30'47" N., Long. 73°24'15" W. C.P. for a new station on frequencies 6226.9H MHz on azimuth 21.0 degrees toward Plattsburgh, N.Y., and 6404.8V MHz on azimuth 180.8 degrees toward Ainger Hill, N.Y.

NY-1939-CF-P-78 Same (new) 45 Oak Street Plattsburgh, (Clinton) N.Y. Lat. 44°41'55" N., Long. 73°27'25" W., C.P. for a new station on frequencies 6152.8H MHz on azimuth 231.3 degrees and 5974.8V MHz on azimuth 168.5 degrees toward Mount Trembleau, N.Y.

NY-1940-CF-P-78 Same (new) Terry Mountain 1.8 miles south of Peaseleeville,

(Clinton) N.Y. Lat. 44°34'24" N., Long. 73°40'31" W. C.P. for a new station on frequencies 6404.8H MHz on azimuth 234.6 degrees and 6404.8V MHz on azimuth 51.1 degrees toward Plattsburgh, N.Y.

NY-1942-CF-P-78 American Telephone and Telegraph Co. (KEA49) 158 State St. NY Albany, (Albany) N.Y. Lat. 42°39'03" N., Long. 73°45'28" W. C.P. to add frequency 3790V MHz toward Kinderhook, N.Y.

NY-1943-CF-P-78 Same (KEG61) 2.4 miles southeast of Kinderhook, (Columbia) N.Y. Lat. 42°21'42" N., Long. 73°41'00" W. C.P. to add frequency 3830V MHz toward Hallihan Hill, and Albany, N.Y.

NY-1944-CF-P-78 Same (KEE58) Hallihan Hill 4.0 miles north of Kingston, (Ulster) N.Y. Lat. 41°59'20" N., Long. 74°01'08" W. C.P. to add frequency 3790V MHz toward Kinderhook, N.Y.

OR-1953-CF-P-78 Blue Mountain, Inc. (WCT964) Between Main and Washington St. Fossil, (Wheeler) Ore. Lat. 45°00'01" N., Long. 120°12'47" W. C.P. to add a new point of communication on frequency 2112H MHz on azimuth 244.5 degrees toward Coat Springs passive reflector and from passive reflector to Snowboard, Ore.

OR-1954-CF-P-78 Same (new) Snowboard 4 1/4 miles east southeast of Kinzua, (Wheeler) Ore. Lat. 44°57'47" N., Long. 119°57'25" W. C.P. for a new station on frequency 2162H MHz on azimuth 277.5 degrees toward Coat Springs, passive reflector and from passive reflector to Fossil, Ore.

HI-1956-CF-P-78 Hawaiian Telephone Co., (new) Waikoloa 1.25 miles south of Waikoloa, Village, (Hawaii) Hawaii. Lat. 19°55'08" N., Long. 155°47'50" W. C.P. for a new station on frequencies 2121.6H and 2123.3H MHz on azimuth 11.5 degrees toward Makela, Hawaii.

HI-1957-CF-P-78 Same (new) Makela 7 miles northwest of Kamuela, (Hawaii) Hawaii. Lat. 20°04'28" N., Long. 155°45'49" W. C.P. for a new station on frequencies 2171.6H and 2173.3H MHz on azimuth 191.5 degrees toward Waikoloa, Hawaii.

KY-1986-CF-P-78 South Central Bell Telephone Co. (KIY30) 810 Kentucky Ave. Paducah, (McCracken) Ky. Lat. 37°04'58" N., Long. 88°36'09" W. C.P. to change frequencies 6204.7H to 11285H, change 11445H to 11325V MHz and replace transmitters; add frequency 11485V MHz toward Melber, Ky.

KY-1987-CF-P-78 Same (KJW93) 3 miles east of Melber, (McCracken) Ky. Lat. 36°56'37" N., Long. 88°40'02" W. C.P. to change frequencies 5952.6H to 10835H MHz, change 10995H to 10875V MHz and add frequency 11035V MHz toward Paducah, Ky, change 5982.3V to 3770V MHz, change 10715V to 3850V MHz toward Mayfield, Ky., replace transmitters, move and replace antennas.

KY-1988-CF-P-78 Same (KJW94) 307 South Eighth St. Mayfield, (Graves) Ky. Lat. 36°44'21" N., Long. 88°38'14" W. C.P. to change frequencies 6234.3V to 3730V MHz, and 11645V to 3810V MHz toward Melber, Ky., change frequencies 6189.8V to 3730H MHz, change 11445V to 3810H MHz toward Lynnville, Ky., replace transmitters, move and replace antennas.

KY-1989-CF-P-78 South Central Bell Telephone Co. (KJW95) 1 mile west Lynnville, (Graves) Ky. Lat. 36°33'30" N., Long. 88°35'22" W. C.P. to add a new point of communication on frequency 3770V MHz on azimuth 216.4° toward Martin, Ky.,

change frequencies 5937.8V to 3770H MHz and change 10995V to 3850H MHz toward Mayfield, Ky., move and replace antennas on frequencies 6100.9V and 10795V MHz toward Fulton, Ky. and 6160.2V, 11115V MHz toward Murray, Ky.

TN-1990-CF-P-78 Same (new) 3 miles southeast Martin, (Weakley) Tenn. Lat. 36°19'15" N., Long. 88°48'21" W. C.P. for a new station on frequencies 3730V MHz on azimuth 36.3° toward Lynnville, Tenn. and 3730H MHz on azimuth 193.7° toward Trenton, Tenn.

TN-1991-CF-P-78 Same (new) 2.5 miles southeast Trenton (Gibson) Tenn. Lat. 35°55'55" N., Long. 88°55'21" W. C.P. for a new station on frequency 3770H MHz on azimuth 164.5° toward Jackson, Tenn. and 3770H MHz on azimuth 13.6° toward Martin, Tenn.

TN-1992-CF-P-78 South Central Bell Telephone Co. (KJG51) 334 North Cumberland St. Jackson, (Madison) Tenn. Lat. 35°37'01" N., Long. 88°48'56" W. C.P. to add a new point of communication on frequency 3730H MHz on azimuth 344.6° toward Trenton, Tenn., replace antennas on frequencies 3730H, 3750V, 3830V, 3910V, 4050H, 4070V, 4130H, and 4150V MHz on azimuth 264.8° toward Brownsville, Tenn., and 3730H, 3750V, 3910V, 3990V, 4070V, 4130H, and 4150V on azimuth 100.8° toward Lexington, Tenn., and correct coordinates.

TN-1992-CF-P-78 Same (KJG51) 334 North Cumberland St. Jackson, (Madison) Tenn. Lat. 35°37'01" N., Long. 88°48'56" W. C.P. to add a new point of communication on frequency 3730H MHz on azimuth 344.6° toward Trenton, Tenn., replace antennas on frequencies 3730H, 3750V, 3830V, 3910V, 4050H, 4070V, 4130H and 4150V MHz on azimuth 264.8° toward Brownsville, Tenn., and 3730H, 3750V and 3830V MHz on azimuth 100.8° toward Lexington, Tenn. and correct coordinates.

ID-1995-CF-P-78 Mountain States Telephone & Telegraph Co. (KPV35) Mount Baldy 2.0 miles southwest of Ketchum, (Blaine) Idaho. Lat. 43°39'40" N., Long. 114°24'07" W. C.P. to add a new point of communication on frequency 2128H MHz on azimuth 313.7° toward Galena passive reflector and from passive reflector to Galena, Idaho.

ID-1996-CF-P-78 Same (new) 2.9 miles west of Galena, (Blaine) Idaho. Lat. 43°52'29" N., Long. 114°43'03" W. C.P. for a new station on frequencies 2178H MHz on azimuth 44.9° toward Galena, Idaho, passive reflector and from passive reflector to Mount Baldy, Idaho, 2168.4V MHz on azimuth 334.1° toward Stanley, Idaho passive reflector and from passive reflector to Stanley, Idaho.

ID-1997-CF-P-78 Same (new) 1 Block East of Post Office Stanley, (Custer) Idaho. Lat. 44°13'00" N., Long. 114°56'09" W. C.P. for a new station on frequency 2118.4V MHz on azimuth 316.2° degrees toward Stanley, Idaho passive reflector and from passive reflector to Galena, Idaho.

OK-1998-CF-P-78 Southwestern Bell Telephone Co. (new) 210 N. Muskogee Tahlequah, (Cherokee) Okla. Lat. 35°54'53" N., Long. 94°58'11" W. C.P. for a new station on frequency 2112V MHz on azimuth 61.7° toward Proctor, Okla.

OK-1999-CF-P-78 Southwestern Bell Telephone Co. (new) 2 miles northwest of Proctor, (Cherokee) Okla. Lat. 35°59'23" N., Long. 94°47'52" W. C.P. for a new sta-

- tion on frequencies 2162V MHz on azimuth 241.8° toward Tahlequah, Okla., and 2165.2 MHz on azimuth 89.8° toward Westville, Okla.
- OK-2000-CF-P-78 Same (new) 121 West Delaware Westville, (Adair) Okla. Lat. 35°59'25" N., Long. 94°34'05" W. C.P. for a new station on frequency 2115.2H MHz on azimuth 269.9 toward Proctor, Okla.
- WI-2002-CF-P-78 Wisconsin Telephone Co. (WBB354) 5 miles southwest of Waukesha CTH X Waukesha, (Waukesha) Wis. Lat. 42°57'34" N., Long. 88°18'02" W. C.P. to add a new point of communication on frequencies 10735V, 10895V, 10975, and 10815 MHz on azimuth 100.9° toward Prospect, Wis.
- WI-2003-CF-P-78 Same (new) 0.3 miles southwest of Prospect, (Waukesha) Wis. Lat. 42°56'25" N., Long. 88°09'56" W. C.P. for a new station on frequencies 11425V, 11585V, 11665V and 11505V MHz on azimuth 130.5° toward Caledonia, Wis.; 11425V, 11585V, 11665V, and 11505V MHz on azimuth 281.0° toward Waukesha, Wis.
- WI-2004-CF-P-78 Same (new) 2825 CTH G & HY 41 Caledonia, (Racine) Wis. Lat. 42°48'27" N., Long. 87°57'17" W. C.P. for a new station on frequencies 11015V, 10855V, 10775V and 10935V MHz on azimuth 123.2° toward Racine, Wis.; 10735V, 10895V, 10975V, and 10815V MHz on azimuth 310.8° toward Prospect, Wis.
- WI-2005-CF-P-78 Same (new) 411 7th Street Racine, (Racine) Wis. Lat. 42°43'33" N., Long. 87°47'08" W. C.P. for a new station on frequencies 11625V, 11465V, 11385V, and 11545V MHz on azimuth 303.3 degrees toward Caledonia, Wis.
- AR-2006-CF-P-78 Southwestern Bell Telephone Co. (KKB55) 725 South Church Street Jonesboro, (Craighead) Ark. Lat. 35°50'11" N., Long. 90°42'17" W. C.P. to add frequencies 11445V and 11405H MHz toward Bono, Ark.
- AR-2007-CF-P-78 Same (new) 3.2 miles southwest of Bono, (Craighead) Ark. Lat. 35°51'48" N., Long. 90°48'53" W. C.P. to add frequencies 10915V, 10875H MHz toward Jonesboro, Ark. and 6404.8H, 6226.9H, and 6345.5H MHz toward Weiner, Ark.
- AR-2008-CF-P-78 Same (WCU339) 2.2 miles southwest of Weiner, (Poinsett) Ark. Lat. 35°36'30" N., Long. 90°56'03" W. C.P. to add frequencies 6152.8V, 5974.8V and 6152.8H MHz on azimuth 20.9 degrees toward Bono, Ark., add a new point of communication on frequencies 6034.2H and 6152.8H MHz on azimuth 24.0 degrees toward Hickory Ridge, Ark.
- AR-2009-CF-P-78 Southwestern Bell Telephone Co. (new) east of Church St. on Hwy. 42 Hickory Ridge, (Cross) Ark. Lat. 35°23'51" N., Long. 90°59'37" W. C.P. for a new station on frequencies 6286.2V, 6404.8V MHz on azimuth 13.0° toward Weiner, Ark. and 6286.2H, 6404.8H MHz on azimuth 135.6° toward Wynne, Ark.
- AR-2010-CF-P-78 Same (new) 710 E Union Wynne, (Cross) Ark. Lat. 35°13'26" N., Long. 90°47'11" W. C.P. for a new station on frequencies 6034.2V, 6152.8V MHz on azimuth 315.7° toward Hickory Ridge, Ark. and 6034.2H and 6152.8H MHz on azimuth 179.8° toward Forrest City, Ark.
- AR-2011-CF-P-78 Same (new) 505 Dillard Forrest City, (St. Francis) Ark. Lat. 35°00'47" N., Long. 90°47'08" W. C.P. for a new station on frequencies 6286.2V and 6404.8V MHz on azimuth 359.8° toward Wynne, Ark.
- WI-2017-CF-P-78 Wisconsin Telephone Co. (WAH595) 0.5 mile northwest of Sullivan, (Jefferson) Wis. Lat. 43°01'22" N., Long. 88°36'01" W. C.P. to add frequencies 10775V MHz toward Watrtn C.O., Wis. and 10975V MHz toward No. Prairie, Wis. Increase power on frequencies 11015V, 10855V MHz toward Watrtn C.O., Wis. and 10735V, 10895V MHz toward No. Prairie, Wis.
- WI-2016-CF-P-78 Same (WAU234) Watertown C.O. 115 South 4th St. Watertown, (Jefferson) Wis. Lat. 43°11'36" N., Long. 88°43'16" W. C.P. to add frequency 11385V MHz and increase power on frequencies 11625V, 11465V MHz toward Sullivan, Wis.
- WI-2018-CF-P-78 Same (WBB355) 1 mile S of North Prairie, (Waukesha) Wis. Lat. 42°54'53" N., Long. 88°24'06" W. C.P. to add frequencies 11665V MHz toward Sullivan and 11665V MHz toward Waukesha, Wis., increase power on frequencies 11425V and 11585V MHz toward Sullivan, Wis., move and replace receive antennas on frequencies 11425V, 11585V MHz toward Waukesha, Wis.
- SD-1819-CF-P-78 Northwestern Bell Telephone Co. (KBD61) 2.2 miles north of Forestburg, (Sanborn) S. Dak. Lat. 44°03'12" N., Long. 98°06'33" W. C.P. to move and replace antennas on frequencies 5974.8V, 6004.5H, 6123.1H, 6063.8V MHz toward Huron, S. Dak., 6093.5V, 6034.2H, 6152.8H, and 5945.2V MHz toward Howard, S. Dak.
- NY-1941-CF-P-78 New York Telephone Co. (new) Mt. Within Saranac Lake Saranac Lake, (Essex) N.Y. Lat. 44°20'27" N., Long. 74°07'44" W. C.P. for a new station on frequency 6152.8V MHz on azimuth 54.3° toward Terry Mtn., N.Y.
- CA-1993-CF-P-78 Pacific Telephone & Telegraph Co. (KMU53) 1.1 miles northwest of Jackson, (Amador) Calif. Lat. 38°21'42" N., Long. 120°47'09" W. C.P. to add frequency 4170V MHz toward Lodi, Calif.
- CA-1994-CF-P-78 Same (KNL75) 1.2 miles west-northwest of Lodi, (San Joaquin) Calif. Lat. 38°08'31" N., Long. 121°18'58" W. C.P. to add frequency 4130V MHz toward Jackson, Calif.
- CA-2023-CF-P-78 Same (KKU53) 3175 Spring Street, Redwood City, (San Mateo) Calif. Lat. 37°28'50" N., Long. 122°11'57" W. C.P. to add frequency 10775V MHz toward Oak Hill, Calif.
- CA-2024-CF-P-78 Same (WJK94) Oak Hill 2400 Canoas Garden Road, San Jose, (Santa Clara) Calif. Lat. 37°17'07" N., Long. 121°51'24" W. C.P. to add frequency 11625H MHz toward Redwood City, Calif.
- CA-2028-CF-P-78 Western Tele-Communications, Inc. (KFB91) 7th and Los Angeles Street, Los Angeles, Calif. (Lat. 34°02'36" W., Long. 118°14'47" N.). Construction permit to add 6404.8V MHz towards Dominquez Hill, Calif. on azimuth 180.3°.
- CA-2029-CF-P-78 Same (new) Victoria and Central Avenue, Dominquez, Calif. (Lat. 33°52'08" N., Long. 118°14'51" W.). Construction permit for new station; 6152.8H towards Los Angeles No. 2, Calif., and 6152.8V MHz towards Signal Peak, Calif. on azimuths 00.3° and 125.7° respectively.
- CA-2030-CF-P-78 Same (new) 4.6 miles east of Corona Del Mar, Calif. (Lat. 33°36'19" N., Long. 117°48'38" W.). Construction permit for new station; 6404.8V MHz towards Dominquez Hill, Calif. and 6404.8H MHz towards Elsinore Peak, Calif. on azimuths 306.0° and 90.3° respectively.
- CA-2031-CF-P-78 Same (WOI57) 4.5 miles South of Elsinore, Calif. (Lat. 33°36'09" N., Long. 117°20'33" W.). Construction permit to add 6152.8V MHz towards Signal Peak, Calif. on azimuth 270.5°.
- NY-1946-CF-P-78 Eastern Microwave, Inc. (KTF 96) 1.5 mile north-northwest of Italy Hill, N.Y. (Lat. 42°37'13" N., Long. 77°15'17" W.). Construction permit to add 6390V MHz toward Newark, N.J., via power split, on azimuth 19.4 degrees.
- NY-1947-CF-P-78 Same (KEL 89) Rogers Knob, Palmer Hill Road, 8 miles northeast of Sidney, N.Y. (Lat. 42°23'27" N., Long. 75°19'42" W.). Construction permit to add 6212H MHz toward Ingraham Hill, New York, via power split, on azimuth 234.8 degrees.
- NY-1948-CF-P-78 Same (KEM 35) Ingraham Hill, Lookout Tower, 3 miles southwest of Binghamton, N.Y. (Lat. 42°03'43" N., Long. 75°57'03" W.). Construction permit to add 6078.6V MHz toward Elk Hill, N.Y., on azimuth 139.9 degrees. (Applicant requests waiver of section 21.701(i).)
- PA-1949-CF-P-78 Same (KGO 27) Elk Hill, North Knob, 4 miles north of Dundaff, Pa. (Lat. 41°42'54" N., Long. 75°33'42" W.). Construction permit to add 6241.7V MHz toward High Knob, Pa., via power split, in azimuth 141.5 degrees.
- PA-1950-CF-P-78 Same (KYZ 75) High Knob, 2 miles northwest of Pecks Pond, Pa. (Lat. 41°18'00" N., Long. 75°07'31" W.). Construction permit to add 5989.7H MHz toward Highland Lakes, N.J., on azimuth 105.6 degrees. (Applicant requests waiver of section 21.701(i).)
- NJ-1951-CF-P-78 Same (KYZ 74) Accomac Road, 2 miles west-southwest of Highland Lakes, N.J. (Lat. 41°10'01" N., Long. 74°30'12" W.). Construction permit to add 10735H MHz toward West Milford, N.J., on azimuth 148.0 degrees.
- NJ-1952-CF-P-78 Same (WQQ 53) West Milford, Germantown Road, 2 miles east-southeast of Newfoundland, N.J. (Lat. 41°02'26" N., Long. 74°23'57" W.). Construction permit to change transmit antenna structure and to add 6049.H MHz toward Alpine, N.J., on azimuth 102.3 degrees. (Applicant requests waiver of section 21.701(i).)
- CA-1960-CF-P-78 Frank K. Spain d.b.a. Microwave Service Co. (KNK 45) Edom Hill, 4.0 miles northwest of Thousand Palms, Calif. (Lat. 31°51'58" N., Long. 116°26'03" W.). Construction permit to change receive station location and to replace transmitter and change frequency to 10875H MHz toward KMIR-TV, Palm Springs, Calif., on azimuth 165.1 degrees.
- NY-1964-CF-P-78 Eastern Microwave, Inc. (KFN 21) 15 Columbus Circle, N.Y., (Lat. 40°46'09" N., Long. 73°58'55" W.). Construction permit to add 6330.7V and 6390V MHz toward East Meadow, N.Y., on azimuth 97.5 degrees.
- FL-1981-CF-P-78 American Television & Communications Corp. (WJL 77) 4 miles West of Kissimmee, Fla. (Lat. 28°17'27" N., Long. 81°28'05" W.). Construction permit to add 5945.2V MHz toward Orlando, Fla., on azimuth 21.6 degrees. (Applicant requests waiver of section 21.701(i).)
- FL-1982-CF-P-78 Same (WPF 95) Palmer Avenue, Orlando, Fla. (Lat. 28°36'25" N., Long. 81°19'35" W.). Construction permit

to add 6315.9H MHz toward Orange City, Fla., on azimuth 7.0 degrees. (Applicant requests waiver of section 21.701(i).)

FL-1983-CF-P-78 Same (WPE 66) Near I-4 Deland Interchange, Orange City, Fla. (Lat. 28°58'08" N., Long. 81°16'32" W.). Construction permit to add 6123.1H MHz toward Daytona Beach, Fla., on azimuth 53.3 degrees. (Applicant requests waiver of section 21.701(i).)

INFORMATIVE

SPECIAL NOTICE CONCERNING FREQUENCY COORDINATION

Rule section 21.100(d)(10) requires that all carriers supply to all other carriers, or known carrier applicants, within their area of operations, the name, address and telephone number of their coordination representatives.

It has come to the Commission's attention that some applicants are changing coordination representatives without properly notifying other carriers in the area. This causes considerable problems and time delays on these other carriers in their attempts to properly coordinate their new proposals.

Once a carrier has established a frequency coordinator, all other carriers may assume that any material sent to that coordinator has been properly coordinated as required by the rules unless a notice has been sent to those carriers that the identity of the coordinator has been changed.

[FR Doc. 78-11476 Filed 4-26-78; 8:45 am]

[6712-01]

[Report No. 906]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

APRIL 17, 1978.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (See section 309 (c) of the Communications Act), applications filed under part 68, applications filed under part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for part 68 applications.

In order for an application filed under part 21 of the Commission's rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) The close

of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See §§ 1.227(b)(3) and 21.30(b) of the Commission's rules.)

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

Applications accepted for filing:

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

- 21186-CD-P-78 Central Telephone Co. (new). C.P. for a new 1-way signaling station to operate on 158.10 MHz to be located South of Fieldcrest Road, Draper, N.C.
- 21187-CD-P-78 Mobile Radio System of San Jose, Inc. (KMA741). C.P. for additional facilities to operate on 454.075 MHz at a new site described as location No. 5: At Black Mountain, approximately 5.0 miles southwest of Los Altos, Calif.
- 21188-CD-P-78 Airtel International, Inc. (KIF653). C.P. to relocate facilities operating on 35.22 MHz at location No. 2: 6080 Mount Moriah Exit at Hickory Hill Road, Germantown, Tenn.
- 21189-CD-P-78 Answering Service of Trenton, Inc. (KED352). C.P. for additional facilities to operate on 35.58 MHz at a new site described as location No. 3: Burlington Pike, 0.5 mile southwest of Rancocas Creek, Delran, N.J.
- 21190-CD-P-78 Southern Bell Telephone & Telegraph Co. (KLJ353). C.P. to change antenna system and replace transmitter operating on 152.63 MHz located at 310 West Fourth Street, Winston-Salem, N.C.
- 21191-CD-P-(5)-78 The Mountain States Telephone & Telegraph Co. (KUO825). C.P. to relocate facilities operating on 152.84 MHz at location No. 2: 3033 North Third Street, Phoenix; change power operating on 152.84 MHz at location No. 4: 12403 North 15th Avenue, Phoenix; change antenna system operating on 152.84 MHz at location No. 6: 0.7 mile north of Tempe; additional facilities to operate on 152.84 MHz at a new site described as location No. 7: 20 East Main Street, Mesa; and for additional facilities to operate on 152.84 MHz at a new site described as location No. 8: 10401 Thunderbird Boulevard, Sun City, Ariz.
- 21193-CD-TC-(2)-78 WJBC Communications Corp. Consent to transfer of control from Evergreen Communications, Inc., Transferor to Timothy R. Ives and other individual stockholders of Bloomington Broadcasting Corp., Transferees. Stations: KRM966 and KSA746, Bloomington, Ill.

21195-CD-ML-78 Phone Depots of Connecticut, Inc., d.b.a. Liberty Communications (KCI310). Mod. of license to change frequency from 72.12 MHz to 75.84 MHz, control at location No. 6: Video Lane (Booth Hill), Trumbull, Conn.

21198-CD-P-78 Radio & Communications Consultants, Inc. (new). C.P. for a new 1-way signaling station to operate on 43.58 MHz to be located at 2026 DeSoto, Shreveport, La.

21200-CD-P-(2)-78 New England Telephone & Telegraph Co. (KCC800). C.P. to change antenna system and relocate facilities operating on 152.72 MHz to a new site described as location No. 1: Court Street (and Putnam Street), Brockton; and change antenna system, relocate facilities and change frequency from 454.625 MHz to 454.650 MHz to a new site described as location No. 2: 0.9 miles south southeast of Marshfield Hills, Marshfield, Mass.

21201-CD-P-78 Morris Communications, Inc. (KFL904). C.P. for additional facilities to operate on 454.275 MHz to be located at a new site described as location No. 3: On Whitehall road, 1.1 miles Northwest of Anderson, S.C.

21202-CD-P-78 Gulf Central Communications & Electronics, Inc. (KLF621). C.P. for additional facilities to operate on 43.58 MHz at a new site described as location No. 3: Arceneaux Road, 0.2 mile east of Louisiana 92 and 1.3 miles south of U.S. 90, 0.8 mile west of Lafayette, La.

21203-CD-P-78 Gulf Central Communications & Electronics, Inc. (new). C.P. for a new 1-way signaling station to operate on 35.58 MHz to be located at 1.6 miles north-east of New Iberia, La.

21204-CD-P-78 Comex, Inc. (KCI295). C.P. for additional facilities to operate on 152.24 MHz to be located at a new site described as location No. 9: Mt. Agamenticus, Agamenticus Village, Maine.

21208-CD-P-(3)-78 The Ohio Bell Telephone Co. (KQA653). C.P. to change antenna system, replace transmitter operating on 152.72 MHz and for additional facilities to operate on 152.57 MHz at location No. 2: Grove Road approximately 1 mile west of Manchester; change antenna system and replace transmitter operating on 157.98 MHz, test and for additional facilities to operate on 157.83 MHz, test located at 50 West Bowery Street, Akron, Ohio.

21209-CD-P-(3)-78 The Ohio Bell Telephone Co. (KQA654). C.P. to change antenna system and replace transmitter operating on 152.63 MHz, and for additional facilities to operate on 152.69 MHz to be located at Struthers-Liberty Road, Youngstown; change antenna system and replace transmitter operating on 157.89 MHz, test and for additional facilities to operate on 157.95 MHz, test located at 106 West Rayen Avenue, Youngstown, Ohio.

21210-CD-P-(3)-78 The Bell Telephone Co. (KQA652). C.P. to change antenna system and replace transmitter operating on 152.51 MHz and to change frequency from 152.69 MHz to 152.75 MHz located at Walters Road, East Canton; change antenna system and replace transmitter operating on 157.77 MHz, test and to change frequency from 157.95 MHz, test to 158.01 MHz, test located at 401 Cleveland Avenue, NW., Canton, Ohio.

21212-CD-MP-78 The Ohio Bell Telephone Co. (KQD598). C.P. to relocate facilities operating on 152.54 MHz to be located at 1.2 miles southeast of Blue Ball, Ohio.

21213-CD-P-78 The Ohio Bell Telephone Co. (KQD603). C.P. to change antenna system and relocate facilities operating on 152.60 MHz to be located at Crist Road, 2.5 miles southwest of Springfield, Ohio.

MAJOR AMENDMENT

21063-CD-P-76 Central Mobile Radio Phone Service (KUO557). Amend application to modify antenna system and power and change frequency to read 35.58 MHz. All other particulars are to remain the same as reported on PN No. 786 dated December 29, 1975. This amendment was filed as part of a settlement to resolve a frequency conflict involving the above application and the application of Metrotec, File No. 21748-CD-P-76. It does not create new or increased frequency conflicts. The applicant has requested that the application as amended not be considered a newly filed application pursuant to § 21.31(e)(2) of the Commission's rules and regulations.

22208-CD-P-(3)-77 Jim Mayfield, Clayton, N. Mex. (KLB710). Amend repeater and control station frequencies to read: 459.05 and 454.05 MHz respectively. All other particulars are to remain the same as reported on PN No. 878, dated October 3, 1977.

INFORMATIVE

The following application is a major action as defined by § 1.1305 of the Commission's rules concerning the implementation of the National Environmental Policy Act of 1969 and may be subject to Petitions to Deny on environmental grounds pursuant to § 1.1311 of the Commission's rules.

20752-CD-P/L-(6)-78 Caprock Communications, Inc., d.b.a. Caprock Radio Dispatch, Loop Highway, 1 mile north of Eunice, N. Mex.

RURAL RADIO SERVICE

60227-CR-P/L-78 E. B. Brownell, d.b.a. Worland Services (new). C.P. and license for a new rural subscriber station to operate on 158.58 MHz to be located 27 miles west of Meeteetse, Wyo.

60228-CR-P-78 Lafourche Telephone Co. (WBB834). C.P. to change antenna system, replace transmitter and change frequency from 157.80 and 157.92 MHz to 459.575 MHz located 7 miles east of Cut Off, La.

CORRECTIONS

60177-CR-P-78 RCA Alaska Communications, Inc. (WAV605). Correct PN No. 902 dated March 20, 1978, to have frequency read: 161.9875 MHz. All other particulars remain as reported in PN No. 902.

60155-CR-P-78 RCA Alaska Communications, Inc. Correct PN No. 902 dated March 20, 1978, to have call sign read WAV588. All other particulars remain as reported in PN No. 902.

POINT-TO-POINT MICROWAVE RADIO SERVICE

OH-1835-CF-P-78 Ohio Bell Telephone Co. (KQH44), 121 Huron Street, Toledo (Lucas), Ohio. Lat. 41°39'01" N., Long. 83°32'20" W. C.P. to move and replace antennas and transmitters on frequencies 6264H and 6382.6V MHz toward Swanton, Ohio.

OH-1836-CF-P-78 Same (KQH45), Rt. 64, 1.9 miles north-northwest of Swanton (Pulton), Ohio. Lat. 41°36'51" N., Long. 83°54'22" W. C.P. to increase structure height, move and replace antennas and

transmitters on frequencies 5997.1H and 6115.7H MHz toward Napoleon, Ohio, 6011.9V and 6130.5V MHz toward Toledo, Ohio.

OH-1837-CF-P-78 Same (KQH46), West Ridge Road, 1.5 miles north of Napoleon (Henry), Ohio. Lat. 41°24'47" N., Long. 84°07'39" W. C.P. to increase structure height, move and replace antennas and transmitters on frequencies 6264H and 6382.6H MHz toward Defiance, Ohio, 6249.1H and 6367.7H MHz toward Swanton, Ohio.

OH-1838-CF-P-78 Same (KQH47), Elliott Road, 1.5 miles north of Defiance (Defiance), Ohio. Lat. 41°18'41" N., Long. 84°21'55" W. C.P. to increase structure height, replace antennas and transmitters on frequencies 5997.1V and 6115.7V MHz toward Bryan, Ohio, 6011.9H and 6130.5H MHz toward Napoleon.

CO-1842-CF-P-78 Mountain States Telephone & Telegraph Co. (KZA53), 17 North Weber Street, Colorado Springs (El Paso), Colo. Lat. 38°50'05" N., Long. 104°49'06" W. C.P. to replace transmitters on frequencies 10715V, 10795H, 10875V, and 11035V MHz toward Northfield, Colo.

CO-1843-CF-P-78 Same (KZA51), Northfield, 12 miles north-northwest of Colorado Springs (El Paso), Colo. Lat. 38°59'07" N., Long. 104°55'00" W. C.P. to replace transmitters and antennas on frequencies 11365H MHz and change 6390V to 6404.8H MHz toward Peyton, Colo. Replace transmitters on frequencies 11245H, 11325V, 11485V, and 11645V MHz toward Colorado Springs, Colo.

CO-1844-CF-P-78 Same (WBO45), Peyton, 3.5 miles west of Calhan (El Paso), Colo. Lat. 39°02'33" N., Long. 104°21'51" W. C.P. to replace transmitters and receive antennas on frequencies 11115H MHz and change 6137.9H to 6034.2H MHz toward Matheson, Colo., replace transmitters and antennas on frequencies 10915H MHz and change 6108.3V to 6152.8V MHz toward Northfield, Colo.

CO-1845-CF-P-78 Same (WBO44), 5.3 miles east of Matheson (Elbert), Colo. Lat. 39°10'37" N., Long. 103°52'46" W. C.P. to replace transmitters and receive antennas on frequencies 11365V MHz and change 6390H to 6404.8H MHz toward Limon, Colo., and replace transmitters on 11565V MHz and change 6360.3H MHz 6286.2V MHz toward Peyton, Colo.

CO-1846-CF-P-78 Same (KBD20), 811 Main Street, Limon (Lincoln), Colo. Lat. 39°13'45" N., Long. 103°41'18" W. C.P. to add a new point of communication on frequency 6034.2H MHz on azimuth 95.3 degrees toward Bovina, Colo., replace transmitters and antennas on frequency 10915V MHz and change frequency 6108.3H to 6152.8V MHz toward Matheson, Colo.

CO-1847-CF-P-78 Mountain States Telephone & Telegraph Co. (new), 3.6 miles southwest of Bovina (Lincoln), Colo. Lat. 39°14'38" N., Long. 103°28'04" W. C.P. for a new station on frequencies 6286.2H MHz on azimuth 78.0 degrees toward Flagler, Colo., and 6286.2V MHz on azimuth 275.5 degrees toward Limon, Colo.

CO-1848-CF-P-78 Same (KBD22), 0.75 miles northwest of Flagler (Kit Carson), Colo. Lat. 39°18'10" N., Long. 103°04'29" W. C.P. to add a new point of communication on frequency 6034.2H MHz toward Stratton, Colo., and add frequency 6034.2V MHz on azimuth 258.2 degrees toward Bovina, Colo.

CO-1849-CF-P-78 Same (KBD23), 4.5 miles northwest of Stratton (Kit Carson), Colo. Lat. 39°19'17" N., Long. 102°41'11" W. C.P. to add frequencies 6286.2H MHz toward Burlington, Colo., and 6286.2V MHz toward Flagler, Colo.

CO-1850-CF-P-78 same (KBD24), 397 13th Street, Burlington (Kit Carson), Colo. Lat. 39°18'19" N., Long. 102°15'59" W. C.P. to add a new point of communication on frequency 6034.2V MHz toward Stratton, Colo., add frequency 2173.2H MHz on azimuth 178.9 degrees toward Monotony, Colo.

CO-1851-CF-P-78 Same (new), Monotony, 18 miles south of Burlington, (Cheyenne), Colo. Lat. 39°02'46" N., Long. 102°15'36" W. C.P. for a new station on frequencies 2118.2H MHz on azimuth 196.6 degrees toward Cheyenne Wells, Colo., and 2123.2V MHz on azimuth 358.9 degrees toward Burlington, Colo.

CO-1852-CF-P-78 Same (KBD47), West First Street, South Cheyenne Wells (Cheyenne), Colo. Lat. 38°49'08" N., Long. 102°20'48" W. C.P. to add a new point of communication on frequency 2168.2V MHz on azimuth 16.5 degrees toward Monotony, Colo.

GA-1855-CF-P-78 Southern Bell Telephone & Telegraph Co. (WAH553), Savannah Base, 1300 Bull Street, Savannah (Chatham), Ga. Lat. 32°03'44" N., Long. 81°05'51" W. C.P. to add frequency 6315.9V MHz toward Richmond Hill, Ga.

GA-1856-CF-P-78 Same (KJL29), 1.1 miles northwest of Richmond Hill (Bryan), Ga. Lat. 31°57'04" N., Long. 81°19'11" W. C.P. to add frequencies 6093.5V MHz toward Savannah Base, Ga., and 6063.8H MHz toward Ludowici, Ga.

GA-1857-CF-P-78 Same (KJL28), 8.2 miles north of Ludowici (long), Ga. Lat. 31°49'59" N., Long. 81°45'02" W. C.P. to add frequencies 6345.5H MHz toward Richmond Hill, Ga., and 6315.9V MHz toward Reidsville, Ga.

GA-1858-CF-P-78 Same (KJL27), 8 miles east-southeast of Reidsville (Tattnall), Ga. Lat. 32°02'53" N., Long. 81°59'08" W. C.P. to add frequencies 6093.5V MHz toward Ludowici, Ga., and 6063.8H MHz toward Vidalia, Ga.

GA-1859-CF-P-78 Southern Bell Telephone & Telegraph Co. (KJL26), 207 Durden Street, Vidalia, (Toombs), Ga. Lat. 32°12'56" N., Long. 82°24'41" W. C.P. to add frequency 6345.5H MHz toward Reidsville, Ga.

FL-1860-CF-P-78 St. Joseph Telephone & Telegraph (KJB41), San Blas, Tyndall Air Force Base (Bay), Fla. Lat. 30°05'21" N., Long. 85°36'39" W. C.P. to change polarization from V to H on frequencies 6004.5 and 6063.8H MHz toward Panama City, Fla.

KS-1892-CF-P-78 Southwestern Bell Telephone Co. (KAE76), 154 North Broadway, Wichita, (Sedgewick), Kans. Lat. 37°41'15" N., Long. 97°20'05" W. C.P. to add a new point of communications on frequency 6286.2V MHz on azimuth 353.6 degrees toward Newton, Kans.

KS-1893-CF-P-78 Same (new), 2.75 miles southwest of Newton (Harvey), Kans. Lat. 38°01'14" N., Long. 97°22'54" W. C.P. for a new station on frequency 6034.2H MHz on azimuth 173.6 degrees toward Wichita, Kans.

WA-1921-CF-P-78 Pacific Northwest Bell Telephone Co. (WAH591), Bremerton Drive, Olympus Drive at Sylvan Way, Bremerton (Kitsap), Wash. Lat. 47°35'46"

- N., Long. 122°37'01" W. C.P. to add a new point of communications on frequencies 10835V and 10995V MHz on azimuth 86.6 degrees toward Seattle-6, Wash.
- WA-1922-CF-P-78 Same (new), Seattle-6, 1122 Third Avenue, Seattle (King), Wash. Lat. 47°36'26" N., Long. 122°20'01" W. C.P. for a new station on frequencies 11365V and 11525V MHz on azimuth 266.8 toward Bremerton Drive, Washington.
- WY-1925-CF-P-78 Mountain States Telephone & Telegraph Co. (KPR61), 602 East Washington Street, Riverton (Fremont), Wyo. Lat. 43°01'26" N., Long. 108°22'58" W. C.P. to replace transmitters on frequencies 6412.2V and 11605H MHz toward South Pass, Wyo.
- WY-1926-CF-P-78 Same (KPZ67), South Pass, 3.1 miles north-northeast of Atlantic City (Fremont), Wyo. Lat. 42°32'19" N., Long. 108°42'37" W. C.P. to replace transmitters on frequencies 6160.2V and 11155H MHz toward Riverton, Wyo.
- NY-1870-CF-P-78 Southern Pacific Communications Co. (new) Route 9 West near Glenmont, Bethlehem, N.Y. Lat. 42°37'30" N., Long. 73°47'14" W. Construction permit for new station; 5945.2H and 6004.5H MHz toward Duanesburg, N.Y., on azimuth 301.7 degrees; 6004.5V and 6123.1V MHz toward Mount Darby, Mass., on azimuth 153.4 degrees.
- MA-1871-CF-P-78 Same (WAH560), 3 miles southwest of South Egremont, South Egremont, Mass. Lat. 42°08'00" N., Long. 73°27'26" W. Construction permit for new points; 6286.2V and 6404.8V MHz toward Glenmont, N.Y., on azimuth 333.7 degrees.
- NY-1861-CF-P-78 Southern Pacific Communications Co. (WAH646) 3.8 miles Southeast of Attica, N.Y. (Lat. 42°50'15" N., Long. 78°12'20" W.). Construction permit to add 6197.2H and 6315.9H MHz toward Bristol Court, N.Y., on azimuth 97.2°.
- NY-1862-CF-P-78 Same (new) 10.5 Miles Southwest of Canadagua, N.Y., Bristol Center, N.Y. (Lat. 42°45'43" N., Long. 77°25'34" W.). Construction Permit for new station; 5974.8H and 6034.2H MHz toward Attica, N.Y., on azimuth 277.8° and 5947.2V MHz toward South Butler, N.Y., on azimuth 51.2°.
- NY-1863-CF-P-78 Same (new) 0.8 Mile North or South Butler, N.Y. (Lat. 43°08'51" N., Long. 76°46'04" W.). Construction permit for new station; 6197.2H and 6256.5H MHz toward Bristol Court, N.Y., and 6345.5H and 6404.8H MHz toward Pompey, N.Y. on azimuths 231.7° and 109.9° respectively.
- NY-1864-CF-P-78 Same (new) 9 miles Southeast of Syracuse, N.Y., Pompey, N.Y. (Lat. 42°56'51" N., Long. 76°01'31" W.). Construction permit for new station; 5945.2V and 6004.5V MHz toward South Butler, N.Y., on azimuth 290.4°; 5974.8V and 6034.2V MHz towards Camroden, N.Y. on azimuth 57.5°, and 10775.0H MHz toward Syracuse, N.Y., on azimuth 328.9°.
- NY-1865-CF-P-78 Same (new) 1900 Brewerton Rd., Syracuse, N.Y., (Lat. 43°05'41" N., Long. 76°08'47" W.). Construction permit for new station, 11225.0H MHz towards Pompey, N.Y., on azimuth 148.8°.
- NY-1866-CF-P-78 Same (new) 9 mi. Northeast of Rome, Floyd, N.Y. (Lat. 43°16'51" N., Long. 75°18'13" W.). Construction permit for new station; 6226.9V and 6286.2V MHz toward Pompey, N.Y., on azimuth 238.0°; 6271.4H and 6360.3V MHz toward Jordanville, N.Y., on azimuth 140.0°, and 10775.0V MHz toward Utica, N.Y. on azimuth 174.5°.
- NY-1867-CF-P-78 Same (new) 800 Calder Avenue, Yorkville, N.Y. (Lat. 43°06'47" N., Long. 75°16'53" W.). Construction permit for new station; 11225.0V MHz toward Camroden, N.Y., on azimuth 345.5°.
- NY-1868-CF-P-78 Same (new) 6 miles Northeast of Richfield Spring, Warren, N.Y. (Lat. 42°54'43" N., Long. 74°53'02" W.). Construction permit for new station, 5974.8H and 6034.2H MHz toward Camroden, N.Y. and 5974.8V and 6034.2V MHz toward Duanesburg, N.Y. on azimuths 320.3° and 101.7° respectively.
- NY-1869-CF-P-78 Same (new) 9.5 miles West of Schenectady, N.Y. Duanesburg, N.Y. (Lat. 42°48'06" N., Long. 74°10'39" W.). Construction permit for new station; 6226.9H and 6345.5H MHz toward Jordanville, N.Y., on azimuth 282.2 degrees; 6197.2H and 6256.5H MHz toward Glenmont, N.Y., on azimuth 121.4°.
- PA-1841-CF-P-78 John Walson d.b.a. Service Electric Co. (KGJ20) Montour Ridge, 6 miles West of Danville, Pa. (Lat. 40°57'32" N., Long. 76°42'54" W.). Construction permit to add 6137.9H MHz toward Hughesville, Pa., on azimuth 357°. (NOTE.—Carrier requests a waiver of § 21.701(i).)
- OK-1883-CF-P-78 Western TV Relay, (WCU213) 0.1 mile Northwest of Clinton, Okla. (Lat. 35°31'30" N., Long. 98°58'55" W.). Construction permit to add 6226.9V MHz toward Elk City, Okla., on the azimuth 73.41°. (NOTE.—Carrier requests a waiver of § 21.701(i).)
- TF-1931-CF-R-78 Southwestern Bell Telephone Co. (WAH622) Temporary-Fixed locations within the territory of the grantee. Renewal of Developmental License expiring May 8, 1978. Term: May 8, 1978 to May 8, 1979.
- CO-1764-CF-P-78 Mountain Microwave Corp. (new) 20 Inverness Place East, Englewood, Colo., (Lat. 39°34'20" N., Long. 104°51'38" W.). Construction permit for a new station to operate on 6167.6V MHz toward Lookout Mountain, Colo., on azimuth 299.1°. (NOTE.—Carrier requests a waiver of § 21.701(i).)
- MA-1882-CF-P-78 Eastern Microwave, Inc. (KCK70) Mt. Greylock-1, 2 miles Northwest of Adams, Mass. (Lat. 42°38'07" N., Long. 73°09'57" W.). Construction permit to add a transmitter on frequency 6019.3H MHz toward Great Barrington, Mass., on an azimuth of 193.4 degrees. (NOTE.—Carrier requests waiver of § 21.701(i).)
- UT-1927-CF-P-78 Beehive Telephone Co., Inc., (new) C.P. for a new station 12 miles south of Lakeside, Utah, at Lat. 41°03'43" N., Long. 112°53'29" W. Frequency 2162.0V MHz toward Rocky Pass, Utah.
- UT-1928-CF-P-78 Same as above (new) C.P. for a new station at Rocky Pass, Utah., 13 miles Southeast of Grouse Creek, Utah, at Lat. 41°32'36" N., Long. 113°45'20" W. Frequencies 2112.0V MHz toward Lakeside, Utah; 2118.4H MHz toward Grouse Creek, Utah, and 2115.2H MHz toward Park Valley, Utah.
- UT-1929-CF-P-78 Same as above (new) C.P. for a new station in Grouse Creek, Utah, at Lat. 41°42'31" N., Long. 113°53'15" W. Frequency 2168.4H MHz toward Rocky Pass, Utah.
- UT-1930-CF-P-78 Same as above (new) C.P. for a new station in Park Valley, Utah, at Lat. 41°48'59" N., Long. 113°19'40" W. Frequency 2165.2H MHz toward Rocky Pass, Utah.

W. Frequency 2165.2H MHz toward Rocky Pass, Utah.

[FR Doc. 78-11344 Filed 4-26-78; 8:45 am]

[6712-01]

[BC Docket No. 78-60; FCC 78-262]

FAIRNESS DOCTRINE

Inquiry Concerning the Handling of Public Issues; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing comments in a proceeding concerning Commission policy with respect to the Fairness Doctrine. The Committee for Open Media and the National Association of Broadcasters state that additional time is needed so that they can prepare comments in response to the Notice of Inquiry.

DATES: Comments must be received on or before July 5, 1978, and reply comments on or before August 4, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Milton Gross, Broadcast Bureau, 202-632-7586.

Adopted: April 17, 1978.

Released: April 19, 1978.

In the matter of the handling of public issues under the fairness doctrine and the public interest standards of the Communications Act, BC Docket No. 78-60.

1. On March 2, 1978 the Commission released a Notice of Inquiry concerning current and alternative means of administering the Commission's Fairness Doctrine (FCC 78-108). The dates for filing comments and reply comments are currently May 3, and June 2, 1978, respectively.

2. On April 4 the Committee for Open Media (COM) filed a motion for extension of time for filing comments in this proceeding for six months or to October 15, 1978. On April 4, 1978 the National Association of Broadcasters (NAB) filed a similar motion requesting a thirty-day extension of time. COM states that the proposals in the Notice of Inquiry are far-reaching and controversial, meriting "thorough consideration by citizens' groups of all types and persuasions." COM states that additional time is necessary because COM's response concerning this matter will include material contained in a graduate thesis currently under preparation and because many persons likely to comment on the Notice of In-

quiry are involved in academia or are under heavy workloads and will not have sufficient time to prepare their comments until "at least the end of the summer." NAB states that its staff cannot adequately research and write meaningful comments in this proceeding in the time presently allocated.

3. On the basis of the reasons represented in the above-mentioned motions for extension of time, we believe an additional 60 days to and including July 5, 1978 is warranted in order that COM, NAB and any other interested persons or groups may file information which would be helpful to the Commission in resolving the issues raised in the Notice of Inquiry. It is our expectation that this additional time should be sufficient for the preparation of such comments and that a six-month extension would not contribute to the prompt and orderly disposition of the relevant issues before the Commission.

4. Accordingly, it is ordered, That the motions for extension of time for filing comments submitted by COM and NAB are granted to the extent that the present deadlines for filing comments and reply comments are extended to July 5, and August 4, 1978, respectively and are denied in all other respects.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-11345 Filed 4-26-78; 8:45 am]

[6712-01]

[Report No. I-457]

INTERNATIONAL AND SATELLITE RADIO
Applications Accepted for Filing

APRIL 17, 1978.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's rules, regulations and its policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1). Effective March 6, 1978, all applications accepted for filing will be assigned Call Signs. However these assignments are for administrative purposes only and do not in any way prejudice Commission actions.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

SATELLITE COMMUNICATIONS SERVICES
CORRECTIONS

Report No. I-453 Dated 4-3-78, entry for 30077-C3P/L-78, The Offshore Telephone Co. Delete all references to the word Developmental. This is not a developmental station.

Report No. I-454 Dated 4-10-78, entry for 3-SSA-78, Harris Corp. The Correct file number for this entry should have been: SSA-4-78.

NC-500-DSE-TC-78 Cablevision of Durham, Inc., Durham, N.C. (WG89). Ap-

plication for Consent to Transfer of Control of this station from: American Television & Communications Corp. (old) to: American Television & Communications Corp. (new).

VA-501-DSE-TC-78 Lynchburg Cablevision, Inc., Lynchburg, Va. (WG88). Application for consent of transfer of control of this station from: American Television & Communications Corp. (old) to: American Television & Communications Corp. (new).

302-CSG-P-78 Communications Satellite Corp., Andover, Maine. Authority to construct a new 6/4 GHz Tracking Telemetry Command and Monitoring (TTC&M) Antenna and associated equipment as part of the Communications Satellite earth station complex near Andover, Maine. Lat. 44°37'57" N. Long. 70°42'01" W. Rec. freq: 3700-4200 GHz. Trans. freq: 5925-6425 GHz. Emissions: F0, F5, F9, & P9. Max EIRP 98 dBW, with a 16 meter antenna.

11-DSS-MP-78 Satellite Business Systems, (KS37). Modification of construction permit to change the designated orbital location from 106° West Long. to 119° West Long. of this satellite.

513-DSE-ML-78 Florida Cablevision Inc., Ft. Lauderdale, Fla. (WF46). Modification of license to operate this facility on a cost-sharing basis with Teleprompter Southeast, Inc.

514-DSE-R-78 Scientific-Atlanta, Inc., Doraville, Ga. (WB26). Renewal of this stations experimental (developmental) receive only earth station from: May 12, 1978 to: May 12, 1979.

516-DSE-ML-78 Scientific-Atlanta, Inc., Doraville, Ga. (WB26). Modification of license to request authority to utilize any antenna having a diameter of not less than 1.22 meters nor more than 12 meters. This will enable them to experiment with and demonstrate the capabilities of various antennas offering a wide range of performance and cost.

000448-DSE-P/L -78	KH35	CEDAR CITY PROPERTIES					
APPLICATION FOR AUTHORITY TO CONSTRUCT AND OPERATE NEW EARTH STATION							
SERVICE: DOMESTIC FIXED SATELLITE		CLASS OF STATION: FIXED EARTH STATION					
LOCATION: CEDAR CITY		IRON	UTAH	37 39 57 N LAT. 113 4 57 W LONG.			
PARTICULARS OF OPERATION:							
3700.000-4200.000		MHZ	36000F9	---	DBW		
ANTENNAS: 4.5 METERS		ANDREW CORP. ESAS-4HP					
000476-DSE-P/L -78	KH41	COM-WEST, INC.					
APPLICATION FOR AUTHORITY TO CONSTRUCT AND OPERATE NEW EARTH STATION							
SERVICE: DOMESTIC FIXED SATELLITE		CLASS OF STATION: FIXED EARTH STATION					
LOCATION: AUSTIN		MOWER	MINNESOTA	43 40 42 N LAT. 93 1 44 W LONG.			
PARTICULARS OF OPERATION:							
3700.000-4200.000		MHZ	36000F9	---	DBW		
ANTENNAS: 5.0 METERS		SCIENTIFIC ATLANTA MODEL 8008					
000477-DSE-P/L -78	KH42	SEMO MICROWAVE, INC.					
APPLICATION FOR AUTHORITY TO CONSTRUCT AND OPERATE NEW EARTH STATION							
SERVICE: DOMESTIC FIXED SATELLITE		CLASS OF STATION: FIXED EARTH STATION					
LOCATION: MALDEN		DUNKLIN	MISSOURI	36 30 48 N LAT. 89 58 49 W LONG.			
PARTICULARS OF OPERATION:							
3700.000-4200.000		MHZ	36000F9	---	DBW		
ANTENNAS: 6.0 METERS		US TOWER MODEL 2					
000491-DSE-P/L -78	KH45	BROOKSVILLE PROPERTIES					
APPLICATION FOR AUTHORITY TO CONSTRUCT AND OPERATE NEW EARTH STATION							
SERVICE: DOMESTIC FIXED SATELLITE		CLASS OF STATION: FIXED EARTH STATION					
LOCATION: BROOKSVILLE		HERNANDO	FLORIDA	28 30 54 N LAT. 82 23 36 W LONG.			
PARTICULARS OF OPERATION:							
3700.000-4200.000		MHZ	36000F9	---	DBW		
ANTENNAS: 6.1 METERS		HARRIS CORP 615-003					
000494-DSE-P/L -78	KH47	MICRO-CABLE COMMUNICATIONS CORP					
APPLICATION FOR AUTHORITY TO CONSTRUCT AND OPERATE NEW EARTH STATION							
SERVICE: DOMESTIC FIXED SATELLITE		CLASS OF STATION: FIXED EARTH STATION		OBA CANYON CABLE-TV			
LOCATION: GLENWOOD SPRINGS		GARFIELD	COLORADO	39 25 39 N LAT. 107 22 48 W LONG.			
PARTICULARS OF OPERATION:							
3700.000-4200.000		MHZ	36000F9	---	DBW		
ANTENNAS: 4.5 METERS		ANDREWS CORP. ESAS-4HP					
000495-DSE-P/L -78	KH48	GILLESPIE BROADCASTING COMPANY, INC.					
APPLICATION FOR AUTHORITY TO CONSTRUCT AND OPERATE NEW EARTH STATION							
SERVICE: DOMESTIC FIXED SATELLITE		CLASS OF STATION: FIXED EARTH STATION					
LOCATION: FREDERICKSBURG		GILLESPIE	TEXAS	30 17 15 N LAT. 98 53 4 W LONG.			
PARTICULARS OF OPERATION:							
3700.000-4200.000		MHZ	36000F9	---	DBW		
ANTENNAS: 6.0 METERS		US TOWERS CO. SAT/FLECT 11					

NOTICES

- 000496-DSE-P -78 KH49 COMMUNICATIONS SYSTEMS, INC.
APPLICATION FOR AUTHORITY TO CONSTRUCT EARTH STATION
SERVICE: DOMESTIC FIXED SATELLITE CLASS OF STATION: FIXED EARTH STATION
LOCATION: EUFAULA MC INTOSH OKLAHOMA 35 24 0 N LAT. 95 33 25 W LONG.
PARTICULARS OF OPERATION:
3700.000-4200.000 MHZ 36000F9 --- DBW
ANTENNAS: 5.0 METERS SCIENTIFIC ATLANTA MODEL 8008B
- 000497-DSE-P/L -78 KH50 COMMUNITY TELE-COMMUNICATIONS, INC.
APPLICATION FOR AUTHORITY TO CONSTRUCT AND OPERATE NEW EARTH STATION
SERVICE: DOMESTIC FIXED SATELLITE CLASS OF STATION: FIXED EARTH STATION
LOCATION: LEWISTON FERGUS MONTANA 47 4 24 N LAT. 109 24 13 W LONG.
PARTICULARS OF OPERATION:
3700.000-4200.000 MHZ 36000F9 --- DBW
ANTENNAS: 5.0 METERS SCIENTIFIC ATLANTA MODEL 8008
- 000507-DSE-P/L -78 KH51 COMMUNITY TELECOMMUNICATIONS, INC.
APPLICATION FOR AUTHORITY TO CONSTRUCT AND OPERATE NEW EARTH STATION
SERVICE: DOMESTIC FIXED SATELLITE CLASS OF STATION: FIXED EARTH STATION
LOCATION: STERLING LOGAN COLORADO 40 37 34 N LAT. 103 10 8 W LONG.
PARTICULARS OF OPERATION:
3700.000-4200.000 MHZ 36000F9 --- DBW
ANTENNAS: 5.0 METERS SCIENTIFIC ATLANTA MODEL 8008
- 000498-DSE-P/L -78 KH55 COMMUNITY TELE-COMMUNICATIONS, INC.
APPLICATION FOR AUTHORITY TO CONSTRUCT AND OPERATE NEW EARTH STATION
SERVICE: DOMESTIC FIXED SATELLITE CLASS OF STATION: FIXED EARTH STATION
LOCATION: LANDER FREMONT WYOMING 42 50 3 N LAT. 108 44 14 W LONG.
PARTICULARS OF OPERATION:
3700.000-4200.000 MHZ 36000F9 --- DBW
ANTENNAS: 5.0 METERS SCIENTIFIC ATLANTA MODEL 8008
- 000508-DSE-P/L -78 KH54 COMMUNITY CABLEVISION
APPLICATION FOR AUTHORITY TO CONSTRUCT AND OPERATE NEW EARTH STATION
SERVICE: DOMESTIC FIXED SATELLITE CLASS OF STATION: FIXED EARTH STATION
LOCATION: ENID GIFFIELD OKLAHOMA 36 24 3 N LAT. 97 52 20 W LONG.
PARTICULARS OF OPERATION:
3700.000-4200.000 MHZ 36000F9 --- DBW
ANTENNAS: 5.0 METERS SCIENTIFIC ATLANTA MODEL 8008
- 000509-DSE-P/L -78 KH52 PENA CABLE TV, INC.
APPLICATION FOR AUTHORITY TO CONSTRUCT AND OPERATE NEW EARTH STATION
SERVICE: DOMESTIC FIXED SATELLITE CLASS OF STATION: FIXED EARTH STATION
LOCATION: SOCORRO SOCORRO NEW MEXICO 34 3 21 N LAT. 106 54 43 W LONG.
PARTICULARS OF OPERATION:
3700.000-4200.000 MHZ 36000F9 --- DBW
ANTENNAS: 4.5 METERS PRODELIN MODEL 137-750
- 000510-DSE-P/L -78 KH53 LANSING CABLE TELEVISION COMPANY
APPLICATION FOR AUTHORITY TO CONSTRUCT AND OPERATE NEW EARTH STATION
SERVICE: DOMESTIC FIXED SATELLITE CLASS OF STATION: FIXED EARTH STATION
LOCATION: VEENAL UTAH UTAH 40 26 33 N LAT. 109 36 30 W LONG.
PARTICULARS OF OPERATION:
3700.000-4200.000 MHZ 36000F9 --- DBW
ANTENNAS: 4.5 METERS ANDREW CORP. MODEL ESA5-4HP
- 000493-DSE-P/L -78 WH36 PULASKI MULTIPLE CHANNEL CABLE SYSTEMS, INC.
APPLICATION FOR AUTHORITY TO CONSTRUCT AND OPERATE NEW EARTH STATION
SERVICE: DOMESTIC FIXED SATELLITE CLASS OF STATION: FIXED EARTH STATION
LOCATION: PULASKI GILES TENNESSEE 35 11 8 N LAT. 87 0 22 W LONG.
PARTICULARS OF OPERATION:
3700.000-4200.000 MHZ 36000F9 --- DBW
ANTENNAS: 4.5 METERS ANDREWS CORP. ESA5-4HP
- 000492-DSE-P/L -78 WH37 GENESEE PROPERTIES
APPLICATION FOR AUTHORITY TO CONSTRUCT AND OPERATE NEW EARTH STATION
SERVICE: DOMESTIC FIXED SATELLITE CLASS OF STATION: FIXED EARTH STATION
LOCATION: ANNA ARUNDEL ANN ARUNDEL MARYLAND 39 12 37 N LAT. 76 37 18 W LONG.
PARTICULARS OF OPERATION:
3700.000-4200.000 MHZ 36000F9 --- DBW
ANTENNAS: 4.5 METERS ANDREWS CORP. ESA5-4HP
- 000489-DSE-P -78 WH38 ST LAWRENCE VALLEY EDUCATIONAL TV COUNCIL, INC.
APPLICATION FOR AUTHORITY TO CONSTRUCT EARTH STATION
SERVICE: DOMESTIC FIXED SATELLITE CLASS OF STATION: FIXED EARTH STATION
LOCATION: NEW YORK JEFFERSON NEW YORK 43 58 40 N LAT. 75 56 14 W LONG.
PARTICULARS OF OPERATION:
3700.000-4200.000 MHZ 36000F9 --- DBW
ANTENNAS: 10.0 METERS COLLINS RADIO GROUP
THIS IS A MAJOR APPLICATION WITHIN THE MEANING OF SECTION 1.1305 OF THE RULES ON ENVIRONMENTAL PROCESSING.
- 000499-DSE-P -78 WH39 LAWRENCEBURG CABLE TV, INC.
APPLICATION FOR AUTHORITY TO CONSTRUCT EARTH STATION
SERVICE: DOMESTIC FIXED SATELLITE CLASS OF STATION: FIXED EARTH STATION
LOCATION: LAWRENCEBURG LAWRENCEBURG TENNESSEE 35 13 10 N LAT. 87 19 43 W LONG.
PARTICULARS OF OPERATION:
3700.000-4200.000 MHZ 36000F9 --- DBW
ANTENNAS: 4.5 METERS ANDREWS CORP. ESA5-4HP
- 000511-DSE-P/L -78 WH40 TRI-COUNTY CABLE TELEVISION, INC.
APPLICATION FOR AUTHORITY TO CONSTRUCT AND OPERATE NEW EARTH STATION
SERVICE: DOMESTIC FIXED SATELLITE CLASS OF STATION: FIXED EARTH STATION
LOCATION: SEYMOUR JACKSON INDIANA 38 58 18 N LAT. 85 52 33 W LONG.
PARTICULARS OF OPERATION:
3700.000-4200.000 MHZ 36000F9 --- DBW
ANTENNAS: 5.0 METERS SCIENTIFIC ATLANTA MODEL 8008B
- 000512-DSE-P/L -78 WH41 CEDAR GROVE TV CABLE
APPLICATION FOR AUTHORITY TO CONSTRUCT AND OPERATE NEW EARTH STATION
SERVICE: DOMESTIC FIXED SATELLITE CLASS OF STATION: FIXED EARTH STATION
LOCATION: GLASGOW KANAWHA WEST VIRGINIA 38 12 51 N LAT. 81 25 28 W LONG.
PARTICULARS OF OPERATION:
3700.000-4200.000 MHZ 36000F9 --- DBW
ANTENNAS: 4.5 METERS ANDREW CORP. MODEL ESA5-4HP

[FR Doc. 78-11342 Filed 4-26-78; 8:45 am]

[6712-01]

[ISS Docket No. 78-131]

LYCURGUS G. TSIMPIDES

Designating Application for Hearing on Stated
Issues; Order

Adopted: April 20, 1978.

Released: April 21, 1978.

The Chief, Safety and Special Radio Services Bureau, has under consideration the above-entitled application for a Citizens Band radio station license, filed by Lycurgus G. Tsimpides, 545 Durham Drive, Birmingham, Ala. 35209, and dated February 9, 1978.

The applicant's previous license for citizens radio station KCQ-6091 was revoked, effective August 13, 1973, in Docket No. 19406, *Lycurgus G. Tsimpides*, 48 FCC 2d 248, following a hearing held December 5, 1972. In an Initial Decision issued June 22, 1973, the presiding Administrative Law Judge found and concluded, *inter alia*, that Tsimpides had operated his radio station in violation of various Commission rules and that he had made misrepresentations of material facts, which continued throughout the hearing process. No exceptions were filed to the Initial Decision and it became final on August 13, 1973 (FCC 73 R-326, released September 18, 1973).

In an Order released on January 8, 1974, Tsimpides was directed to cease and desist from further operation of an unlicensed Citizens band radio station (SS-194-74). The cease-and-desist order was predicated on Tsimpides' having operated radio transmitting apparatus without authorization on September 4, 1973.

Notwithstanding the Order to Cease and Desist from further unlicensed operations on Citizens Band radio frequencies, Tsimpides apparently so operated on January 18, 1974; October 28, 1974; and April 9 and 10, 1976. In the April 1976 transmissions, it appears that Tsimpides identified as "HF 85," indicating membership in HF International, an organization which promoted the operation of radio transmitting equipment by citizens band radio operators on frequencies not assigned by the Commission for use by Citizens Band stations.¹

In view of the Findings and Conclusions of the Initial Decision (48 FCC

2d 248) and the Order to Cease and Desist (SS-194-74), and his apparently unlicensed operation subsequent thereto, it cannot be determined that a grant of Tsimpides' application would serve the public interest, convenience and necessity. Therefore, the Commission must designate the application for hearing. The findings and conclusions of the Initial Decision and the Order to Cease and Desist shall be res judicata as to the applicant and shall not be relitigated in this proceeding.

Accordingly, it is ordered, pursuant to section 309(e) of the Communications Act of 1934, as amended, and section 1.973(b) of the Commission's Rules, that the captioned application is designated for hearing, at a time and place to be specified by subsequent Order, upon the following issues:

1. To determine the effect of the facts and conclusions contained in the Initial Decision (48 FCC 2d 248) and Order to Cease and Desist (SS-194-74) upon the applicant's requisite qualifications to be a licensee of the Commission.

2. To determine whether the applicant engaged in unlicensed operation subsequent to the release of the Order to Cease and Desist.

3. To determine whether the applicant has participated in the activities of organizations which promote illegal radio operation.

4. To determine, in light of the evidence adduced under the foregoing issues, whether the applicant has the requisite qualifications to be a licensee of the Commission.

5. To determine whether a grant of the subject application for a Citizens Band radio station license would serve the public interest, convenience, and necessity.

It is further ordered, That, to avail himself of the opportunity to be heard, the applicant herein, pursuant to section 1.221(c) of the Commission's Rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intent to appear on the date fixed for hearing and to present evidence on the issues specified in this Order.

CHIEF, SAFETY AND
SPECIAL RADIO SERVICES BUREAU.

By: GERALD M. ZUCKERMAN,
Chief, Legal, Advisory and
Enforcement Division.

[FR Doc. 78-11477 Filed 4-26-78; 8:45 am]

[6712-01]

[FCC 78-196; CC Docket No. 78-99;
Transmittal No. 7314]

WESTERN UNION TELEGRAPH CO.

Instituting Investigation; Memorandum Opinion
and Order

Adopted: March 14, 1978.

Released: March 27, 1978.

1. In a "Memorandum Opinion and Order", FCC 77-782 (released November 22, 1977), the Commission allowed The Western Union Telegraph Co.'s (WU) revisions to its Tariff FCC No. 261, Satellite Transmission Service, transmitted herewith under cover of Transmittal No. 7314 to become effective as scheduled. However, we noted that certain issues were present which, though not warranting suspension, did raise questions of lawfulness that required further review in an evidentiary hearing. "Memorandum Opinion and Order", FCC 77-782, paras. 36, 39, 40, and 42. We specifically stated that "in a subsequent order we will institute an investigation into these matters." The purpose of this memorandum is to now designate the issues raised therein for hearing.

2. First, the Occasional Use Service classification of Video Channel Service provides that a customer can receive a 15 percent discount of the tariffed rate if a commitment is made to take 1,000 hours of transmit and 1,000 hours of receive channel service for a 12-month period.¹ This presents the questions of whether such a discount annual commitment rate is cost justified pursuant to section 201(b) of the Communications Act, 47 U.S.C. 201(b), and whether it creates an unreasonable discrimination against customers subscribing to less than 1,000 hours of this same service in violation of section 202(a) of the Act, 47 U.S.C. 202(a).

3. Second, under this presently effective tariff, WU no longer provides Video Channel Service over transponders dedicated exclusively to that service, but rather, employs transponders reserved primarily for restoration of other services to provide Video Channel Service. Due to this operational change, WU has reduced from 70 percent to 30 percent the transponder costs allocated to Video Channel Service. WU supports this change in cost allocation by asserting that the demand for protected transponder services is now established, and consequently, it is entirely reasonable to reassign a major portion of its transponder costs to protected transponder services.² While this may or may not be true, WU has failed to adequately demonstrate, by means of specific cost data, how it derived a 40 percent reduction in the amount of satellite transponder costs allocated to Video Channel Service. Should the amount of transponder costs dedicated to Video Channel Service be improperly calculated, then WU's rates for this

¹See WV Tariff FCC No. 261, par. 5.10.3(D).

²Video Channel Service is not a protected transponder service. Extensive explanations and definitions of these varieties of transponder service are provided in the above-referenced "Memorandum Opinion and Order".

¹In the proceeding in Docket No. 19406, *Lycurgus G. Tsimpides*, 48 FCC 2d 248, the presiding judge found and concluded that Tsimpides had been a member of a group of radio operators, who, in order to evade detection, used "Charlie Charlie" numbers for identification. The presiding judge also found that Tsimpides encouraged participation in the group and assigned "Charlie Charlie" numbers to new participants.

service may also be miscalculated, and therefore in violation of section 201(b) of the Act.

4. Third, under the Program Distribution Channels category of Long Term Multi-Schedule Service, rates progressively increase for the initial 2 years of a service that requires a 3 year commitment in the first instance.³ WU has not supplied any data that indicates that its costs also increase during the first 2 years of the 3 year commitment period. Furthermore, WU has not justified the rate structure for this classification of Video Channel Service, nor has it justified the differing rate levels for each period of service. The burden of proof thus lies with WU to clearly demonstrate that the rates and rate structure for the Program Distribution Channels category of Long Term Multi-Schedule Service meets the requirements of sections 201(b) and 202(a) of the Communications Act. See "Resale and Shared Use of Common Carrier Services", 60 FCC 2d 261, 284-85 (1976); aff'd sub nom., "American Telephone & Telegraph Co. v. FCC," Case No. 77-4057, 2d Cir. (decided January 26, 1978).

5. Accordingly, it is ordered, That pursuant to sections 4(i), 4(j), 201, 202, 204, 205, and 403 of the Communications Act of 1934, as amended, an investigation is instituted into the lawfulness of the above-specified tariff revisions filed by The Western Union Telegraph Co., via Transmittal No. 7314, to its Tariff FCC No. 261, including any cancellations, amendments, or re-issues thereof.

6. It is further ordered, That, without in any way limiting the scope of the investigation, it shall include consideration of the following:

(1) Whether the charges, classifications, practices, and regulations published in the aforesaid tariffs are or will be unjust and unreasonable within the meaning of section 201(b) of the Act;

(2) Whether such charges, classifications, practices, and regulations will, or could be applied, to subject any person or class of persons to unjust or unreasonable preference, or prejudice any person, class of persons, or locality, within the meaning of section 202(a) of the Act;

(3) If any such charges, classifications, practices, or regulations are found to be unlawful whether the Commission, pursuant to section 205 of the Act, should prescribe charges, classifications, practices, and regulations for the service governed by the tariffs, and if so, what should be prescribed.

7. It is further ordered, That a Separated Trial Staff of the Common Car-

rier Bureau will participate in the above-captioned proceeding. The Chief of the Hearing Division and his staff will be separated in accordance with § 1.1209 of the Commission's rules, 47 CFR 1.1209.

8. It is further ordered, That The Western Union Telegraph Co. and RCA American Communications Inc., are made parties pursuant to § 1.221(d) of the Commission's rules, 47 CFR 1.221(d), and that all other interested persons wishing to participate may do so by filing a notice of intention to participate on or before May 30, 1978.

9. It is further ordered, That the Secretary shall send a copy of this order by certified mail, return receipt requested, to the parties identified in paragraph 8 above, and shall cause a copy to be published in the FEDERAL REGISTER.

10. It is further ordered, That a hearing be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be specified and governed by a subsequent order of the Chief Administrative Law Judge.

11. It is further ordered, That the Administrative Law Judge shall, upon closing of the record, prepare and issue an initial decision which will be subject to the submission of exceptions and requests for oral argument as provided in §§ 1.276 and 1.277 of the Commission's rules, 47 CFR 1.276 and 1.277, after which the Commission shall issue its decision as provided in § 1.282 of its rules, 47 CFR 1.282.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-11341 Filed 4-26-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

[Agreement No. 4188]

GULF AND SOUTH ATLANTIC/HAVANA STEAMSHIP CONFERENCE

Notice of Termination

Agreement No. 4188, as amended, is the organic agreement of the Gulf and South Atlantic/Havana Steamship Conference. The agreement was originally approved on April 24, 1935, and has been dormant since 1962. The most current records of the Commission show the members of the conference to be Garcia Line, Lykes Bros. Steamship Co., Inc., and United Fruit Co. The latter two carriers have submitted resignations from the conference, Lykes on March 7, 1978, and United Brands Co., as the successor to United Fruit, on April 14, 1978. Consequently, the agreement and the Commission's approval have automatically expired on April 14, 1978, as a matter of law upon the withdrawal of the

next to last party to the agreement, namely, United Fruit.

By order of the Federal Maritime Commission.

Dated: April 24, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-11500 Filed 4-26-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N-78-438]

FIRE SAFETY REQUIREMENT FOR PLASTIC PLUMBING FIXTURES

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

ACTION: Notice.

SUMMARY: The attached FEDERAL REGISTER notice includes: (1) An analysis of public comments, (2) revised final fire safety requirement for plastic plumbing fixtures, and (3) a new Use of Materials Bulletin for Plastic Bathtubs, Shower Units and Lavatories which incorporates the new fire safety requirements.

EFFECTIVE DATES: The Bulletin becomes optional on April 27, 1978 and becomes mandatory April 27, 1979.

FOR FURTHER INFORMATION CONTACT:

Donald K. Baxter, Chief, Materials Acceptance Branch, Architecture and Engineering Division, Office of Technical Support, Department of Housing and Urban Development, Washington, D.C. 20411, 202-755-5929.

SUPPLEMENTARY INFORMATION: HUD's proposed fire safety requirements for plastic plumbing fixtures were published in the FEDERAL REGISTER, September 22, 1975, at 43539. The Notice described the test methods and the acceptable test ratings, and solicited public comments on the proposed standards, allowing 45 days for comments to be submitted.

PUBLIC COMMENTS

Twenty comments were received in response to the Notice. The majority of these, thirteen were from individual companies who manufactured the polymeric material or the finished product.

One reply represented 22 companies manufacturing acrylic units, one of whom sent in an individual comment. Another comment was received from a plastics consultant.

The Society of the Plastics Industry and the National Fire Protection Asso-

³See W.U. Tariff FCC No. 261, para. 5.10.2(A)(1).

dition responded. Two testing laboratories, Underwriters Laboratories, Inc., and the United States Testing Company, Inc., also responded.

HUD has carefully considered all the arguments raised in the comments on the proposed fire safety requirements. These comments, together with HUD's response to each, and the revised requirement are summarized below.

1. Respondents questioned the rationale behind HUD's decision to reevaluate its standards covering fire safety of plastics as a result of the Federal Trade Commission restriction on foam plastics.

HUD is not constrained to reevaluate only those materials that have been proven hazardous such as foam plastics, but may appropriately question whether or not other new materials could possibly be hazardous.

2. One respondent asked that all areas of health, safety, hazards and utility be given weighted consideration.

HUD does not believe there is adequate experience to practically do such a comparative analysis; e.g., to compare the possibility of reducing falls, against the potential increase in fire hazard by introducing a flammable material.

3. One respondent took issue with the fact that the proposed requirements appeared to approve any other material of construction by virtue of not being mentioned.

Non-polymeric materials of construction are either covered by the Minimum Property Standards or as needed by a Materials Release.

4. *Applicability.* Three responses stated the requirements should apply to all housing instead of just single-family housing.

HUD concurs; the final requirements also apply to multifamily housing and care-type housing, including housing for the elderly and handicapped.

5. *Fire Resistance Requirements.* There were several comments which pointed out that "fire resistance" implies resistance to burn-through as measured by ASTM E 119. HUD now uses the term "fire safety."

6. The ASTM D 2584-68 (Ignition—Loss of Cured Reinforced Resins) was considered inappropriate by two respondents. It was also contended that the test is applicable only to reinforced plastics or reinforced thermosetting plastics and therefore excludes from the marketplace plastics which are not reinforced. Further, it was argued that the method measures volatile content, not the combustible content, and thus bears no relationship to flammability. Further, when alumina trihydrate is used, it gives off water and inert gas thereby invalidating the ignition loss measurements.

It is not the intent of HUD to use D 2584 to measure flammability but

rather as an inexpensive comparative measure within a manufacturer's line. The test measures the amount of inert filler content as a check that the sample tested is essentially of the same composition as those in production. This is particularly necessary where a non-production sample is made for an E-84 test. This usage of the test will not preclude non-reinforced plastics.

HUD acknowledges that the presence of alumina trihydrate and inert gas will affect the measurement but it should not be enough to destroy the validity of this test for quality control within a manufacturer's line.

Whenever any specially-made section is required for an ASTM E 84 test, samples from both it and a production unit shall be tested by ASTM D 2584 or other method acceptable to the certifying test laboratory to ascertain that both samples are of the same composition.

7. *Surface Flammability.* a. Many respondents contend that plastic units are less a fire hazard than building products in other parts of the living unit and questioned why HUD should single out this plastic product for discriminatory treatment and propose requirements far more stringent than those HUD published just 3 weeks earlier in the FEDERAL REGISTER for mobile homes. Respondents asked HUD to prove there is demonstrative need; they contend there is insufficient documentation that a problem exists.

HUD acknowledges that, historically, the probability of fire developing in the kitchen and other parts of a house is greater than in the bathroom. In a house of conventional materials the bathroom therefore would be of a lesser hazard. However, it does not follow that the bathroom remains a lesser hazard when a new and combustible product (i.e. plastic bath/shower unit) is introduced.

The Department concurs with these responses that there is little evidence of plastic bathtub and shower units being involved in fire on the finish side. This scarcity of fire incidents cannot be taken as a valid indicator of the fire safety of this product because there has not been a statistically significant amount of experience with it. Moreover, HUD has a responsibility to insure that new products do not create an undue fire hazard. This is fulfilled by careful evaluation of the product before acceptance for FHA-insured housing instead of waiting until a significant number of deaths and injuries have occurred to trigger public reaction and restrictions.

Because a major portion of requests to HUD for Material Releases involved plastic bathtub and shower units, the Department gave priority to establish-

ing requirements for this product prior to upgrading the requirements on other plastic products in other areas of the house. When the requirements for plastic products in the kitchen and elsewhere now being developed by the Department are completed, the new requirements for plastic bathtub and shower units will be seen to reflect the appropriate relative hazard with respect to other plastic products elsewhere in the house.

b. One respondent contended that the state-of-the-art in plastic fire tests was such that neither a satisfactory test method nor rating exists. HUD recognizes that this problem has been faced many times with other products and acknowledges the need to work with less than perfect solutions. The need for solutions can provide one of the strongest incentives for industry to develop better test methods.

8. *Test Method.* The appropriate test method and test limits were questioned by nearly all the respondents. None of the responses favored ASTM E 162 and only three considered it acceptable. In contrast, seven respondents favored ASTM E 84 and three found it acceptable. The remaining eight responses were noncommittal while two recommended other tests. The objections to ASTM E 162 were that: ASTM says E 162 is intended for research and development purposes and not for use as a basis of ratings for code purposes; E 162 conflicts with the intent and purpose of the Federal Trade Commission order regarding foam plastics; the accuracy with which E 162 results can be repeated within a single testing laboratory or reproduced by several laboratories is less than with E 84; E 162 needs validation with full-scale fire tests; its ratings do not correlate with ratings from E 84; E 162 is not referenced by building code authorities which do recognize E 84 and this would require the industry to perform both tests with added expense. Further, they noted, even HUD's Minimum Property Standards and its recent Mobile Home Standards use E 84 although the latter also allows E 162.

Respondents preferred E 84 because it is in common use by industry and is better known than E 162 by regulators, researchers, and building and fire officials.

Respondents were concerned lest E 162 allow plastic bathtub and shower units which were not acceptable under E 84; respondents also contended that the E 162 method rated unit as being "safer" and therefore that the testing laboratories could be held legally liable for certifying units which would otherwise be considered "unsafe" by the E 84 method.

HUD understands that the ASTM caveat of limiting the test for R & D

purposes was simply the requirement of a competing industry for allowing its publication. This caveat would not be a legitimate constraint to the use of E 162 by this Department. The E 162 test method can not be singled out as in conflict with the principle of the Federal Trade Commission order since E 84 was also cited. Further, and particularly relevant, the principle was meant to apply to form plastics which are not involved here. Analysis of the same data submitted by the respondents together with information from test experts indicated that the repeatability and reproducibility of E 162 and E 84 are comparable. Further, the validity of E 84 specifically in regards to plastic bathtub and shower units depends upon the accuracy with which specially-made samples to fit the E 84 test chamber can duplicate the production units. This is unknown, and will require verification at the manufacturing plant.

There is no need for the results of E 84 and E 162 to correlate since the acceptance of a plastic bathtub and shower unit will not be based on the transference of a rating by E 84 into a rating by E 162. HUD believes that while full-scale fire tests are desirable to further validate E 162, there is sufficient data to permit the use of E 162.

Industry's contention that the Department's requirements of E 162 would constitute an additional expense ignores the fact that the proposed certification program originally required periodic retesting. It was HUD's belief that periodic retesting with the E 162 method would be less expensive than with the E 84 method regardless of the need for a one-time test by E 84 for state and local regulators. It is possible these organizations may prefer to switch to a more appropriate test once the practicality of E 162 is demonstrated.

However, since at this time it does not appear that the use of the E 84 test method will adversely affect the safety being sought and since the industry prefers E 84 even though more costly, the Department now accepts E 84 in addition to E 162 as an interim test method for surface flammability of plastic bathtub and shower units. As a further alternative to E 84, HUD also permits a full-scale compartment test. This will allow consideration of the effect of design on the fire safety of the units. Those units which fail to pass the E 162 or E 84 tests but pass this full-scale test are considered acceptable for the particular designs and installation situations tested. The tests shall be performed with the bathtub and shower unit installed in a corner in the manner intended for actual use, with a 1.75 gallon wastebasket as specified by the University of California,

Berkeley instead of the wood crib as ignition source (see Appendix II).

Since the cost of periodic testing for fire safety was one of the principal objections of industry to HUD's proposed fire safety requirements, the need for periodic testing is being eliminated. However, in order to obtain a fair evaluation of fire safety, HUD now requires testing of four specimens by E 162 or three specimens by E 84. The results of these tests shall be averaged to obtain the flame spread rating for a product. As an alternate, the manufacturer may elect to run two successive full scale tests, both of which must be passed for the product to be acceptable. These tests need be conducted only once as prequalifying tests unless the manufacturer changes either the design or the materials formulations, or the Administrator/Validator or HUD requires additional tests.

9. *Flame Spread.* The views of the manufacturers of the two basic types of units (gel-coated and acrylic-coated) were in direct opposition to each other. The gel-coat group, representing about 85 percent of the plastic bathtub and shower industry, recommended safer ratings than those proposed by HUD. The acrylic group stated that the proposed ratings were too stringent and would force their portion of the industry out of business. They contended that the ratings proposed by HUD would allow gel-coated units of greater flammability while still excluding the acrylic units. The progressively more stringent requirements for wall and ceiling portions of tub and shower enclosures was seen as posing a discriminatory constraint on the acrylic group. The group contended that there is little possibility in the near future of developing flame-retardants which will not adversely affect other desirable performance characteristics of acrylics. Also, for gel-coated fixtures, they believed that the large proportion of alumina trihydrate filler required to achieve the proposed ratings below 100 would weaken the fixtures and cause hairline crazing.

HUD believes that attention to design features of the face can reduce the susceptibility of plastic units, (especially those of acrylic) to fire hazards when tested by a full scale room fire tests.

The Department based its earlier proposed flame spread requirements for bath and shower units and ceilings on the recommendation of HUD's fire consultants. Their recommendations were based on data which indicated that flashover of a room could occur unless walls of conventional finish materials had a Flame Spread Classification (FSC) significantly below 200 or unless walls of plastics had a 100 FSC

or less. In addition, the effect of the ceiling on enhancing fire development in a room indicated that a more stringent FSC of 50 would be appropriate for those bathtub and shower units with a dome (whether integral with the tub and walls or separate).

In consideration of the alleged economic hardship on the acrylic portion of the bathtub industry and their technological potential, HUD now requires an average flame spread by E 84 or E 162 of 200 on the finish face (75 for units in Care-type housing and housing for the elderly), or passing two (2) successive full-scale room fire tests. It should be noted that the 75 flame spread limit is presently required in the Minimum Property Standards for Care-type Housing and Multifamily housing for the elderly and therefore is not a new requirement. These requirements will apply to the tub, enclosure, and dome whether as an integral unit or segments.

Investigation into the acrylic industry's claims of discriminatory constraint of their portion of the industry yields counter information that the manufacturers of finished acrylic units could use acrylic-faced composite sheets in place of pure acrylic sheets with little or no economic hardship. Further, it appears there are other substitutes, such as urethane coatings, which could be used by the product manufacturers. At worst, the few producers of raw acrylic would possibly suffer a small diminution of their total acrylic sales. Counteracting this possible economic setback is the projected growth of the acrylic unit market.

In brief, HUD has seen no substantive evidence that acrylic bathtub and shower units cannot meet either a 150 flame spread requirement or a full-scale room test, or that there would be any significant economic hardship; in fact it appears that the gel-coated unit manufacturers may suffer greater economic losses while the consumer receives a potentially less fire-safe product now that HUD has accepted the less stringent requirements desired by the acrylic industry.

10. The National Fire Protection Association recommended that the ratings be reversed, i.e., that the more restrictive rating be on the back side.

HUD believes the ANSI Z124.1 ignition requirements appear to provide adequate safety for the back side.

11. Two respondents pointed out that the earlier proposed flame spread requirements did not agree with those proposed 20 days earlier by HUD for Mobile Homes.

The Department's new flame spread requirements now agree with those in the present Mobile Home Standards.

12. The Society of the Plastics Industry (SPI) proposed that HUD allow the MPS and Mobile Home Standards

to apply until full-scale research or tests correlated with real fire situations are developed.

Revisions to the final requirements will be considered when additional data become available. Further delay is not justified, however, especially considering that the final requirements are in general agreement with the MPS and the Mobile Home Standards.

13. Objections were raised to the proposed requirement for one set of tests for each segment when the plumbing unit is manufactured as separate segments (tubs, surrounds, and domes).

HUD now requires only one set of tests per plumbing unit regardless of the number of segments composing it if the individual segments are of the same composition as the segment tested. This conformity within a manufacturer's line shall be assured by ASTM D 2584 or other method as mentioned in item 6 above.

14. *Smoke Generation.* The industry again was divided over whether there was a need for a smoke limitation, and whether the proposed tests, NFPA 258, was appropriate. The majority believed in the need and concurred in the proposed test with a rating of 450. One respondent indicated the non-flaming mode should also be considered. The requirement for testing each individual segment of a unit was again objected to.

HUD requires a smoke rating by NFPA 258 not exceed 450 for the face side of the unit in the thickness manufactured. This rating will not solve the smoke problem but it will provide a modicum of smoke control. There does not appear to be justification for greater control until appropriately stringent smoke limits are required by major household furnishings which usually become involved in fire before the interior building materials.

For care-type housing, HUD believes a required smoke rating by NFPA 258 should not exceed 300. This is not optimum but it would provide some improvement in safety to the occupants of care-type housing who cannot easily escape from the smoke of a fire. However, in the absence of adequate technical support for a lower rating and in deference to the alleged limitations of the plastic industry, a smoke rating by NFPA 258 not to exceed 450 is also being required for care-type housing.

As in Item 13, only one set of smoke tests, regardless of the number of segments in the unit, are acceptable with appropriate quality assurance and control.

In the near future HUD may propose more restrictive smoke requirements, particularly for building products in general in multifamily housing, care-type housing, and housing for the

elderly and handicapped. In anticipation of these requirements the Department suggests that the plastic plumbing fixture industry strive to obtain the lowest possible smoke ratings rather than the maximum limits stated above.

15. *Ignition.* The industry concurred in the continuation of the requirements of ANSI Z124.1 and Z124.2.

16. *Continuing Inspection and Testing Program.* Several respondents concurred in the need for a continuing program to monitor compliance, but with reservations about unnecessary testing.

The Department is continuing the existing certification and labeling programs, adding only the additional tests necessary to cover the fire safety requirements. Only one set of fire tests is required if appropriate quality assurance and control is provided by the manufacturer. These fire tests need not be repeated unless the product design and/or material formulation is changed.

17. *Use of Materials Bulletin.* Two responses urged the rapid development of a Use of Materials Bulletin. This has been accomplished and is attached herewith.

18. *Labeling.* The Society of the Plastics Industry and the acrylic committee supported a mandatory labeling program on plastic bathtub and shower units calling attention to their combustible nature. Such HUD requirement for labeling presumably eases concern for potential conflict that an industry-generated labeling program would have with anti-trust regulations. Four responses, however, objected to the proposed requirement for warning of the possibility of ignition from heat sources such as radiant heaters on the basis that test data from NBS suggests this would not occur and that it is unreasonable to require a label when other products in the bathrooms such as towels are more susceptible to ignition and are not labeled.

HUD accepts these concerns and requires as a minimum that the label stipulates conformance to the HUD Use of Materials Bulletin and identifies the validating agency. The label may also include such other symbols, trademarks or trade names as are consistent with the nature and purposes of the certification imprint. For example, calling attention to the combustible nature of the product can be included on the label. However, as an option such a warning may be included in the instructional material furnished with the product.

19. One respondent noted it was redundant to require a notice in the installation instructions that walls hidden by the plastic bathtub and shower unit shall comply with the fire

resistance requirements listed in Table 4-5.1 of the Minimum Property Standards, since the requirements are already in the MPS.

The Department deems it desirable to remind the installer, especially since he may be unaware of that requirement in the Minimum Property Standards.

20. Two respondents took exception to the proposed requirement for manufacturers to furnish company test data and fire experience to HUD. They claim it places the research and innovative manufacturer at an economic disadvantage to the manufacturer who relies on the findings of others.

HUD accepts these concerns and has removed this requirement.

HUD USE OF MATERIALS BULLETIN

Attached is a new HUD Use of Materials Bulletin No. 73 which is based on the results of the comments discussed above. It outlines the new HUD acceptance requirements for plastic bathtubs, plastic shower stalls and receptors, and plastic lavatories.

TRANSITION PROCEDURE

UM 73 will become mandatory one year after publication of this FEDERAL REGISTER Notice. In the interim, the following acceptance procedures shall be used by HUD/FHA field offices:

(a) Field offices may accept plastic plumbing fixtures labeled under either of the two existing certification and labeling programs for compliance with the appropriate ANSI A 124 Standard (NAHB Research Institute, or United States Testing Company).

(b) Field offices may accept products covered by existing Materials Releases.

(c) Field offices may accept products labeled by Administrator/Validators who have been determined acceptable under the new UM 73 provisions. Listings of accepted Administrator/Validators will be updated periodically under Appendix III of UM 73.

The following recommendations and comments are pertinent to the transition or interim period:

1. Where possible, field offices shall encourage producers/manufacturers to align themselves with testing laboratories willing to administer an administrator/validator program as outlined in Appendix III of UM 73.

2. Qualified parties interested in becoming program Administrator/Validators shall submit their programs to HUD at the following address for evaluation as soon as possible to allow sufficient time for Departmental review and determination prior to the mandatory implementation of the UM: Department of Housing and Urban Development, Architecture and Engineering Division, Office of Technical Support, Washington, D.C. 20411.

3. The existing Materials Release program for plastic bathtubs originally required that laboratory test reports be submitted to Central Office. HUD has eliminated this requirement. However, manufacturers shall continue the compliance testing and will be required to have these test reports available upon request.

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, Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20411.

It is hereby certified that the economic and inflationary impact have been carefully evaluated in accordance with Executive Order No. 11821.

Issued at Washington, D.C. on April 18, 1978.

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

USE OF MATERIALS BULLETIN No. 73

From: Department of Housing and Urban Development, Federal Housing Administration.

To: Area Office Directors and Insuring Office Directors.

Subject: Plastic bathtubs, plastic shower stalls and receptors, and plastic lavatories.

Members of the HUD Staff processing cases and inspecting construction shall use this information in determining acceptability of the subject material for the uses indicated.

This bulletin should be filed with Bulletins on Special Methods of Construction and Materials as required by prescribed procedures. Additional copies may be requisitioned by the field offices.

Subject to good workmanship, compliance with local codes, and the methods of application listed herein, the materials described in the bulletin may be considered suitable for HUD Housing Programs.

The eligibility of a property under these Programs is determined on the property as an entity and involves the consideration of underwriting and other factors not indicated herein. Thus, compliance with this bulletin should not be construed as qualifying the property as a whole, or any part thereof, as to its eligibility.

The methods of application for the materials listed herein are to be considered as part of the HUD Minimum Property Standards and shall remain effective until this bulletin is cancelled or superseded.

The technical description, requirements and limitations expressed herein do not constitute an endorsement, approval or acceptance by the Federal Housing Administration of the subject matter, and any statement of representation, however made, indicating approval or endorsement by the Federal Housing Administration is unauthorized and false, and will be considered a violation of the United States Criminal Code 18, U.S.C. 709.

Any reproduction of this bulletin must be in its entirety and any use in sales promotion or advertising is not authorized.

GENERAL

This Bulletin sets forth the requirements and conditions for the acceptance of plastic bathtubs, shower stalls, shower receptors and lavatories. The information contained herein may be used as a guide by manufacturers, architects, engineers and builders seeking appropriate HUD/FHA acceptance. These requirements shall apply to composite units (as well as individual fixtures) where composite units, for example, consist of separate or connected segments such as tub, surround and dome. These requirements apply to single and multifamily housing, and to care-type housing and housing for the elderly.

REFERENCE STANDARDS

The latest issue of the following publications dated prior to this Bulletin, form a part of this Bulletin:

A. American National Standards Institute, Inc. Standard Z 124.1, Plastic Bathtub Units.

B. American National Standards Institute, Inc. Standard Z 124.2, Gel-Coated Glass Fiber Reinforced Polyester Resin Shower Receptor and Shower Stall Units.

C. Housing and Urban Development/Federal Housing Administration Interim Standard, Plastic Lavatories With or Without Integral Tops.

D. American Society for Testing and Materials Designation E 84, Standard Method of Testing for Surface Burning Characteristics of Building Materials.

E. American Society for Testing and Materials Designation E 162, Standard Method of Test for Surface Flammability of Materials Using a Radiant Heat Energy Source.

F. Housing and Urban Development/Federal Housing Administration Interim Standard, Full Scale Fire Safety Room Test for Plastic Bathtub and Shower Units.

G. National Fire Protection Association Standard 258, Standard Test Method for Measuring the Smoke Generated by Solid Materials.

H. American Society for Testing and Materials Designation D 2584, Test for Ignition Loss of Cured Reinforced Resins.

A copy of Item C and F above are attached as Appendices I and II respectively. Copies of items A and B may be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018. Items D, E and H may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103. Item G may be obtained from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Mass. 02210.

USE OF THIS BULLETIN

This Bulletin shall be used in conjunction with the HUD Certification and Labeling Program for Plastic Bathtubs, Plastic Shower Stalls and Receptors, and plastic Lavatories outlined in Appendix III. Only fixtures certified and labeled as complying with the appropriate requirements listed below, shall be considered acceptable for HUD Housing Programs.

PERFORMANCE REQUIREMENTS

1. Physical Performance Tests

(a) Plastic bathtub units shall comply with all of the applicable requirements of Reference A above.

(b) Plastic shower stall and receptor units shall comply with all of the applicable requirements of Reference B above.

(c) Plastic Lavatory units with or without integral tops shall comply with all of the requirements of Reference C above.

2. Fire Safety Tests

In addition to complying with the appropriate requirements above, each type of plastic plumbing fixture unit shall be tested for fire safety as follows:

(a) *Flame Spread*—The manufacturer shall choose one of the following test options for bathtubs and shower units. Lavatories need not be tested for flame spread but shall be tested for smoke generated.

(1) *ASTM E 84 Test*—Flat test specimens shall be fabricated under the supervision of the Administrator/Validator.¹ These shall be tested in accordance with Reference D above. To be accepted, the flame spread rating shall not exceed 200 as an average of 4 successive tests of specimens of the finished front face for single and multifamily housing, and 75 for care-type housing and housing for the elderly.

(2) *ASTM E 162 Test*—Specimens shall be cut from production units under the supervision of the Administrator/Validator.¹ These shall be tested in accordance with Reference E above. To be acceptable, the flame spread rating by this method shall not exceed 200 as an average of three successive tests of specimens of the finished front face for single and multifamily housing, and 75 for care-type housing and housing for the elderly.

(3) *Full Scale Room Test*—Full scale room tests shall be conducted in accordance with Reference F. To be acceptable, production units selected at random by the Administrator/Validator¹ shall pass two successive tests.

b. *Smoke Generated Rating*—Tests for smoke generated rating shall be conducted in accordance with Reference G. To be acceptable, the smoke generated rating for finished production units selected at random by the Administrator/Validator shall not exceed 450.

3. *Ignition Loss Test*. Ignition loss shall be determined for the following specimens in accordance with Reference H:

(a) *Production Units*—Test specimens cut from finished production units as required and randomly selected by the Administrator/Validator.¹

(b) *Flat Specimens*—Test specimens cut from finished flat specimens prepared for the ASTM E 84 flame spread test under Item 2.a.1 above as required and selected by the Administrator/Validator.¹

NOTE.—The purpose of Requirement 3 above is to:

(1) Provide continuing assurance that the materials used in the manufacture of production units remain substantially the same, and

(2) Provide assurance that the flat panels prepared for the flame spread tests under option 2.a.1 above are fabricated of substantially the same materials used in the manufacture of production units.

4. Manufacturing Changes

When a material, manufacturing, or design change is made in the product the Administrator/Validator will determine the need for a retesting program.

HANDLING, STORAGE, INSTALLATION AND MAINTENANCE

(1) Handling, storage and installation shall conform with the manufacturer's

¹See Appendix III.

Instructions and HUD's Minimum Property Standards, as applicable.

(2) Installation instructions furnished by the manufacturer with each unit shall draw particular attention to the HUD requirement that all walls and floors surrounding the unit including those concealed from view behind the unit shall be constructed to comply with the fire rating requirements of the Minimum Property Standards. For example, in duplex construction where the abutting wall is an interior fire wall, the fire rating of that wall must be 1 hour when tested by ASTM E 119. The manufacturer is urged to incorporate as much of the fire safety requirements from the MPS as practical in his installation instruction, rather than draw attention through reference only.

(3) The manufacturer shall also supply instructions for use by the homeowner which cover the care and maintenance of his product.

WARRANTY

A properly executed warranty against defects in workmanship and material for the units shall be furnished for the homeowner by the manufacturer. The warranty shall extend for a period of at least 3 years after installation.

The warranty shall provide for repair by the manufacturer of a faulty unit to the satisfaction of the homeowner, including labor and materials.

FACSIMILES OF LABELS FOR ACCEPTED ADMINISTRATOR/VALIDATOR PROGRAMS

Facsimiles of presently accepted Administrator/Validator labels are reproduced in Appendix III. Appendix III will be revised as additional Administrator/Validators are accepted, or as changes are made. Improper practices shall be reported by the field office to the Architecture and Engineering Division, Department of Housing and Urban Development, Washington, D.C. 20411, for possible Federal action.

Appendix I

INTERIM STANDARD PLASTIC LAVATORIES WITH OR WITHOUT INTEGRAL TOPS

APPENDIX I FOR HUD/FHA USE OF MATERIALS BULLETIN NO. 73

NOTE.—This Interim Standard will be replaced by ANSI Z 124.3 when it becomes available.

Department of HUD, Federal Housing Administration, Washington, D.C. 20411.

INTERIM STANDARD FOR PLASTIC LAVATORIES WITH OR WITHOUT INTEGRAL TOPS

1. Scope and Purpose

1.1 *Scope.* This standard covers physical requirements and test methods for performance pertaining to structure, water resistance and absorption, colorfastness, stain resistance, wear, cleanability, and other significant properties, in addition to general requirements of materials and workmanship and finish of plastic lavatories.

1.2 *Purpose.* The purpose of the standard is to establish generally acceptable quality standards for plastic lavatories. Its purpose is also to serve as a guide for producers, distributors, architects, engineers, contractors, home builders, code authorities, and users;

to promote understanding regarding materials, manufacture, and installation; to form a basis for fair competition; and to provide a basis for identifying lavatories that conform to this standard.

2. General Requirements

2.1 *Materials.* The units shall be made of filled or unfilled, reinforced or unreinforced, gel-coated or not gel-coated, cast, molded or formed plastic materials.

2.1.1 *Reinforcing Materials.* The reinforcing materials, if used, shall be a suitable commercial grade for the intended use.

2.1.2 *Plastic Resins.* The plastic resins used shall be of suitable commercial grades.

2.1.3 *Fillers and Pigments.* Fillers and pigments, if used, shall be of suitable commercial grades for the intended use.

2.1.4 *Gel-Coat.* Gel-coats, if used, shall be of suitable commercial grades and of uniform quality.

2.1.5 *Supporting Structure.* The material of the supporting structure integral with the unit and its attachment shall be adequate to resist anticipated conditions of use for a period of time at least equal to the period which the bowl unit is expected to satisfactorily resist its anticipated conditions of use.

2.2 *Dimensional Tolerances.* The finished dimensional tolerances for units shall be the manufacturer's stated dimension $\pm \frac{1}{8}$ in.

2.3 *Conditioning of Samples for Testing.* Units to be inspected and tested shall be conditioned for at least 30 days at a minimum room temperature of 68° F unless the manufacturer of the unit specifically waives this conditioning period.

3. Workmanship and Finish

3.1 *Unit Preparation.* The unit shall be installed according to manufacturer's instructions so as to simulate conditions of permanent installation. The unit shall be

washed with a standard liquid detergent¹ and water solution, rinsed with clear water, and dried² prior to the application of ink and standard dirt as specified in 3.3.1 and 3.4.1.

3.2 *Method of Inspection of Surface of Units.* The surface of the unit shall be visually inspected for defects and blemishes from a distance of between one foot and two feet after being soiled or inked in accordance with the Ink Test (See 3.3.1) and the Standard Dirt Test (See 3.4.1.). The light source shall be diffuse north daylight or substantially equivalent artificial light giving an illumination intensity near the surface to be inspected of between 100 and 200 foot-candles.

3.3 Surface Test

3.3.1 *Ink Test.* Rub the surface of the unit, observable when installed, with a sponge and a 50-percent solution of tap water and water-soluble black or blue-black ink, after the unit has been washed and dried as described in Unit Preparation (See 3.1). When inspecting colored units, use a contrasting colored ink. Rinse the ink from the surface of the unit and dry before inspection.

3.3.2 *Performance Requirement.* The units shall be free from cracks, chipped areas, blisters, and surface porosity. The number and size of molding and other defects or blemishes shall not exceed those in Table 1. Such defects or blemishes are to be determined by visual inspection, as specified in 3.2 after surface conditioning and application of ink and Standard Dirt as specified in 3.3.1 and 3.4.1.

¹Standard liquid detergent consists of: Monsanto TKPP 8.0%, Sterox MJ-b 7.0%, Butyl Cellosolve 1.5%, Stepan SXS 8.0%, Water 75.5%.

²To hasten drying, surfaces may be wiped with a clean chamois skin.

TABLE 1. Allowable defects or blemishes

Defects and blemishes*	Size	Maximum number allowed within any 3-in diameter (17 Bowl area area	Maximum number allowed per fixture	
			Integral top	below rim
Cracks.....		None	None	None
Chipped areas.....		None	None	None
Blisters.....		None	None	None
Surface porosity.....		None	None	None
Molding irregularities ..		1	4	1/SF
Pinholes and small specks**.....	Smaller than $\frac{1}{8}$ in.....	4	4	1/SF
Medium specks**.....	$\frac{1}{8}$ to $\frac{1}{4}$ in.....	2	2	1/SF
Large specks**.....	Greater than $\frac{1}{4}$ in.....	None	None	None

* Not applicable to unobservable portion of installed units.

** Specks. Particles of foreign matter which produce irregularities in the finished surface, not including specks or flecks incorporated in the unit to produce a decorative pattern.

NOTES

Cracks. Actual fractures at or beneath the finished surface of unit.
Chipped areas. Any area in which the unit has been chipped.
Blisters. Unsupported rounded elevations of the finished surface.
Surface porosity. Presence of numerous voids in the finished surface of the unit.
Molding irregularities. Any visible distortion related to forming such as dimple, dome, short, let-go, or sink-mark as defined in ASTM standard nomenclature for plastics, ASTM D 883-66T.
Pinholes. A very small hole in the finished surface of the unit.

3.4 Subsurface Test.

3.4.1 Standard Dirt Test. One area of the unit, approximately 16 square inches inside the bowl, shall be conditioned by scrubbing at least 500 cycles by hand with a wet sponge and a household abrasive cleanser.² Following the scrubbing, this area shall be rinsed with tap water, dried and soiled by the application of standard dirt.³ Apply about 5 grams of standard dirt to this scrubbed area and rub dirt with dampened chamois for about 25 cycles. After the dirt is allowed to dry for at least one hour, the area shall then be washed by rubbing with a

²Ajax cleanser was used in preparing this test method.

³Standard dirt consists of 20 parts carbon black (pigment grade), 20 parts iron black (iron oxide, black), 10 parts calcium stearate, 5 parts 30W motor oil, 1 part wetting agent (Triton X-100, Rohm and Haas, or equivalent), and 44 parts tap water. All parts to be measured by weight.

clean, dampened chamois skin and standard liquid detergent before visual inspection.

3.4.2 Performance Requirement. There shall be no visible voids larger than $\frac{1}{16}$ inch in diameter below the surface. The total allowable number of voids smaller than $\frac{1}{16}$ inch for the scrubbed area is 4.

4. Structural Integrity of Complete Units

4.1 Unit Preparation. These load tests are to be performed on complete full-size units installed according to manufacturer's directions so as to simulate conditions of permanent installation.

4.2 Drain Fitting Connection

4.2.1 Test Method. A 25-pound weight shall be applied by means of a lever arm 2 feet in length connected to the drain fitting and extending horizontally as shown in Figure 1. The arm and weight shall be placed in three radial positions, two of which shall be approximately 180 degrees apart.

4.2.2 Performance Requirement. Following the test in 4.2.1 there shall be no visible

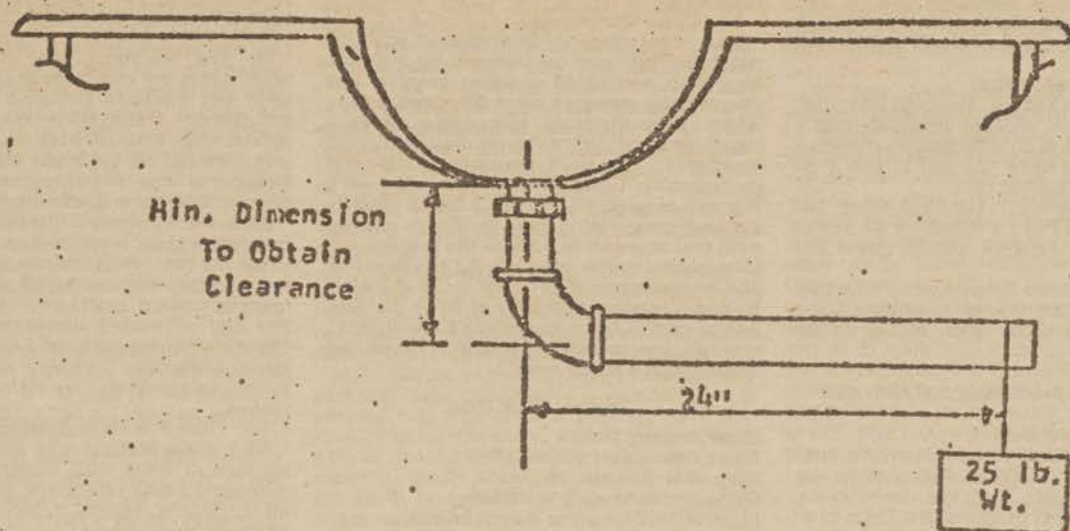
cracks in the unit when inspected with the fitting in place after again inking as described in 3.3.1.

4.3 Loads on Lavatory Top⁴

4.3.1 Test Method. Units with integral tops and wall-hung units shall be subjected to concentrated loadings on two places on the top. Figure 2 illustrates the locations for the applied loadings. A load of 200 pounds shall be applied to the top of the unit in two places as indicated in Figure 2. The load shall be applied on a 3-inch-diameter weight distribution disc covered by a $\frac{1}{8}$ -inch thickness of sponge rubber or other suitable soft material between the disc and the surface being loaded. The load shall remain in place for not less than one nor more than two minutes. Measure the residual deformation not more than 10 minutes after removal of the load with a device having a least reading of 0.001 inch.

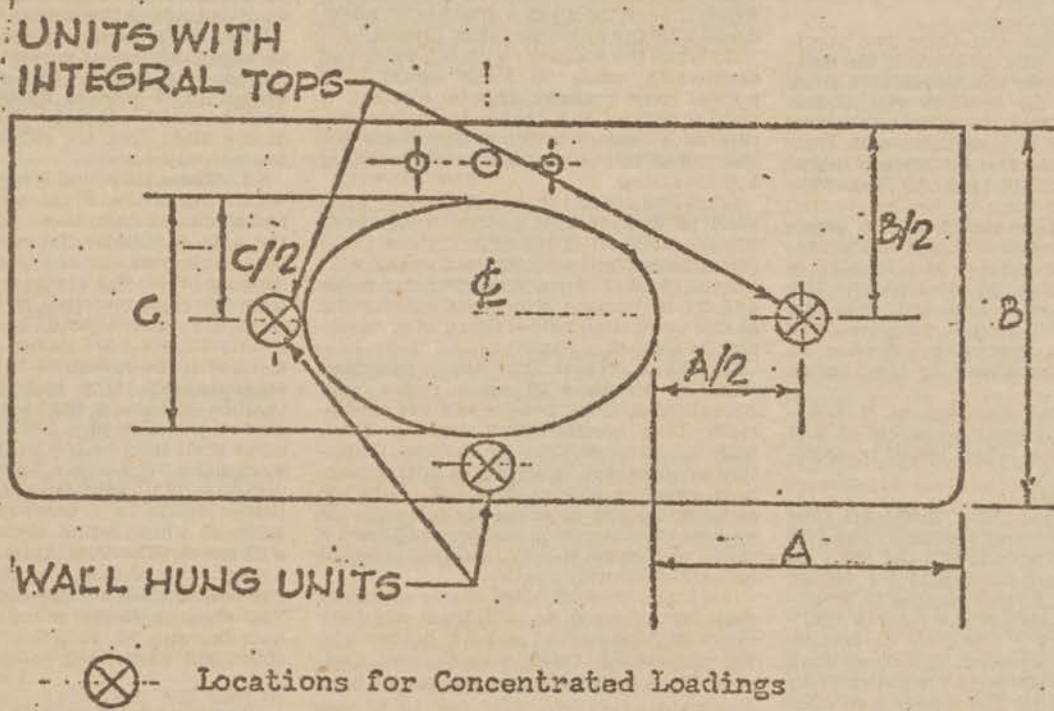
⁴Applicable to wall-hung units and units with integral tops.

FIGURE 1. Load Test for Drain Fitting Connection



Unit installed in accordance with
Manufacturer's instructions

FIGURE 2. Locations of Concentrated Loadings for Units and Integral Tops and Wall Hung Units



Unit installed in accordance with
Manufacturer's instructions

4.3.2 Performance Requirement. Following the test in 4.3.1 there shall be no cracks in the surface of the unit when inspected after again inking as described in 3.3.1. The maximum residual deflection 10 minutes after removal of the load shall not exceed 0.005 inch.

4.4 Point Impact Loads

4.4.1 Test Method. A 1½-inch diameter, ½-pound steel ball shall be dropped from a height of 24 inches to strike three different points on flat areas on the top of the unit* and three places on the rim.

A 1½-inch diameter, ½-pound steel ball shall be dropped from a height of 24 inches to strike three different points inside the bowl.

4.4.2 Performance Requirement. The unit shall not show any cracks or chipping. Inspect for cracks after again inking as described in 3.3.1.

5. Physical Characteristics of Materials

5.1 Water Resistance

5.1.1 Test Method. A new lavatory bowl shall be used for this test. Fill bowl to approximately one-inch from the rim with distilled water at room temperature. If an overflow drain is contained in the unit, seal the overflow with a nonreacting material. Elevate the water temperature. While continuously stirring to 150±1° F. Maintain this water temperature and water level for 100 continuous hours. Drain the water from the bowl, allow to cool, and dry with a soft cloth. Inspect the surface exposed to the water for any visible change from the original surface using an unexposed control specimen for comparison.

5.1.2 Performance Requirement. The test specimen shall show no appreciable change in color or surface texture when compared to the control specimen.

5.2 Water Absorption

5.2.1 Test Method. Cut three test specimens from three different areas in the unit. At least two of these will be removed from the bowl below the overflow rim. These three specimens shall be prepared, conditioned, and tested in accordance with USA Standard Method of Test for Water Absorption of Plastics, k65.16-1965 (ASTM D 570-63).

Specimens shall be conditioned in accordance with Paragraph 5(a) and test procedure shall be in accordance with Paragraph 6(a) of USA Standard k65.16-1965 with the exception that each specimen shall be weighed within 30 seconds after removal from the water. Percentage increase in weight shall be calculated to the nearest 0.01 percent.

5.2.2 Performance Requirement. No specimens shall absorb water in excess of 0.50 percent in 24 hours when tested in accordance with 5.2.1.

5.3 Colorfastness

5.3.1 Test Method. Four specimens (one to be used as a control specimen) shall be cut from unit. Three specimens shall be tested in xenon-arc equipment for testing the resistance of surface coating to weather.⁷ Black panel temperature shall be maintained at 145° F±9° F (63° C±5° C). Humidity need not be controlled. Specimens shall be exposed to the ultraviolet radiation using clear glass filters for 200 hours, then compared visually with the control specimen.

*Applicable only to units with rims or integral tops.

⁷An Atlas Xenon-Arc Weather-Ometer was used in preparing this test method.

5.3.2 Performance Requirement. Tested specimens shall show no appreciable change in color, when compared with the control specimen.

5.4 Stain Resistance

5.4.1 Test Method. Specimen(s) shall be cut from unit and conditioned by wet rubbing with household scouring powder* and cheesecloth using at least 20 scrub cycles. Apply approximately two drops of each liquid reagent listed below and a similar amount of the solid reagents to the test specimen(s). Conduct one test with each reagent covered with a small watch glass to prevent evaporation and to insure contact with test specimen(s). Allow the specimen(s) to remain for the prescribed time duration at a temperature of 23° C±2° C (73.4° F±3.6° F) and a relative humidity of 50±5 percent. At the end of the appropriate time interval, remove the excess reagents by blotting lightly with a paper towel.

Reagents and time

Black crayon, 16 hrs.
Black liquid shoe polish, 16 hrs.
Blue washable ink, 16 hrs.
Gentian violet solution, 16 hrs.
Lipstick⁹ (contrasting color), 16 hrs.
Hair dye¹⁰ (contrasting color), 16 hrs.
Iodine solution (alcohol containing 1 percent iodine), 5 min.
Iodine solution (alcohol containing 1 percent iodine), 30 min.
Iodine solution (alcohol containing 1 percent iodine), 4 hrs.
Iodine solution (alcohol containing 1 percent iodine), 16 hrs.

The test specimen(s) shall be subjected to cleansing tests immediately after the period shown above and rated at that time. Visual inspection of staining shall be in accordance with 3.2. Each stain, both covered and uncovered, shall be given a number in accordance with the following rating procedure.

(1) Wash the specimen with tap water and cheesecloth using 20 scrub cycles with normal hand pressure. Dry by blotting. A stain is defined as a change in surface texture or a change in color. Specimens not staining at this point shall have a rating of 1, nonstaining.

(2) Stains present after initial water wash shall be washed with alcohol (commercial rubbing alcohol) or naphtha (lighter fluid) using cheesecloth with 20 scrub cycles with normal hand pressure. Wash with tap water and dry by blotting. Specimens not staining at this point shall have a rating of 2, removable by alcohol or naphtha.

(3) Stains present after above cleanings, shall be scrubbed 20 scrub cycles with household scouring powder and wet cheesecloth using normal hand pressure. Wash with tap water and dry by blotting. Reduction of gloss due to scrubbing with household scouring powder does not constitute staining. Specimens whose stain is removed by household scouring powder shall have a rating of 3, removable by first application of household scouring powder.

(4) Stain present after above cleanings shall be scrubbed an additional 40 scrub cycles with household scouring powder and wet cheesecloth using normal hand pressure. Wash with tap water and dry by blot-

*Bon Ami was used in preparing this test method.

⁹Avon lipstick was used in preparing this test method.

¹⁰Miss Clairol hair dye was used in preparing this test method.

ting. Reduction of gloss due to scrubbing with household scouring powder does not constitute staining. Specimens whose stain is removed by this additional cleaning shall have a rating of 4, removable by two household scouring powder scrubbing.

(5) Any specimen with stain remaining after the above cleanings shall have a rating of 5. Any specimen given a 5 rating shall be additionally tested to determine the depth of staining. Cut through the stained area and sand lightly until the stain is removed. Determine the thickness removed to the nearest 0.001 inch to eliminate the stain.

5.4.3 Performance Requirement. The maximum stain resistance rating is the sum of all the individual stain ratings for each of the covered and uncovered stain areas. The maximum stain resistance rating shall be 70. For any gel-coated specimens subjected to the abrasive cleaning in 5.4.1(5), the maximum allowable thickness of material removed to eliminate the stain shall be 0.005 inches.

5.5 Cigarette Burn Resistance

5.5.1 Test Method. The cigarette burn resistance of units with integral top shall be measured using either the complete top or on specimens (approx. 6 inches by 6 inches) removed from the top.

Select three popular brands of cigarettes. Light one cigarette each from freshly opened packages of the three brands. Place the cigarettes on the specimen(s) with the lighted end approximately one inch in from the edge. Allow the cigarettes to burn for 2 minutes ± 2 seconds. Remove the cigarettes and allow the burned areas to cool.

Wipe the burn areas with clean cheesecloth. If a visible stain remains, sand the stained areas with 400 grit wet or dry sandpaper and water until the stain is removed. Measure the thickness of material removed to eliminate the stain. This measurement shall be made to the nearest 0.001 inch.

5.5.2 Performance Requirement. The average thickness of gel-coated material removed to eliminate the stain shall not exceed 0.005 inches. Furthermore, there shall be no objectionable surface distortion in the stain area for either gel-coated or non-gel-coated units.

5.6 Cleanability and Wear

5.6.1 Specimen Preparation. Cut three test specimens from three different areas of the unit. If suitable flat specimens are not obtainable from the unit, manufacturer will supply suitable flat specimen material made from the same materials as the unit. Specimens to be tested should be cut to approximately 3-3/4 x 3-3/4 inches. Backs of specimens shall be machined to a thickness of approximately 1/16 inch and specimens shall be uniform in thickness after machining to a tolerance of ± 0.002 inch. The specimens shall then be bonded to flat stainless steel plates 3-5/8-inch x 3-5/8-inch x 11 gage using a suitable adhesive. (Preferably the adhesive should be a water-resistant contact adhesive which would allow salvaging the stainless steel backing plates.)

5.6.2 Test Method. The test equipment is a modification of a heavy-duty wear tester.¹¹ The abrasive slurry is contained in an 8-inch-diameter by 12-inch-high glass jar or equivalent with cover to accept tubes and

¹¹Drawings for a suitable modification of the Gardner Heavy Duty Wear Tester, Gardner Laboratory, Inc., Bethesda, Md., used in the Cleanability and Wear Test, are available from the NAHB Research Foundation, Inc., 627 Southlawn Lane, Rockville, Md. 20853.

motor-driven stirring apparatus sufficient to maintain particulate matter in suspension. Extend 1/8-inch I.D. vinyl laboratory tubes¹² from the abrasive slurry container through a laboratory¹³ metering pump or equivalent to each of the brush holders on the scrub tester. Special 1-1/2 x 3-1/2-inch hog bristle brushes are required for this test.¹⁴ Each brush block shall contain 59 bristles placed in alternate rows of five and four bristles each which are staggered, resulting in nine lanes of bristles in the direction of brush travel. Each brush also shall contain 54 NO. 40 (drill size) holes through the brush block and adjacent to each bristle to allow the abrasive slurry to feed through each bristle area. Brush bristles shall not be allowed to wear to a total length of less than 1/2 inch.

(1) Mix abrasive slurry consisting of 3000, ml tap water; 15 g sodium carboxy-methyl cellulose;¹⁵ 60 g trisodium phosphate (Na₃PO₄; 12 H₂O); 2,700 g 160-mesh pottery flint or ground quartz.¹⁶

(2) Flow rate of the slurry shall be 3 to 3.5-ml/min through each tube. To check flow rate, run pump until no further bubbles are visible in tubing, then place each tube in a separate 200-ml graduate cylinder and run pump for 10 minutes. Add 3 drops of antifoam¹⁷ and flow warm water on outside of cylinders to break any foam which may be present in the slurry. Level in each cylinder should be 30 to 35 ml.

(3) Clamp specimens in specimen trays and shim end plates so that they are level and at the same height as the specimens.

(4) Scrib cycles rate shall be set at 60 cycles per minute.

(5) Start pump and make certain slurry is flowing freely before starting to scrub.

(6) Scrub for 12,000 cycles. Stop machine at 3,000, 6,000 and 9,000 cycles to wash excess slurry from specimen trays and to switch brushes. Also check brush blocks at this time and make certain that holes are free for the passage of slurry. Follow table below for changing brushes:

Cycles	Lane numbers			
	1	2	3	4
3000	1	2	3	4
3000 to 6000	4	1	2	3
6000 to 9000	3	4	1	2
9000 to 12000	2	3	4	1

(7) On completion of 12,000 cycles all samples are removed, rinsed in tap water, dried, and measured for cleanliness.

5.6.3 Cleanability Test

(1) Measure the white light reflectance, R_w , of the scrubbed specimens with a high-

¹²Tygon tubes were used in preparing this test method.

¹³A sigmamotor Model TM-10 metering pump was used in preparing this test method.

¹⁴Available from Gardner Laboratories, Inc., Bethesda, Md.

¹⁵Hercules CMC, Type 7HS, was used in this preparation.

¹⁶Pioneer 160 Mesh Pottery Flint was used in preparing this test method. (Available from Pennsylvania Glass Sand Corp.)

¹⁷Dow-Corning Antifoam "A" was used in preparing this test method.

sensitivity color difference meter,¹⁸ using a 1/4-inch instrument aperture. The reading for each specimen shall be taken as the average of three individual readings approximately 1/4-inch apart.

(2) Place about 10 g of standard dirt on each specimen and rub dirt on scrubbed area with dampened chamois skin and heavy thumb pressure in circular motion for about 25 cycles. Allow dirt to dry for at least one hour and then wash specimens by rubbing with a clean dampened chamois skin and standard liquid detergent for about 50 cycles or until no further dirt seems to be removed. Rinse specimens in tap water and allow to dry.

(3) Again measure white light reflectance as before to obtain the average of three readings for each specimen and determine the absolute percentage losses in reflectance from the averages of the first readings.

(4) If the average absolute percentage loss of white light reflectance is greater than 2 percent but less than 5 percent, give the specimens an additional cleaning by rubbing with a cleaned dampened chamois skin and abrasive slurry from the slurry container for about 50 cycles. Rinse specimens in tap water and allow to dry.

(5) Again measure white light reflectance as before, taking the average of three readings, and determine the absolute percentage loss in reflectance from the average of the first readings.

5.6.4 Performance Requirement. Each specimen shall withstand 12,000 cycles without wear-through of the gel-coat (if gel-coated) or if not gelcoated, maximum wear depth shall not exceed 0.020 inch. In addition, the specimen shall pass the cleanability test with an absolute percentage loss of white light reflectance of no more than 5 percent after the cleaning with standard liquid detergent and an absolute percentage loss of white light reflectance of no more than 2 percent after the additional cleaning with abrasive slurry.

Appendix II

INTERIM STANDARD FULL SCALE FIRE SAFETY ROOM TEST FOR PLASTIC BATHTUBS AND SHOWER UNITS

APPENDIX II FOR HUD/FHA USE OF MATERIALS BULLETIN NO. 73

Department of HUD, Federal Housing Administration, Washington, D.C. 20411.

Appendix II

HUD/FHA INTERIM STANDARD FULL SCALE FIRE SAFETY ROOM TEST FOR PLASTIC BATHTUBS AND SHOWER UNITS

1. Purpose

To provide a full scale fire safety test method as an alternate to ASTM E 84 and E 162 flame spread tests, for determining the fire safety acceptability of plastic bathtub and shower units in connection with HUD/FHA Use of Materials Bulletin No. 73.

2. Test Set-Up

(a) **Test Room**—The full scale test room shall measure 8 feet by 12 feet, and shall have an 8 foot ceiling. one end of the otherwise totally closed room shall have a 40 inch wide by 84 inch high door and observation opening centered in the 8 foot wide wall.

¹⁸A Gardner Color Difference Meter, Model Ac-2A-R₆, was used in preparing this test method.

Walls and ceilings shall be constructed of 1/4 inch unpainted asbestos millboard or 1/2 inch gypsum wallboard securely attached to suitable framing. A service door of convenient size may be provided if necessary. It shall be kept tightly closed during tests. See Figure 1.

(b) **Test Unit**—The plastic bathtub or shower units being tested shall be installed in either corner opposite the observation opening. If enclosed walls or domed ceiling are provided with the unit, they shall be installed in a manner simulating actual residential construction. The narrow space between the test unit and the 12 foot sidewall shall not be filled, sealed or taped, and the space shall be kept to the smallest possible opening. A wall shall be erected at the exposed end of the test unit opposite the corner, if such wall is normally included in the installation for the unit. The end wall shall be faced on both sides with 1/2 inch asbestos millboard or 1/2 inch gypsum wallboard. The intent is to have the test assembly duplicate as closely as possible a normal residential installation.

3. Test Space

The full scale room test set-up shall be erected in a fully enclosed building, equipped with overhead exhaust fan and a 1 1/4 inch water supply complete with fire fighting hose and fog nozzle. Five thermocouples shall be located one inch below the ceiling at the center and quarter-section centers of the ceiling. Any thermocouple which would be covered by the test unit shall be relocated so as to be one inch from the face of the unit. Six thermocouples shall be located in the 30 inch wide doorway on the vertical centerline and located at 3, 19, 35, 51, 67 and 83 inches from the floor.

4. Ignition Source

The ignition source shall consist of a 1.75 gallon rectangular plastic wastebasket (Rubbermaid No. 2952) filled with twelve one quart size empty conventional milk cartons made of cardboard with a low molecular weight polyethylene coating. They shall be purchased in their flat folded condition. Half of the cartons shall be opened up and placed upright in the waste container. The bottom and tops of these cartons shall not be closed, thus forming open tubes. The other six cartons shall be randomly torn up into two or three inch squares and dropped into the standing cartons.

The wastebasket ignition source shall be placed with zero clearance in the corner formed by the 12 foot wallboard sidewall (which is in contact with one end of the bathtub or shower stall test unit) and the exposed front skirting of the test unit. The wastebasket shall be mechanically held in place for the duration of the test. As mentioned above, the narrow space between the unit and the sidewall shall be kept to the smallest possible opening.

Laboratory experience with the waste container ignition source has proven it to be dependable and uniform ignition device. There is little smoke contributed, the course of burning is uniform, and failure of ignition has not occurred. The 1.75 gallon ignition source normally produced a maximum flame height of approximately three feet from the bottom of the container. Such an ignition device is believed to represent a reasonable and dependable ignition source which could actually exist in a residence.

5. Test Procedure

In order to begin the test, the last torn piece of carton is lighted with a match and dropped into one of the upstanding open cartons in the middle of the wastebasket. This carton should not be completely filled.

Time zero is counted from the moment that flames are first visible above the rim of the container. If there is violent flaming during the test, the fire is extinguished using a 1½ inch water hose with fog nozzle. Such behavior no longer represents preflashover intensity, and shall constitute failure of the test. Otherwise, the fire is allowed to go out by itself, which may take as long as 30 minutes.

6. Condition of Acceptance

Test units shall be considered as having passed the test if the following conditions result from the test:

(a) There is no excessive burning of the test unit as described in the previous paragraph.

(b) Flames (resulting from the combustion of the test unit as ignited by the wastebasket ignition source) do not extend along the ceiling and out through the 30 inch by 84 inch door opening.

(c) The average maximum temperature of the five ceiling thermocouples does not exceed 500°C.

7. Test Reports

Test reports shall include the following information:

- (a) Preparation of test specimens.
- (b) Description of the room test set-up with details, drawings, and photographs.
- (c) Test observations commencing with wastebasket ignition and ending with a final

description of panels after all combustion ceases.

(d) Maximum temperatures recorded at each of the five ceiling thermo couples.

(e) Continuous recording for the duration of the test of the six thermocouples in the doorway.

(f) Statement on passing or failing of the test unit according to Paragraph 6.

(g) Photographic records of the test.

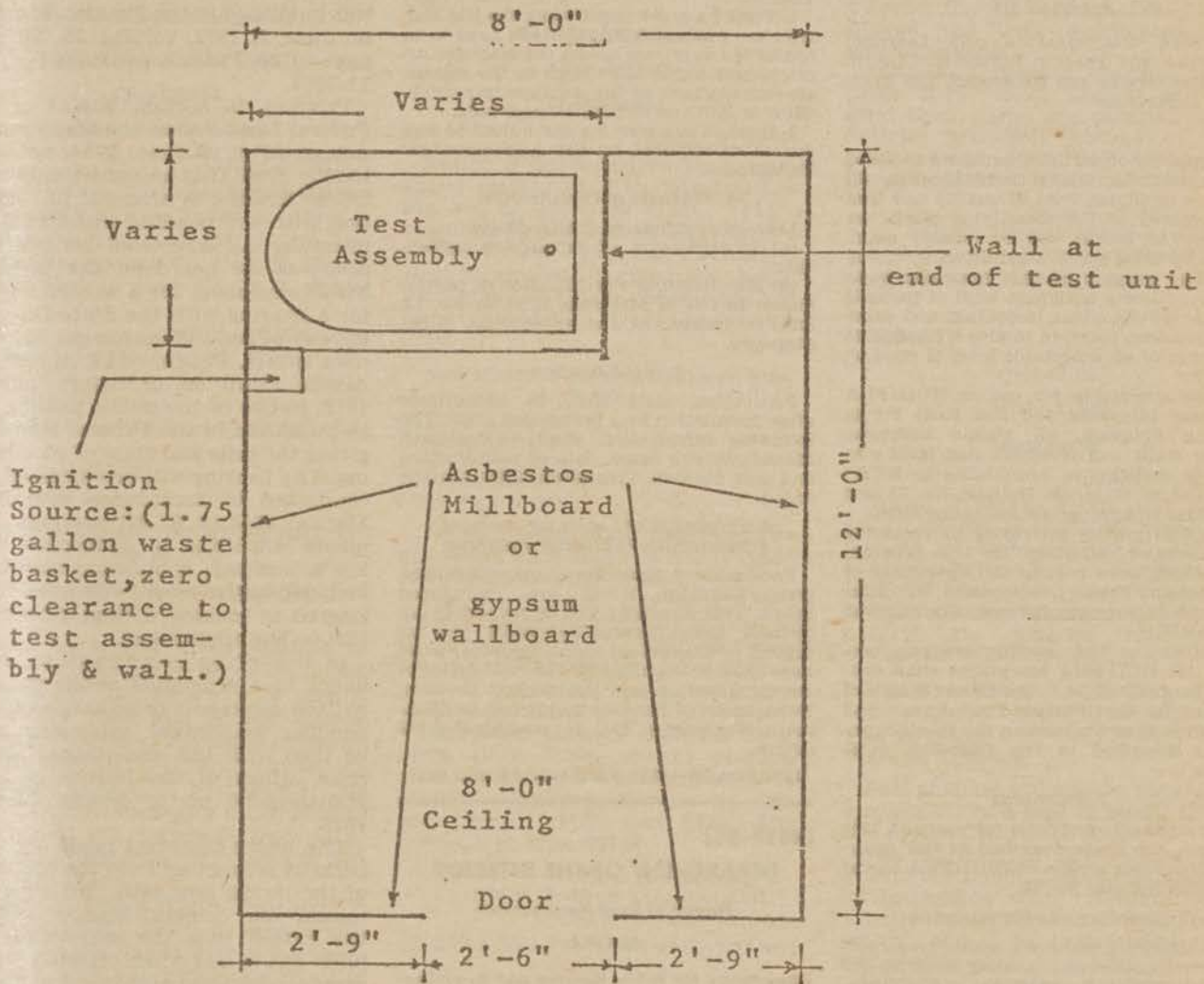
(h) The seal of the laboratory, the signature of the test supervisor, and the signature of the laboratory head of the laboratory report as certification regarding the accuracy of the test and the test results.

8. Testing Laboratory

Tests shall be conducted by a qualified independent laboratory accepted by the Administrator/Validator.

ROOM TEST CONFIGURATION

FIGURE NO. 1



(Door: 2'-6" Wide by 7'-0" High)

Appendix III

INTERIM STANDARD CERTIFICATION AND LABELING PROGRAM FOR PLASTIC BATHTUBS, PLASTIC SHOWER STALLS AND RECEPTORS, AND PLASTIC LAVATORIES

APPENDIX III FOR HUD/FHA USE OF MATERIALS BULLETIN NO. 73

Department of HUD, Federal Housing Administration, Washington, D.C. 20411.

Appendix III

HUD/FHA CERTIFICATION AND LABELING PROGRAM FOR PLASTIC BATHTUBS, PLASTIC SHOWER STALLS AND RECEPTORS, AND PLASTIC LAVATORIES

1. Purpose

Acceptance of certified products is based on the conviction that such certification will assure a minimum level of quality and that the integrity of the identifying marks (or certification labels) will be reliably maintained by third party administrator/validators. The purpose of this Appendix is to briefly outline a minimum level of periodic testing, routine plant inspection and product evaluation required to give a reasonable assurance of an acceptable level of product quality.

To be acceptable for use in HUD/FHA Mortgage Insurance and Low Rent Public Housing Program, all plastic bathtubs, shower stalls and receptors and lavatories shall be certified as conforming to HUD/FHA Use of Materials Bulletin No. 73 and shall bear an appropriate validating label.

Qualified parties interested in becoming Administrator-Validators for this program may submit their request to Department of Housing and Urban Development, Architecture and Engineering Division, Washington, D.C. 20411.

Certification and labeling program proposed for HUD-FHA acceptance shall conform to ANSI Z 34.1 "American Standard Practice for Certification Procedures", and shall include as a minimum the specific provisions described in the following paragraphs.

2. Standards

The standards and tests for use with this program are those described in the *Reference Standards* section of HUD/FHA Use of Materials Bulletin No. 73.

3. Sampling and Examination

The following outlines a minimum acceptable certification and labeling program for compliance with the provision of UM Bulletin No. 73. Testing frequencies may be increased at the discretion of the Administrator/Validator depending on testing results and the manufacturer's quality control program.

(a) The manufacturer shall maintain a quality control system acceptable to the Administrator/Validator that will assure continuing conformity to these requirements.

(b) All units to be tested shall be selected by the Administrator/Validator. Specimens of units tested shall be retained for a period of 1 year by the Administrator/Validator.

(c) Complete drawings shall be submitted to the Administrator/Validator and to the testing laboratory before testing.

(d) As a minimum, specified tests shall be conducted as follows:

Part 1—For compliance with ANSI Z 124:
1. At intervals of approximately 30 calendar days, or 300 production units, whichever

comes first, tests covering the following items and specified in the appropriate Standard for the product shall be conducted.

(a) Workmanship and finish.
(b) Structural integrity of complete units.
2. At intervals of approximately every 120 calendar days or 1000 production units, whichever comes first, all tests specified in the Standard for the product shall be conducted.

Part 2—For compliance with Fire Safety Testing:

1. Tests 2 a and b required by the UM Bulletin are prequalifying tests and need to be conducted only once unless the manufacturer changes either the design or the materials formulations, or the Administrator/Validator or HUD requires additional tests.

2. Ignition loss tests 3 a and b shall be conducted as required by the Administrator/Validator.

4. Evidence of Certification

Label of certification shall indicate:
(a) Identification of Administrator/Validator.
(b) Manufacturer's certification of conformance to Use of Materials Bulletin No. 73, and, if desired, to the appropriate ANSI Standard.

5. Identification

Production units shall be identifiable after installation by a permanent label. The following information shall be included: Manufacturer's name, date of manufacture and unit number. This information may be coded.

6. Facsimiles of Labels for Accepted Administrator/Validator Programs

Facsimiles of presently accepted Administrator/Validator labels are reproduced below. This Appendix will be revised as additional Administrator/Validators are accepted, or changes are made. Improper practices shall be reported by the field office to the Architecture and Engineering Division, Department of Housing and Urban Development, Washington, D.C. for possible Federal action.

[FR Doc. 78-11330 Filed 4-26-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

APRIL 14, 1978.

The Forest Service, Department of Agriculture has filed an application, serial No. AA-6060, on October 22, 1970, for a withdrawal in relation to the following described lands:

CROW CREEK ROAD TRAVEL INFLUENCE ZONE AND RECREATION AREA

CHUGACH NATIONAL FOREST SEWARD MERIDIAN, ALASKA

T. 11 N., R. 2 E.
sec. 34, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
sec. 27, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and that portion of NE $\frac{1}{4}$ SW $\frac{1}{4}$ not included in patented Mineral Survey No. 753, Crow Creek Mining Co.

Containing approximately 270 acres. Located 5 miles northeast of the new townsite of Girdwood, Alaska, on the Crow Creek Road.

The applicant desires that the land be closed from operation of the mining laws and reserved as the Crow Creek Road Travel Influence Zone and Recreation Area.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on June 2, 1971, volume 36, No. 106, page 10743, FEDERAL REGISTER Doc. No. 71-7598.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510 on or before June 1, 1978. Notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual 2351.16 B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before June 1, 1978.

The above-described lands are temporarily segregated from the operation of the public land laws, including the mining and mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the Chief, Branch of Lands and Minerals Operations, Alaska State Office, Bureau of Land Management, Department of the

Interior, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510.

CURTIS V. McVEE,
State Director.

[FR Doc. 78-11347 Filed 4-26-78; 8:45 am]

[4310-84]

Bureau of Land Management

[BLM 4310-84; CA 4364]

CALIFORNIA

Application; Correction

APRIL 18, 1978.

In FR Doc. 78-8792, appearing on page 14134 of the Tuesday, April 4, 1978, issue, the tenth line of the first paragraph, reading "T. 32 S., R. 22 E.," is corrected to read "T. 32 S., R. 23 E.,".

JOAN B. RUSSELL,
Chief, Lands Section, Branch of
Lands and Minerals Operations.

[FR Doc. 78-11397 Filed 4-26-78; 8:45 am]

[4310-84]

MESCALERO SANDS SOUTH DUNE AREA A,
NEW MEXICO

Off-Road Vehicles on Public Lands Closure
Notice

Notice is hereby given relating to the use of off-road vehicles on public lands under the authority of Executive Order 11644 and related amendments published in the FEDERAL REGISTER on May 25, 1977, and regulations contained in 43 CFR Part 6010.4. The following described land under administration of the Bureau of Land Management is designated as closed to off-road vehicle use.

Mescalero Sands South Dune Area A is designated as closed to vehicle use. The Mescalero Sands Recreation Complex is located approximately 33 miles east of Roswell, N. Mex. The area within Mescalero Sands known as South Dune Area A is closed to vehicles in order to protect the unique scenic, cultural, biological, and geological values of the area. It contains approximately 1920 acres.

The designation becomes effective April 27, 1978, and supersedes a similar notice published in the FEDERAL REGISTER on Thursday, December 22, 1977. This notice shall remain in effect until final regulations pertaining to the use of off-road vehicles are published in the FEDERAL REGISTER. A map of the area affected by this designation is available from the Roswell District Office, Bureau of Land Manage-

ment, P.O. Box 1397, Roswell, N. Mex. 88201.

ROY K. STOVALL,
Acting District Manager.

APRIL 19, 1978.

[FR Doc. 78-11382 Filed 4-26-78; 8:45 am]

[4310-84]

[NM 33181 and 33185]

NEW MEXICO

Applications

APRIL 19, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gas Company of New Mexico has applied for three 2-inch and one 4-inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW
MEXICO

T. 26 N., R. 6 W.,
Sec. 4, S $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 7, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 11, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

These pipelines will convey natural gas across 0.171 miles of public land in Rio Arriba County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107

FRED E. PADILLA,
Chief, Branch of Lands and,
Minerals Operations.

[FR Doc. 78-11395 Filed 4-26-78; 8:45 am]

[4310-84]

[NM 33189 and 33211]

NEW MEXICO

Applications

APRIL 19, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for two 4 $\frac{1}{2}$ -inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW
MEXICO

T. 29 N., R. 8 W.,

Sec. 15, S $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 32 N., R. 11 W.,
Sec. 29, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

These pipelines will convey natural gas across 0.440 miles of public land in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands and,
Minerals Operations.

[FR Doc. 78-11396 Filed 4-26-78; 8:45 am]

[4310-84]

[NM 33182]

NEW MEXICO

Application

APRIL 19, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gas Company of New Mexico has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW
MEXICO

T. 26 N., R. 6 W.,
Sec. 18, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

This pipeline will convey natural gas across 0.201 of a mile of public land in Rio Arriba County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands and,
Minerals Operations.

[FR Doc. 78-11401 Filed 4-26-78; 8:45 am]

[4310-84]

[Colorado 26085B]

NORTHWEST PIPELINE CORP.

R/W Application for Pipeline

Notice is hereby given that, pursuant to section 28 of the Mineral Leas-

ing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corp., 315 East 200 South, Salt Lake City, Utah 84111, has applied for a right-of-way for 4 1/2" o.d. natural gas pipeline approximately 0.027 of a mile long, and an 8-3/8" o.d. natural gas pipeline approximately 3.799 miles long, for the White River Dome Gathering System, across the following Public Lands:

SIXTH PRINCIPAL MERIDIAN, RIO BLANCO COUNTY, COLORADO

- T. 3 N., R. 97 W., Sec. 29, W 1/2 W 1/2, Sec. 30, E 1/2 E 1/2, Sec. 31, N 1/2, T. 2 N., R. 98 W., Sec. 2, Lots 5, 6, Sec. 11, Lot 11, NE 1/4 SW 1/4, T. 3 N., R. 98 W., Sec. 35, SE 1/4 SE 1/4, Sec. 36, S 1/2, SE 1/4 NE 1/4.

The above-named gathering systems will enable the applicant to collect natural gas in an area through which the pipeline will pass and to convey it to the applicants' customers.

The purposes for this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions; (2) to give all interested parties the opportunity to comment on the application; (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on Northwest Pipeline Corp.

Any comment, claim, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202, as promptly as possible after publication of this notice.

Effective date: April 18, 1978.

JOHN R. BERNICK, Acting Leader, Craig Team, Branch of Adjudication.

[FR Doc. 78-11379 Filed 4-26-78; 8:45 am]

[4310-84]

[NM 31870]

OKLAHOMA

Transfer of Jurisdiction of Acquired Indian Lands

APRIL 21, 1978.

1. Pursuant to Pub. L. 94-114 (89 Stat. 577) and section 2 thereof, the

lands described in paragraph three of this notice, together with all minerals underlying these lands, whether acquired or otherwise owned by the United States, are hereby declared to be held by the United States in trust for the use and benefit of the Cherokee Nation of Oklahoma. The lands are in Adair County and Delaware County in Oklahoma. These lands were submarginal lands acquired under Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the Act of August 24, 1935 (49 Stat. 750; 781). This notice is issued under the authority delegated to me by Bureau Order No. 701, dated July 23, 1946, as amended.

2. One existing mineral lease, which has been issued on a portion of this land will remain in force and effect in accordance with the terms and provisions of the Act under which the lease was issued. The lease file will be transferred to the Office of the Area Director, Bureau of Indian Affairs, Muskogee, Okla. Future rentals for this lease will be paid to and collected by that office. Jurisdiction of this mineral lease is transferred from the Bureau of Land Management to the Bureau of Indian Affairs in trust for the Cherokee Nation of Oklahoma.

3. INDIAN MERIDIAN, OKLAHOMA

- T. 21 N., R. 22 E., Sec. 1, lots 1, 2, 3, S 1/2 of lot 4, SE 1/4 NE 1/4, SW 1/4 NW 1/4, W 1/2 SE 1/4 NW 1/4, SW 1/4 SW 1/4 and W 1/2 SE 1/4 SW 1/4; Sec. 2, S 1/4 SE 1/4 SE 1/4; Sec. 10, SW 1/4 NW 1/4 NE 1/4, W 1/2 SE 1/4 SW 1/4, N 1/2 SE 1/4, E 1/2 SW 1/4 SE 1/4, W 1/2 SE 1/4 SE 1/4 and SE 1/4 SE 1/4 SE 1/4; Sec. 11, S 1/2 SW 1/4 NE 1/4, N 1/2 SW 1/4, N 1/2 S 1/2 SW 1/4, S 1/2 SW 1/4 SW 1/4, S 1/2 NE 1/4 SE 1/4, NW 1/4 SE 1/4 and S 1/2 SE 1/4; Sec. 12, NE 1/4 NE 1/4, E 1/4 NW 1/4 NE 1/4, NW 1/4 NW 1/4 NE 1/4, N 1/2 NE 1/4 NW 1/4, NE 1/4 SW 1/4, E 1/4 NW 1/4 SW 1/4, NW 1/4 NW 1/4 SW 1/4, SW 1/4 NW 1/4 SW 1/4, SE 1/4 SW 1/4, S 1/4 NE 1/4 SE 1/4, S 1/4 NW 1/4 SE 1/4, E 1/4 SW 1/4 SE 1/4 and SE 1/4 SE 1/4; Sec. 13, S 1/4 NE 1/4, S 1/2 SE 1/4 NE 1/4 NW 1/4, W 1/2 E 1/4 NW 1/4, E 1/4 NW 1/4 NW 1/4, SW 1/4 NW 1/4, NE 1/4 SE 1/4 NW 1/4, SE 1/4 SE 1/4 NW 1/4 and SW 1/4; Sec. 14, S 1/2 SW 1/4 NW 1/4, E 1/2 SW 1/4, N 1/4 NW 1/4 SW 1/4 and W 1/2 SE 1/4 SE 1/4; Sec. 15, NE 1/4 NE 1/4, E 1/2 SE 1/4 NE 1/4, SW 1/4 NW 1/4 and N 1/2 SW 1/4; Sec. 22, N 1/2 NE 1/4 NE 1/4, SW 1/4 NE 1/4 NE 1/4, W 1/2 NW 1/4 NE 1/4, SE 1/4 NW 1/4 NE 1/4, SW 1/4 NE 1/4, NE 1/4 SE 1/4 NE 1/4, S 1/2 SE 1/4 NE 1/4, NW 1/4 SE 1/4 NE 1/4, E 1/4 W 1/2, W 1/2 NW 1/4, NW 1/4 SW 1/4, N 1/2 SW 1/4 SW 1/4 and S 1/2 SE 1/4; Sec. 23, NE 1/4, S 1/4 NE 1/4 NW 1/4, NW 1/4 NW 1/4 and S 1/2 SW 1/4; Sec. 24, E 1/2 SE 1/4 NE 1/4, SW 1/4 SE 1/4 NE 1/4, W 1/2, SE 1/4 NE 1/4 SE 1/4, SW 1/4 SE 1/4, N 1/2 SE 1/4 SE 1/4 and SE 1/4 SE 1/4 SE 1/4; Sec. 25, W 1/2 NW 1/4 NE 1/4, S 1/2 NE 1/4, NW 1/4, N 1/2 SW 1/4 and SE 1/4; Sec. 26, E 1/2 NE 1/4, W 1/2, W 1/2 SW 1/4 SE 1/4 and SE 1/4 SW 1/4 SE 1/4;

- Sec. 27, NE 1/4 NE 1/4, and NE 1/4 NW 1/4 NE 1/4; Sec. 35, N 1/2 NE 1/4, N 1/4 S 1/2 NE 1/4, NW 1/4 and W 1/2 SW 1/4; Sec. 36, NE 1/4 NE 1/4, N 1/4 SE 1/4 NE 1/4, W 1/2 SW 1/4 NE 1/4, NW 1/4, E 1/2 SW 1/4, E 1/4 NW 1/4 SW 1/4 and NW 1/4 NW 1/4 SW 1/4. T. 21 N., R. 23 E., Sec. 1, lot 1, E 1/2 of lot 2, N. 14 ac of W 1/2 of lot 2, N. 49 ac of lot 3, N. 63 ac of lot 4, S 1/2 SW 1/4 NE 1/4, SE 1/4 NE 1/4, SE 1/4 SW 1/4 NW 1/4, W 1/2 SW 1/4 NW 1/4, S 1/2 SE 1/4 NE 1/4, SW 1/4, N 1/2 NE 1/4 SE 1/4, SW 1/4 NE 1/4 SE 1/4 and SE 1/4 NW 1/4 SE 1/4; Sec. 2, lots 3, 4, E 1/2 SE 1/4 NE 1/4, S 1/2 NW 1/4, E 1/2 SW 1/4, NW 1/4 SW 1/4 and SE 1/4; Sec. 3, SE 1/4 NE 1/4 NE 1/4, E 1/2 SE 1/4 NE 1/4 and E 1/4 NE 1/4 SE 1/4; Sec. 4, lot 2, SW 1/4 NE 1/4 and SE 1/4; Sec. 6, lots 1, 2, 3, 7, SE 1/4 NE 1/4, SE 1/4 SW 1/4 NW 1/4, NE 1/4 SW 1/4, SE 1/4 SW 1/4 less 5.20 acs for railroad, NE 1/4 NE 1/4 SE 1/4, S 1/2 SW 1/4 SE 1/4 and E 1/2 SE 1/4 SE 1/4; Sec. 7, W 1/2 of lot 4, SE 1/4 NE 1/4, NE 1/4 SE 1/4, SE 1/4 NW 1/4 SE 1/4 and NW 1/4 SE 1/4 SE 1/4; Sec. 8, N 1/2 NE 1/4 NE 1/4 and NW 1/4 NW 1/4; Sec. 9, E 1/2, E 1/2 NW 1/4, W 1/2 NW 1/4 NW 1/4, NE 1/4 SW 1/4 NW 1/4, S 1/2 SW 1/4 NW 1/4, NE 1/4 SW 1/4 and NE 1/4 SE 1/4 SW 1/4; Sec. 10, S 1/2 SW 1/4; Sec. 11, W 1/2 and SE 1/4; Sec. 12, S 1/2 NE 1/4 NE 1/4, NW 1/4, NW 1/4 NW 1/4 SW 1/4 and SW 1/4 NW 1/4 SE 1/4; Sec. 13, NE 1/4 NE 1/4 NE 1/4, W 1/2 NW 1/4 NW 1/4, S 1/4 N 1/2 SW 1/4, S 1/2 SW 1/4, SW 1/4 SW 1/4 SE 1/4, S 1/4 NE 1/4 SE 1/4 and SE 1/4 SE 1/4; Sec. 14, SW 1/4 NW 1/4 NE 1/4, SW 1/4 NE 1/4, S 1/4 NW 1/4, N 1/4 SW 1/4, SW 1/4 SW 1/4, S 1/4 E 1/4 SW 1/4, NW 1/4 NW 1/4 SE 1/4 and S 1/4 NW 1/4 SE 1/4; Sec. 15, SE 1/4; Sec. 16, N 1/2 NE 1/4 SW 1/4, W 1/2 E 1/4 SE 1/4, NW 1/4 SE 1/4 and E 1/4 SW 1/4 SE 1/4; Sec. 17, N 1/4 NE 1/4, N 1/4 SW 1/4 NE 1/4, SE 1/4 SW 1/4 NE 1/4, SE 1/4 NE 1/4 and SE 1/4 SE 1/4 SE 1/4; Sec. 18, lots 1, 2, 3, 4, S 1/2 NE 1/4, W 1/2 E 1/4 NW 1/4, E 1/2 SE 1/4 NW 1/4, E 1/2 SW 1/4 and SE 1/4; Sec. 19, lots 1, 2, 3, 4, E 1/4 NE 1/4, S 1/4 NE 1/4 SW 1/4, NW 1/4 SE 1/4 SW 1/4, NE 1/4 SE 1/4, S 1/4 NW 1/4 SE 1/4 and S 1/4 SE 1/4; Sec. 20, W 1/2 and SE 1/4; Sec. 21, E 1/4 NE 1/4, SW 1/4 NW 1/4 SW 1/4, SW 1/4 SW 1/4 and SE 1/4; Sec. 22, SE 1/4 SW 1/4, NE 1/4 SE 1/4, N 1/4 NW 1/4 SE 1/4, SW 1/4 NW 1/4 SE 1/4 and S 1/2 SE 1/4; Sec. 23, NW 1/4 SW 1/4 NW 1/4, SW 1/4 NW 1/4 and E 1/4 NE 1/4 SW 1/4; Sec. 24, N 1/2 NE 1/4 NE 1/4, SE 1/4 NE 1/4 NE 1/4 and SW 1/4 NW 1/4 NE 1/4; Sec. 25, S 1/4 NW 1/4 SW 1/4, S 1/2 SW 1/4, NW 1/4 SW 1/4 SE 1/4, SE 1/4 SW 1/4 SE 1/4 and S 1/4 SE 1/4 SE 1/4; Sec. 26, N 1/2, SW 1/4, E 1/2 SE 1/4 and SW 1/4 SE 1/4; Sec. 28, E 1/4 NE 1/4, SW 1/4 NE 1/4, E 1/2 SW 1/4 and W 1/2 SE 1/4; Sec. 29, N 1/4 N 1/2, N 1/4 S 1/2 NE 1/4, SW 1/4 SW 1/4 NE 1/4, SW 1/4 NW 1/4, NE 1/4 SE 1/4 NW 1/4, W 1/2 SE 1/4 NW 1/4, SW 1/4, W 1/2 SE 1/4 and W 1/2 SE 1/4 SE 1/4; Sec. 30, E 20 acs of lot 1, NW 9.97 acs of lot 1, NE 10 acs of lot 4, SW 10 acs of lot 4, N 1/2 NE 1/4, E 1/4 NW 1/4, E 1/2 SW 1/4 and S 1/2 SE 1/4; Sec. 32, W 1/2 NE 1/4, NE 1/4 NW 1/4, SW 1/4 NW 1/4 NW 1/4, SW 1/4 NW 1/4, NE 1/4 SE 1/4 NW 1/4, W 1/2 SE 1/4 NW 1/4, SW 1/4 and W 1/2 SE 1/4; Sec. 33, E 1/2 NE 1/4, N 1/4 NE 1/4 NW 1/4, SE 1/4 NE 1/4 NW 1/4, E 1/4 SE 1/4 NW 1/4, E 1/2 W 1/2 SE 1/4 and SE 1/4 SE 1/4;

Sec. 34, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 35, NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ and W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 36, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 14 N., R. 25 E.,
 Sec. 1, SE 10 acs of lot 3, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 2, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 3, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 11, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 12, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 13, E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 14, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 15, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 22, N $\frac{1}{2}$ N $\frac{1}{2}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 23, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 26, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 27, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 34, SW $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 14 N., R. 26 E.,
 Sec. 1, W 19.92 acs of lot 3, lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 2, lots 1, 2, 3, 4, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 4, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 5, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 6, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ less 2.58 acs for graveyard, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 7, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 8, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 10, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 11, N $\frac{1}{2}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 13, E $\frac{1}{2}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 17, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 21, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 22, E $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 24, E $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 25, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 26, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ and E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 27, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 28, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 29, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 30, lots 1, 2, W 19.89 acs of lot 3, NE 10 acs of lot 3, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 31, NW 9.91 acs of lot 2, NE 10 acs of lot 2, lot 4, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 33, W $\frac{1}{2}$ E $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 35, W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.

Containing a total of 18,748.98 acres.
BILLY M. BRADY,
Acting State Director.
 [FR Doc. 78-11381 Filed 4-26-78; 8:45 am]

OUTER CONTINENTAL SHELF

Approval of Official Protraction Diagrams
 1. Notice is hereby given that, effective with this publication, the following OCS Official Protraction Diagrams, approved on the dates indicated, are available for information in the Outer Continental Shelf Office, Bureau of Land Management, Anchorage, Alaska. In accordance with title 43, Code of Federal Regulations, these protraction diagrams are the basic record for the description of mineral and oil and gas lease offers in the geographic area they represent.

OUTER CONTINENTAL SHELF PROTRACTION DIAGRAMS		
Description	Approval date	
NM 2-2 Maury Deep.....	Oct. 12, 1977.	
NM 59-2	Dec. 1, 1977.	
NN 1-5 Pochnoi Trough.....	Oct. 12, 1977.	
NN 1-6 Korovin Canyon.....	Do.	
NN 2-5 Amlia Knoll.....	Do.	
NN 2-7 Seguan.....	Do.	
NN 3-6 Sanak Bank.....	Do.	
NN 3-7	Do.	
NN 3-8	Dec. 1, 1977.	
NN 4-5 Derkson Seamount.....	Oct. 12, 1977.	
NN 4-6 Walls Knoll.....	Do.	
NN 4-7 Sirius Seamount.....	Dec. 1, 1977.	
NN 8-3	Do.	
NN 59-4	Do.	
NN 60-3 Ulm Plateau.....	Oct. 12, 1977.	
NN 60-4 Bowers Bank.....	Dec. 1, 1977.	
NN 60-5	Do.	
NN 60-6 Rude Canyon.....	Oct. 12, 1977.	
NP 2-7 St. Matthew.....	Do.	
NP 3-5 Hooper Bay.....	Do.	
NP 3-7 Nunivak Island.....	Do.	
NP 3-8 Baird Inlet.....	Do.	
NR 3-2	Do.	
NR 3-8 Point Lay.....	Do.	
NR 4-1	Do.	
NR 4-3 Wainwright.....	Do.	

2. Copies of these diagrams are for sale at two dollars (\$2.00) per sheet by the Manager, Outer Continental Shelf Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510. The street address is 800 A Street, Anchorage, Alaska. Checks or

Money Orders should be made payable to the Bureau of Land Management.

EDWARD J. HOFFMANN,
Manager, Alaska Outer Continental Shelf Office.

[FR Doc. 78-11380 Filed 4-26-78; 8:45 am]

[4310-84]

[W-61829]

WYOMING

Application, Amendment

APRIL 18, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Co. of Colorado Springs, Colo., filed an amendment application to reroute their pending right-of-way application to construct a 4 $\frac{1}{2}$ inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 36 N., R. 93 W.,
 Secs. 7, 18, 19, and 30.
 T. 36 N., R. 94 W.,
 Sec. 25.

The proposed pipeline will transport natural gas from the Nos. 22-25 and 41-25 Fuller Reservoir II wells located in the N $\frac{1}{2}$ of Section 25, T. 36 N., R. 94 W., to a point of connection with Montana-Dakota Utilities Co.'s existing pipeline located in the NE $\frac{1}{4}$ of Section 7, T. 36 N., R. 93 W., Fremont County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-11378 Filed 4-26-78; 8:45 am]

[4310-03]

Heritage Conservation and Recreation Service

NATIONAL REGISTRY OF NATURAL LANDMARKS

Revision of List

Pursuant to authority contained in the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461), the Department of the Interior administers and implements a natural areas program, includ-

ing the National Registry of Natural Landmarks. It is the purpose of this notice to revise the National Registry of Natural Landmarks as published in the FEDERAL REGISTER of May 5, 1975 (40 FR 19503).

All Federal agencies should take cognizance of the sites included in the National Registry of Natural Landmarks to fulfill the intent of section 102 of the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4331).

In accordance with section 2, Pub. L. 94-458, enacted October 7, 1976 (90 Stat. 1939, 1940), adding new section 8 to the act of August 18, 1970 (84 Stat. 825), the Secretary of the Interior is directed to transmit annually to the United States Congress a list of the Natural Landmarks which exhibit known or anticipated damage or threats to the integrity of their resources, along with notations as to the nature and severity of such damage or threats.

CHRIS THERRAL DELAPORTE,
Director, Heritage Conservation
and Recreation Service.

APRIL 20, 1978.

The owner(s) of sites indicated by an asterisk have entered into a voluntary agreement to protect the sites' nationally significant values.

ALABAMA

- *Beaverdam Creek Swamp, Limestone County—Wheeler National Wildlife Refuge, 10 miles northeast of Decatur.
- *Cathedral Caverns, Marshall County—4 miles northeast of Grant.
- *Dismals, Franklin County—4 miles north-east of Hackleburg.
- Mobile-Tensaw River Bottomlands, Baldwin, Mobile, and Washington Counties—extends from Mobile Bay north for 35 miles.
- Newsome Sinks Karst Area, Morgan County—between Morgan City and Union Hill.
- *Sheila Cave, Madison County—within city limits of Huntsville.

ALASKA

- *Aniakchak Crater—24 air miles southeast of Port Heiden.
- *Arrigetch Peaks—250 miles northwest of Fairbanks.
- *Bogoslof Island—Bogoslof National Wildlife Refuge, 25 miles north of Umnak Island in the Aleutian Archipelago.
- *Brown Bear Refuge—200 miles southwest of Anchorage.
- *Clarence Rhode National Wildlife Range—on the Bering Sea Coast between Hooper Bay and Kipnuk.
- *Iliamna Volcano—135 miles southwest of Anchorage.
- *Lake George—44 miles northeast of Anchorage.
- *Malaspina Glacier—25 miles west of Yakutat.
- Middleton Island—155 miles southeast of Anchorage.
- *Mount Veniaminof—20 miles northeast of Port Moller on the Alaska Peninsula.
- *Redoubt Volcano—110 air miles southwest of Anchorage.

- *Shishaldin Volcano—Aleutian Islands National Wildlife Refuge, 50 miles west of Cold Bay in the Aleutian Archipelago.
- *Simeonof National Wildlife Refuge—In the Shumagin Island Group south of the Alaska Peninsula.
- *Unga Island—in the Shumagin Island Group, 500 miles southwest of Anchorage.
- *Walker Lake—250 air miles northwest of Fairbanks.
- *Walrus Islands—375 miles southwest of Anchorage in Bristol Bay.
- *Worthington Glacier—30 miles east of Valdez.

AMERICAN SAMOA

- *Aunuu Island—off the northeast coast of Tutuila Island.
- Cape Taputapu—on the western tip of Tutuila Island.
- Fogamaa Crater—on the southwest coast of Tutuila Island.
- *Leala Shoreline—on the southwest coast of Tutuila Island.
- *Malafao Peak—1½ miles south of the city of Pago Pago.
- *Rainmaker Mountain—east of Pago Pago Harbor.
- Vaiava Strait—on the north-central coast of Tutuila Island.

ARIZONA

- *Barringer Meteor Crater, Coconino County—15 miles west of Winslow.
- *Canelo Hills Cienega, Santa Cruz County—1½ miles northwest of Canelo.
- *Comb Ridge, Navajo County.
- Hualapai Valley Joshua Trees, Mohave County—45 miles north of Kingman.
- Onyx Cave, Santa Cruz County—7 miles northwest of Sonoita.
- *Patagonia-Sonoita Creek Sanctuary, Santa Cruz County—1 mile from Patagonia.
- *Ramsey Canyon, Cochise County—7 miles south of Sierra Vista.
- Willcox Playa, Cochise County—4 miles south of Willcox.

ARKANSAS

- *Big Lake Natural Area, Mississippi County—Big Lake National Wildlife Refuge, 3 miles east of Manila.
- *Lake Winona Natural Area, Saline County—38 miles west of Little Rock.
- Mammoth Spring, Fulton County—north-east of Mammoth Spring.
- *Roaring Branch Research Natural Area, Polk County—4 miles north of the village of Athens.
- *White River Sugarberry Natural Area, Desha County—4 miles northwest of the village of Snow Lake.

CALIFORNIA

- Amboy Crater, San Bernardino County—west of the town of Amboy.
- American River Bluffs and Phoenix Park Vernal Pools, Sacramento County—2 miles east of Fair Oaks.
- Anza-Borrego Desert State Park, San Diego, Imperial, and Riverside Counties—vast majority of site is located in eastern San Diego County.
- *Audubon Canyon Ranch, Marin County—20 miles northwest of San Francisco.
- Black Chasm Cave, Amador County—¼ mile south-southeast of Volcano.
- Cinder Cone Natural Area, San Bernardino County—24 miles east of Baker.
- Cosumnes River Riparian Woodlands, Sacramento County—18 miles southeast of Sacramento.

- *Deep Springs Marsh, Inyo County—20 miles southeast of Bishop.
- *Elder Creek, Mendocino County—4 miles north of Branscomb.
- *Emerald Bay, El Dorado County—16 miles south of Tahoe City.
- Fish Slough, Mono and Inyo Counties—3 miles due north of Bishop.
- *Mount Shasta, Siskiyou County—60 miles north of Redding.
- *Miramar Mounds, San Diego County—12 miles north of central San Diego.
- *Mitchell Caverns and Winding Stair Cave, San Bernardino County—23 miles north-west of Essex.
- Nipomo Dunes-Point Sal Coastal Area, San Luis Obispo, and Santa Barbara Counties—extends from Pismo Beach south for 17 miles.
- *Pixley Vernal Pools, Tulare County—6 miles east of Pixley.
- *Point Lobos, Monterey County—near Carmel.
- *Pigmy Forest, Mendocino County—5 miles south of Fort Bragg.
- *Rainbow Basin, San Bernardino County—8 miles north of Barstow.
- *Rancho La Brea, Los Angeles County—Hancock Park, Wilshire Boulevard, Los Angeles.
- *San Andreas Fault, San Benito County—at Cienega Winery, 8 miles south of Hollister.
- *Sand Hills, Imperial County—15 miles west of Yuma.
- San Felipe Creek Area, Imperial County—13 miles northwest of Westmoreland.
- Sharktooth Hill, Kern County—8 miles northeast of Bakersfield.
- Tijuana River Estuary, San Diego County—between the city of Imperial Beach and the U.S.-Mexico International Boundary.
- Torrey Pines Reserve, San Diego County—20 miles north of San Diego.
- *Trona Pinnacles, San Bernardino County—7 miles south of Argus.
- Turtle Mountains Natural Area, San Bernardino County—30 miles south-south-west of Needles.

COLORADO

- *Garden of the Gods, El Paso County—10 miles northeast of Pikes Peak.
- Garden Park Fossil Area, Fremont County.
- *Lost Creek Scenic Area, Park County—40 miles southwest of Denver.
- Morrison Fossil Area, Jefferson County—just north of Morrison.
- Raton Mesa, Las Animas County—10 miles south of Trinidad.
- Russell Lakes, Saguache County—10 miles south of Saguache.
- Stungullion Earthflow, Hinsdale County—2 miles south of Lake City.
- Spanish Peaks, Huerfano and Las Animas Counties—25 miles southwest of Walsenburg.
- *Summit Lake, Clear Creek County—13 miles southwest of Idaho Springs.

CONNECTICUT

- *Bartholomew's Cobble, Litchfield County, Conn., and Berkshire County, Mass.—1 mile west of Ashley Falls, Mass. (See also Massachusetts.)
- *Beckley Bog, Litchfield County—2½ miles southeast of the village of Norfolk.
- Bingham Pond Bog, Litchfield County—1 mile east of the New York State boundary.
- Chester Cedar Swamp, Middlesex County—2 miles west-southwest of the village of Chester.

- **Dinosaur Trackway, Hartford County*—5 miles south of Hartford.
McLean Game Refuge Natural Areas, Hartford County—4 miles north and northwest of the village of Simsbury.
Pachaug-Great Meadow Swamp, New London County—1½ miles northeast of the village of Voluntown.

FLORIDA

- **Big Cypress Bend, Collier County*—1 mile west of Florida 29 on Tamiami Trail (U.S. 41).
Corkscrew Swamp Sanctuary, Collier County—25 miles southeast of Fort Myers.
Devil's Millhopper, Alachua County—6 miles northwest of Gainesville.
Emerald Marsh, Lake and Marion Counties—10 miles northeast of Leesburg.
Florida Caverns Natural Area, Jackson County—2 miles north of Marianna.
Ichetucknee Springs, Columbia and Suwanee Counties—Ichetucknee Springs State Park, 22 miles southwest of Lake City.
Lignumvitae Key, Monroe County—½ mile north of U.S. 1 causeway, near north end of Matecumbe Key.
Manatee Springs, Levy County—Manatee Springs State Park, 50 miles west-southwest of Gainesville.
Osceola Research Natural Area, Baker County—Osceola National Forest, 20 miles northeast of Lake City.
Peynes Prairie, Alachua County—southern edge of Gainesville.
Rainbow Springs, Marion County—4 miles north-northeast of Dunnellon.
Reed Wilderness Seashore Sanctuary, Martin County—8 miles south of Stuart.
San Felasco Hammock, Alachua County—center of site is 9 miles northwest of Gainesville.
Silver Springs, Marion County—5 miles northeast of Ocala.
Torreya State Park, Liberty County—12 miles north of Bristol along the Apalachicola River.
Wakulla Springs, Wakulla County—15 miles south of Tallahassee.
Waccassa Bay State Preserve, Levy County—40 miles west of Ocala.

GEORGIA

- **Big Hammock Natural Area, Tattnall County*—10 miles southwest of Glennville.
Camp E. F. Boyd Natural Area, Emanuel County—8 miles southwest of Swainsboro.
Cason J. Callaway Memorial Forest, Harris County—1 mile west of Hamilton.
Ebenezer Creek Swamp, Effingham County—center of site is 22 miles north-northwest of Savannah.
Lewis Island Tract, McIntosh County—8 miles west-northwest of Darien.
Marshall Forest, Floyd County—near Rome.
Okefenokee Swamp, Ware, Charlton, and Clinch Counties—Okefenokee National Wildlife Refuge, center of site is 28 miles south of Waycross.
Sag Ponds Natural Area, Bartow County—5 miles southeast of Adairsville.
Spooner Springs, Seminole County—14 miles west of Bainbridge.
Wassaw Island, Chatham County—14 miles south of Savannah, in the Atlantic Ocean.

GUAM

- **Facpi Point*—on the southwest coast of Guam.

- **Fouha Point*—on the southwest coast of Guam, 1 mile northwest of the village of Umatac.
Mount Lamiam—3 miles north-northeast of the village of Umatac.
Puntian dos Amanites—2 miles north of the village of Tumon.

HAWAII

- **Diamond Head, Island of Oahu*—in the city of Honolulu.
Iao Valley, Island of Maui—west of the city of Wailuku.
Kanaha Pond, Island of Maui—1 mile west of Kahului Airport.
Koolau Range Pali, Island of Oahu—3 miles south of the village of Kaneohe, Koolau-poko District.
Makalavena Marsh, Island of Hawaii—near Kawikahale Point.
Mauna Kea, Island of Hawaii—25 miles west-northwest of the city of Hilo.
North Shore Cliffs, Island of Molokai—between the villages of Halawa and Kalau-papa.

IDAHO

- **Big Southern Butte, Butte County*—37 miles northwest of Blackfoot.
Cassia Silent City of Rocks, Cassia County—16 miles southeast of Oakley.
The Great Rift, Power County—25 miles northwest of American Falls.
Hagerman Fauna Sites, Twin Falls County—center of site is 3 miles southwest of Hagerman.
Hell's Half Acre Lava Field, Bonneville and Bingham Counties—center of site is 20 miles west of Idaho Falls.
Sheep Rock, Adams County—Payette National Forest, 35 miles northwest of Council and 2 miles east of the Snake River.

ILLINOIS

- **Allerton Natural Area, Piatt County*—28 miles southwest of Champaign.
Forest of the Wabash, Wabash County—3 miles south of Mount Carmel.
Funks Grove, McLean County—11 miles southwest of Bloomington.
Heron Pond and Wildcat Bluff Nature Preserve, Johnson County—5 miles southwest of Vienna.
Horseshoe Lake Nature Preserve, Alexander County—11 miles northwest of Cairo.
LaRue-Pine Hills Ecological Area, Union County—Shawnee National Forest, center of site is 4 miles north of the village of Wolf Lake.
Mississippi Palisades, Carroll County—north of Savanna.
Volo Bog Nature Preserve, Lake County—1½ miles north-northwest of Volo.
Wauconda Bog Nature Preserve, Lake County—south of the village of Wauconda.

INDIANA

- **Beckville Woods, Montgomery County*—3 miles south of the village of Shannondale.
Big Walnut Creek, Putnam County—35 miles west of Indianapolis.
Cabin Creek Raised Bog, Randolph County—14 miles east-southeast of Muncie.
Coules Bog, Porter County—10 miles west of Michigan City.
Davis-Purdue Natural Forest, Randolph County—13 miles northeast of Muncie.
Donaldson Cave System and Woods, Lawrence County—Spring Mill State Park, 5 miles east of Mitchell.

- **Dunes Nature Preserve, Porter County*—Indiana Dunes State Park, extends along the southeast shore of Lake Michigan between the villages of Dune Acres and Beverly Shores.
Hemmer Woods, Gibson County—2 miles northeast of the village of Buckskin.
Hoosier Prairie, Lake County—2 miles southwest of Griffith.
Hoot Woods, Owen County—3 miles northwest of the village of Freedom.
Kramer Woods, Spencer County—1½ miles southwest of the village of Patronville.
Meltzer Woods, Shelby County—2 miles southwest of the village of Blue Ridge.
Officers' Woods, Jefferson County—7 miles northwest of Madison.
Ohio Coral Reef (Falls of the Ohio), Floyd County—in Ohio River, Between Jeffersonville, Ind., and Louisville, Ky. (See also Kentucky.)
Pine Hills Natural Area, Montgomery County—15 miles west-southwest of Crawfordsville.
Pinhook Bog, La Porte County—4 miles south of Waterford.
Pioneer Mothers' Memorial Forest, Orange County—Wayne-Hoosier National Forest, 1 mile southeast of the town of Paoli.
Portland Arch Nature Preserve, Fountain County—7 miles northeast of Covington.
Rise at Orangeville, Orange County—south of West Road in Orangeville.
Rocky Hollow-Falls Canyon Nature Preserve, Parke County—Turkey Run State Park, 9 miles north of Rockville.
Shrader-Weaver Woods, Fayette County—7 miles northwest of Connersville.
Tamarack Bog Nature Preserve, Lagrange County—Pigeon River State Game Preserve, 1 mile southeast of the town of Mongo.
Tolliver Swallowhole, Orange County—4 miles north-northwest of Paoli.
Wesley Chapel Gulf, Orange County—2 miles east-southeast of Orangeville.
Wesselman Park Woods, Vanderburgh County—within the city limits of Evansville.
Wyandotte Cave, Crawford County—Harrison-Crawford State Forest, 30 miles west of New Albany.

IOWA

- **Anderson Goose Lake, Hamilton County*—1 mile east of Jewell.
Cayler Prairie, Dickinson County—5 miles west of West Okoboji.
Dewey's Pasture and Smith's Slough, Clay and Palo Alto Counties—4 miles north-northwest of Ruthven.
Hayden Prairie, Howard County—12 miles northwest of Cresco.
White Pine Hollow Preserve, Dubuque County—20 miles northwest of Dubuque.

KANSAS

- **Baker University Wetlands, Douglas County*—3 miles south of Lawrence.
Monument Rocks Natural Area, Gove County—23 miles south of Oakley.
Rock City, Ottawa County—2½ miles southwest of Minneapolis.

KENTUCKY

- **Henderson Sloughs, Henderson and Union Counties*—4 miles northeast of Uniontown.
Lilly Cornett Woods, Letcher County—25 miles southeast of Hazard.
Ohio Coral Reef (Falls of the Ohio), Jefferson County—in Ohio River between Louis-

MONTANA

- Bridger Fossil Area, Carbon County.*
Bug Creek Fossil Area, McCone County—34 miles southeast of Fort Peck.
**Capitol Rock, Carter County—30 miles southeast of Ekalaka.*
Clovelly Formation Site, Big Horn County.
Glacial Lake Missoula, Sanders County—12 miles north of Perma.
Hell Creek Fossil Area, Garfield County—16 miles north of Jordan.
Middle Fork Canyon, Gallatin County—30 miles north of Bozeman.
Red Rock Lakes National Wildlife Refuge, Beaverhead County—center of site is 2 miles north of Lakeview.

NEBRASKA

- *Fontenelle Forest, Sarpy County—1 mile south of Omaha.*
**Valentine National Wildlife Refuge, Cherry County—25 miles south of Valentine.*

NEVADA

- *Hot Creek Springs and Marsh, Nye County—35 miles south of Lund.*
**Ichthyosaur Site, Nye County—20 miles east of the town of Gabbs.*
Lunar Crater, Nye County—70 miles east-northeast of Tonopah.
Ruby Marsh, Elko and White Pine Counties—Ruby Lake National Wildlife Refuge, 50 miles south-southeast of Elko.
Timber Mountain Caldera, Nye County.
**Valley of Fire, Clark County—35 miles northeast of Las Vegas.*

NEW HAMPSHIRE

- East Inlet Natural Area, Coos County—northeast of Second Connecticut Lake.*
**Floating Island, Coos County—2½ miles east-northeast of Errol*
**Franconia Notch, Grafton County—16 miles south of Littleton.*
**Health Pond Bog, Carroll County—2 miles northeast of Center Ossipee.*
**Madison Boulder, Carroll County—3 miles north of Madison.*
**Pondicherry Wildlife Refuge, Coos County—2 miles northeast of Whitefield Airport in Jefferson.*
Spruce Hole Bog, Strafford County—2 miles west-southwest of Durham.

NEW JERSEY

- *Great Falls of Paterson, Passaic County—Paterson.*
**Great Swamp, Morris County—Great Swamp National Wildlife Refuge, 7 miles south of Morristown.*
**Manahawkin Bottomland Hardwood Forest, Ocean County—Manahawkin Fish and Wildlife Management Area, 2 miles southeast of Manahawkin.*
**Moggy Hollow Natural Area, Somerset County—2 miles east of Far Hills.*
Pigeon Swamp, Middlesex County—centered 8 miles southwest of New Brunswick.
Riker Hill Fossil Site, Essex County—in the borough of Roseland.
**Stone Harbor Bird Sanctuary, Cape May County—Stone Harbor Borough.*
**Sunfish Pond, Warren County—3 miles northeast of the Delaware Water Gap.*
Troy Meadows, Morris County—near Troy Hills.
**William L. Hutcheson Memorial Forest, Somerset County—6 miles west of New Brunswick.*

ville, Ky., and Jeffersonville, Ind. (See also Indiana.)

Red River Gorge, Menifee, Powell and Wolfe Counties—Daniel Boone National Forest, 50 miles east-southeast of Lexington.

**Rock Creek Research Natural Area, Laurel County—Daniel Boone National Forest, center of site is 2 miles west of Baldrock.*

MAINE

**Colby-Marston Preserve, Kennebec County—2 miles north of the village of Belgrade.*

Bigelow Mountain, Somerset and Franklin Counties—center of site is 6 miles east of Stratton.

Crystal Bog, Aroostook County—4 miles southeast of Patten.

**Gulf Hagas, Piscataquis County—14 air miles east of Greenville.*

Meddybemps Heath, Washington County—3 miles west of the village of Meddybemps.

Monhegan Island, Lincoln County—10 miles south of Port Clyde, in the Atlantic Ocean.

**Mount Katahdin, Piscataquis County—20 miles north of Millinocket.*

New Gloucester Black Gum Stand, Cumberland County—2 miles southwest of Upper Gloucester.

**Orono Bog, Penobscot County—6 miles southwest of Old Town.*

Passadumkeag Marsh and Boglands, Penobscot County—2 miles east of Passadumkeag.

Penney Pond-Joe Pond Complex, Dennebec County—2½ miles south of the village of Belgrade.

**The Hermitage, Piscataquis County—6 miles northwest of Katahdin Iron Works.*

MARYLAND

**Battle Creek Cypress Swamp, Calvert County—on Maryland 506, between BOWENS and Port Republic.*

Belt Woods, Prince Georges County—15 miles east of downtown Washington, D.C.

**Cranesville Swamp Nature Sanctuary, Garrett County, Md. and Preston County, W. Va.—9 miles north of Terra Alta, W. Va. (See also West Virginia.)*

**Long Green Creek and Sweathouse Branch, Baltimore County—1.7 miles north of Perry Hall.*

**Sugar Loaf Mountain, Frederick County—16 miles south of Frederick.*

MASSACHUSETTS

**Acushnet Cedar Swamp, Bristol County—northwest of New Bedford.*

**Bartholomew's Cobble, Berkshire County, Mass., and Litchfield County, Conn.—1 mile west of Ashley Falls, Mass. (See also Connecticut.)*

**Fannie Stebbins Refuge, Hampden County—5 miles south of Springfield.*

**Gay Head Cliffs, Dukes County—on western tip of Martha's Vineyard.*

**Hawley Bog, Franklin County—1 mile northwest of the village of Hawley.*

Lynnfield Marsh, Essex and Middlesex Counties—between Wakefield and South Lynnfield.

North and South Rivers, Plymouth County—centered about 21 miles southeast of Boston.

Poutwater Pond, Worcester County—north of Holden.

MICHIGAN

**Black Spruce Bog Natural Area, Jackson County—10 miles northeast of Jackson.*

**Dead Stream Swamp, Roscommon and Missaukee Counties—Houghton Lake State Forest, 30 miles northeast of Cadillac.*

**Dukes Research Natural Area, Marquette County—Upper Peninsula Experimental Forest, 17 miles southeast of Marquette.*

Grand Mere Lakes area, Berrien County—2 miles southwest of Stevensville.

**Haven Hill State Natural Area, Oakland County—Highland State Recreation Area, 14 miles west of Pontiac.*

**Newton Woods, Cass County—28 miles southwest of Kalamazoo.*

**Strangmoor Bog, Schoolcraft County—Seney National Wildlife Refuge, southwest of Seney.*

**Tobico Marsh, Bay County—Tobico Marsh State Game Area, 7 miles north of Bay City.*

**Toumey Woodlot, Ingham County—on the Michigan State University campus in East Lansing.*

Warren Woods Natural Area, Berrien County—3 miles north of Three Oaks.

MINNESOTA

**Ancient River Warren Channel, Traverse and Big Stone Counties, Minn., and Roberts County, S. Dak.—near Browns Valley, Minn. (See also South Dakota.)*

**Cedar Creek Natural History Area, Anoka and Isanti Counties—30 miles north of Minneapolis.*

**Itasca Natural Area, Clearwater County—30 miles southwest of Bemidji.*

**Lake Agassiz Peatlands, Koochiching County—30 airline miles south of International Falls.*

Upper Red Lake Peatland, Beltrami County—center of site is 15 miles northwest of Waskish.

MISSISSIPPI

**Bienville Pines Scenic Area, Scott County—Bienville National Forest, South of Forest.*

**Chestnut Oak Disjunct, Calhoun County—16 miles north of Bruce.*

**Green Ash-Overcup Oak-Sweetgum Research Natural Areas, Sharkey County—Delta National Forest, 3 noncontiguous tracts are 18 miles west-northwest of Yazoo City.*

**Harrell Prairie Hill, Scott County—Bienville National Forest, 2 miles southeast of Forest.*

**Mississippi Petrified Forest, Madison County—17 miles north of Jackson.*

MISSOURI

Carroll Cave, Camden County

**Cupola Pond, Ripley County—Mark Twain National Forest, 12 miles south-southeast of Fremont.*

**Golden Prairie, Barton County—16 miles northeast of Carthage.*

**Maramec Spring, Phelps County—Maramec Spring Park, 8 miles southeast of St. James.*

**Mark Twain and Cameron Caves, Marion County—2 miles southeast of Hannibal.*

**Marvel Cave, Stone County—50 miles south of Springfield.*

Pickle Springs, St. Genevieve County—7 miles east of Farmington.

**Taberville Prairie, St. Clair County—2½ miles north of Taberville.*

**Trucker Prairie, Callaway County—7 miles north-northwest of Fulton.*

Wegener Woods, Warren County—¼ mile north of Holstein.

NEW MEXICO

- **Fort Stanton Cave, Lincoln County*—7 miles west of Lincoln.
- **Ghost Ranch, Rio Arriba County*—11 miles south of Canjilon.
- **Grants Lava Flow, Valencia County*—extends about 25 miles south from Grants, between New Mexico 117 on the east and New Mexico 53 on the west.
- **Kilbourne Hole, Dona Ana County*—26 miles southwest of Las Cruces.
- **Ship Rock, San Juan County*—35 miles west of Farmington.
- **Torgac Cave, Lincoln County*—20 air miles southeast of Corona.
- **Valles Caldera, Sandoval and Rio Arriba Counties*—30 miles northwest of Santa Fe.

NEW YORK

- **Bear Swamp, Albany County*—2 miles south of the village of Westerlo.
- **Bergen-Byron Swamp, Genesee County*—between Bergen and Byron.
- **Big Reed Pond, Suffolk County*—3 miles west of Montauk Point.
- **Deer Lick Nature Sanctuary, Cattaraugus County*—4 miles southeast of Gowanda.
- **Dexter Marsh, Jefferson County*—2 miles southwest of the town of Dexter.
- **Ellenville Fault-Ice Caves, Ulster County*—5 miles southeast of Ellenville.
- **Fall Brook Gorge, Livingston County*—1½ miles south of Genesee.
- **Fossil Coral Reef, Genesee County*—4 miles northwest of Le Roy.
- **Gardiner's Island, Suffolk County*—100 miles east of New York City, in Block Island Sound off Long Island.
- **Hart's Woods, Monroe County*—10 miles southeast of Rochester.
- **Iona Island Marsh, Rockland County*—2 miles south of Fort Montgomery.
- **Ironsides Island, Jefferson and St. Lawrence Counties*—in St. Lawrence River, 8 miles northeast of town of Alexandria Bay.
- **Lakeview Marsh and Barrier Beach, Jefferson County*—20 miles southwest of Watertown.
- **McLean Bogs, Tompkins County*—1½ miles east-southeast of the village of McLean.
- **Mendon Ponds Park, Monroe County*—11 miles south of Rochester.
- **Mianus River Gorge, Westchester County*—2 miles south of Bedford.
- **Montezuma Marshes, Seneca County*—Montezuma National Wildlife Refuge, 4 miles northeast of Seneca Falls.
- **Moss Island, Herkimer County*—within city limits of Little Falls.
- **Moss Lake Bog, Allegany County*—2 miles southwest of Houghton.
- **Oak Orchard Creek Marsh, Genesee and Orleans Counties*—Iroquois National Wildlife Refuge, 7 miles south-southeast of Medina.
- **Petrified Gardens, Saratoga County*—4 miles west of Saratoga Springs.
- **Round Lake, Onondaga County*—2 miles northeast of Fayetteville.
- **Thompson Pond, Dutchess County*—20 miles east of Kingston.
- **Zurich Bog, Wayne County*—9 miles north of the city of Newark.

NORTH CAROLINA

- **Green Swamp, Brunswick County*—9 miles north of the village of Supply.
- **Long Hope Creek Spruce Bog, Ashe and Watauga Counties*—10 miles north-northeast of Boone.

- **Mount Jefferson State Park, Ashe County*—1 mile east of West Jefferson.
- **Mount Mitchell State Park, Yancey County*—20 miles northeast of Asheville.
- **Nags Head Woods and Jockey Ridge, Dare County*—1½ miles northwest of Nags Head on Bodie Island.
- **Piedmont Beech Natural Area, Wake County*—William B. Umstead State Park, 7 miles northwest of Raleigh.
- **Pilot Mountain, Surry County*—Pilot Mountain State Park, 3 miles south of the town of Pilot Mountain.
- **Stone Mountain, Alleghany and Wilkes Counties*—Stone Mountain State Park, 9 miles southeast of Sparta.

NORTH DAKOTA

- **Rush Lake, Cavalier County*—5 miles south of Hannah.
- **Sibley Lake, Kidder County*—5 miles north of Dawson.
- **Two-Top Mesa and Big Top Mesa, Billings County*—14 airline miles northwest of Fairfield.

OHIO

- **Arthur B. Williams Memorial Woods, Cuyahoga County*—within corporate boundary of Mayfield.
- **Blacklick Woods, Fairfield County*—1 mile south of Reynoldsburg.
- **Brown's Lake Bog, Wayne County*—11 miles southwest of Wooster.
- **Buzzardroost Rock-Lynx Prairie-The Wilderness, Adams County*—75 miles east of Cincinnati.
- **Cedar Bog, Champaign County*—7 miles north of Springfield.
- **Clear Fork Gorge, Ashland County*—4 miles south of Loudenville.
- **Clifton Gorge, Greene County*—10 miles south of Springfield.
- **Crall Woods, Ashland County*—5 miles south-southwest of New London.
- **Cranberry Bog, Licking County*—20 miles east of Columbus.
- **Dysart Woods, Belmont County*—11 miles southwest of St. Clairsville.
- **Fort Hill State Memorial, Highland County*—3 miles north-northwest of Sinking Spring.
- **Glacial Grooves State Memorial, Erie County*—on Kelleys Island, 5 miles offshore from Marblehead.
- **Glen Helen Natural Area, Greene County*—in Yellow Springs.
- **Goll Woods, Fulton County*—Goll Woods State Forest, 3 miles northwest of Archbold.
- **Hazelwood Botanical Preserve, Hamilton County*—½ mile east of Hazelwood.
- **Holden Natural Areas, Lake and Geauga Counties*—30 miles east of Cleveland.
- **Hueston Woods, Butler and Preble Counties*—4½ miles north of Oxford.
- **Mantua Swamp, Portage County*—at the southeast edge of Mantua.
- **Mentor Marsh, Lake County*—near Painesville.
- **Tinkers Creek Gorge, Cuyahoga County*—12 miles southeast of Cleveland.
- **White Pine Bog Forest, Geauga County*—3½ miles south-southwest of Burton.

OKLAHOMA

- **Devil's Canyon, Canadian County*—22 miles west-southwest of El Reno.
- **McCurtain County Wilderness Area, McCurtain County*—center of site is 12 miles south of Smithville.

OREGON

- **Crown Point, Multnomah County*—24 miles east of Portland.
- **Fort Rock State Monument, Lake County*—49 miles south-southeast of Bend.
- **Horse Ridge Natural Area, Deschutes County*—16 miles southeast of Bend.
- **Newberry Crater, Deschutes County*—Deschutes National Forest, 24 miles south-southeast of Bend.

PENNSYLVANIA

- **Bear Meadows Natural Area, Centre County*—6 miles southeast of State College.
- **Box Huckleberry Site, Perry County*—1 mile south of New Bloomfield.
- **Cook Forest, Clarion County*—Cook Forest State Park.
- **Ferncliff Peninsula Natural Area, Fayette County*—Ohiopyle State Park, 20 miles southeast of Connellsville.
- **Ferncliff Wildflower and Wildlife Preserve, Lancaster County*—3 miles west of Wakefield.
- **Florence Jones Reineman Wildlife Sanctuary, Perry and Cumberland Counties*—8 miles northwest of Carlisle.
- **Hawk Mountain Sanctuary, Berks County*—30 miles north of Reading.
- **Hearts Content Scenic Area, Warren County*—14 miles southwest of Warren.
- **Hemlocks Natural Area, Perry County*—12 miles south of Blain.
- **Hickory Run Boulder Field, Carbon County*—in the Pocono Plateau region.
- **Lake Lucavac, Wayne County*—25 miles east of Scranton.
- **McConnell's Mill State Park, Lawrence County*—40 miles north of Pittsburgh.
- **Pine Creek Gorge, Tioga County*—12 mile roadless stretch between Ansonia and Blackwell.
- **Presque Isle, Erie County*—near the city of Erie.
- **Reynolds Spring and Algerine Swamp Bogs, Tioga County*—Tioga State Forest, 3 miles south of Leetonia.
- **Snyder-Middleswarth Natural Area, Snyder County*—5 miles west of Troxelville.
- **Susquehanna Water Gaps, Perry County*—18 miles north of Harrisburg.
- **Tamarack Swamp, Warren County*—4 miles northeast of Columbus.
- **Tannersville Cranberry Bog, Monroe County*—5 miles northwest of Stroudsburg.
- **The Glens Natural Area, Sullivan and Luzerne Counties*—in Ricketts Glen State Park, 25 miles east of Williamsport.
- **Tinicum Wildlife Preserve, Philadelphia County*—Philadelphia.
- **Tionesta Scenic and Research Natural Areas, Warren and McKean Counties*—7 miles south of Ludlow.
- **Titus and Wattsburg Bogs, Erie County.*
- **Wissahickon Valley, Philadelphia County*—Fairmount Park, Philadelphia.

PUERTO RICO

- **Mona and Monito Islands*—two separate islands in the Caribbean.

RHODE ISLAND

- **El Pond, Washington County*—2 miles southwest of Rockville.

SOUTH CAROLINA

- **Congaree River Swamp, Richland County*—20 miles southeast of Columbia.

*John de la Howe Forest, McCormick County—23 miles southwest of Greenwood.

SOUTH DAKOTA

*Ancient River Warren Channel, Roberts County, S. Dak., and Traverse and Big Stone Counties, Minn.—near Browns Valley, Minnesota. (See also Minnesota.)

*Bear Butte, Meade County—5 miles north of Fort Meade.

Bijou Hills, Charles Mix County—23 miles northwest of Platte.

*Cathedral Spires and Limber Pine Natural Area, Custer County—Custer State Park, 23 miles southwest of Rapid City.

Cottonwood Slough-Dry Run, Roberts County—extends for 11 miles south of Victor.

*Fort Randall Eagle Roost, Charles Mix County—directly below Fort Randall Dam, on the Missouri River.

*Lake Thompson, Kingsbury County—8 miles southeast of De Smet.

*Red Lake, Brule County—8 miles southeast of Chamberlain.

*Sica Hollow, Marshall and Roberts Counties—10 miles northwest of Sisseton.

*Snake Butte, Washabaugh County—Pine Ridge Reservation.

*The Castles, Harding County—20 miles east of Buffalo.

TENNESSEE

*Arnold Engineering Development Center Natural Areas, Coffee County—two non-contiguous tracts are 4½ miles south-southeast and 7 miles southeast of Manchester.

Big Bone Cave, Van Buren County—5 miles west-northwest of Spencer.

*Cedar Glades Natural Area, Wilson County—Cedars of Lebanon State Forest, 10 miles south of Lebanon.

Conley Hole, Grundy County—2 miles southeast of Viola.

*Cumberland Caverns (Higginbotham and Henshaw Caves), Warren County—5 miles east of McMinnville.

Dick Cove, Franklin County—2½ miles northwest of Sewanee.

Grassy Cove Karst Area, Cumberland County—9 miles southeast of Crossville.

*Lost Sea (Craighead Caverns), Monroe County—5 miles southeast of Sweetwater.

May Prairie, Coffee County—3½ miles southeast of Manchester.

*McAnulty's Woods, Hardeman County—within city limits of Bolivar.

Piney Falls, Rhea County—2 miles north of Spring City.

*Reelfoot Lake, Lake and Obion Counties—near Tiptonville.

Savage Gulf, Grundy County—25 miles southeast of McMinnville.

TEXAS

*Atwater Prairie Chicken Preserve, Colorado County—55 miles west of Houston.

*Caverns of Sonora, Sutton County—16 miles southwest of Sonora.

Devil's Sinkhole, Edwards County—9 miles northeast of Rocksprings.

*Dinosaur Valley, Somervell County—just west of Glen Rose.

*Enchanted Rock, Llano and Gillespie Counties—12 miles southwest of Oxford.

*Ezell's Cave, Hays County—within the city limits of San Marcos.

Greenwood Canyon, Montague County.

*Longhorn Cavern, Burnet County—Longhorn Cavern State Park, 11 miles southwest of Burnet.

*Natural Bridge Caverns, Comal County—16 miles west of New Braunfels.

*Odessa Meteor Crater, Ector County—10 miles southwest of Odessa.

*Palo Duro Canyon State Park, Randall and Armstrong Counties—22 miles south-southeast of Amarillo.

*Santa Ana National Wildlife Refuge, Hidalgo County—7 miles south of Alamo.

UTAH

*Cleveland-Lloyd Dinosaur Quarry, Emery County—7 miles east of Cleveland.

*Joshua Tree Natural Area, Washington County—10 miles southwest of St. George. Little Rockies, Garfield County—43 miles south-southeast of Hanksville.

*Neffs Canyon Cave, Salt Lake County—Wasatch National Forest.

VERMONT

*Barton River Marsh, Orleans County—3 miles south of Newport.

Battell Biological Preserve, Addison County—4 miles east of Middlebury.

*Camel's Hump, Chittenden and Washington Counties—midway between Montpelier and Burlington.

Cornwall Swamp, Addison County—2 miles southeast of the village of Cornwall.

*Fisher-Scott Memorial Pines, Bennington County—2 miles north of Arlington.

Franklin Bog, Franklin County—1 mile east-northeast of the village of Franklin.

*Lake Willoughby Natural Area, Orleans County—Westmore Township.

Little Otter Creek Marsh, Addison County—2 miles north-northwest of Ferrisburg.

Molly Bog, Lamoille County—3½ miles northeast of the village of Stowe.

VIRGINIA

Butler Cave-Breathing Cave, Bath County—½ mile north of Burnsville.

*Caledon State Park, King George County—5 miles north-northeast of the village of King George.

*Charles C. Steiry Natural Area, Sussex County—2 miles west of the village of Dendron.

Grand Caverns, Augusta County—south of Grottoes.

Great Dismal Swamp, Nansemond County—20 miles west of Norfolk.

*Luray Caverns, Page County—1½ miles west of the center of Luray.

Rich Hole, Rockbridge County—George Washington National Forest, 13 miles northwest of Lexington.

*Seashore Natural Area—Virginia Beach, near Cape Henry.

WASHINGTON

Ginkgo Petrified Forest, Kittitas County—29 miles east of Ellensburg.

*Grand Coulee, Grant County—between towns of Grand Coulee and Soap Lake.

*Mima Mounds, Thurston County—west of Little Rock.

Nisqually Delta, Pierce and Thurston Counties—15 miles east of Olympia.

*Point of Arches, Clallam County—10 miles south of Cape Flattery.

*Steptoe Butte, Whitman County—50 miles south of Spokane.

WEST VIRGINIA

*Big Run Bog, Tucker County—Monongahela National Forest, 7 miles east of Parsons.

*Blister Run Swamp, Randolph County—Monongahela National Forest, 4 miles northwest of Durbin.

Canaan Valley, Tucker County—center of site is 5 miles due east of Davis.

*Cathedral Park, Preston County—4 miles west of U.S. 219, on U.S. 50.

*Cranberry Glades Botanical Area, Pocahontas County—Monongahela National Forest, 5 miles northwest of Hillsboro.

*Cranesville Swamp Nature Sanctuary, Preston County, WV and Garrett County, Md.—9 miles north of Terra Alta, W. VA. (See also Maryland.)

*Fisher Spring Run Bog, Tucker County—Monongahela National Forest, 11 miles southeast of Davis.

*Gaudineer Scenic Area, Randolph and Pocahontas Counties—Monongahela National Forest, 5 miles north of Durbin.

Germany Valley Karst Area, Pendleton County—between Riverton and mouth of Seneca.

Greenbrier Caverns, Greenbrier County—north and south of Organ Cave.

Greenville Saltpeter Cave, Monroe County—¼ mile north of the town of Greenville.

*Lost World Caverns, Greenbrier County—2 miles north of Lewisburg.

Sennett-Thorn Mountain Cave System, Pendleton County—¼ mile northwest of Moyers.

*Shavers Mountain Spruce-Hemlock Stand, Randolph County—Monongahela National Forest, 7 miles northwest of Harman.

Swago Karst Area, Pocahontas County—3 miles west of Marlinton.

WISCONSIN

Abraham's Woods, Green County—2 miles southwest of Albany.

Cedarburg Bog, Ozaukee County—4 miles west of Saukville.

Chippewa River Bottoms, Buffalo County—north of Wabasha, Minn.

*Chippewa Prairie, Kenosha County—5 miles south of Kenosha.

Finnerud Forest Scientific Area, Oneida County—2 miles southwest of Minocqua.

*Flambeau River Hemlock-Hardwood Forest, Sawyer County—Flambeau River State Forest, 20 miles southwest of Park Falls.

Kakagon Sloughs, Ashland County—2 miles north of the town of Odanah.

Kickapoo River Natural Area, Vernon County—between Ontario and La Farge.

*Ridges Sanctuary-Toft's Point-Mud Lake Area, Door County—center of site is 2½ miles northeast of the village of Baileys Harbor.

Spruce Lake Bog, Fond du Lac County—Kettle Moraine State Forest, 2 miles northwest of the village of Dundee.

*Summerton Bog, Marquette County—3 miles southeast of the village of Oxford.

*Wyalusing Hardwood Forest, Grant County—Wyalusing State Park, 6 miles north of Bagley.

WYOMING

*Bone Cabin Fossil Area, Albany County.

Como Bluff, Carbon and Albany Counties—5 miles east of Medicine Bow.

*Crooked Creek Natural Area, Big Horn County—15 miles northeast of Lovell.

Lance Creek Fossil Area, Niobrara County—25 miles north of Lusk.

*Two Ocean Pass, Teton County—on the Continental Divide in Teton National Forest.

[FR Doc. 78-11348 Filed 4-26-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[337-TA-39]

CERTAIN LUGGAGE PRODUCTS

Notice and Order Concerning Procedure For Commission Action

Notice is hereby given that—

On March 24, 1978, the Presiding Officer in investigation No. 337-TA-39 (Certain Luggage Products), an investigation being conducted by the U.S. International Trade Commission under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337) issued his recommended determination that:

1. There is reason to believe, at this stage of the investigation, that there is a violation of section 337 of the Tariff Act of 1930 in the unauthorized importation into the United States, and the sale of certain luggage products by reason of the fact that these luggage products infringe U.S. Letters Patent Des. 242,181, with the effect or tendency to destroy or substantially injure an industry, efficiently and economically operated in the United States; and, further,

2. The motions to terminate this investigation as to respondents Alexander's, Inc.; Amba Marketing Systems, Inc., d.b.a. Ambassador Leather Goods; Dayco Corp. (Seward Luggage Division); and Suh Won America, Inc., should be granted.

The Presiding Officer has certified the evidentiary record to the Commission for its consideration. Copies of the Presiding Officer's recommended determination can be obtained by interested persons by contacting the Office of the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Requests for oral argument and oral presentation. The Commission will hold a hearing beginning at 9:30 a.m., e.d.t., May 5, 1978, in the Commission's Hearing Room, Room 331, 701 E Street NW., Washington, D.C., for the purposes of: (1) Hearing oral argument with respect to the recommended determination of the Presiding Officer concerning whether there is reason to believe there is a violation of section 337 of the Tariff Act of 1930; and the appropriate standard for granting temporary relief in section 337 proceedings; and (2) oral presentations concerning whether any action (exclusion of articles from entry except under bond or a cease and desist order) should be ordered, the form in which such action should be ordered, the amount and type of bond required, and the public interest factors.

For the purpose of this hearing, parties wishing to make oral argument with respect to the recommended determination and the appropriate standard for temporary relief in section 337 proceedings shall be limited to no more than 30 minutes time per party, 10 minutes of which may be reserved by complainant for rebuttal. The Commission will receive information concerning the appropriate relief in this investigation, the amount of any bond required, and the public interest factors from all parties and interested persons and agencies. Each participant will be limited to no more than 30 minutes time in making his or her presentation, and each participant will be permitted an additional 5 minutes time for closing arguments after all of the 30 minute presentations have been concluded.

Requests for appearances at the hearing should be filed, in writing, with the Secretary of the Commission at his office in Washington no later than noon, April 28, 1978. Requests should indicate the part of the hearing (i.e., with respect to the recommended determination; relief; bonding; or the public interest factors or any combination of them) in which the requested person desires to participate.

Written submissions from the parties, other interested persons, Government agencies and departments, Governments or the public with respect to the recommended determination, the appropriate standard for granting temporary relief in section 337 proceedings, and the subject matter of subsections (a)(1), and (a)(2), and (a)(3) of § 210.14 of the Commission's rules of practice and procedure (19 CFR 210.14(a) (1), (2), and (3)) (i.e., with respect to remedy, bonding, and the public interest) will be considered if received by May 22, 1978.

Notice of the Commission's institution of the investigation was published in the FEDERAL REGISTER of November 30, 1977 (42 FR 60962).

By order of the Commission.

Issued April 21, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-11337 Filed 4-26-78; 8:45 am]

[7020-02]

[Investigation No. 337-TA-44]

CERTAIN ROLLER UNITS

Commission Order and Memorandum Opinion

PROCEDURAL HISTORY

On March 22, 1978, James Betesh Import Co. (Betesh), a party respondent to the instant investigation, filed a motion, pursuant to § 210.51 of the Commission's rules of practice and procedure,¹ that it be terminated as a party respondent to the investigation.²

¹19 CFR 210.51.

²Motion docket No. 44-2.

The presiding officer, acting in conformity with sections 210.51 (a) and (c) and 210.53 of the rules,³ concluded that no violation of section 337 of the Tariff Act of 1930, as amended⁴ (section 337 exists with respect to Betesh; and he recommended by order of April 7, 1978,⁵ that Betesh be terminated as a party respondent.

DETERMINATION AND ORDER

Having considered Betesh's motion to terminate (motion docket No. 44-2) and supporting documents, the transcript of the preliminary conference of March 14, 1978, and the Commission investigative attorney's statement filed March 30, 1978, and the presiding officer's recommendation of April 7, 1978, the Commission determines that Betesh is not currently in violation of section 337.

Accordingly, the Commission grants motion No. 44-2 and orders that Betesh be and hereby is terminated as a party respondent to the instant investigation.

OPINION

Betesh's motion of March 22, 1978, was accomplished by a sworn affidavit of Mr. James Betesh, a partner in Betesh, which affirmed that Betesh had imported a single shipment of roller units of the type under investigation, but that no inventory existed and that the firm was no longer selling or importing such roller units. The Betesh affidavit also contained assurances that no further importing or selling of such roller units would occur.

The record of the preliminary conference held on March 14, 1978, in connection with this investigation shows that complainant, Presto Lock Co., does not oppose termination with respect to Betesh. The Commission investigative attorney filed a statement on March 30, 1978, in support of the motion.

Inasmuch as Betesh has ceased selling and importing the allegedly infringing roller units, has no inventory of such roller units, and has given assurances that it will not further engage in the selling or importing of such roller units, and in view of the fact that neither complainant nor the Commission investigative attorney oppose termination with respect to Betesh, the Commission has determined that Betesh is not presently in violation of section 337 and has granted the motion of Betesh (motion docket No. 44-2) that Betesh be terminated as a party respondent to the instant investigation.

Issued April 21, 1978.

¹19 CFR 210.51 (a) and (c) and 210.53.

²19 U.S.C. 1337.

³See Order Recommending Termination, etc., issued April 7, 1978.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-11336 Filed 4-26-78; 8:45 am]

[7020-02]

[Investigation No. 337-TA-40]

MONUMENTAL WOOD WINDOWS

Notice of Amendment of Complaint

Notice is hereby given that the United States International Trade Commission granted the motion of complainant Wrand Industries, Inc. filed March 14, 1978, to amend the complaint in investigation No. 337-TA-40 on monumental wood windows by deleting paragraph 4 of the complaint. There was no opposition to the motion, and the Presiding Officer recommended granting the motion on April 4, 1978.

The Commission determined that good cause was shown for the amendment and that there is no prejudice to the public interest and the rights of the parties to the investigation pursuant to § 210.20(d) of the Commission's rules of practice and procedure (19 CFR 210.20(d)). The purpose of the amendment of the complaint is to clarify an ambiguity involving the time period covered by the investigation.

Notice of institution of the investigation was published in the FEDERAL REGISTER on February 9, 1978 (42 FR 5593).

Issued April 21, 1978.

By Order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-11335 Filed 4-26-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES v. HOLSUM BAKERY, INC., ET AL.

Proposed Consent Judgment and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16 (b) through (h), that a proposed consent judgment and a competitive impact statement as set out below were filed on April 17, 1978, with the U.S. District Court for the District of Arizona in *United States v. Holsum Bakery, Inc., et al.* Civil No. 74-102 PHX-CAM.

The complaint in this case alleges that the defendants, wholesale producers of bakery products, conspired to fix, maintain and stabilize wholesale bakery product prices and conspired to rig and allocate bids to feder-

al and state agencies in the State of Arizona. The proposed judgment prohibits the defendants from entering into any agreement to fix or stabilize bakery product prices. The judgment also prohibits any collusion or rigging of any sealed bid to any governmental agency.

Public comment is invited within the statutory 60-day waiting period. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the District Court. Comments should be directed to Anthony E. Desmond, Chief, Antitrust Division, U.S. Department of Justice, 450 Golden Gate Avenue, Box 36046, San Francisco, Calif. 94102.

Dated: April 17, 1978.

CHARLES F. B. McALEER,
Special Assistant for Judgment
Negotiations, Antitrust Division.

John F. Young, Christopher S. Crook,
Department of Justice, Antitrust Division,
450 Golden Gate Avenue, Room
16432, Box 36046, San Francisco, Calif.
94102. Telephone: 415-556-6300.

UNITED STATES DISTRICT COURT, DISTRICT OF
ARIZONA

United States of America, Plaintiff, v. Holsum Bakery, Inc.; Rainbo Baking Company of Phoenix; Rainbo Baking Company of Tucson; Baird's Bread Company; and C. J. Patterson Company, Defendants.
Civil No. 74-102-PHX-CAM.
Filed: April 17, 1978.

STIPULATION

It is hereby stipulated by and between the undersigned parties, plaintiff United States of America, and defendants Holsum Bakery, Inc., Rainbo Baking Company of Phoenix, Rainbo Baking Company of Tucson, Baird's Bread Company, and C. J. Patterson Company, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16] and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing said notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated: April 17, 1978.

For the plaintiff: John H. Shenefield,
Assistant Attorney General; William
E. Swope; Charles F. B. McAleer; Anthony E. Desmond; John F. Young;
Christopher S. Crook; attorneys, Department of Justice.

For the defendants: Snell & Wilmer,
Phoenix, Ariz., by John J. Bouma, attorneys for Holsum Bakery, Inc.; Har-

ison, Myers & Singer, P.C., Phoenix, Ariz., by Mark I. Harrison, attorneys for Rainbo Baking Co. of Phoenix and Rainbo Baking Co. of Tucson; Carson, Messinger, Elliot, Laughlin & Ragan, Phoenix, Ariz., by Harry M. Beggs, attorneys for Baird's Bread Company; Blackwell, Sanders, Matheny, Weary & Lombardi, Kansas City, Mo., by Edward T. Matheny, Jr., attorneys for C. J. Patterson Company.

UNITED STATES DISTRICT COURT, DISTRICT OF
ARIZONA

United States of America, Plaintiff, v. Holsum Bakery, Inc.; Rainbo Baking Company of Phoenix; Rainbo Baking Company of Tucson; Baird's Bread Company; and C. J. Patterson Company, Defendants.
Civil No. 74-102-PHX-CAM.
Filed: April 17, 1978.

FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint herein on February 14, 1974, and plaintiff and defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting evidence of an admission by any party consenting hereto with respect to any issue;

Now, therefore, before any testimony or evidence has been taken herein, and without trial or adjudication of any issue of fact or law herein, and upon the consent of the parties hereto,

It is hereby ordered, adjudged and decreed as follows:

I

This Court has jurisdiction of the subject matter hereof, and of the parties hereto. Count I of the complaint states a claim upon which relief may be granted against defendants under Section 1 of the Sherman Act (15 U.S.C. § 1).

II

As used in this Final Judgment:

(a) "Person" means any individual, partnership, firm, corporation, association, or other business or legal entity;

(b) "Bakery products" means any type of bread or other baked product exclusive of fruit cakes, cookies and other confections, produced, distributed or sold by defendants;

(c) "Federal Institution" means any agency, instrumentality or institution of the United States of America which purchases bakery products;

(d) "State Institution" means any agency, instrumentality or institution of the State of Arizona or any political subdivision thereof, including, but not limited to, any county, city, town, municipality, or school district.

III

The provisions of this Final Judgment are applicable to any defendant herein and shall also apply to each of its officers, directors, agents, employees, successors and assigns, and to all other persons in active concert or participation with any of them, who shall have received actual notice of this Final Judgment by personal service or otherwise. The provisions of this Final Judgment shall apply only to acts or transactions of any defendant occurring within, or affecting any acts or transactions within, the State of Arizona.

IV

Each defendant is enjoined and restrained from directly or indirectly entering into, adhering to, maintaining, enforcing or claiming any right under any contract, agreement, combination, understanding, plan or program with any person to:

- (a) Fix, determine, establish, maintain or stabilize the prices, discounts or other terms or conditions for the sale of bakery products to any third person;
- (b) Submit noncompetitive collusive or rigged bids for bakery products to any federal institution;
- (c) Submit noncompetitive collusive or rigged bids for bakery products to any State institution, or to any other third person;
- (d) Allocate, rotate or divide markets, customers or territories;
- (e) Communicate to or exchange with any other person producing, distributing or selling any bakery product any actual or proposed price, price change, discount, or other term or condition or sale at or upon which any bakery product is to be, or has been, sold to any third person, prior to the communication of such information to customers generally.

Nothing in this Section IV shall be applicable to any prices, discounts or other terms or conditions of sale, or communications relating thereto, offered by a defendant to any person or offered by any person to a defendant in negotiating for, entering into or carrying out a sale or proposed sale or purchase of bakery products between that defendant and such other person, or where such other person is acting as a purchasing agent or group buying representative on behalf of any third person.

V

Each defendant is enjoined and restrained from directly or indirectly:

- (a) Communicating to or exchanging with any other person producing, distributing or selling bakery products any information relating to price, discount or any other term or condition of sale of bakery products which has been charged or allowed or is to be charged or allowed by any person to any customer or prospective customer prior to the communication of such information to customers generally.
- (b) Communicating to or exchanging with any other person producing, selling or distributing bakery products any information relating to price, discount or any other term or condition of sale of bakery products which has been charged or allowed or is to be charged to allowed by any person to any federal or state institution prior to the communication of such information to the public generally.
- (c) Nothing in this Section V shall be applicable to any prices, discounts or other terms or conditions of sale, or communications relating thereto, offered by a defendant to any person or offered by any person to a defendant in negotiating for, entering into, or carrying out a sale or proposed sale or purchase of bakery products between that defendant and such other person, or where such other person is acting as a purchasing agent or group buying representative on behalf of any third person.

VI

Each defendant shall for a period of five (5) years from the date of entry of this Final Judgment, furnish simultaneously with each bid or quotation required to be sealed which is submitted by it for the sale

of bakery products to any federal institution in the State of Arizona, a written certification by an officer of such defendant, that such bid was not in any way the result, directly or indirectly, of any agreement, understanding, or communication with any other producer, seller or distributor of bakery products. Nothing in this Section VI shall be interpreted to prohibit any defendant from negotiating for, entering into, or carrying out purchase or sale transactions with any other person, with respect to said bid, whereby the defendant would purchase of supply bakery products; provided, however, that the amount of such defendant's bid for such purchased products shall not in any way be the result of any agreement, understanding or communication between such defendant and such other person.

VII

For a period of five (5) years from the date of entry of this Final Judgment, each defendant shall preserve all written price computations and other written calculations actually performed by such defendant, in the preparation and submission of any bid required to be sealed which is submitted to any federal or state institution, and shall retain such written computations and calculations for a period of at least (5) years from the date each bid which is based on such computations or calculations is submitted to any federal or state institution.

VIII

The injunctions contained in this Final Judgment shall not apply to relations between a defendant and a parent or subsidiary of, or corporations under common control with, such defendant or between the officers, directors, agents and employees thereof.

IX

Each defendant shall:

- (a) Serve within sixty (60) days after the entry of this Final Judgment a copy of this Final Judgment upon each of its officers and directors, and upon each of its employees and agents who have any responsibility for establishing prices, discounts or other terms or conditions for the sale of bakery products;
 - (b) Serve a copy of this Final Judgment upon each successor to such officers, directors, employees or agents described in Paragraph (a) of this Section IX within sixty (60) days after such successor becomes employed or associated with each such defendant;
 - (c) Within ninety (90) days after entering of this Final Judgment, to file with this court and to serve upon the plaintiff affidavits concerning the fact and manner of compliance with Paragraph (a) of this Section IX.
- Upon motion of the plaintiff or upon this Court's own motion, responsible officials of each defendant may from time to time be ordered to appear before this Court to give sworn testimony relating to each such defendant's manner of compliance with the provisions of this Final Judgment.

XI

(A) For the purpose of determining or securing compliance with this Final Judgment, defendants shall permit duly authorized representatives of the Department of Justice, on written request of the Attorney General or the Assistant Attorney

General in charge of the Antitrust Division, and on reasonable notice, subject to any legally recognized privilege:

- (1) Access, during the business hours of defendants, who may have counsel present, to those books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of defendants which relate to any matters contained in this Final Judgment;
 - (2) Subject to the reasonable convenience of defendants and without restraint or interference from them, to interview officers, directors, agents, partners or employees of defendants, any of whom may have counsel present, regarding any matters contained in this Final Judgment.
- (B) For the purpose of determining or securing compliance with this Final Judgment, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, defendants shall submit such reports in writing, with respect to the matters contained in this Final Judgment, as may from time to time be requested.
- (C) No information obtained by the means provided in this Section XI of the Final Judgment shall be divulged by a representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law. If at the time information or documents are furnished by a defendant to plaintiff, such defendant identifies in writing the material in any such information or documents of a type described in Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days' notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a Grand Jury proceeding) to which that defendant is not a party.

XII

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or modification of any of the provisions thereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.

XIII

Entry of this Final Judgment is in the public interest. Dated:

United States District Judge.

John F. Young, Christopher S. Crook,
Department of Justice, Antitrust Division,
450 Golden Gate Avenue, Box
36046, San Francisco, Calif. 94102.

UNITED STATES DISTRICT COURT, DISTRICT OF
ARIZONA

*United States of America, Plaintiff, v.
Holsum Bakery, Inc.; Rainbo Baking Company
of Phoenix; Rainbo Baking Company
of Tucson; Baird's Bread Company; and C.
J. Patterson Company, Defendants.*

Civil No. 74-102-PHX-CAM.
Filed: April 17, 1978.

COMPETITIVE IMPACT STATEMENT

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16(b)], the United States hereby submits this Competitive Impact Statement relating to the proposed consent judgment submitted for entry in this civil antitrust proceeding.

I

NATURE OF THE PROCEEDING

On February 14, 1974, the United States filed a civil complaint under Section 4 of the Sherman Act [15 U.S.C. § 4], Section 4A of the Clayton Act [15 U.S.C. § 15a], and the False Claims Act [31 U.S.C. § 231 et seq.], alleging that defendants Holsum Bakery, Inc., Rainbo Baking Company of Phoenix, Rainbo Baking Company of Tucson, Baird's Bread Company, and C. J. Patterson Company violated Section 1 of the Sherman Act [15 U.S.C. § 1]. The complaint alleges that defendants and various co-conspirators engaged in a combination and conspiracy in unreasonable restraint of interstate trade and commerce, the substantial terms of which were: (a) to fix, raise, and maintain the prices of bakery products sold by defendants at wholesale in the Arizona market; (b) to fix and stabilize other terms and conditions for the sale of bakery products at wholesale in the Arizona market; (c) to eliminate discounts, the giving of free goods and other inducements to the sale of bakery products; (d) to submit collusive and rigged bids to governmental agencies and other institutions requesting competitive bids for the sale of bakery products; and (e) to allocate bakery product customers among themselves.

In two alternative claims in the Complaint, the United States sought money damages for alleged overcharges suffered by the United States as a result of the alleged conspiracy. The United States and the various defendants have previously settled and compromised the government's damage claims in the amount of \$561,000, without any adjudication of fact or law on these issues.

In a federal grand jury indictment, also filed on February 14, 1974, the same corporate defendants and six of their executives were charged with a criminal violation of the Sherman Act, arising out of the same alleged conspiracy. All defendants in the criminal case were permitted to enter pleas of *nolo contendere* over the government's objection. In May 1974, U.S. District Judge C. A. Muecke sentenced Roland W. Baird, Jr., president of Baird's Bread Company, and Clark Rorbach, former president of Holsum Bakery, Inc., to serve 30-day terms of imprisonment. The remaining individual defendants, Virgil Glaze, president of Rainbo Baking Company of Tucson, I. H. Dalley, president of Rainbo Baking Company of Phoenix, L. E. Eisele, Jr., president of Holsum Bakery, Inc., and Arnold Gunier, former vice president of Baird's Bread Company, were given suspended sentences and placed on probation. All defendants were also sentenced to pay fines, which totalled \$187,500.

Entry by the Court of the proposed consent judgment will terminate the remaining portions of this civil action, except insofar as the Court will retain jurisdiction over the matter for possible further proceedings

which may be required to interpret, modify or enforce the judgment, or to punish alleged violations of any of the provisions of the judgment.

II

DESCRIPTION OF PRACTICES INVOLVED IN THE ALLEGED VIOLATION

Defendants are producers of bakery products such as bread, rolls, and similar products which they sell, as wholesalers, to retail grocery stores, restaurants, hospitals, schools, and other institutions run by federal, state, and local governmental agencies. Their total sales of bakery products in 1972 were approximately \$30 million, which accounted for approximately 85 percent of wholesale bakery product sales in Arizona.

The government would have been prepared to prove at trial that the defendant bakers, through their management-level employees, had frequent communications and meetings among themselves about various aspects of the bakery business. Evidence would have been offered that, at various times during the alleged conspiracy, defendants' employees met, discussed, and agreed on wholesale price increases, discount levels, and the elimination of discounts, and other price-related concessions offered to bakery product customers. The government was also prepared to prove that on several occasions, representatives of the defendant corporations met, discussed, and agreed on the levels of bids to public agencies (federal and state) and that there existed an agreement among the competitors to divide the public agency business among themselves pursuant to discussions among their representatives.

According to the Complaint, the alleged conspiracy had the following effects: (a) prices of bakery products in Arizona were raised to artificial and noncompetitive levels; (b) purchasers of bakery products from the defendants were deprived of free and open competition in the sale of bakery products in Arizona; and (c) competition in the sale of bakery products in Arizona among the defendant had been restrained.

Defendants, in their formal pleadings filed in the case, denied all the allegations in the government's Complaint and were prepared to dispute the evidence to be offered by the government at trial.

III

EXPLANATION OF THE PROPOSED CONSENT JUDGMENT

The United States and the defendants have stipulated that the proposed consent judgment, which is in a form negotiated by the parties, may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The stipulation between the parties provides that there has been no admission by any party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the proposed judgment by the Court is conditioned upon a determination by the Court that the judgment is in the public interest.

A. Prohibited conduct

The proposed judgment will permanently prohibit the defendants from entering into or adhering to any agreements or arrangements with any person to fix or maintain the prices or other terms or conditions for the sale of bakery products to any third

party. The judgment also prohibits the submission of any noncompetitive, collusive, or rigged bid for the sale of bakery products to any agency or institution of the federal government or the State of Arizona or any other person. Also forbidden is any agreement or understanding among defendants to allocate, rotate or divide markets, customers or territories. The judgment also prohibits defendants, by agreement or individually, from communicating or exchanging among themselves any information on prospective prices, discounts or other terms and conditions for the sale of bakery products, before such prices or other terms are made available to customers generally. Defendants are further enjoined from communicating or exchanging among themselves the terms of any bid to a public agency before such bid information is made available to the public generally.

B. Required conduct

To ensure that all bids to public agencies are made without collusion or agreement, the proposed judgment requires each defendant, for a period of five years, to submit with each sealed bid to a federal agency in Arizona a certificate stating that each such bid was not in any way the result of an agreement, understanding, or communication with any other producer, seller, or distributor of bakery products. False declarations made pursuant to this provision of the judgment would subject the certifying officer to criminal penalties under 18 U.S.C. § 1001. To permit monitoring of compliance with the provisions relating to competitive bidding, defendants are also required over a five-year period to preserve all written price computations and other calculations actually performed in connection with the submission of bids to public agencies, and to retain such computations for a period of five years after the date bids are submitted.

For the purpose of broadcasting to all responsible employees the prohibitions of the judgment, defendants are required, within 60 days, to serve a copy of the judgment on each of their directors and officers, and upon each of their employees or agents who have any responsibility for establishing prices, discounts, or other terms and conditions of sale. If new employees are hired in these positions in the future, defendants must also serve a copy of the judgment on these new employees. The judgment applies not only to the defendant corporations but also to their officers, directors, employees, and agents who have actual notice of the judgment. Accordingly, requiring the defendants to give such notice to their responsible personnel serves two purposes: it enables the affected employees to know what activities they are prohibited from engaging in, and it permits prosecution for criminal contempt of those employees who disregard the provisions of the judgment.

The Department of Justice is given access under the proposed judgment to the files and records of the defendant corporations, to examine such records for compliance or noncompliance with the judgment. The Department is also granted access to interview employees of the defendants to determine whether defendants are complying with the judgment. Defendants' officials may also be required to appear before the Court to testify under oath regarding their companies' compliance with the judgment.

C. Effect of the proposed judgment on competition

The relief encompassed in the proposed consent judgment is designed to prevent a

recurrence of any of the activities alleged in the Complaint. The prohibitory language of the judgment will ensure that all pricing decisions in this industry shall be made independently by the individual competitors. The judgment contains sufficient record-keeping requirements and access to defendants' records to allow the Department to adequately monitor defendants' activities in the future.

Accordingly, it is the opinion of the Department of Justice that the proposed judgment is fully adequate to prevent any future antitrust violations by the defendant corporations. It is also the view of the Department that disposition of the case without additional litigation is appropriate in view of the fact that the proposed judgment includes the form and scope of relief equal to that which might be obtained after a full airing of the issues at a trial.

IV

REMEDIES AVAILABLE TO POTENTIAL PRIVATE LITIGANTS

Section 4 of the Clayton Act [15 U.S.C. § 15] provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered, as well as costs and reasonable attorney fees. Following the filing of the government's Complaint in this action, several lawsuits were brought under Section 4 on behalf of various classes of persons allegedly injured as a result of the violation of the antitrust laws alleged in the government's lawsuit. These lawsuits, consolidated under the case title *In re Arizona Bakery Products Litigation*, include five class action suits: (a) one on behalf of all purchasers of bakery products who sell prepared food (the "restaurant class," captioned *Jimmy Jack's Drive In, Inc., et al. v. Rainbo Baking Co. of Phoenix, et al.*, No. CIV 74-208 PHX-CAM); (b) one on behalf of all purchasers of bakery products who sell bakery products at retail (the "grocery store class," *Miller, et al. v. Holsum Bakery, Inc., et al.*, No. CIV 74-246 PHX-CAM); (c) one on behalf of all state and local governmental purchasers of bakery products (the "governmental class," captioned *State of Arizona, et al. v. Holsum Bakery, Inc., et al.*, No. CIV 74-330 PHX-CAM); (d) one on behalf of all nongovernmental health care institutions, such as hospitals and nursing homes (the "hospital class," captioned *Samaritan Health Service, et al. v. Holsum Bakery, Inc., et al.*, No. CIV 74-418 PHX-CAM); and one on behalf of all consumers who purchased at retail bakery products produced by defendants between January 1, 1969 and December 31, 1973 (the "consumer class," captioned *Arizona Consumers Council v. Holsum Bakery, Inc.*, No. CIV 75-444 PHX-CAM). The government is advised that all these class action lawsuits are in the process of settlement, for a total amount of approximately \$6 million, which is to be distributed, in accordance with orders of the Court entered in those cases, among the various members of the five classes represented therein.

These plaintiffs and any potential plaintiffs will retain the same rights to seek monetary damages and equitable remedies that they would have had if the proposed judgment had not been entered. However, pursuant to Section 5(a) of the Clayton Act, amended 15 U.S.C. § 16(a), the judgment may not be used as prima facie evidence in private litigation.

V

PROCEDURES AVAILABLE FOR MODIFICATION OF THE PROPOSED JUDGMENT

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed judgment should be modified may submit written comments to Anthony E. Desmond, Department of Justice, Antitrust Division, 450 Golden Gate Avenue, San Francisco, Calif. 94102, within the 60-day period provided by the Act. The comments and the government's responses to them will be filed with the Court and published in the FEDERAL REGISTER. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed judgment at any time prior to its entry if it should determine that some modification of the judgment is necessary to the public interest. The proposed judgment itself provides that the Court will retain jurisdiction over this action, and that the parties may apply to the Court for such orders as may be necessary or appropriate for the modification or enforcement of the judgment.

VI

ALTERNATIVES TO THE PROPOSED CONSENT JUDGMENT

This case does not involve any unusual or novel issues of fact or law which might make litigation a more desirable alternative than the entry of the negotiated consent judgment. The proposed judgment contains, with one exception, all the relief which was requested in the Complaint. The Department did not insist in this case that the Judgment apply to activities of the defendants outside the State of Arizona. While nationwide injunctive relief is normally sought in price-fixing cases, it was determined that in the particular circumstances of this case, such a scope of relief was unnecessary. Four of the five defendant corporations did virtually no business outside Arizona. The fifth one, C. J. Patterson Company, does engage in the baking business in several other states. However, the evidence in the case demonstrated that the offense was entirely confined to the Arizona market, and as to C. J. Patterson Company, there was no evidence of participation in the charged conspiracy by employees other than those in Patterson's Arizona operations. Accordingly, a decree limited in scope to the Arizona market fully meets the need to prevent future violations by the firms named as defendants in the case.

VII

OTHER MATERIALS

No materials and documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16(b)] were considered in formulating this proposed judgment.

Dated: April 17, 1978.

JOHN F. YOUNG,
CHRISTOPHER S. CROOK,
Attorneys, Department of Justice.
[FR Doc. 78-11349 Filed 4-26-78; 8:45 a.m.]

[4410-01]

Office of the Attorney General

[Order No. 773-78]

PRIVACY ACT OF 1974

System of Records

On November 17, 1977, (42 FR 59432) consistent with the provisions of the Privacy Act of 1974, 5 U.S.C. 552a(e) (4) and (11), a proposal by the Immigration and Naturalization Service to establish a new system of records, entitled "Application and Petition Tracking System (APTS), JUSTICE/INS-002," was published in the FEDERAL REGISTER. Notice of the new system was published in its entirety at that time.

No comments were received regarding the proposed system. Pursuant to the authority vested in me by 5 U.S.C. 552a, the system is hereby adopted.

Dated: April 18, 1978.

GRIFFIN B. BELL,
Attorney General.

[FR Doc. 78-11508 Filed 4-26-78; 8:45 am]

[4410-01]

[Order No. 774-78]

PRIVACY ACT OF 1974

Notice of System-Wide Routine Use

Notice is hereby given that pursuant to the Privacy Act of 1974, 5 U.S.C. 552a(e) (4) and (11), the Department of Justice proposes to add the routine use printed below to the JUSTICE/LEAA-008 Civil Rights Investigative System, published in the FEDERAL REGISTER September 30, 1977 (42 FR 53318).

Department of Health, Education, and Welfare; state civil rights offices; and Law Enforcement Assistance Administration researchers for purposes of evaluation, technical assistance, and training.

Since this routine use is compatible with the previously published routine uses, no report to the Office of Management and Budget or the Congress is required. Inquiries or comments may be submitted in writing to the Office of Administrative Counsel, Office of Management and Finance, Room 1118, Department of Justice, Washington, D.C. 20530. All comments must be received on or before May 30, 1978. No oral hearings are contemplated.

Dated: April 18, 1978.

GRIFFIN B. BELL,
Attorney General.

[FR Doc. 78-11509 Filed 4-26-78; 8:45 am]

[4410-01]

[Order No. 775-78]

PRIVACY ACT OF 1974

System of Records

On October 5, 1977 (42 FR 54337), consistent with the provisions of the Privacy Act, 5 U.S.C. 552a(11), a proposal by the Immigration and Naturalization Service to add a new subsystem of records entitled the "Application and petition system" to the Immigration and Naturalization Service Index System, JUSTICE/INS-001, was published in the FEDERAL REGISTER.

No comments were received regarding the proposed system. Pursuant to the authority vested in me by 5 U.S.C. 552a, the new subsystem is hereby added.

Dated: April 18, 1978.

GRIFFIN B. BELL,
Attorney General.

[FR Doc. 78-11510 Filed 4-26-78; 8:45 am]

[4410-01]

[Order No. 776-78]

PRIVACY ACT OF 1974

Proposed Routine Uses and Changes to Systems of Records

Notice is given that pursuant to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, the following routine uses and other modifications to the systems reported in the Annual Compilation of Systems of Records publication (42 FR 53228 through 53429) are proposed by the Department of Justice.

JUSTICE/FBI-001, National Crime Information Center: The "routine uses" have been restated to include the exchange of criminal history data with the District of Columbia and Puerto Rico and to show the exchange of "want" files with the Royal Canadian Mounted Police.

JUSTICE/FBI-009, Identification Division Records System: The "routine uses" have been restated to include the exchange of "rap sheet" (criminal history) information with foreign governments.

JUSTICE/DAG-002, Freedom of Information and Privacy Appeals Index: The information in "categories of records" has been restated to describe more accurately the records covered by the system.

JUSTICE/PRC-002, Freedom of Information Act Record System: This has been expanded to include Privacy Act records. The "system name" has been changed to "Freedom of Information and Privacy Act Record System," and the notice has been modified accordingly.

JUSTICE/PRC-003, Inmate and Supervision Files: A change is proposed in paragraph (f) of the "routine uses"

portion of the system notice to provide details regarding the use of these records by U.S. District Court judges.

JUSTICE/PRC-007, Workload Record, Decision Result, and Annual Report System: The "storage," "retrievability," and "retention and disposal" portions of this system notice are amended to reflect implementation of a program to convert part of the recordkeeping system to magnetic tape.

JUSTICE/CIV-002, Civil Division Case File System: Customs Section: The "notification procedure" portion of the system notice, which had been inadvertently omitted in previous publications, is presented along with the system notice in its entirety.

JUSTICE/USA-005, Civil Case Files: A new "routine use" is proposed, which would permit release of records relating to actual or potential violations of title 17, U.S. Code, to individuals injured by such violations.

JUSTICE/DEA-008, Investigative Reporting and Filing System: The "categories of records" portion of the notice has been amended to describe the Narcotics and Dangerous Drugs Information System (NADDIS) index in more detail.

JUSTICE/LEAA-002, Law Enforcement Education System: A "routine use" is proposed, which would permit use by state and local agencies to verify eligibility of applicants for LEAA grants and loans.

Interested persons are invited to submit written comments on these proposals. Comments should be mailed to: Office of Administrative Counsel, Office of Management and Finance, Room 1118, Department of Justice, Washington, D.C. 20530. All comments must be received on or before May 30, 1978. No oral hearings are contemplated.

Dated: April 18, 1978.

GRIFFIN B. BELL,
Attorney General.

JUSTICE/FBI-001

System name:

National Crime Information Center (NCIC).

System location:

Federal Bureau of Investigation; J. Edgar Hoover Bldg., 10th and Pennsylvania Avenue NW., Washington, D.C. 20535.

Categories of individuals covered by the system:

A. Wanted Persons: 1. Individuals for whom Federal warrants are outstanding. 2. Individuals who have committed or have been identified with an offense which is classified as a felony or serious misdemeanor under the existing penal statutes of the jurisdiction originating the entry and felony or

misdemeanor warrant has been issued for the individual with respect to the offense which was the basis of the entry. Probation and parole violators meeting the foregoing criteria. 3. A "Temporary Felony Want" may be entered when a law enforcement agency has need to take prompt action to establish a "want" entry for the apprehension of a person who has committed, or the officer has reasonable grounds to believe has committed, a felony and who may seek refuge by fleeing across jurisdictional boundaries and circumstances preclude the immediate procurement of a felony warrant. A "Temporary Felony Want" shall be specifically identified as such and subject to verification and support by a proper warrant within 48 hours following the initial entry of a temporary want. The agency originating the "Temporary Felony Want" shall be responsible for subsequent verification or re-entry of a permanent want.

B. Individuals who have been charged with serious and/or significant offenses.

C. Missing Persons: 1. A person of any age who is missing and who is under proven physical/mental disability or is senile, thereby subjecting himself or others to personal and immediate danger. 2. A person of any age who is missing under circumstances indicating that his disappearance was not voluntary. 3. A person of any age who is missing and in the company of another person under circumstances indicating that his physical safety is in danger. 4. A person who is missing and declared unemancipated as defined by the laws of his state of residence and does not meet any of the entry criteria set forth in 1, 2, or 3 above.

Categories of records in the system:

A. Stolen Vehicle File: 1. Stolen vehicles. 2. Vehicles wanted in conjunction with felonies or serious misdemeanors. 3. Stolen vehicle parts, including certificates of origin or title.

B. Stolen License Plate File: 1. Stolen or missing license plates.

C. Stolen/Missing Gun File: 1. Stolen or missing guns. 2. Recovered gun, ownership of which has not been established.

D. Stolen Article File.

E. Wanted Person File: Described in "Categories of individuals covered by the system: A. Wanted Persons".

F. Securities File: 1. Serially numbered stolen, embezzled, counterfeited, missing securities. 2. "Securities" for present purposes of this file are currency (e.g. bills, bank notes) and those documents or certificates which generally are considered to be evidence of debt (e.g. bonds, debentures, notes) or ownership of property (e.g. common stock, preferred stock), and documents which represent subscription rights, warrants) and which are of those

types traded in the securities exchanges in the United States, except for commodities futures. Also included are warehouse receipts, travelers checks and money orders.

G. Boat File.

H. Computerized Criminal History File: A cooperative Federal-State program for the interstate exchange of criminal history record information for the purpose of facilitating the interstate exchange of such information among criminal justice agencies.

I. Missing Person File: Described in "Categories of individuals covered by the system: C. Missing Persons".

Authority for maintenance of the system:

The system is established and maintained in accordance with Title 28, United States Code, Section 534 and Title 28—Judicial Administration, Chapter I—Department of Justice (Order No. 601-75) Part 20—Criminal Justice Information Systems.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Data in NCIC files is exchanged with and for the official use of authorized officials of the Federal Government, the States, cities, and penal and other institutions in accordance with title 28, U.S. code, section 534. The data is exchanged through NCIC lines to Federal criminal justice agencies, criminal justice agencies in the 50 States, the District of Columbia, and Puerto Rico. Additionally, data contained in the various "want files," i.e., the stolen vehicle file, stolen license plate file, stolen/missing gun file, stolen article file, wanted person file, securities file, and boat file may be accessed by the Royal Canadian Mounted Police. Dissemination of criminal history record information is set forth in Title 28 of the Code of Federal Regulations—Judicial Administration, Chapter I—Department of Justice (Order No. 601-75) Part 20—Criminal Justice Information Systems, Subpart C, Section 20.33.

Release of information to the news media:

Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a

Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Information maintained in the NCIC system is stored electronically for use in a computer environment.

Retrievability:

On-line access to data in NCIC is achieved by using the following search descriptors. 1. Vehicle File: (a) Vehicle identification number; (b) License plate number; (c) NCIC number (unique number assigned by the NCIC computer to each NCIC record). 2. License Plate File: (a) License plate number; (b) NCIC number. 3. Gun File: (a) Serial number of gun; (b) NCIC number. 4. Article File: (a) Serial number of article; (b) NCIC number. 5. Wanted Person File: (a) Name and one of the following numerical identifiers date of birth, FBI number (number assigned by the Federal Bureau of Investigation to an arrest fingerprint record), Social Security number (It is noted the requirements of the Privacy Act with regard to the solicitation of Social Security numbers have been brought to the attention of the members of the NCIC system), Operator's license number (driver's license number), Miscellaneous identifying number (military number or number assigned by Federal, state, or local authorities to an individual's record, Originating agency case number, (b) Vehicle or license plate known to be in the possession of the wanted person; (c) NCIC number (unique number assigned to each NCIC record). 6. Securities File: (a) Type, serial number, denomination of security; (b) Type of security and name of owner of security; (c) Social Security number of owner of security, (d) NCIC number. 7. Boat File: (a) Registration document number; (b) Hull serial number; (c) NCIC number. 8. Computerized Criminal History File: (a) Name, sex, race, and date of birth; (b) FBI number, (c) State identification number; (d) Social Security Number; (e) Miscellaneous number. 9. Missing Person File—Same as "Wanted Person" File.

Safeguards:

Data stored in the NCIC is documented criminal justice agency information and access to that data is restricted to duly authorized criminal justice agencies. The following security measures are the minimum to be adopted by all criminal justice agencies having access to the NCIC Computerized Criminal History File. These measures are designed to prevent unauthorized access to the system data and/or unauthorized use of data obtained from the computerized file.

1. Computer Centers: a. The criminal justice agency computer site must have adequate physical security to protect against any unauthorized personnel gaining access to the computer equipment or to any of the stored data. b. Since personnel at these computer centers can access data stored in the system, they must be screened thoroughly under the authority and supervision of an NCIC control terminal agency. (This authority and supervision may be delegated to responsible criminal justice agency personnel in the case of a satellite computer center being serviced through a state control terminal agency.) This screening will also apply to non-criminal justice maintenance or technical personnel. c. All visitors to these computer centers must be accompanied by staff personnel at all times. d. Computers having access to the NCIC must have the proper computer instructions written and other built-in controls to prevent criminal history data from being accessible to any terminals other than authorized terminals. e. Computers having access to the NCIC must maintain a record of all transactions against the criminal history file in the same manner the NCIC computer logs all transactions. The NCIC identifies each specific agency entering or receiving information and maintains a record of those transactions. This transaction record must be monitored and reviewed on a regular basis to detect any possible misuse of criminal history data. f. Each state control terminal shall build its data system around a central computer, through which each inquiry must pass for screening and verification. The configuration and operation of the center shall provide for the integrity of the data base.

2. Communications: a. Lines/channels being used to transmit criminal history information must be dedicated solely to criminal justice use, i.e., there must be no terminals belonging to agencies outside the criminal justice system sharing these lines/channels. b. Physical security of the lines/channels must be protected to guard against clandestine devices being utilized to intercept or inject system traffic.

3. Terminal Devices Having Access to NCIC: a. All agencies having termi-

nals on the system must be required to physically place these terminals in secure locations within the authorized agency. b. The agencies having terminals with access to criminal history must have terminal operators screened and restrict access to the terminal to a minimum number of authorized employees. c. Copies of criminal history data obtained from terminal devices must be afforded security to prevent any unauthorized access to or use of that data. d. All remote terminals on NCIC Computerized Criminal History will maintain a hard copy of computerized criminal history inquiries with notations of individual making request for record (90 days).

Retention and disposal:

Unless otherwise removed, records will be retained in file as follows:

1. Vehicle File: a. Unrecovered stolen vehicle records (including snowmobile records) which do not contain vehicle identification numbers (VIN) therein, will be purged from file 90 days after the end of the license plate's expiration year as shown in the record. Unrecovered stolen vehicle records (including snowmobile records) which contain VIN's will remain in file for the year of entry plus 4. b. Unrecovered vehicles wanted in conjunction with a felony will remain in file for 90 days after entry. In the event a longer retention period is desired, the vehicle must be reentered. c. Unrecovered stolen VIN plates, certificates of origin or title, and serially numbered stolen vehicle engines or transmissions will remain in file for the year of entry plus 4.

2. License Plate File: Unrecovered stolen license plates not associated with a vehicle will remain in file for one year after the end of the plate's expiration year as shown in the record.

3. Gun File: a. Unrecovered weapons will be retained in file for an indefinite period until action is taken by the originating agency to clear the record. b. Weapons entered in file as "recovered" weapons will remain in file for the balance of the year entered plus 2.

4. Article File: Unrecovered stolen articles will be retained for the balance of the year entered plus one year.

5. Wanted Person File: Persons not located will remain in file indefinitely until action is taken by the originating agency to clear the record (except "Temporary Felony Wants", which will be automatically removed from file after 48 hours).

6. Securities File: Unrecovered, stolen, embezzled, counterfeited or missing securities will be retained for the balance of the year entered plus 4, except for travelers checks and money orders, which will be retained for the balance of the year entered plus 2.

7. Boat File: Unrecovered stolen boats will be retained in file for the balance of the year entered plus 4.

8. Missing Person File: Will remain in the file until the individual is located or, in the case of unemancipated persons, the individual reaches the age of emancipation as defined by laws of his state.

9. Computerized Criminal History File: When an individual reaches age of 80.

System manager(s) and address:

Director, Federal Bureau of Investigation; J. Edgar Hoover F.B.I. Building, 9th and Pennsylvania Avenue N.W., Washington, D.C. 20535.

Notification procedure:

Same as the above.

Record access procedures:

It is noted the Attorney General is exempting this system from the access and contest procedures of the Privacy Act. However, the following alternative procedures are available to a requester. The procedures by which an individual may obtain a copy of his Computerized Criminal History are as follows:

If an individual has a criminal record supported by fingerprints and that record has been entered in the NCIC CCH File, it is available to that individual for review, upon presentation of appropriate identification, and in accordance with applicable State and Federal administrative and statutory regulations.

Appropriate identification includes being fingerprinted for the purpose of insuring that he is the individual that he purports to be. The record on file will then be verified as his through comparison of fingerprints.

Procedure 1. All requests for review must be made by the subject of his record through a law enforcement agency which has access to the NCIC CCH File. That agency within statutory or regulatory limits can require additional identification to assist in securing a positive identification.

2. If the cooperating law enforcement agency can make an identification with fingerprints previously taken which are on file locally and if the FBI identification number of the individual's record is available to that agency, it can make an on-line inquiry of NCIC to obtain his record on-line or, if it does not have suitable equipment to obtain an on-line response, obtain the record from Washington, D.C., by mail. The individual will then be afforded the opportunity to see that record.

3. Should the cooperating law enforcement agency not have the individual's fingerprints on file locally, it is necessary for that agency to relate his prints to an existing record by having his identification prints compared with those already on file in the FBI or, possibly, in the State's central identification agency.

Contesting record procedures:

The subject of the requested record shall request the appropriate arresting agency, court, or correctional agency to initiate action necessary to correct any stated inaccuracy in his record or provide the information needed to make the record complete.

Record source categories:

Information contained in the NCIC system is obtained from local, State, Federal and international criminal justice agencies.

Systems exempted from certain provisions of the act:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H), (e)(8) (f), (g) and (m) of the Privacy Act pursuant to 5 U.S.C. 552a(j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the FEDERAL REGISTER.

JUSTICE/FBI-009

System name:

Identification Division Records System.

System location:

Federal Bureau of Investigation; J. Edgar Hoover Bldg.; 10th and Pennsylvania Avenue NW.; Washington, D.C. 20535.

Categories of individuals covered by the system:

A. Individuals fingerprinted as a result of arrest or incarceration by Federal, state or local law enforcement agencies.

B. Persons fingerprinted as a result of federal employment applications, military service, alien registration and naturalization purposes and individuals desiring to have their fingerprints placed on record with the FBI for personal identification purposes.

Categories of records in the system:

A. Criminal fingerprint cards and related criminal justice information submitted by authorized agencies having criminal justice responsibilities.

B. Civil fingerprint cards submitted by persons desiring to have their fingerprints placed on record for personal identification purposes.

C. Identification records sometimes referred to as "rap sheets" which are compilations of criminal history information pertaining to individuals who have criminal fingerprint cards maintained in the system.

D. An alphabetical name index pertaining to each individual whose fingerprints are maintained in the system. The criminal records and the civil records are maintained in separate files.

rate files and each file has an alphabetical name index related to the data contained therein.

Authority for maintenance of the system:

The system is established, maintained and used under authority granted by 28 U.S.C. 534 and P.L. 92-544 (86 Stat. 1115). The authority is also codified in 28 C.F.R. 0.85 (b), and (j).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The FBI operates the Identification Division Records System to perform identification and criminal history record information functions for federal, state, local, and foreign criminal justice agencies, and for noncriminal justice agencies, and other entities where authorized by Federal statute, state statute pursuant to Public Law 92-544 (86 Stat. 1115), Presidential executive order, or regulation of the Attorney General of the United States. In addition, identification assistance is provided in disasters and for other humanitarian purposes. Dissemination is also conducted in accordance with Public Law 94-29, known as the Securities Acts Amendments of 1975.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50-.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Information in the system is stored manually in file cabinets either in its

natural state or on microfilm. In addition, some of the information is stored electronically in converting the manual system to an automated system.

Retrievability:

(1) All information in the system is retrievable by technical fingerprint classification index and positive identification is effected only by comparison of the unique characteristics obtained from fingerprint impressions submitted for search against the fingerprint cards maintained within the system.

(2) An auxiliary means of retrieval is through the alphabetical name indexes which contain names of the individuals, their birth data, other physical descriptors and the individuals' technical fingerprint classifications and FBI numbers, if such have been assigned.

(3) The name of an individual and his FBI number may assist in retrieval of information about that individual from within the system. Since July, 1971, all individuals whose fingerprints have been placed in the criminal file have been assigned unique FBI numbers. Prior to July, 1971, all individuals who had two or more fingerprint cards in the criminal file were assigned FBI numbers.

Safeguards:

Information in the system is unclassified. Disclosure of information from within the system is made only to authorized recipients upon authentication and verification of the right to access the system by such persons and agencies. The physical security and maintenance of information within the system is provided by FBI rules, regulations and procedures.

Retention and disposal:

(1) The Archivist of the United States has approved the destruction of records maintained in the criminal file when the records indicate individuals have reached 80 years of age and the destruction of records maintained in the civil file when the records indicate individuals have reached 75 years of age.

(2) Fingerprint cards and related arrest data in the system are destroyed seven years following notification of the death of an individual whose record is maintained within the system.

(3) Fingerprint cards submitted by state and local criminal justice agencies are returned upon requests of the submitting agencies. The return of a fingerprint card under this procedure results in the deletion from the system of all arrest information related to that fingerprint card.

(4) Fingerprint cards and related arrest data are removed from the Identification Division Records System upon receipt of Federal court

orders for expunctions when accompanied by necessary identifying information. Recognizing lack of jurisdiction of local and state courts over an entity of the Federal Government, the Identification Division Records System, as a matter of comity, returns fingerprint cards and related arrest data to local and state criminal justice agencies upon receipt of orders of expunction directed to such agencies by local and state courts when accompanied by necessary identifying information.

System manager(s) and address:

Director, Federal Bureau of Investigation; 10th and Pennsylvania Avenue NW.; Washington, D.C. 20535.

Notification procedure:

Address inquiries to the System Manager. The Attorney General has exempted the Identification Division Records System from compliance with subsection (d) of the Act.

Record access procedures:

The Attorney General has exempted the Identification Division Records System from compliance with subsection (d) of the Act. However, pursuant to 28 CFR 16.30-34, and Rules and Regulations promulgated by the Department of Justice on May 20, 1975 at 40 FR 22114 (Sec. 20.34) for Criminal Justice Information System, an individual is permitted access to his identification record maintained in the Identification Division Records System and procedures are furnished for correcting or challenging alleged deficiencies appearing therein.

Contesting record procedures:

Same as the above.

Record source categories:

See Categories of Individuals.

Systems exempted from certain provisions of the act:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e) (4) (G), (H), (e) (5) and (8), (f), (g) and (m) of the Privacy Act pursuant to 5 U.S.C. 552a(j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the FEDERAL REGISTER.

JUSTICE/DAG-002

System name:

Freedom of Information and Privacy Appeals Index.

System location:

Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue NW., Washington, D.C. 20530.

Categories of individuals covered by the system:

The system encompasses all individuals who submit administrative appeals under the Freedom of Information or Privacy Acts and initial requests for access to records located in the Office of the Attorney General, Deputy Attorney General, or Associate Attorney General.

Categories of records in the system:

The system contains copies of administrative requests, appeals and other related correspondence filed under the Freedom of Information and Privacy Acts and copies are filed sequentially by date of receipt based on a numerical identifier assigned to each appeal. Also included are index cards which list the name of the appellant and the numerical identifier assigned.

Authority for maintenance of the system:

The system was established and is maintained to enable the Office of the Deputy Attorney General to comply with the reporting requirements set forth in 5 U.S.C. 552 and 552a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records are maintained for the purpose of processing administrative requests and appeals under the Freedom of Information and Privacy Acts and to comply with the reporting requirements of those Acts.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

These records are stored in file folders in cabinets.

Retrievability:

These folders are filed by the number assigned to each.

Safeguards:

These records are stored in cabinets in a lockable room.

Retention and disposal:

These folders are kept indefinitely.

System manager(s) and address:

Director, Office of Privacy and Information Appeals, Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue NW., Washington, D.C. 20530.

Notification procedure:

Same as the System Manager.

Record access procedures:

Same as the System Manager.

Contesting record procedures:

Same as the System Manager.

Record source categories:

Those individuals who submit certain requests and all appeals under the Freedom of Information and Privacy Acts.

Systems exempted from certain provisions of the act:

None.

JUSTICE/PRC-002

System name:

Freedom of Information and Privacy Act Record System:

System location:

Records may be retained at any of the Regional Offices as indicated in the Inmate and Supervision Files System and the Headquarter's Office. All requests for records may be made to the Central Office: United States Parole Commission; 320 First Street NW.; Washington, D.C. 20537; Attn: Executive Assistant to Chairman, or to the appropriate Regional Office.

Categories of individuals covered by the system:

Current and former inmates under the custody of the Attorney General, including former inmates on supervision.

Categories of records in the system:

(1) Administrative Requests and Responses to requests for information

and records under 5 U.S.C. 552 and 552a and appeals from denials of data; (2) Final orders of Commission following all parole rescission and revocation hearings, record reviews, and appeals are maintained in the Freedom of Information Act Reading Room at Commission Headquarters with names and register numbers removed to protect individual privacy of inmates and persons on supervision. Final decisions in labor and pension cases are maintained in said reading room.

Authority for maintenance of the system:

5 U.S.C. 552 and 552a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The system is used: (a) to maintain records concerning the processing and determination of requests for information made pursuant to the Freedom of Information Act, 5 U.S.C. 552 and Privacy Act, 552a; and make final orders available in a reading room pursuant to 5 U.S.C. 552; (b) to provide documentation of receipt and processing requests for information made pursuant to the Freedom of Information and Privacy Acts if needed for processing contested denials of release of data; (c) to furnish information to employees of the Department of Justice who have a need for information from the system in performance of their duties; (d) to maintain a count of requests and method of compliance as required by Freedom of Information and Privacy Acts.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the U.S. Parole Commission unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the U.S. Parole Commission not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and with the consent of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Information maintained in the system is stored on documents.

Retrievability:

Documents are indexed by name and/or register number. Final orders in the reading room are indexed by type, and within each type the source (Region or National Appeals Board).

Safeguards:

Information is stored in file cabinets in rooms supervised by day and locked at night and are made available to Commission personnel and other Department of Justice employees on a "need to know" basis. Each requestor may see his own file. The public may use the reading room.

Retention and disposal:

Records in this system are retained for a period of ten (10) years after expiration of sentence, then destroyed by shredding.

System manager(s) and address:

General Counsel; United States Parole Commission; 320 First Street NW.; Washington, D.C. 20537.

Notification procedure:

Same as the above.

Record access procedures:

Same as the above.

Contesting record procedures:

Same as the above.

Record source categories:

(1) Inmates and persons on supervision; (2) Department of Justice employees.

Systems exempted from certain provisions of the act:

None.

JUSTICE/PRC-003

System name:

Inmate and Supervision Files.

System location:

Records are maintained at each of the Commission's Regional Offices for inmates incarcerated in and persons under supervision in each region. Records are housed temporarily at the Commission's Headquarters office located at 320 First Street, Washington, D.C. 20537 when used by the National Appeals Board or other Headquarter's personnel. Prior to the first parole hearing, the inmate's file is maintained at the institution at which he is incarcerated. All requests for records

should be made to the appropriate regional office at the following addresses: U.S. Parole Commission; Scott Plaza II; Industrial Highway, 6th Floor; Philadelphia, Pa. 19113. U.S. Parole Commission; 3500 Greenbriar Parkway, Bldg. 0300; Atlanta, Ga. 30331. U.S. Parole Commission; KCI Bank Bldg.; 8800 N.W. 112th Street; Kansas City, Mo. 64153. U.S. Parole Commission; 3883 Turtle Creek Blvd., Suite I; Dallas, Tex. 75219. U.S. Parole Commission; 330 Primrose Drive, 5th Floor; Burlingame, Calif. 94010.

Categories of individuals covered by the system:

Current and former inmates under the custody of the Attorney General. Former inmates include those presently under supervision as parolees or mandatory releaseses

Categories of records in the system:

1. Computation of sentence and supportive documentation.
2. Correspondence concerning pending charges, and wanted status, including warrants.
3. Requests from other federal and non-federal law enforcement agencies for notification prior to release.
4. Records of the allowance, forfeiture, withholding and restoration of good time.
5. Information concerning present offense, prior criminal background, sentence and parole from the U.S. Attorneys, the Federal Courts, and federal prosecuting agencies.
6. Identification data, physical description, photograph and fingerprints.
7. Order of designation of institution of original commitment.
8. Records and reports of work and housing assignments.
9. Program selection, assignment and performance adjustment/progress reports.
10. Conduct records.
11. Social background.
12. Educational data.
13. Physical and mental health data.
14. Parole Commission applications, appeal documentation, orders, actions, examiner's summaries, transcripts or tapes of hearings, guideline evaluation documents, parole or mandatory release certificates, statements of third parties for or against parole, special reports on youthful offenders and adults required by statute and related documents.
15. Correspondence regarding release planning, adjustment and violations.
16. Transfer orders.
17. Mail and visit records.
18. Personal property records.
19. Safety reports and rules.
20. Release processing forms and certificates.
21. Interview request forms from inmates.

22. General correspondence.

23. Copies of inmate court petitions and other court documents.

24. Reports of probation officers, Commission correspondence with former inmates and others, and Commission orders and memoranda dealing with supervision and conditions of parole or mandatory release.

25. If an alleged parole violation exists, correspondence requesting a revocation warrant, warrant application, warrant, instructions as to service, detainees and related documents.

Authority for maintenance of the system:

18 U.S.C. 4201-4218, 5005-5041, 28 CFR Part O, Subpart V, and 28 CFR Part 2.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(a) The file is the 'working tool' used by Parole Commission examiners to frame the questions at the inmates initial hearing. After that hearing, it is placed in the appropriate regional office where it provides the principle information source for decisions necessary during the pre-release stage (before parole), the review hearing or record review, and the post release stage (when supervision takes place). It is sent temporarily to Commission Headquarters when appeals come before the National Appeals Board or when needed by Counsel and others on the Headquarters Staff. It is used by employees at all levels including Commission Members to provide the information for decision making in every area of Commission responsibility. Files of released inmates are used to make statistical studies of subjects related to parole and revocation.

(b) The system is used to provide information source to officers and employees of the Department of Justice who have a need for the information in the performance of their duties.

(c) The system is used to provide information source for disclosure of information that are matters solely of general public record, such as offense, sentence data, release date, and etc. Names are not disclosed when information is so provided.

(d) The system is used to provide informational source for responding to inquiries from federal inmates involved, their families or representatives, or Congressional inquiries.

(e) Internal Users—Employees of the Department of Justice who have a need to know information in the performance of their duties.

(f) External Users—U.S. Probation Officers, who supervise parolees and mandatory releases, and U.S. District Court judges to review the status of sentences or when Commission action is attacked in litigation. Very rarely, to enforcement authorities outside of the Department of Justice.

(g) In the event that material in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order, issued pursuant thereto.

(h) A record from this system may be disclosed to a federal, state or local agency maintaining civil, criminal or other relevant information if necessary to obtain information relevant to an agency decision relating to current or former inmates under supervision.

(i) A record from this system may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the U.S. Parole Commission unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the U.S. Parole Commission, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and with the consent of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Information maintained in the system is stored on papers fastened

into file jackets and a minimal amount is on cards stored in card file drawers. Active files and card indices are located in each region; inactive files are at the Washington Federal Records Center and the card index to inactive files is at Board Headquarters in Washington. An experimental program to store such data on tape, disk or microfiche using ADP technology is in the beginning stages.

Retrievability:

All data is indexed by name and/or register number. When ADP technology is used in the future, such data may be available by Social Security Number, FBI identification number, or other indices.

Safeguards:

Within the Department of Justice, routine use is made available to employees only on a 'need to know' basis. Files are stored in rooms which are supervised by day and locked at night. Data from files for recipients outside of the Parole Commission and Bureau of Prisons is conveyed by letter so that a record exists. When files are sent they are covered by a letter with a follow-up on return of the file. Such disclosure is infrequent, and is within the federal enforcement-prosecution-judicial area only.

Retention and disposal:

Records in this system are retained for a period of ten (10) years after expiration of sentence, then destroyed by electronic means or shredding.

System manager(s) and address:

Herman Levy—Attorney-Management Analyst; United States Parole Commission; 320 First Street, N.W.—Rm. 342; Commission D.C. 20537.

Notification procedure:

Address inquiries to Regional Director at appropriate location. For general inquiries, address System Manager. The Attorney General has exempted this system from compliance with the provisions of Subsection (d) under the provisions of subsection (j).

Record source categories

1. Individual inmate; 2. Federal law enforcement agencies and personnel;
3. State and federal probation services;
4. Non-Federal law enforcement agencies;
5. Educational institutions;
6. Hospital or medical sources;
7. Relatives, friends and other interested individuals or groups in the community;
8. Former or future employers;
9. Evaluations, observations, reports, and findings of institution supervisors, counselors, boards and committees, Parole Commission examiners, Parole Commission Members;
10. Federal Court records;
11. U.S. Bureau of Prisons personnel and records.

Systems exempted from certain provisions of the act:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2) and (3), (e)(4)(G) and (H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the FEDERAL REGISTER.

JUSTICE/PRC-007

System name:

Workload Record, Decision Result, and Annual Report System.

System location:

U.S. Parole Commission Headquarters; 320 First Street, 3d Floor; Washington, D.C. 20537.

Categories of individuals covered by the system:

Any inmate and parolee or mandatory releasee who has been the subject of a decision for the period covered in the report for which the data is used (prior month, prior quarter, or prior year).

Categories of records in the system:

Certain original input forms indicate the inmate or person under supervision by name and register number and give the date and specific statistical detail as to the decision made. They include criminal history type of information regarding the persons in question. Types of decisions covered in order of the form numbers above are after hearing or record review, after recommendation, after Regional Appeal, after National Appeal, and after a decision reopening and modifying. The data is input into a computer through punch cards and is used to provide the following: (a) A monthly report of workload containing number and type of hearings per region further broken out by institutions within regions and type of sentence; (b) A quarterly report on decision results indicating, among other statistics, number and type of decisions within, above, and below guidelines broken out by examiners making the decisions; (c) Together with hand posted data on other items of statistical value, this data is being used to create the Annual Report of the Commission.

Authority for maintenance of the system:

18 U.S.C. 4201-4218, 5005-5041, 28 CFR Part O, Subpart V, 28 CFR Part 2.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(a) These records are used internally to analyze work product, the perfor-

mance of evaluators, and various types of procedures and hearings and to evaluate the guidelines themselves.

(b) These records are used to prepare an annual report to the Attorney General and Congress and the public indicating in quantitative and qualitative terms Commission activity and accomplishment.

(c) In the event that material in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

(d) A record from this system of records may be disclosed to a federal, state or local agency maintaining civil, criminal or other relevant information if necessary to obtain information relevant to Parole Commission matters.

(e) A record from this system may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that information is relevant and necessary to the requesting agency's decision on the matter.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the U.S. Parole Commission unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the U.S. Parole Commission not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member or Congress or staff acting upon the Member's behalf when the Member of staff requests the information on behalf of and with the consent of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management in-

spection conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper input forms are stored in folders only until information from them is punched into cards. Data is stored principally on punch cards or on tape.

Monthly and quarterly reports in the form of computer printouts are filed in folders. Annual report is in book form and stored in library shelves.

Retrievability: Data in this system can be retrieved by inmate's name and register number from the original input forms, IBM card decks, or tape substitute for card decks. It is only retrieved by region, by examiner, by type of decision made or hearing held, by relation to the guidelines and other similar means except for individual case retrievability in the guideline section of the quarterly report. Except for this, there is no output from this system now produced in which any information is identifiable by the name or register number of any person. Such identification exists in the input and storage data area.

Safeguards: Data on forms and IBM cards and/or tape retrievable by individual is stored in the Research Sections Office in cabinets. Research personnel (all selected Commission employees) supervise this data by day and use it on a 'need to know' basis. The room where it is stored is locked outside of office hours, and the entire Headquarters building is guarded and secured. Monthly and quarterly reports are for use of the Chairman, his Executive Assistant and Commission Members and professional personnel. No information thereon is retrievable as pertaining to any individual except certain breakouts by Parole Commission employee examiners and by inmate in the guideline section of the quarterly reports. These printouts are stored in the Commission Headquarters offices, all of which are supervised by day, locked at night, and are in a secured building. The Annual Report contains no information identifiable by individual and is a public document.

Retention and disposal: 1. Completed input forms—Until data is keypunched into IBM cards—usually one month

after forms are completed. They are then destroyed; 2. IBM card decks or tape substitute—Ten years after preparation, cards will be destroyed, tape degaussed; 3. Printouts of annual and quarterly reports—10 years; 4. Annual Reports—Some copies retained perpetually in Archives.

System manager(s) and address: Executive Assistant to the Chairman, Room 354-B, U.S. Parole Commission, 320 First Street NW., Washington, D.C. 20537.

Record source categories: (a) Commission inmate files; (b) Docket sheets; (c) Commission notices of action, orders and documentation following hearings; (d) Commission warrant applications and warrants; (e) General Commission records and data.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2) and (3), (e)(4)(G) and (H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the FEDERAL REGISTER.

JUSTICE/CIV-002

System name:

Civil Division Case File System: Customs Section.

System location:

26 Federal Plaza, New York, N.Y. 10007, and U.S. Department of Justice Data Services Center, 10th and Constitution Avenue NW., Washington, D.C. 20530.

Categories of individuals covered by the system:

Any and all parties and counsel involved in the cases handled by the Customs Section of the Civil Division will have identifying data contained in this system.

Categories of records in the system:

1. The main record of the system is the case file which is retained on each case under the jurisdiction of the Customs Section of the Civil Division and constitutes the official record of the Department of Justice thereon. All record material relating to a case is retained in the file. Each file is assigned the Customs Court number given to the summons filed in that court or, in cases filed prior to October 1, 1970, to reappraisal appeals or to protests filed with the Customs Court.

The number assigned to the file will change to the number assigned by the Court of Customs and Patent Appeals, if that case becomes the subject of an appeal before that court. In addition, the Customs

Section retains a log of communications received and communications sent. The correspondence is identified thereon by court (case) number, identification of the kind of communication, and the person receiving it.

2. The case file and communication logs are physically retained at the offices of the Customs Section, 26 Federal Plaza, New York, New York 10007. From these records, the Customs Section inputs certain information for conversion into a data processing system which is maintained at the Department of Justice Data Services Center, 10th and Constitution Avenue NW., Washington, D.C. 20530. Included in the information contained in the data processing system is the identity of the parties and their counsel, as well as the merchandise involved, the port of entry and the competing statutory provisions.

3. Alphabetical and numerical indices are maintained as a means of access to the proper file number by the cross-referencing of the names of non-government parties to suits with the appropriate file (court) numbers. These indices are made of index cards and maintained in the Chief Clerk's office in the Customs Section.

Authority for maintenance of the system:

The Customs Section case files are maintained under the authority of 28 U.S.C. 2601(b) and 2632(e) and established in accordance with 28 CFR 0.45(c) which gives the Civil Division responsibility for "all litigation incident to the reappraisal and classification of imported goods, including the defense of all suits in the Court of Customs and Patent Appeals", and with 28 CFR 0.48 which designates the Chief, Customs Section, "to accept service of notices of appeals to the Court of Customs and Patent Appeals and all pleadings and other papers filed in the customs Court, when the United States is an adverse Party in any customs litigation".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Any record pertaining to any case or matter in the Civil Division may be disseminated to any other component of the Department of Justice, including the Federal Bureau of Investigation and the United States Attorney offices, for use in connection with the consideration of that case or matter or any other case or matter under consideration by the Civil Division or any other component of the Department of Justice.

Certain information contained in the record may also be disseminated to the U.S. Customs Service, the Department of the Treasury, the International Trade Commission, the Department of State, or any other agency of the Government whose decision is being

challenged in a case assigned to the Customs Section for disposition. A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(1) In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, the record in question may be disseminated to the appropriate Federal, state, local or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law;

(2) In the course of investigating the potential or actual violation of any law, whether civil, criminal or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a Federal, state, local or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual or organization possesses information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

(3) a record relating to a case or matter may be disseminated in an appropriate Federal, state, local or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice;

(4) a record relating to a case or matter may be disseminated to a Federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(5) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion of such matters as settlement of the case or matter, plea bargaining, or formal or informal discovery proceedings;

(6) a record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, or where the agency or officials thereof are a party to litigation or where the agency or officials may be affected by a case or matter, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter;

(7) a record relating to a person held in custody pending or during arraignment, trial, sentence or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a Federal, state, local or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person;

(8) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement;

(9) a record may be disseminated to a Federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency;

(10) a record may be disseminated to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter;

(11) a record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, provided that the record does not contain any information identifiable to a specific individual other than is necessary to identify the matter or where the information has previously been filed in a judicial or administrative office, including the clerk of the court;

(12) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in civil or criminal proceedings in which the United States or one of its officers or agencies has an interest;

(13) a record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making positions to which they were appointed by the President, in accordance with the provisions of 28 CFR 17.60;

(14) copies of the summons (protest and reappraisal appeals, where appropriate) and the communication logs are made available to employees of the private contractor who services the data processing system in New York for the purpose of enabling such employees to extract all pertinent information from said documents so that such information may be encoded and converted to punch card form.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system or records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

(1) The case files utilize standard file jackets or envelopes and are maintained in standard file cabinets; (2) The alphabetical index cards are maintained in standard file cabinets; (3) The communication logs are maintained in looseleaf binders and, when not being currently referred to, are also maintained in standard file cabinets; (4) The information in the data processing system is maintained on tapes stored in the Data Services Center.

Retrievability:

(1) The case files must be retrieved by number. The file number may be ascertained from the alphabetical index when the name of any non-government litigant is known. (2) The information contained in the data processing system may be retrieved through the retrieval tool activated by an attorney making a request for a report to the computer technician who codes the request on a form in the format of the retrieval language. The action words of the retrieval reports are: List—lists the case numbers of the cases which satisfy certain criteria such as plaintiff's name, counsel's name, court number, merchandise, competing statutory provisions, Government counsel. Write*—output and the full history for any case specified by case number. Write—limited case history for any case specified by case number. Count—tallying the number of cases in the data base contained in the request.

Safeguards:

(1) Information contained in the system is unclassified. However, only attorneys in the Customs Section who have responsibility for the case may properly obtain a case file. Correspondence and telephone calls about particular cases are referred to the attorney having responsibility for the case. In the attorney's absence, another attorney covering for the absent attorney or the Chief of the Section may respond to the telephone call or correspondence. The index files and the communication logs are utilized only by the personnel of the Customs Section in locating or verifying information contained in the system. (2) Information from the data processing system may be obtained only by attorneys on the basis of requests made in writing on a proper form supplied by the Customs Section. The request is made of the computer technician. Normally these requests are mailed to the technician in charge at the Data Service Center, but occasionally the request may be related telephonically by the computer technician.

Retention and disposal:

(1) Closed case files are sent to the Federal Records Center for retention in accordance with the authorized Records Disposal Schedule for the classification of the case. Such schedules are approved by the National Archives. After the designated period is passed, the file is destroyed. The communication logs are sent to the Federal Records Center for retention in accordance with the authorized records disposal schedule after five years. After the designated period those records are also destroyed. The index cards, however, are not purged. (2) Periodically, the inactive cases will be purged from the main tape in the data processing system and transferred to the historical tape where the information will be retained indefinitely. There is a provision in the data processing system to delete and remove an entire case history from the main or historical tape. This may be done on request from the Chief of the Customs Section and such removed cases will not be saved or written on any other tape.

System manager(s) and address:

Assistant Attorney General, Civil Division, U.S. Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

Notification procedure:

Address inquiries to Assistant Attorney General; Civil Division; U.S. Department of Justice; 10th and Constitution Avenue NW., Washington, D.C. 20530.

Record access procedures:

A request for information concerning the cases of the Customs Section of the Civil Division should be submitted in writing, with the envelope and letter clearly marked "Privacy Access Request". The request should include the file number and/or the names of any non-government litigant known to the requestor. The requestor should also provide a return address for transmitting the information. Such access request should be submitted to the System Manager listed above.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the Assistant Attorney General, Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530. The request should clearly state what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories:

All litigants involved in the cases of this Division are sources of informa-

tion. Such information is either contained in the record material in the case files or has been extracted from that record material and put on communication logs and/or index cards.

Systems exempted from certain provisions of the act:

None.

JUSTICE/USA-005

System name:

Civil Case Files.

System location:

Ninety-four United States Attorneys' Offices (See attached Appendix).

Categories of individuals covered by the system:

(a) Individuals being investigated in anticipation of Civil suits; (b) Individuals involved in Civil suits; (c) Defense Counsel(s); (d) Information sources; (e) Individuals relevant to the development of Civil suits.

Categories of records in the system:

(a) All Civil Cases Files (USA-34); (b) Docket Cards (USA-116); (c) Civil Debtor Cards—(USA-117b); (d) Civil Case Activity Card (USA-164); (e) Civil Debtor Activity Card (USA-166); (f) 3" x 5" Index Cards; (g) Caseload Printouts; (h) General Correspondence re: Civil Cases; (i) Reading Files re: Civil Cases; (j) Information Source File; (k) Attorney Assignment sheets; (l) Telephone records; (m) Miscellaneous Investigative files; (n) Lands Condemnation files (Appraisal and Negotiator Reports); (o) Tax Case Resource File; (p) Material in Civil File related to Criminal cases arising out of Civil Proceedings; (q) Search Warrants; (r) Files unique to District; (s) Civil Miscellaneous Correspondence File.

Authority for maintenance of the system:

These systems are established and maintained pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(a) in any case in which there is an indication of a violation or potential violation of law, civil, or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local or foreign agency charged with the responsibility for investigating, defending or pursuing such violation, civil claim or remedy, or charged with enforcing, defending or implementing such law;

(b) in the course of investigating the potential or actual violation or civil liability of any government action or

law, civil, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such civil action, a record may be disseminated to a federal, state, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation or civil action trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an agency;

(c) a record relating to a case or matter may be disseminated in an appropriate federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice;

(d) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(e) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, or informal discovery proceedings;

(f) a record relating to a case or matter that has been referred by an agency for investigation, civil action, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter;

(g) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement;

(h) a record may be disseminated to a federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency or to assist in general civil matters or cases;

(i) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance as is required, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter;

(j) a record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of types or courses of action or distinctive or unique modus operandi, provided that the record does not contain any information identifiable to a specific individual other than such modus operandi;

(k) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in general crime prevention, the pursuit of general civil, regulatory or administrative civil actions or to provide investigative leads to such country, or assist in the location and/or returning of witnesses and other evidence;

(l) a record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making provisions to which they were appointed by the President, in accordance with the provisions codified in 28 CFR 17.60.

(m) a record relating to an actual or potential civil or criminal violation of title 17, United States Code, may be disseminated to a person injured by such violation to assist him in the institution or maintenance of a suit brought under such title.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

All information, except that specified in this paragraph, is recorded on basic paper/cardboard material, and stored within manila file folders, within metal file cabinets, electric file/card retrievers or safes. Some material is recorded and stored on magnetic tape, card or other data processing type storage matter for reproduction later into conventional formats.

Retrievability:

Information is retrieved primarily by name of person, case number, complaint number or court docket number. Information within this system of records may be accessed by various U.S. Attorneys' offices by means of cathode-ray tube terminals (CRT's).

Safeguards:

Information in the system is both confidential and non-confidential and located in file cabinets in the United States Attorney offices. Some materials are located in locked file drawers and safes, and others in unlocked file drawers. Offices are locked during non-working hours and are secured by either Federal Protective Service, United States Postal Service, or private building guards. Information that is retrievable by CRT's within various U.S. Attorneys' offices requires user identification numbers which are issued to authorized employees of the Department of Justice.

Retention and disposal:

Records are maintained and disposed of in accordance with Department of Justice retention plans.

System manager(s) and address:

System Manager for the system in each office is the Administrative Officer/Assistant, for the U.S. Attorney for each district. (See attached appendix.)

Notification procedure:

Address inquiries to the System Manager for the judicial district in which the case or matter is pending. (See attached appendix.)

Record access procedures:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and or (k)(2). To the extent that this system is not subject to exemption, it is subject to access. A determination as to examination shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope

and the letter clearly marked "Privacy Access Request." Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record and the name of the case or matter involved, if known. The requester will also provide a return address for transmitting the information. Access requests will be directed to the System Manager. (See attached appendix.)

Contesting record procedures:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to contest. A determination as to exemption shall be made at the time a request for contest is received. Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager (see attached appendix) stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories:

Sources of information contained in this system include, but are not limited to investigative reports of federal, state and local law enforcement, civil litigation, regulatory and administrative agencies; client agencies of the Department of Justice; other non-Department of Justice investigative agencies; forensic reports; statements of witnesses and parties; verbatim transcripts of deposition and court proceedings; data, memoranda and reports from the court and agencies thereof; and the work product of Assistant United States Attorneys, Department of Justice attorneys and staff, and legal assistants working on particular cases.

Systems exempted from certain provisions of the act:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) and (H), (e) (5) and (8), (f), (g) and (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k) (1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b) (c) and (e) and have been published in the FEDERAL REGISTER.

JUSTICE/DEA-008

System name:

Investigative Reporting and Filing System.

System location:

Drug Enforcement Administration; 1405 I Street NW., Washington, D.C.

20537. Also, field offices. See Appendix 1 for list of addresses.

Categories of individuals covered by the system:

- A. Drug offenders.
- B. Alleged drug offenders.
- C. Persons suspected of drug offenses.
- D. Confidential informants.
- E. Defendants.
- F. Witness.
- G. Non-implicated persons with pertinent knowledge of some circumstance or aspect of a case or suspect. These are pertinent references of fact developed by personal interview or third party interview and are recorded as a matter for which a probable need for recall will exist. In the regulatory portion of the system, records are maintained on the following categories of individuals: (a) Individuals registered with DEA under the Comprehensive Drug Abuse Prevention and Control Act of 1970; (b) Responsible officials of business firms registered with DEA; (c) Employees of DEA registrants who handle controlled substances or occupy positions of trust related to the handling of controlled substances; (d) Applicants for DEA registration and their responsible employees.

Categories of records in the system:

The Investigative Reporting and Filing System includes, among other things, a system of records as defined in the Privacy Act of 1974. Individual records, i.e. items of information on an individual may be decentralized in separate investigative file folders. Such records as well as certain other records on persons and subjects not covered by the act, are made retrievable and are retrieved by reference to the following subsystems.

A. The Narcotics and Dangerous Drugs Information System (NADDIS) consists of two centralized automated indexes and machine records on subjects cited in and extracted from investigative reports. The two indexes represent a name index and a number index which are used to access one or more specific records for examination. The system serves as both an index to the more voluminous written reports upon which it is based and as an autonomous means for developing investigative leads and aids in selecting source materials for studies of a strategic nature. The system is accessible by telecommunications by appropriately equipped DEA headquarters and field offices. Records which comprise the system are also accessed by special computer runs. These runs are typically generated from selection criteria which cannot be utilized (input) via the telecommunications equipment. Bulk products generated via off-line runs may be formatted on computer tape, in printout or on microfiche depending on the needs of the user.

Direct references to the discrete file folders in which the source reports are filed are provided within each record. Therefore, the NADDIS records point to the more compre-

hensive manual reports maintained centrally at Headquarters. Records are retrievable by name and by certain identifying numbers in the on-line mode and by virtually any record data element in the off-line mode.

B. Manual name indices covering regional and district investigative activities are maintained by DEA field offices. A residual card index is retained at DEA headquarters that predates the automated central index. The items of information on the manual index records are extracted only from investigative reports and point to the more comprehensive information in pertinent investigative file folders. The records in the field office indices are sub-sets of the central automated and manual indices. Records are retrievable by name only by this manual technique. Four basic categories of files are maintained within the Investigative Reporting and Filing System. DEA does not maintain a dossier type file in the traditional sense on an individual. Instead, the files are compiled on separate investigations, topics and on a functional basis for oversight and investigative support. (a) Criminal Investigative Case Files; (b) General Investigative Files, Criminal and Regulatory; (c) Regulatory Audit and Investigative Files; (d) Confidential Informant Files.

The basic document contained in these files is a multi-purpose report of investigation (DEA-6) on which investigative activities and findings are rigorously documented. The reports pertain to the full range of DEA criminal drug enforcement and regulatory investigative functions that emanate from the Comprehensive Drug Prevention and Control Act, of 1970. Within the categories of files listed above, the general file category includes preliminary investigations of a criminal nature, certain topical or functional aggregations and reports of pre-entrant inspections/investigations. The case files cover targeted conspiracies, trafficking situations and formal regulatory audits and investigations. Frequently the criminal drug cases are the logical extension of one or more preliminary investigations. The distinction between the case file and general file categories, therefore, is based on internal administrative policy and should not be construed as a differentiation of investigation techniques or practices. These files, except for Confidential Informant Files, contain also adopted reports received from other agencies to include items that comprise, when indexed, individual records within the meaning of the Act. The central files maintained at DEA Headquarters include, in general, copies of investigative reports and most of the supporting documents that are generated or adopted by DEA Headquarters and field offices.

Authority for maintenance of the system:

This system is established and maintained to enable DEA to carry out its assigned law enforcement and regulatory functions under the Comprehensive Drug Abuse Prevention and Control Act of 1970. (Pub. L. 91-513), Re-

organization Plan No. 2 of 1973, and to fulfill United States obligations under the Single Convention on Narcotics Drugs.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

This system may be used as a data source or reference facility for numerous summary, management and statistical reports produced by the Drug Enforcement Administration. Only on rare occasions do such reports contain identifiable individual records. Information contained in this system is provided to the following categories of users as a matter of routine use for law enforcement and regulatory purposes: (a) Other Federal law enforcement and regulatory agencies; (b) State and local law enforcement and regulatory agencies; (c) Foreign law enforcement agencies with whom DEA maintains liaison; (d) The Department of Defense and Military Departments; (e) The Department of State; (f) U.S. intelligence agencies concerned with drug enforcement; (g) The United Nations; (h) Interpol; (i) To individuals and organizations in the course of investigations to elicit information.

In addition, disclosures are routinely made to the following categories for the purposes stated: (a) To federal agencies for national security clearance purposes and to federal and state regulatory agencies responsible for the licensing or certification of individuals in the fields of pharmacy and medicine; (b) To the Office of Management and Budget upon request in order to justify the allocation of resources; (c) To State and local prosecutors for assistance in preparing cases concerning criminal and regulatory matters; (d) To the news media for public information purposes; (e) To respondents and their attorneys for purposes of discovery, formal and informal, in the course of an adjudicatory, rule-making, or other hearing held pursuant to the Controlled Substances Act of 1970.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of

the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Administration regulations include detailed instructions for the preparation, adoption, handling, dissemination, indexing of individual records, storage, safeguarding of investigative reports and the accounting of disclosure of individual records.

Storage:

1. The Headquarters central files and the field office subsets of the Investigative Reporting and Filing System are maintained in standard file folders. Standard formats are employed. Manual indices are maintained using standard index record formats.

2. The Narcotics and Dangerous Drugs Information subset is stored electronically on the Department of Justice Information System separate from DEA Headquarters.

Retrievability:

Access to individual records is gained by reference to either the automated or manual indices. Retrievability is a function of the presence of items in the index and the matching of names in the index with search argument names or identifying numbers in the case of the automated system. Files identified from field office indices are held by the field office and Headquarters. Files identified from the automated index may not be held by the interested office, but the originators of such files are identified. In addition a number of telecommunication terminals have been added to the existing network.

Safeguards:

The Investigative Reporting and Filing System is protected by both physical security methods and dissemination and access controls. Fundamental in all cases is that access to investigative information is limited to those persons or agencies with a demonstrated and lawful need to know for the information in order to perform assigned functions.

1. Physical security when investigative files are attended is provided by responsible DEA employees. Physical security when files are unattended is provided by the secure locking of material in approved containers or facilities. The selection of containers or fa-

cilities is made in consideration of the sensitivity or National Security Classification, as appropriate, or the files and the extent of security guard and/or surveillance afforded by electronic means.

2. Protection of the automated index is provided by physical, procedural and electronic means. The Master file resides on the Department of Justice Computer System and is physically attended or guarded on a full-time basis. Access or observation to active telecommunications terminals is limited to those with a demonstrated need to know for retrieval information. Surreptitious access to an unattended terminal is precluded by a complex sign-on procedure. The procedure is provided only to authorized DEA employees. For certain terminals, access is further restricted by cryptological equipment.

3. An automated log of queries is maintained for each terminal. Improper procedure results in no access. Terminals are signed-off after use. The terminals are otherwise located in locked facilities after normal working hours.

4. The dissemination of investigative information on an individual outside the Department of Justice is made in accordance with the routine uses as described herein or otherwise in accordance with the conditions of disclosure prescribed by the Act. The need to know of the recipient is determined in both cases by DEA as a prerequisite of the release.

Retention and disposal:

Records contained within this system except for those in general files are retained for fifty-five (55) years. Records in general files are retained for twenty (20) years.

System manager(s) and address:

Assistant Administrator for Enforcement; Drug Enforcement Administration; 1405 Eye Street, NW., Washington, D.C. 20537.

Record source categories:

(a) DEA personnel; (b) Cooperating individuals; (c) Suspects and defendants; (d) Federal, State and local law enforcement and regulatory agencies; (e) Other federal agencies; (f) Foreign law enforcement agencies; (g) Business records by subpoena; (h) Drug and chemical companies; (i) Concerned citizens.

Systems exempted from certain provisions of the act:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (1), (2), and (3), (e)(4) (G), (H), (e) (5) and (8), (f), (g), (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k). Rules have been promulgated in accordance with the re-

quirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the FEDERAL REGISTER.

JUSTICE/LEAA-002

System name:

Law Enforcement Education System.

System location:

Law Enforcement Assistance Administration, 633 Indiana Avenue NW., Washington, D.C. 20531.

Categories of individuals covered by the system:

Recipients of LEAA Law Enforcement Education Loans and Grants.

Categories of records in the system:

LEEP Master Computer File; LEEP Promissory Note File; LEAA Form 03.

Authority for maintenance of the system:

The system is established and maintained pursuant to 42 U.S.C. 3746.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To contractors for coding and statistical analysis, educational institutions for record reconciliation, IRS and references listed on application for address verification, referees in bankruptcy for claim action, State and local agencies to verify eligibility.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Information maintained in the system is stored on computer magnetic tape, discs and folders.

Retrievability:

Information is retrievable by name of recipient and social security number.

Safeguards:

Computerized information is safeguarded and protected by computer password key and limited access. Non-computerized data is safeguarded in file room which is locked after business hours. Access is limited to LEAA authorized personnel.

Retention and disposal:

Computerized records are kept indefinitely. Uncollected loans/grants are transferred to GAO as soon as determined uncollectable. Cancelled or repaid loan/grants are closed at end of fiscal year, held three years, sent to Federal Records Center and destroyed in accordance with instructions from GAO.

System manager(s) and address:

Comptroller; Law Enforcement Assistance Administration, 633 Indiana Avenue NW., Washington, D.C. 20531.

Notification procedure: Same as above.

Record access procedures:

A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the name and personal identifier number. Access requests will be directed to the System Manager listed above.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories:

Sources of Information are the recipients of loans/grants and their educational institutions.

Systems exempted from certain provisions of the act:

None.

[FR Doc. 78-11511 Filed 4-26-78; 8:45 am]

[4510-30]

NATIONAL COMMISSION ON UNEMPLOYMENT COMPENSATION

Public Hearing

The National Commission on Unemployment Compensation will hold public hearings on June 26 and June 27, 1978, in Washington, D.C., at a location to be announced, to receive information and recommendations from Washington-based national organizations and associations. Additional hearings will be held in the future at other locations throughout the country.

These hearings are held pursuant to the provisions of Public Law 94-566, which directs that the Commission's study and evaluation of the unemployment compensation system shall include: "conduct of such surveys, hearings, research, and other activities as it deems necessary to enable it to formulate recommendations, and to obtain relevant information, attitudes, opinions, and recommendations from individuals and organizations representing employers, employees, and the general public." (Italic supplied.)

Hearings will be conducted in the afternoon of Monday, June 26, from the hours of two to five, and in the morning of Tuesday, June 27, from the hours of nine to noon. Testimony and prepared statements should be directed to the statutory mandate that the Commission shall: " * * * study and evaluate the present unemployment compensation programs in order to assess the long-range needs of the programs, to develop alternatives, and to recommend changes in the programs."

Requests to be heard by the Commission, and other inquiries or communications should be directed to: Mr. James M. Rosbrow, Interim Executive Director, National Commission on Unemployment Compensation, 601 D Street, NW., Room 7000, Washington, D.C. 20213.

Mr. Rosbrow's telephone number is area code 202-376-7034.

Signed at Washington, D.C., this 20th day of April 1978.

JAMES M. ROSBROW,
Interim Executive Director, National Commission on Unemployment Compensation.

[FR Doc. 78-11491 Filed 4-26-78; 8:45 am]

[4910-58]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 78-17]

SAFETY RECOMMENDATION; FOLLOWUP LETTERS; AND RESPONSE

A-78-27 thru 29.—The Safety Board is concerned about the number of acci-

dents involving complex fixed wing, multiengine aircraft in air taxi and corporate/executive operations in which the accident circumstances remain unknown. Of the 194 fatal accidents in these operations from 1970 to 1977, cause has not been determined for 34 of the accidents. In addition, the Safety Board has recently investigated or is investigating five other accidents in the corporate/executive fleet alone in which there appears to be little hope of determining definite cause.

In view of the above, on April 13, the Safety Board recommended that the Federal Aviation Administration:

Develop, in cooperation with industry, flight recorder standards (FDR/CVR) for complex aircraft which are predicated upon intended aircraft usage. (A-78-27)

Draft specifications and fund research and development for a low cost FDR, CVR, and composite recorder which can be used on complex general aviation aircraft. Establish guidelines for these recorders, such as maximum cost, compatible with the cost of the airplane on which they will be installed and with the use for which the airplane is intended. (A-78-28)

In the interim, amend 14 CFR to require that no operation (except for maintenance ferry flights) may be conducted with turbine-powered aircraft certificated to carry six passengers or more, which require two pilots by their certificate, without an operable CVR capable of retaining at least 10 minutes on intracockpit conversation when power is interrupted. Such requirements can be met with available equipment to facilitate rapid implementation of this requirement. (A-78-29)

Each of the above recommendations is designated "Class II," Priority Action.

In order to further encourage implementation of its safety recommendations, the Safety Board has within recent weeks forwarded followup letters to recommendation addressees concerning:

H-72-51 thru 53, H-72-56, H-75-8, and H-75-34 and 36.—The Board's letter of December 22, 1977, replies to NHTSA's letter of October 21, 1977, regarding recommendations dealing with reduced visibility driving. The Safety Board indicates that recommendations H-72-51 thru 53, and H-75-34, relating to driver education, are closed with acceptable action by NHTSA, but H-75-8 (driver education) and H-72-56 and H-75-36 (police traffic services) are in open status. H-75-8 will remain in an open status while standard revisions are being considered by NHTSA and the Congress.

The Safety Board's principal comments are directed to a report from the International Association of Chiefs of Police (IACP) in response to H-72-56 and H-75-36, transmitted with NHTSA's letter of October 21. The Board states that the conclusions from the study sponsored by NHTSA and conducted by IACP, and from

NHTSA's Fatal Accident Reporting System (FARS) tabulations appear to be that the problem is so small that it does not warrant any significant attention. The Board suggests that the two reports warrant further correlation and analysis; that the combined information in these two reports are far more meaningful than the credit given by NHTSA; and that the recommendations set forth by the IACP report should be given more serious consideration.

The Board further states that there is confusion as to what constitutes "reduced visibility driving" and as to what action should be taken by local officials to insure the public safety, and that the responsibility of leadership in defining reduced visibility situations and corrective action to be taken rests with NHTSA.

H-77-6.—A Board letter of January 3 replies to FHWA's letter of September 22 on the subject of partially loaded liquid tank trucks and the possibility of overturn due to lateral surge, and encloses data requested by FHWA. The Safety Board feels strongly that the lateral surge factor is present in partially filled tank trucks; wishes to understand the nature of this problem; and is interested in working with FHWA to more fully explain this phenomenon.

H-77-10.—A Board letter of February 14 replies to a letter of November 2, 1977, from the Village of Stratton, concerning the City of Stratton working with the Burlington Northern Railroad Company to correct the outdated control system at the Beaver Avenue crossing. The Board suggests to the City of Stratton that the next step to obtain a more effective grade crossing warning system would be to contact the state highway department and make application for design and implementation of the crossing system under the Federal Highway Administration program for upgrading off system railroad/highway grade crossings.

H-77-11 thru 15.—A Board letter of February 14 replies to FHWA's letter of October 31, 1977, related to these recommendations, made as a result of the investigation and analysis of the bus accident near Martinez, California, on May 21, 1976. Based on FHWA's preliminary response, the Safety Board would like to offer further clarification H-77-13 and H-77-15.

The Safety Board states that H-77-13 is concerned with the effect of the geometric configuration of the roadway and the type and condition of the surface of the adjacent roadway on the performance of the traffic barrier system installed. The Safety Board has asked that the FHWA clarify the relationship between the performance of a barrier and roadway geometrics and surface through dynamic crash

testing and mathematical modeling. The Board is primarily interested in the outcome of the three studies mentioned in FHWA's letter of October 31, as they relate directly to the problem identified in the recommendation, and is hopeful that these studies do in fact address that problem.

The Board states that recommendation H-77-15 asks that highway signs and traffic control devices at exit ramps be studied for adequacy as to providing the driver with understandable and performance related information. Since attachments 2, 3, 4, and 5 of FHWA's response were addressed predominantly to the exit speed sign, the Board stresses that the recommendation is concerned with all information sources at highway exit ramps.

The Board states that responses to H-77-12 and H-77-14 are positive and within the scope of the recommendations.

M-73-5.—The Board's letter of February 3 gives the Coast Guard a status review of this recommendation which concerns the clarification of the effect on responsibilities for initiation of whistle signals in the *Rules of the Road*, of the "shall not hamper" rule as well as the publication of interpretations of actions required as the "shall not hamper" rules interacts with other rules. The Safety Board states that the Coast Guard's special study showed that for fiscal years 1973 and 1974 there were no citations issued for violations of the "shall not hamper" rule in the western rivers, whether there was a collision involved or not, but that the Coast Guard gave no conclusion as to the meaning of this lack of citations issued for this violation.

It is the Safety Board's opinion that the lack of citations issued for the two year period of the study is an indication that not only are the boat operators confused as to when a "shall not hamper" situation exists, but that the Coast Guard itself is unable to determine when a violation has occurred. The Board feels that it is important that the Coast Guard publish an interpretation of the effects of the "shall not hamper" rule on other rules. The Board further requests that the Coast Guard review its ability to issue an interpretation of the *Rules of the Road*. This recommendation will be kept in an open status pending further response from the Coast Guard.

M-74-27.—The Board's letter of February 3 states that the objective of this recommendation was to protect ship personnel from being exposed to a hazardous situation by requiring equipment to be either located or designed so as to preclude a hazardous material spill from occurring in area where crewmembers may be working.

The Coast Guard's response of March 21, 1977 states, in part, that

there is no practical method of providing the necessary positive isolation of cargo between tanks other than blind flanges which require tank entry for installation. It is the Safety Board's opinion that the most positive method of reaching the goal of personnel safety, as suggested by the recommendation, should be provided for the handling of hazardous materials in enclosed spaces. The Board states that preventing the likelihood of cargo spills when persons enter cargo tanks will eliminate the human factors elements of compliance and enforcement.

The Safety Board would like for the Coast Guard to reconsider their position on this recommendation in light of a brochure describing the use of a remotely operated line blind valve that does not require the breaking of a line for normal operation. The Board states that the use of such blind valves would make the line blinding operation much safer for shipboard personnel if the alternative of eliminating all blinding valves from within such tanks is not selected.

M-74-29.—A Board letter of February 3 to the Coast Guard states that this recommendation, which requires that a written cargo loading plan be made and posted each time cargo is to be transferred aboard chemical tankers, and that a check procedure be developed to assure the desired gating is achieved, is in open status.

The intent of this recommendation, as stated by the Board, was to go beyond the declaration of inspection as called for in 46 CFR 35.35-30; the written cargo loading plan should include a schedule that will indicate the operation and control of the tanks at any given time and identify tanks reserved for special cargoes. The Board states that the checklist procedure should provide documented continuity of activities from watch to watch and allow the Senior Deck Officer on duty to assume the responsibility delegated to him by 46 CFR 35.35-35. The Board restressed its opinion that the use of a written loading plan and a checklist for that plan would have prevented the oversight described in the *SS William T. Steele* Marine Casualty Report, to which the Coast Guard replied on March 21, 1975, that adequate safety measures are already provided if personnel conduct their duties with conscientiousness toward existing regulations.

The Safety Board would appreciate a reconsideration by the Coast Guard of their position on this recommendation.

R-72-11.—A Board letter of January 23 states that this recommendation was forwarded to the Federal Railroad Administration (FRA) on March 29, 1972, following investigation of a trespasser being electrocuted on the Penn

Central (Conrail) trackage at Washington, D.C. The Board states that this recommendation proposed that regulations be promulgated to govern the operation of catenary and third rail electric power supply systems in the event of unintentional or unknown power interruptions. On August 23, 1972, an FRA response indicated that the incident was an infrequent occurrence which did not justify regulatory action.

On August 8, 1973, the Safety Board reiterated the recommendation to FRA following investigation of an accident on the Long Island Railroad. On January 7, 1975, FRA advised that a study would be initiated to determine the feasibility of the recommendation; on January 5, 1976, FRA advised that the study was still in progress. The Safety Board asks that it be advised of the current status of the study.

R-72-31 through 33.—The Board states, in its letter of January 19 to FRA, that it would appreciate being informed of the results of the study and remedial action contemplated by FRA concerning these recommendations which dealt with crashworthiness of railroad passenger cars.

R-75-4 and 5.—A Board letter of January 19 to FRA states that these recommendations were forwarded to the National Railroad Passenger Corporation (Amtrak), and relates to crashworthiness improvements in railroad passenger cars. Amtrak, on July 21, 1976, advised the Board of the crashworthiness features of new equipment and their intent to modify the windows of the existing fleet of passenger cars. The Safety Board requests advice from the FRA if inspection by Motive Power and Equipment Inspectors confirms that Amtrak's modification program is presently operative.

R-76-24 through 32.—A Board letter of February 17 states that these recommendations were forwarded to FRA on July 30, 1976. Specifically, R-76-26 recommended that trains be equipped with emergency flagging equipment. FRA's response of August 22, 1977, indicated that the necessary remedial action was contained in Part 218 of Title 49 CFR issued January 27, 1977. The Safety Board notes that Part 218.5, Definitions, does specify flagman's signals; however, Part 218.37(a)(2), as amended, lists five conditions under which flag protection is not required and the regulation does not positively require trains to be equipped with flagman's signals. The Safety Board would appreciate being advised as to whether the FRA would consider a further amendment to Part 218 so that train crews would have the means of flagging rule compliance available at all times.

RESPONSE

R-77-14 through 17.—In its letter of January 20, the Chicago Transit Au-

thority (CTA) gives the status of these recommendations.

Regarding R-77-14, CTA advises that they have rewritten their rail system rule book, including the form and style of the text, to reflect the best current practice in writing for industrial manuals; a similar program for rewriting instruction materials has also been initiated. CTA further advises that a motorman certification program is being developed to insure that motormen have a clear understanding of the rules; that reexamination and re-certification of motormen on a periodic basis will be included; and that effective April 1, 1977, compulsory retraining for motormen cited for moving violations was supplemented by written examination.

Regarding R-77-15, CTA states that this recommendation has now been carefully evaluated and is believed to be acceptable, and that engineering work has been done to implement it. CTA is now working on cost estimates, funding requirements and work staging.

Regarding R-77-16, CTA states that the rapid transit rule book (rule R6.4) now specifies absolute block operation replacing permissive operation at signals displaying stop indication, and that procedures for operation into an occupied block have been appropriately revised and strengthened.

Regarding R-77-17, CTA states that the present limitation of record review to the preceding 12 months in considering the employee's operating capability was forced on them after arbitration of a demand by the affected union several years ago. Although CTA demanded relief from this restriction, in negotiating a new contract last December 1, CTA and the affected union were unable to resolve the differences in their positions on this issue. They have mutually agreed to submit the matter immediately to binding arbitration.

NOTE.—The above notice consists of summaries of a safety recommendation, follow-up letters and a response to safety recommendations received by the Safety Board. Copies of the full text of these letters may be obtained at a cost of \$4 for service and 10¢ per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(Sec. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)))

BARBARA BUSH,
Acting Federal Register
Liaison Officer.

APRIL 24, 1978.

[FR Doc. 78-11506 Filed 4-26-78; 8:45 am]

[3110-01]

**OFFICE OF MANAGEMENT AND
BUDGET**

Public Hearing

Pursuant to Public Law 92-463, notice is hereby given of a public hearing to be held by the Office of Management and Budget under the provisions of the Federal Reports Act of 1942 (44 U.S.C. 3506).

The purpose of the hearing is for the Office of Management and Budget to give interested persons an opportunity to be heard before determining whether or not the provisions for public reports contained in the proposed information collection protocol, "Generic Description of Data Collection for Sections 301, 304, 306, and 307 of the Clean Water Act of 1978" are necessary for the proper performance of the functions of the Environmental Protection Agency or for any other proper purpose.

The hearing, to be held in Room 2008, New Executive Office Building, 726 Jackson Place NW., Washington, D.C. on May 8, 1978, at 9:30 a.m., will be open to public observation and participation.

Further information regarding the hearing may be obtained from the Regulatory Policy and Reports Management Division, Room 10201, New Executive Office Building, Washington, D.C. 20503, telephone 202-395-3772.

VELMA N. BALDWIN,
*Assistant to the Director
for Administration.*

[FR Doc. 78-11470 Filed 4-26-78; 8:45 am]

[3190-01]

**OFFICE OF THE SPECIAL REPRESENTATIVE
FOR TRADE NEGOTIATIONS**

CERTAIN IMPORTED CERAMIC TABLEWARE

Public Hearings in Connection With Consideration of Articles for Modification or Continuance of U.S. Duties or Additional Duties

1. In accordance with section 133 of the Trade Act of 1974 (19 U.S.C. 2153), notice is hereby given of public hearings to be held by the Trade Policy Staff Committee (TPSC) in connection with the current consideration by the TPSC of possible modification or continuance of U.S. import duties, or possible additional import duties, for certain imported ceramic tableware items. These hearings will be held on May 23, 1978, in room 730 at the Office of the Special Representative for Trade Negotiations, 1800 G Street NW., Washington, D.C. 20506. The hearings will begin at 10 a.m. Information regarding the hearings may be ob-

tained from Mrs. Carolyn Frank, Secretary, Trade Policy Staff Committee, at the address given above, and at telephone 202-395-7210.

2. In the FEDERAL REGISTER of March 14, 1978, the Special Representative for Trade Negotiations provided the following notice:

In conformity with section 131 of the Trade Act of 1974 (19 U.S.C. 2151), notice is hereby given of articles that may be considered for modification or continuance of U.S. duties, or additional duties. These articles are set forth in list I and list II below.

Some of the articles in list I and parts of some of the items in list II (those that are marked with an asterisk) currently are subject to import relief provided initially pursuant to section 351 of the Trade Expansion Act of 1962 (19 U.S.C. 1981) and extended pursuant to section 203(h)(3) of the Trade Act of 1974 (19 U.S.C. 2253(h)(3)). In accordance with section 127(b) of the Trade Act of 1974 (19 U.S.C. 2137), the President is reserving such articles, or parts of items, from international trade negotiations as long as any import relief action is in effect with respect to them. This notice of the possible future consideration of such articles or parts of items in international trade negotiations, and the request for advice of the U.S. International Trade Commission referred to in paragraph 3 below, are being given to prepare for the possibility of negotiations with respect to them should the import relief action terminate.

The U.S. International Trade Commission is being requested to furnish its advice, pursuant to section 131 of the Trade Act of 1974, as to the probable economic effects of: (a) Modifications or continuances of existing import duties for the articles in list I; and (b) increases in existing duties, incidental to modifications in the tariff nomenclature, for the items in list II.

3. Public hearings in connection with the possible modifications or continuances of existing import duties for the articles set forth in list I, and regarding the possible increase in existing duties incidental to modifications in the tariff nomenclature for the items in list II, will be held at the time and place described in paragraph (1) above.

4. Persons requesting to appear at the hearings should advise the Secretary of the Trade Policy Staff Committee, in writing, at the address given in paragraph (1), not later than the close of business on May 17, 1978. Briefs or other written material may be submitted in 20 copies in support of, or in lieu of, an oral presentation at the hearings, but are not required. There is no prescribed format for such written submissions, but they should: (a) Clearly designate on the first page the name and address of the persons submitting the brief, and (b) present in nonconfidential form a summary statement of the views submitted. Persons making such submissions are requested to designate clearly each page for which they request confidential treatment and so indicate such pages on the cover of submissions. Any ma-

terial for which confidential treatment is requested, and for which the TPSC determines that it cannot accord such treatment, will be returned to the person who submitted it.

WILLIAM B. KELLY, Jr.,
*Chairman,
Trade Policy Staff Committee.*

LIST I

Articles which will be considered for modification or continuance of the existing¹ U.S. duties, or additional duties, to the extent permitted by sections 101(a), 101(b), 101(c), and 109 of the Trade Act.

TSUS Item² and Articles

Articles chiefly used for preparing, serving, or storing food or beverages, or food or beverage ingredients:

Of fine-grained earthenware (except articles provided for in items 533.14 and 533.16 of the Tariff Schedules of the United States) or of fine-grained stoneware:

Available in specified sets:

533.28 pt.* In any pattern for which the aggregate value of the articles listed in headnote 2(b) of subpart C, part 2 of schedule 5 of the Tariff Schedules of the United States is over \$12 but not over \$22.

Not available in specified sets:

533.31 pt. Steins and mugs, if valued not over \$3.60 per dozen.

Other articles:

533.33 pt. Cups valued not over \$0.50 per dozen; saucers valued not over \$0.30 per dozen; plates not over 9 inches in maximum diameter and valued not over \$0.50 per dozen; plates over 9 but not over 11 inches in maximum diameter and valued not over \$1 per dozen; and creamers, sugars, vegetable dishes or bowls, platters or chop dishes, butter dishes or trays, gravy boats or gravies and stands, any of the foregoing articles valued not over \$1 per dozen.

533.35 pt. Cups valued over \$0.50 but not over \$1 per dozen; saucers valued over \$0.30 but not over \$0.55 per dozen; plates not over 9 inches in maximum diameter and valued over \$0.50 but not over \$0.90 per dozen; plates over 9 but

¹The term "existing" is used herein as defined in section 601(7) of the Trade Act: "The term 'existing' means: (A) When used, without the specification of any date, with respect to any matter relating to entering into or carrying out a trade agreement or other action authorized by this Act, existing on the day on which such trade agreement is entered into or such other action is taken; and (B) when used with respect to a rate of duty (however established, and even though temporarily suspended by Act of Congress or otherwise) set forth in rate column numbered 1 of the schedules 1 through 7 of the Tariff Schedules of the United States on the date specified or (if no date is specified) on the day referred to in clause (A)."

²Tariff Schedules of the United States (19 U.S.C. 1202).

*These articles are currently subject to import relief provided initially pursuant to section 351 of the Trade Expansion Act of 1962 (19 U.S.C. 1981) and extended pursuant to section 203(h)(3) of the Trade Act of 1974 (19 U.S.C. 2253(h)(3)).

not over 11 inches in maximum diameter and valued over \$1 but not over \$1.55 per dozen; and creamers, sugars, vegetable dishes or bowls, platters or chop dishes, butter dishes or trays, gravy boats or gravies and stands, any of the foregoing articles valued over \$1 but not over \$2 per dozen.

533.36 pt. Cups valued over \$1 but not over \$1.70 per dozen; saucers valued over \$0.55 but not over \$0.95 per dozen; plates not over 9 inches in maximum diameter and valued over \$0.90 but not over \$1.55 per dozen; plates over 9 but not over 11 inches in maximum diameter and valued over \$1.55 but not over \$2.65 per dozen; and creamers, sugars, vegetable dishes or bowls, platters or chop dishes, butter dishes or trays, gravy boats or gravies and stands, any of the foregoing articles valued over \$2 but not over \$3.40 per dozen.

533.38 pt.* Cups valued over \$1.70 but not over \$3.10 per dozen; saucers valued over \$0.95 but not over \$1.75 per dozen; plates not over 9 inches in maximum diameter and valued over \$1.55 but not over \$2.85 per dozen; plates over 9 but not over 11 inches in maximum diameter and valued over \$2.65 but not over \$4.85 per dozen; and creamers, sugars, vegetable dishes or bowls, platters or chop dishes, butter dishes or trays, gravy boats or gravies and stands, any of the foregoing articles valued over \$3.40 but not over \$6.20 per dozen.

Of nonbone chinaware or of subporcelain: Household ware not covered by item 533.63, 533.65, 533.66, 533.68, or 533.69 of the Tariff Schedules of the United States:

533.71 pt. Steins and mugs, if valued not over \$3.60 per dozen.

Other articles:

533.73 pt.* Cups valued not over \$1.35 per dozen; saucers valued not over \$0.90 per dozen; plates not over 9 inches in maximum diameter and valued not over \$1.30 per dozen; plates over 9 but not over 11 inches in maximum diameter and valued not over \$2.70 per dozen; and creamers, sugars, vegetable dishes or bowls, platters or chop dishes, butter dishes or trays, gravy boats or gravies and stands, any of the foregoing articles valued not over \$4.50 per dozen.

533.75 pt.* Cups valued over \$1.35 but not over \$4 per dozen; saucers valued over \$0.90 but not over \$1.90 per dozen; plates not over 9 inches in maximum diameter and valued over \$1.30 but not over \$3.40 per dozen; plates over 9 but not over 11 inches in maximum diameter and valued over \$2.70 but not over \$6 per dozen; and creamers, sugars, vegetable dishes or bowls, platters or chop dishes, butter dishes or trays, gravy boats or gravies and stands, any of the foregoing articles valued over \$4.50 but not over \$11.50 per dozen.

LIST II

Articles which may be considered for increases in existing duties, to the extent permitted by sections 101(a) and 101(c) of the Trade Act, incidental to modifications in the tariff nomenclature.

TSUS Item and Articles

Articles chiefly used for preparing, serving, or storing food or beverages, or food or beverage ingredients:

533.11 Of coarse-grained earthenware, or of coarse-grained stoneware.

Of fine-grained earthenware, whether or not decorated, having a reddish-colored body and a lustrous glaze which, on teapots, may be any color, but which, on other articles, must be mottled, streaked, or solidly colored brown to black with metallic oxide or salt:

533.14 Valued not over \$1.50 per dozen articles.

533.16 Valued over \$1.50 per dozen articles.

Of fine-grained earthenware (except articles provided for in items 533.14 and 533.16) or of fine-grained stoneware:

Available in specific sets:

533.23 In any pattern for which the aggregate value of the articles listed in headnote 2(b) of subpart C, part 2 of schedule 5 of the Tariff Schedules of the United States is not over \$3.30.

533.25 In any pattern for which the aggregate value of the articles listed in headnote 2(b) of subpart C, part 2 of schedule 5 of the Tariff Schedules of the United States is over \$3.30 but not over \$7.

533.26 In any pattern for which the aggregate value of the articles listed in headnote 2(b) of subpart C, part 2 of schedule 5 of the Tariff Schedules of the United States is over \$7 but not over \$12.

533.28* In any pattern for which the aggregate value of the articles listed in headnote 2(b) of subpart C, part 2 of schedule 5 of the Tariff Schedules of the United States is over \$12.

Not available in specified sets:

533.31 Steins, mugs, candy boxes, decanters, punch bowls, pretzel dishes, tidbit dishes, tiered servers, and bonbon dishes.

Other articles:

533.33 Cups valued not over \$0.50 per dozen, saucers valued not over \$0.30 per dozen, plates not over 9 inches in maximum diameter and valued not over \$0.50 per dozen, plates over 9 but not over 11 inches in maximum diameter and valued not over \$1 per dozen, and other articles valued not over \$1 per dozen.

533.35 Cups valued over \$0.50 but not over \$1 per dozen, saucers valued over \$0.30 but not over \$0.55 per dozen, plates not over 9 inches in maximum diameter and valued over \$0.50 but not over \$0.90 per dozen, plates over 9 but not over 11 inches in maximum diameter and valued over \$1 but not over \$1.55 per dozen, and other articles valued over \$1 but not over \$2 per dozen.

533.36 Cups valued over \$1 but not over \$1.70 per dozen, saucers valued over \$0.55 but not over \$0.95 per dozen, plates not over 9 inches in maximum diameter and valued over \$0.90 but not over \$1.55 per dozen, plates over 9 but not over 11 inches in maximum diameter and valued over \$1.55 but not over \$2.65 per dozen, and other articles valued over \$2 but not over \$3.40 per dozen.

*Part of this item is currently subject to import relief provided initially pursuant to section 351 of the Trade Expansion Act of 1962 (19 U.S.C. 1981) and extended pursuant to Section 203(h)(3) of the Trade Act of 1974 (19 U.S.C. 2253(h)(3)).

533.38* Cups valued over \$1.70 per dozen, saucers valued over \$0.95 per dozen, plates not over 9 inches in maximum diameter and valued over \$1.55 per dozen, plates over 9 but not over 11 inches in maximum diameter and valued over \$2.65 per dozen, and other articles valued over \$3.40 per dozen.

533.41 Of bone chinaware.

Of nonbone chinaware or of subporcelain:

533.51 Hotel or restaurant ware and other ware not household ware.

Household ware available in specified sets:

533.63 In any pattern for which the aggregate value of the articles listed in headnote 2 (b) of subpart C, part 2 of schedule 5 of the Tariff Schedule of the United States is not over \$10.

533.65 In any pattern for which the aggregate value of the articles listed in headnote 2 (b) of subpart C, part 2 of schedule 5 of the Tariff Schedule of the United States is over \$10 but not over \$24.

533.66 In any pattern for which the aggregate value of the articles listed in headnote 2 (b) of subpart C, part 2 of schedule 5 of the Tariff Schedule of the United States is over \$24 but not over \$56.

533.68 In any pattern for which the aggregate value of the articles listed in headnote 2 (b) of subpart C, part 2 of schedule 5 of the Tariff Schedule of the United States is over \$56.

533.69 Not covered by item 533.63, 533.65, 533.66, or 533.68, and in any pattern for which the aggregate value of the articles listed in headnote 2 (c) of subpart C, part 2 of schedule 5 of the Tariff Schedule of the United States is over \$8.

Household ware not covered by item 533.63, 533.65, 533.66, 533.68, or 533.69:

533.71 Steins, mugs, candy boxes, decanters, punch bowls, pretzel dishes, tidbit dishes, tiered servers, and bonbon dishes.

Other articles:

533.73* Cups valued not over \$1.35 per dozen, saucers valued not over \$0.90 per dozen, plates not over 9 inches in maximum diameter and valued not over \$1.30 per dozen, plates over 9 but not over 11 inches in maximum diameter and valued not over \$2.70 per dozen, and other articles valued not over \$4.50 per dozen.

533.75* Cups valued over \$1.35 but not over \$4 per dozen, saucers valued over \$0.90 but not over \$1.90 per dozen, plates not over 9 inches in maximum diameter and valued over \$1.30 but not over \$3.40 per dozen, plates over 9 but not over 11 inches in maximum diameter and valued over \$2.70 but not over \$6 per dozen, and other articles valued over \$4.50 but not over \$11.50 per dozen.

533.77 Cups valued over \$4 per dozen, saucers valued over \$1.90 per dozen, plates not over 9 inches in maximum diameter and valued over \$3.40 per dozen, plates over 9 but not over 11 inches in maximum diameter and valued over \$6 per dozen, and other articles valued over \$11.50 per dozen.

[FR Doc. 73-11352 Filed 4-26-78; 8:45 am]

[7905-01]

RAILROAD RETIREMENT BOARD**BEGINNING OF A "PERIOD OF HIGH UNEMPLOYMENT"****Determination of, as Defined in Railroad Unemployment Insurance Act**

In accordance with the provisions of section 2(h)(4) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(h)(4)), the Railroad Retirement Board has determined that a "period of high unemployment" (as defined in section 2(h)(2) of that Act), shall begin on April 20, 1978. That date is the 20th day after the three-consecutive-calendar-month period from January through March 1978 in each month of which the rate of railroad unemployment equalled or exceeded 4.5 percent, the lowest applicable unemployment rate specified for the national "on" indicator in section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970, Public Law 91-373, as amended. Consequently, extended unemployment benefits under the second proviso of section 2(c) of the Railroad Unemployment Insurance Act, as amended by section 1(d)(2) of Public Law 94-92, will be payable for days of unemployment on and after April 20, 1978.

Dated: April 21, 1978.

By authority of the Board.

R. F. BUTLER,
Secretary of the Board.

[FR Doc. 78-11351 Filed 4-26-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-14690; File No. SR-MSE-78-91]

MIDWEST STOCK EXCHANGE, INC.**Self-Regulatory Organizations; Proposed Rule Change**

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 15, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

MSE STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

[Brackets indicate deletions; italics indicate new material]

ARTICLE XI**NET CAPITAL AND AGGREGATE INDEBTEDNESS**

Rule 3(a) No change in text.

SPECIALIST CAPITAL REQUIREMENT

(b)(1) A member organization registered as a specialist who has no other securities

activity other than as a floor broker must be able to assume a position of 1,000 shares in each common stock in which he is registered, 500 shares in each convertible preferred stock in which he is registered and 200 shares in each non-convertible preferred stock in which he is registered.

(2) Each member organization subject to this paragraph must be able to establish that it can meet with its own net liquid assets a minimum capital requirement which is the greater of [\$100,000] \$50,000 or 25% of the position requirements as set forth in this paragraph. Withdrawals from the greater of these amounts may only be made with the permission of the Exchange. Such specialists must maintain net liquid assets no less than the greater of [\$75,000] \$25,000 or 18.75% of the position requirements set forth in this paragraph. In the event that a specialist falls below the initial capital requirements but is above the maintenance capital requirement set forth herein, it shall furnish the Exchange such daily financial information as it shall be individually notified by the Department of Member Firms.

(3) The term "net liquid assets" is defined as the excess of cash, readily marketable securities and amounts due from clearing organizations utilizing a continuous net settlement system and Options Clearing Corporation, over all liabilities other than satisfactory subordination agreements.

Readily marketable securities shall include securities in the trading, investment and specialist accounts of the member organization, capital accounts of partners and accounts of partners which are covered by agreements approved by the Exchange providing for the inclusion of equities therein as partnership property and borrowings covered by subordinated loan agreements approved by the Exchange, all of which must be marked to market whenever a financial statement is prepared. Securities contributed under a secured demand note will be valued at the lower of market value or the face amount of the secured demand note.

(2) A member or member organization registered as a market maker on either the Equity or Options Floor, or both, must maintain net liquid assets of not less than \$10,000 for each class of option contracts to which he is appointed pursuant to Article XLVII, Rule 3 and each security to which he is assigned pursuant to Article XXXIV, Rule 14, or \$25,000, whichever is the lesser; provided, however, that this requirement shall be deemed to be satisfied by a letter of guarantee from a member organization subject to paragraph (a) of this Rule and Rule 4 of this Article.

(c) No change in text.

(d) No change in text.

(e) No change in text.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed changes to Article XI, Rule 3(b)(1) are designed to eliminate a possible barrier to entry into the specialist business and thus further provide for a more competitive environment on the trading floor of the Exchange. The proposed rule change recognizes recent changes in NYSE Rule 104.20 which reduced the minimum capital requirement for specialists to the greater of \$100,000 or 25%

of position requirements from the greater of \$500,000 or 25% of position requirements. The previous MSE requirement was approximately 20% of the NYSE Requirement. The new requirement will require the MSE Specialist to have net liquid assets of approximately 50% of that the NYSE specialist is required to maintain. The proposed rule change does not reduce the position requirements of specialists, thus it provides an opportunity for small specialist units to enter the market place where they wish to compete in only a small number of stocks.

The net capital requirements for market makers in the proposed addition of Rule 3(b)(2) is to eliminate an apparent ambiguity in the current rules. Market makers are, by rule, designated as specialists but have specific net capital requirements as stipulated in Article XXXIV, Rule 15 and Article XLVII, Rule 4. The proposed rule change merely recognizes the difference in those net capital requirements in the specialist net capital rule with no change in substance.

The proposed rule changes are designed to enhance opportunities for specialist competition on the floor of the Exchange and to eliminate possible barriers to entry into the specialist business. They are, therefore, consistent with Section 6(b)(5) of the Securities Exchange Act of 1934 which requires, in part, that the rules of an exchange be designed to remove impediments to and perfect the mechanism of a free and open market; Section 11(b) which provides for Exchange rules pertaining to members registered as specialists; and Section 11A(a)(1)(C) which states that the Congress finds that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure fair competition among brokers and dealers.

The Midwest Stock Exchange, Incorporated has neither solicited nor received comments on the proposed rule changes.

The Midwest Stock Exchange, Incorporated believes that this Rule change removes a burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.

On or before June 26, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and argu-

ments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before May 30, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 20, 1978.

[FR Doc. 78-11372 Filed 4-26-78; 8:45 am]

[4710-01]

DEPARTMENT OF STATE

[Delegation of Authority No. 141]

ASSISTANT SECRETARY FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

Delegation of Authority

By virtue of the authority vested in me by section 4 of the Act of May 26, 1949 (63 Stat. 111; 22 U.S.C. 2658), as amended, I hereby delegate to the Assistant Secretary for Oceans and International Environmental and Scientific Affairs the following:

The authority to approve for the U.S. Government the regulations adopted by the Board of Governors of the United States-Israel Binational Science Foundation pursuant to Article V, paragraph A(2), and to appoint for the U.S. Government members of the Board of Governors of the United States-Israel Binational Science Foundation pursuant to Article V, paragraph B, of the Agreement Between the Government of the United States of America and the Government of Israel on the United States-Israel Binational Science Foundation (TIAS 7460), provided that the Assistant Secretary for Oceans and International Environmental and Scientific Affairs shall be a standing member ex officio of the Board of Governors of the Foundation.

Dated: April 10, 1978.

CYRUS VANCE,
Secretary of State.

[FR Doc. 78-11354 Filed 4-26-78; 8:45 am]

[4710-01]

STUDY GROUP 5 OF THE U.S. ORGANIZATION FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Group 5 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on May 19, 1978, from 2 p.m. until 6 p.m. in Room 1109 of the Adult Education Center, University of Maryland, College Park, Md.

Study Group 5 deals with propagation of radio waves (including radio noise) at the surface of the earth, through the non-ionized regions of the earth's atmosphere, and in space where the effect of ionization is negligible. The purpose of the meeting is an editorial review of the U.S.-originated documents to be considered by the CCIR XIVth Plenary Assembly, June, 1978.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman.

Dated: April 17, 1978.

RUTH H. PHILLIPS,
Acting Chairman,
U.S. CCIR National Committee.

[FR Doc. 78-11353 Filed 4-26-78; 8:45 am]

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD (78-046)]

CHEMICAL TRANSPORTATION INDUSTRY ADVISORY COMMITTEE, SUBCOMMITTEE ON CHEMICAL VESSELS

Open Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Chemical Transportation Industry Advisory Committee's Subcommittee on Chemical Vessels to be held on Tuesday, May 23, 1978, beginning at 9 a.m., Room 8236, Nassif Building, 400 7th Street SW., Washington, D.C. 20590. The agenda for this meeting is as follows:

To continue preparation of draft rules for barges that carry hazardous liquids in bulk (46 CFR part 151). These draft rules will form the Coast Guard's recommendations to the intergovernmental Maritime Consultative Organization for use in developing recommendations for barges in international trade. The Coast Guard will also propose to revise 46 CFR part 151 by incorporating these rules at a later date.

Attendance is open to the interested public. 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, Captain C. E. Mathieu, Commandant (GMHM/83) U.S. Coast Guard, Washington, D.C. 20590, 202-426-2306. Any member of the public may present a written statement to the Committee at any time.

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

H. G. LYONS,
Captain, U.S. Coast Guard,
Acting Chief, Office of Merchant Marine Safety.

[FR Doc. 78-11489 Filed 4-26-78; 8:45 am]

[4910-14]

[CGD (78-047)]

CHEMICAL TRANSPORTATION INDUSTRY ADVISORY COMMITTEE, SUBCOMMITTEE ON CHEMICAL VESSELS

Open Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Chemical Transportation Industry Advisory Committee's Subcommittee on Chemical Vessels to be held on Wednesday, May 24, 1978, beginning at 9 a.m., Room 8236, Nassif Building, 400 7th Street SW., Washington, D.C. 20590. The agenda for this meeting is as follows:

To consider revisions and corrections to the rules for tankers carrying hazardous liquids, 46 CFR part 153.

Attendance is open to the interested public. 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, Captain C. E. Mathieu, Commandant (GMHM/83) U.S. Coast Guard, Washington, D.C. 20590, 202-426-2306. Any member of the public may present a written statement to the Committee at any time.

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

H. G. LYONS,
Captain, U.S. Coast Guard,
Acting Chief, Office of Merchant Marine Safety.

[FR Doc. 78-11490 Filed 4-26-78; 8:45 am]

[4810-35]

DEPARTMENT OF THE TREASURY

Fiscal Service

(Dept. Circ. 570, 1977 Rev., Supp. No. 17)

INDIANA BONDING AND SURETY COMPANY

Surety Companies Acceptable on Federal Bonds; Termination of Authority

Notice is hereby given that the certificate of authority issued by the Treasury to Indiana Bonding and Surety Company, Houston, Texas, under Sections 6 to 13 of Title 6 of the United States Code, to qualify as an acceptable surety on Federal bonds is hereby terminated effective this date.

The company was last listed as an acceptable surety on Federal bonds at 42 FR 34073 July 1, 1977.

With respect to any bonds currently in force with Indiana Bonding and Surety Company, bond-approving officers of the Government should secure new bonds with acceptable sureties in those instances where a significant amount of liability remains outstanding.

Dated: April 20, 1978.

D. A. PAGLIAI,
Commissioner, Bureau of
Government Financial Operations.
[FR Doc. 78-11412 Filed 4-26-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE
COMMISSION

[Modification No. 2 to S.O. No. 1306]

ALL RAILROADS

Modification to Car Service Order

Pursuant to the authority vested in me by section (a), paragraph (3) of Service Order No. 1306, other railroads are authorized to load C. & N.W. 50-ft. plain boxcars to any station on the lines of the car owner.

Effective 11:59 p.m., March 20, 1978.

Issued March 20, 1978.

INTERSTATE COMMERCE
COMMISSION,
ROBERT S. TURKINGTON,
Acting Director,
Bureau of Operations.

[FR Doc. 78-11512 Filed 4-26-78; 8:45 am]

[7035-01]

[Notice No. 646]

ASSIGNMENT OF HEARINGS

APRIL 24, 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 120427 (Sub-No. 8), Williams Transfer, Inc., now assigned April 25, 1978, at Chicago, Ill., is canceled and application dismissed.

No. MC 115651 (Sub-No. 32), Kaney Transportation, Inc., now assigned May 2, 1978, at Chicago, Ill., is canceled and application dismissed.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc. 78-11498 Filed 4-26-78; 8:45 am]

[7035-01]

[Exception No. 2 to Rev. S. O. No. 1322]

BURLINGTON NORTHERN INC., ET AL.

Revised Car Service Order

Pursuant to the authority vested in me by section (f) of Revised Service Order No. 1322, the Burlington Northern Inc., Chicago & North Western Transportation Co., and the Soo Line Railroad Co. are directed to assign to grain service at least fifty-five (55) percent of its ownership of jumbo covered hoppers, as defined in section (a)(2) of Revised Service Order No. 1322, regardless of the provisions of section (c)(1) of the order.

Effective 12:01 a.m., April 18, 1978.

Issued at Washington, D.C., April 17, 1978.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,
Chairman,
Railroad Service Board.

[FR Doc. 78-11515 Filed 4-26-78; 8:45 am]

[7035-01]

[Exception No. 3 to Rev. S. O. No. 1322]

CHICAGO, ROCK ISLAND AND PACIFIC
RAILROAD CO.

Revised Car Service Order

Pursuant to the authority vested in me by section (f) of Revised Service Order No. 1322, the Chicago, Rock Island and Pacific Railroad Co., is directed to assign to grain service at least sixty (60) percent of its ownership of jumbo covered hoppers, as defined in section (a)(2) of Revised Service Order No. 1322, regardless of the provisions of section (c)(1) of the order.

Effective 12:01 a.m., April 18, 1978.

Issued at Washington, D.C., April 17, 1978.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,
Chairman,
Railroad Service Board.

[FR Doc. 78-11513 Filed 4-26-78; 8:45 am]

[7035-01]

[Exception No. 4 to Rev. S. O. No. 1322]

MISSOURI PACIFIC RAILROAD CO.

Revised Car Service Order

Pursuant to the authority vested in me by section (f) of Revised Service Order No. 1322, the Missouri Pacific Railroad Co. is authorized to maintain the car order and distribution report at its system car distribution offices in St. Louis, Mo., instead of maintaining such reports separately at each division headquarters regardless of the provisions of section (g)(1) of Revised Service Order No. 1322.

Effective 12:01 a.m., April 18, 1978.

Issued at Washington, D.C., April 17, 1978.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,
Chairman,
Railroad Service Board.

[FR Doc. 78-11514 Filed 4-26-78; 8:45 am]

[7035-01]

[Notice No. 33]

MOTOR CARRIER BOARD TRANSFER
PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before May 30, 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

particularly the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopsis form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77569, filed March 3, 1978. Transferee: FRANK W. BRIGGS, RD No. 1, Bear Lake, PA, 16402. Transferor: Roger A. Cross and Frank W. Briggs, d.b.a. Cross & Briggs, RD No. 1, P.O. Box No. 65, Niobe, NY, 14758. Applicants' representative: Gregory B. Fraser, Esq., Bankers Trust Building, Jamestown, NY, 14701. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC-119494, issued September 27, 1960, as follows: *Agricultural limestone*, in bulk and in bags, from Conneaut, OH, to points in Chautauqua County, NY, those in Warren County, PA, and those in that part of Erie County, PA, in the Townships of Venango, Amity, Union, Wayne, and Concord, the Boroughs of Wattsburg, Union City, and Elgin, and the city of Corry, PA. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77588, filed March 20, 1978. Transferee: A-ACJ COAL CITY TRANSFER, INC., 300 North East Industrial Road, Aurora, IL 60505. Transferor: Curtis G. Gldewell, d.b.a. Coal City Transfer, 29 Rickard Drive, Oswego, IL 60543. Applicant's representative: Paul J. Maton, 10 South La Salle Street, Suite 1620, Chicago, IL 60603. Authority sought for purchase by transferee of the operating rights set forth in Certificate No. MC-135915 issued August 3, 1972 as follows: *General commodities* with the usual exceptions between Aurora, Oswego, Morris, Plano, Ottawa, Ladd, Spring Valley, Braceville, and Joliet, IL on the one hand, and, on the other, Chicago and Elk Grove Village, IL. Transferee holds no Commission authority and does not seek temporary authority.

No. MC-FC-77594, filed March 22, 1978. Transferee: NOVAK TRUCKING SERVICE, INC., Box 5626, Laona, WI 54541. Transferor: John Novak, Box 11, Laona, WI 54541. Applicant's representative: Nancy J. Johnson, Attorney for Applicants, 4506 Regent Street, Madison, WI 53705. Authority sought for purchase

by transferee of the operating rights of transferor, as set forth in Permits Nos. MC 128085 and MC 128085 Sub 4, issued February 16, 1968, and March 25, 1975, respectively, as follows: *Rough and finished lumber, hardwood molding and flooring, juvenile furniture, and sawdust products*, from the plantsites of Conner Lumber & Land Co. at Laona, WI and Wakefield, MI to points in WI, MI, MN, IA, IL, IN, and OH; and supplies and materials used in the manufacture of the above-named products, from points in WI, MI, MN, IA, IL, IN, and OH to the plantsites of Conner Lumber & Land Co. at Laona, WI and Wakefield, MI for the account of Conner Lumber & Land Co. at Laona, WI. Lumber, from points in Forest, Florence, Langlade, Oneida, Vilas, Oconto, and Menominee Counties, WI to points in IL, MI, IA, IN, OH, MS, and KY; and materials, equipment, and supplies used in the manufacture of lumber, hardwood flooring, juvenile furniture, sawdust, and kitchen cabinets, from points in IL, MI, IA, IN, OH, MS, and KY, to points in Forest, Florence, Langlade, Oneida, Vilas, Oconto, and Menominee Counties, WI, for the account of Connor Forest Industries, of Wausau, WI; Lumber, from points in Forest, Florence, Langlade, Oneida, Vilas, Oconto, and Menominee Counties, WI, to points in IL, MI, IA, IN, OH, MS, and KY, for the account of Pine River Lumber Co., Ltd., of Long Lake, WI. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 270a(b).

No. MC-FC-77600, filed March 29, 1978. Transferee: A. & L. MOVERS, INC., 30 Sperry Avenue, Stratford, CT 06497. Transferor: The Bridgeport Storage Warehouse Co., 10 Whiting Street, Bridgeport, CT 06604. Applicant's representative: Paul J. Goldstein, 109 Church Street, New Haven, CT 06510. Authority sought for purchase of the operating rights set forth in Certificate No. MC 30862 (Sub. Nos. 1 and 2) issued November 17, 1949 and April 4, 1972 and a portion of the rights in MC 30862 issued May 22, 1941, as follows: Household goods between Bridgeport, CT and points in CT within 15 miles thereof, on the one hand, and, on the other, points in MA, RI, NJ, and NY; between Bridgeport, CT and points in CT within 10 miles thereof, on the one hand, and, on the other, points in NY, PA, MA, RI, MD, and DE; between points in Bridgeport, CT; and between Bridgeport, CT, on the one hand, and, on the other, points in Fairfield and New Haven Counties, CT. Transferee presently holds no Commission authority; temporary authority is not sought.

No. MC-FC-77603, filed March 31, 1978. Transferee: ESTHER A. FREAL,

d.b.a. Senior Tourister Tours, 366 Forest Street, Hamden, CT 06518. Transferor: Gerald Kellaher, doing business as Senior Tourister Tours, 66 Park Avenue, Hamden, CT 06517. Applicant's representative: Esther A. Freal, 366 Forest Street, Hamden, CT 06518. Application sought for purchase by transferee of License No. MC 130154 issued February 21, 1973 as a broker at Hamden, CT in connection with the transportation of passengers and their baggage in special and charter operations, in round-trip sightseeing and pleasure tours beginning and ending at West Haven, Shelton, Wallingford, Meriden, Hamden, and New Haven, CT and extending to points in VA, WV, OH, MD, PA, DE, RI, NJ, NY, CT, MA, NH, VT, ME, and DC. Transferee presently holds no Commission authority; no temporary authority is sought.

No. MC-FC-77608, filed April 3, 1978. Transferee: L. J. CERKUEIRA, d.b.a. C-Way Express, 341 Lincoln Avenue, Alameda, CA 94501. Transferor: Budget Truck Lines, a corporation, 340 Townsend Street, San Francisco, CA 94107. Applicants' representative: Eldon M. Johnson, Esquire, 650 California Street, Suite 2808, San Francisco, CA 94108. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate of Registration No. MC 99396 (Sub-No. 1), issued February 4, 1964, as follows: General commodities, except petroleum products in bulk, in tank vehicles, livestock, dangerous explosives, and uncrated household goods between points in the San Francisco-East Bay Cartage Zone, CA. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

By application filed April 7, 1978, in MC-FC-77616 Charlotte M. Carter and Wilma R. Allen, Suite 248, 6800 Main Street, Houston, TX, 77030 seek permission to acquire control, through purchase of stock, of Lone Star Travelers, Inc., which holds License No. MC 12736 acquired pursuant to No. MC-FC-76988 consummated September 22, 1977, authorizing the transportation of passengers and their baggage, in round-trip, sightseeing tours, beginning and ending at Houston, TX, and extending to points in the United States (except AK and HI) Lone Star Tours, Inc., is authorized to engage in the above-specified operations as a broker at Houston, TX. Purchasers do not hold any authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

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

[FR Doc. 78-11499 Filed 4-26-78; 8:45 am]

[7035-01]

[Volume No. 84]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

APRIL 19, 1978.

The following applications are governed by special rule 247 of the Commission's general rules of practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use a such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protest not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 247(e)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL

REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 1977 (Sub-No. 28F), filed March 2, 1978. Applicant: NORTHWEST TRANSPORT SERVICE, INC., a corporation, 5231 Monroe Street, Denver, CO 80216. Applicant's representative: Leslie R. Kehl, Suite 1600, Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *General commodities* (except commodities in bulk, those requiring special equipment, and household goods as defined by the Commission), (1) Between Blackfoot, Boise, Idaho Falls, and Pocatello, ID, on the one hand, and, on the other, points in Ada, Bannock, Bear Lake, Bingham, Boise, Bonneville, Cassia, Canyon, Caribou, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Twin Falls, and Washington Counties, ID; (2) between Salt Lake City, UT, and a 50-mile radius thereof on the one hand, and, on the other, points in Ada (except Boise, ID), Bannock (except Pocatello, ID), Bear Lake, Bingham (except Blackfoot, ID), Boise, Bonneville, Cassia, Canyon, Caribou, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson (except Idaho Falls, ID), Jerome, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Twin Falls, and Washington counties, ID; and (3) between Denver, CO, and Cheyenne, WY, on the one hand, and, on the other, points in Ada, Bannock, Bear Lake, Bingham, Boise, Bonneville, Cassia, Canyon, Caribou, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Twin Falls, and Washington Counties, ID. (Hearing site: Denver, CO, Salt Lake City, UT, Boise and Twin Falls, ID.)

NOTE.—Applicant seeks authorization to tack the authority sought in section (1) with presently held authority at Blackfoot, Boise, Idaho Falls, and Pocatello, ID, to provide a through service to Salt Lake City, UT. Common control may be involved.

No. MC 4405 (Sub-No. 575F), filed March 6, 1978. Applicant: DEALERS TRANSIT, INC., 522 South Boston Avenue, Tulsa, OK 74103. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: (1) *Material handling equipment, self-propelled*, each weighing less than 15,000

lbs. (except agricultural and farm machinery and implements); and (2) *Parts and accessories* for material handling equipment, self-propelled, each weighing less than 15,000 lbs. (except agricultural and farm machinery and implements), from Crystal Lake, IL, and Houston, TX, to points in the United States (excluding AK and HI). Restriction: The commodities in parts (1) and (2) above restricted against shipments which, because of size or weight, require special handling or special equipment. (Hearing site: Chicago IL.)

NOTE.—Common control may be involved.

No. MC 10875 (Sub-No. 41F), filed March 6, 1978. Applicant: BRANCH MOTOR EXPRESS CO. 114 Fifth Avenue, New York, NY 10011. Applicant's representative: G. G. Heller (same address 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 plantsites of Markin Tubing, Inc., at or near Wyoming and Pearl Creek, NY, as off-route points in connection with applicant's regular routes presently authorized. (Hearing site: New York, NY or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 11207 (Sub-No. 416F), filed March 6, 1978. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground clay, floor sweeping compounds, and absorbents* (except commodities in bulk), from the facilities of Floridin Co., located at or near Ochlocknee, GA, to points in AL, AR, GA, IL, IN, KY, LA, MS, MO, NC, OH, OK, SC, TN, TX, VA, and WV. (Hearing site: Atlanta, GA, or Birmingham, AL.)

No. MC 11207 (Sub-No. 420F), filed March 13, 1978. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Applicant sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from the facilities of Connors Steel Co. at Huntington, WV, to points in AL, AR, FL, GA, LA, MS, MO, NC, SC, TN, TX, and VA. (Hearing site: Charleston, WV, or Birmingham, AL.)

No. MC 19157 (Sub-No. 50F), filed March 10, 1978. Applicant: MCCOR-

MACK'S HIGHWAY TRANSPORTATION, INC., R.D. 3, Box 4, Campbell Road, Schenectady, NY 12306. Applicant's representative: Paul Montarello (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is sold and used by wholesale, retail, and discount stores* (except foodstuffs, alcoholic and malt beverages, commodities in bulk, and those which, because of size or weight, require the use of special equipment), between Golden, MS, on the one hand, and, on the other points in the United States in and east of MS, TN, KY, IL, and WI. (Hearing site: Washington, DC, or Memphis, TN.)

NOTE.—Common control may be involved.

No. MC-19193 (Sub-No. 14F), filed March 13, 1978. Applicant: **LAFERTY TRUCKING COMPANY**, 3703 Beale Avenue, Altoona, PA 16601. Applicant's representative: S. Berne Smith, P.O. Box 1166, (100 Pine Street), Harrisburg, PA 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business*, between points in Ashtabula, Columbiana, Cuyahoga, Erie, Geauga, Huron, Lake, Lorain, Mahoning, Ottawa, Portage, Sandusky, Stark, Summit, and Trumbull Counties, OH, and Baltimore, MD, on the one hand, and, on the other, (a) Greensburg, Rimersburg and Kane, PA, and points in Fayette, Greene, and Washington Counties, PA, (b) points in Monongalia, Marion, Taylor, Preston, Barbour, Randolph, and Tucker Counties, WV, (c) Hancock, MD, and points in Garret County, MD, and (d) points within the territory bounded by a line beginning at Tionesta, PA, and extending south through Shippensburg, PA, and Oakland, MD, to Thomas, WV, then in a southeasterly direction to Petersburg, WV, then in a northeasterly direction through Moorefield, WV, McConnellsburg and Duncannon, PA, to Millersburg, PA, then in a northwesterly direction to Jersey Shore, PA, and then west through Renovo, Emporium, Johnsonburg, and St. Marys, PA, to Tionesta, including the points named, under a continuing contract or contracts with The Great Atlantic & Pacific Tea Company, Inc., of Montvale, NJ. (Hearing site: Harrisburg, PA or Washington, DC.)

MC-28088 (Sub-No. 33F), filed March 8, 1978. Applicant: **NORTH & SOUTH LINES, INCORPORATED**, 2710 S. Main Street, Harrisonburg, VA 2281. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg.,

425 13th Street NW., Washington, DC 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.

NOTE.—Applicant has motor contract carrier authority pending in MC 143529, therefore, dual operations may be involved. (Hearing site: Washington, DC or Roanoke, VA.)

No. MC 30618 (Sub-No. 13F), filed March 7, 1978. Applicant: **HENRY V. RABOUIN**, Richmond Road, P.O. Box 204, Pittsfield, MA 01201. Applicant's representative: Sherwood Guernsey II, 57 Wendell Avenue, Pittsfield, MA 01201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Talc and talc tailings*, in bulk, from Johnson, VT, to Pittsfield, MA. (Hearing site: Springfield or Boston, MA.)

No. MC 32882 (Sub-No. 91F), filed March 6, 1978. Applicant: **MITCHELL BROS. TRUCK LINES**, a corporation, 3841 North Columbia Boulevard, Portland, OR 97217. Applicant's representative: Lex F. Page, P.O. Box 17039, Portland, OR 97217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe (other than iron and steel pipe) and fittings, accessories and materials* used in the installation thereof from the facilities of Johns-Manville Products Corporation at/or near Stockton, CA, to points in NV and AZ. (Hearing site: Portland, OR, Sacramento or San Francisco, CA.)

No. MC 36556 (Sub-No. 41F), filed March 6, 1978. Applicant: **BLACKMON TRUCKING, INC.**, P.O. Box 186, Somers, WI 53171. Applicant's representative: Fred H. Figge, P.O. Box 186, Somers, WI 53171. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet food*, from St. Joseph, MO, Jefferson, WI, Ft. Dodge, IA, and Sebring, OH, to points in IL, IN, MI, OH, PA, KY, TN, MO, KS, IA, WI and MN.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, IL or Milwaukee, WI.

No. MC 36556 (Sub-No. 42F), filed March 6, 1978. Applicant: **BLACKMON TRUCKING, INC.**, P.O. Box 186, Somers, WI 53171. Applicant's representative: Fred H. Figge, P.O. Box 186, Somers, WI 53171. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container closures, container ends, container accessories, and materials and supplies used in the manufacture, sale and distribution of the aforementioned commodities*, (1) from Mount

Vernon and St. Joseph, MO, to points in WI, IA, IL, IN, OH, TN, KY, MN, MS, TX, AL and AR, (2) from Mansfield, TX, to points in MS, IL, TN, AR, WI, IA, and MN, and (3) from Waupun, Oconomowoc, and Menomonee Falls, WI to points in IL, TN, KY, MO, OH, IN, IA, TX, MI, and MN.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at Chicago, IL or Milwaukee, WI in connection with like applications being filed by Container Transit, Inc., MC 118989, Adams Transit, Inc. MC 139577, and McCarthy Truck Lines, Inc., MC 1263.

No. MC 50307 (Sub-No. 95F), filed March 10, 1978. Applicant: **INTERSTATE DRESS CARRIERS, INC.**, 247 West 35th Street, New York, NY 10001. Applicant's representative: Arthur Liberstein, P.O. Box 1409, 167 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. (Hearing site: New York, NY.)

No. MC 52657 (Sub-No. 742) (Amendment), filed December 22, 1977, previously published in the **FEDERAL REGISTER** issue of March 2, 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: *Motor vehicles*, in secondary movement, in truckaway service, (1) between points in CT, NJ, NY, and PA, (2) between points in MD, NY, OH, PA and WV, and (3) between points in IL, IA, KY, MT, MO, OH, and WI, restricted against the transportation of traffic having an immediately prior movement by rail. (Hearing sites: Detroit, MI or Chicago, IL.)

NOTE.—The purpose of this publication is to delete an unacceptable trade name restriction.

No. MC 52704 (Sub-No. 164F), filed March 23, 1978. Applicant: **GLENN McCLENDON TRUCKING CO., INC.**, P.O. Drawer H, LaFayette, AL 36862. Applicant's representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass and plastic containers and container accessories*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of glass and plastic containers and container accessories (except commodities in bulk), between the facilities of Brockway

Glass Co., located in Pittsylvania County, VA, on the one hand, and, on the other, points in AL, AR, DE, DC, FL, GA, ILL, IN, KS, KY, LA, MD, MN, MS, MO, NC, NJ, NY, OH, OK, PA, SC, TN, TX, WV, and WI. (Hearing site: Atlanta, GA)

No. MC 59150 (Sub-No. 120) (amendment), filed January, 18, 1978, previously published in the FEDERAL REGISTER issue of March 2, 1978. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and veneer*, from points in AL, to points in VA, NC, SC, TN, GA, FL, MS, and LA. (Hearing site: Birmingham, AL.)

NOTE.—The purpose of this republication is to delete applicant's request for a shipper restriction.

No. MC 60014 (Sub-No. 75F), filed March 7, 1978. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* from shipper's facilities at or near Anniston, Dothan, and Montgomery, AL to points in CT, DE, DC, GA, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and WI. (Hearing site: Birmingham, AL or Washington, DC.)

No. MC 60014 (Sub-No. 76F), filed March 8, 1978. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products and wood products*, from points in Lawrence County, SD to points in and east of ND, MN, IA, NB, KS, OK, and TX. (Hearing site: Washington, DC.)

No. MC 60014 (Sub-No. 79F), filed March 15, 1978. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel forms and parts and accessories* from the shipper's facilities at or near Des Moines, IA to CT, DE, DC, IL, IN, KY, MN, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and WI. (Hearing site: Washington, DC.)

No. MC 63417 (Sub-No. 135F), filed March 13, 1978. Applicant: BLUE

RIDGE TRANSFER CO., 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: *insulating materials* from the facilities of Rock Wool Manufacturing Co. at or near Leeds, AL to points in FL (Hearing sites: Roanoke, VA or Birmingham, AL.)

No. MC 63417 (Sub-No. 136F), filed March 13, 1978. Applicant: BLUE RIDGE TRANSFER CO., 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: *Petroleum, petroleum products, vehicle body sealer and sound deadner compound* from the facilities of Witco Chemical Corp. at Houston, TX to points in AL, AK, FL, GA, LA, MS, MO, OK, NC, and SC (restricted against the transportation of commodities in bulk). (Hearing sites: Roanoke, VA or Washington, DC.)

No. MC 63417 (Sub-No. 137F), filed March 13, 1978. Applicant: BLUE RIDGE TRANSFER CO., 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: *Animal feed* (except in bulk) (1) from Red Bay, AL to points in GA, NC, OH, SC, TN; (2) from Isola, MS to points in DE, GA, KY, MD, NC, OH, PA, SC, TN, VA, and WV; and (3) from Rolla, MO to points in KY, NC, PA, SC, VA, and WV. (Hearing sites: Roanoke, VA or Birmingham, AL.)

No. MC 63417 (Sub-No. 138F), filed March 13, 1978. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Applicant's representative: William E. Bain (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting: *Incandescent bulbs and bases* from Cleveland and Conneaut, OH to Mullins, SC and packaging material on return. (Hearing sites: Roanoke, VA or Cleveland, OH.)

No. MC 63417 (Sub-No. 139F), filed March 13, 1978. Applicant: BLUE RIDGE TRANSFER CO., 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: *Plumbers goods, vanities and vanity cabinets*: 1. From the facilities of Universal Rundle, Inc., Union Point, GA to DE, LA, MD, MS, WV; 2. From the facilities

of Universal Rundle, Inc., Monroe, GA to AL, DE, FL, KY, LA, MD, MS, NC, SC, TN, VA, WV; and 3. Between the facilities of Universal Rundle, Inc. at Union Point, GA; Corsicana, TX; Hondo, TX; New Castle, PA; Salem, OG; Monroe, GA; Rensselaer, IN and Crawfordsville, IN. (Hearing sites: Roanoke, VA or Pittsburgh, PA.)

No. MC 65088 (Sub-No. 5F), filed March 6, 1978. Applicant: FAYARD MOVING AND TRANSPORTATION CORP., 2615 25th Avenue, Gulfport, MS 39501. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Authority sought to operate as a *common carrier* by motor vehicle over regular routes transporting: *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission commodities in bulk, and those requiring special equipment): between New Orleans, LA and Mobile, AL; From New Orleans, LA over U.S. Hwy 90 and/or Interstate 10 to Mobile, AL, and return over the same routes, serving all intermediate points. (Hearing site: New Orleans, LA and Mobile, AL.)

No. MC 65941 (Sub-No. 50F), filed March 6, 1978. Applicant: TOWER LINES, INC., 3rd and Warwood Avenue (Box 600), Wheeling, WV 26003. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment,

(A) Between Wheeling, WV and Columbus, GA. From Wheeling, WV over Interstate Hwy 70 to Columbus, OH, then over Interstate Hwy 71 to Cincinnati, OH, then over Interstate Hwy 75 to Atlanta, GA, then over Interstate Hwy 85 to LaGrange, GA, then over U.S. Hwy 27 to Columbus, GA and return over the same route serving all intermediate points in GA.

(B) Between Wheeling, WV and Macon, GA. From Wheeling, WV over WV Hwy 2 to Parkersburg, WV, then over Interstate Hwy 77 to Charlotte, NC, then over Interstate Hwy 85 to Atlanta, GA, then over Interstate Hwy 75 to Macon, GA and return over the same route, serving all intermediate points in GA, NC and SC.

(C) Between Cambridge, OH and Marietta, OH. From Cambridge, OH over Interstate Hwy 77 to Marietta, OH and return over the same route, serving Cambridge and Marietta, OH for purposes of joinder only.

(D) Between Charleston, WV and Lexington, KY. From Charleston, WV over Interstate Hwy 64 to Lexington,

KY and return over the same route, serving Charleston, WV and Lexington, KY for purposes of joinder only.

(E) Between Wytheville, VA and the intersection of Interstate Hwy 40 and Interstate Hwy 75 near Knoxville, TN. From Wytheville, VA over Interstate Hwy 81 to its intersection with Interstate Hwy 40, then over Interstate Hwy 40 to its intersection with Interstate Hwy 75 and return over the same route, serving Wytheville, VA and the intersection of Interstate Hwy 40 and Interstate Hwy 75 for purposes of joinder only.

(F) Between Raleigh, NC and the intersection of Interstate Hwy 40 and Interstate Hwy 81. From Raleigh, NC over U.S. Hwy 70 to Durham, NC, then over Interstate Hwy 85 to Greensboro, NC, then over Interstate Hwy 40 to its intersection with Interstate Hwy 81 and return over the same route, serving all intermediate points in NC.

(G) Between Wytheville, VA and Columbia, SC. From Wytheville, VA over U.S. Hwy 52 to Lexington, NC, then over Interstate Hwy 85 to Charlotte, NC, then over Interstate Hwy 77 to Columbia, SC, serving all intermediate points in NC.

(H) Between Bristol, TN, and Columbia, SC. From Bristol, TN over U.S. Hwy 11E to Johnson City, TN, then over U.S. Hwy 23 to Asheville, NC, then over Interstate Hwy 26 to Columbia, SC and return over the same route, serving all intermediate points in NC and SC.

(I) Between Raleigh, NC and Atlanta, GA. From Raleigh, NC over U.S. Hwy 1 to Columbia, SC, then over Interstate Hwy 20 to Atlanta, GA and return over the same route, serving all intermediate points.

(J) Between Lexington, NC and Greensboro, NC. From Lexington, NC over Interstate Hwy 85 to Greensboro, NC and return over the same route serving all intermediate points.

(K) Between Augusta, GA and Columbus, GA. From Augusta, GA, over U.S. Hwy 278 to Warrenton, GA, then over GA Hwy 16 to Sparta, GA, then over GA Hwy 22 to Columbus, GA and return over the same route serving all intermediate points.

(L) Serving Clarksburg and Mannington, WV and Martins Ferry, OH, all points in NC and SC on, north, and west of U.S. Hwy 1, all points in GA on and north of a line beginning at Augusta, GA and extending along U.S. Hwy 1 to Louisville, GA, then along GA Hwy 24 to junction GA Hwy 22, and then along GA Hwy 22 to Columbus, GA, and those points in WV within 30 miles of Wheeling, WV, not on the above described routes, as off-points.

Restriction: Restricted to the transportation of traffic moving from, to or through Wheeling, Clarksburg and Mannington, WV and Martins Ferry, OH.

NOTE: Applicant is authorized to perform the proposed serving in southbound movements under irregular route authority in MC-65941. It is authorized to transport specified commodities in northbound service. This application is to convert an existing southbound general commodity authority in (L) and expand the northbound commodity description in applicant's operating authority. Duplicating authority to be cancelled. (Hearing site: Wheeling, WV and Atlanta, GA.)

No. MC 68860 (Sub-No. 32F), filed February 27, 1978. Applicant: RUSSELL TRANSFER, INC., 5259 Aviation Drive, Roanoke, VA 24012. Applicant's representative: Liniel G. Gregory, Jr., 5259 Aviation Drive, Roanoke, VA 24012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* from the plant site and storage facilities of Midland Glass at or near Warner Robins, GA to Eden, NC and points in Roanoke, Montgomery, Pulaski, Floyd, Carroll, Patrick, Henry, Pittsylvania, Halifax, Charlotte, Campbell and Botetourt counties VA, and Stokes, Rockingham, Surry, Caswell, Person, Granville, Yadkin, Forsyth, Guilford, Orange, Durham, Alamanace, Chatham, Randolph, Davidson, Davie, Iredell and Rowan counties, NC.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Roanoke, VA, Washington DC, or Atlanta, GA.

No. MC 82063 (Sub-No. 89F), filed March 13, 1978. Applicant: KLIPSCH HAULING CO., 10795 Watson Road, Sunset Hills, MO 63127. Applicant's representative: W. E. Klipsch, 10795 Watson Road, Sunset Hills, MO 63127. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Washington County, MO to all points in the United States (except AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Memphis, TN.

No. MC 82492 (Sub-No. 179F), filed March 9, 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: *Such commodities as are dealt in by wholesale, retail and chain grocery stores* (except commodities in bulk), from Fostoria, Ohio, to points in MI; those points in NY in and west of Allegany, Livingston and Monroe Counties; and those points in PA on and west of U.S. Hwy 219.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Columbus, OH or Washington, DC.

No. MC 82492, (Sub-No. 182F), filed March 8, 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: *Frozen foods*, From the facilities of Ore-Ida Foods, Inc., at or near Greenville, MI, to points in OH and in that part of NY in and west of Allegany, Livingston and Monroe Counties, and those in that part of PA on and west of U.S. Hwy 219. (Hearing site: Chicago, IL or Washington, DC.)

No. MC 86779 (Sub-No. 37F), filed March 6, 1978. Applicant: Illinois Central Gulf Railroad Co., 233 North Michigan Avenue, Chicago, IL 60601. Applicant's representative: John H. Doeringer, 233 North Michigan Avenue, 26th floor, Chicago, IL 60601. Authority sought to operate as a *common carrier* by motor vehicle over regular routes of *general commodities*, including class A and B explosive (except commodities in bulk, household goods as defined by the Commission, articles of unusual value, and those requiring special equipment), as follows: Between Indianapolis, IN and Louisville, KY, via I-65, serving no intermediate points; Between Bloomington IN and Louisville, KY, as follows: from Bloomington via IN Hwy 46 to junction I-65, then I-65 to Louisville and return over the same route, serving no intermediate points; Between Indianapolis, IN and Mattoon, IL, as follows: from Indianapolis via I-70 to junction IL-121, then IL-121 to Mattoon and return over the same route, serving no intermediate points; Between Bloomington, IN and Mattoon, IL, as follows: from Bloomington via IN-46 to junction IN-59, then IN-59 to junction I-70, then I-70 to junction IL-121; then IL-121 to Mattoon and return over the same route, serving no intermediate points. Service restricted to shipments having a prior or subsequent rail movement via Illinois Central Gulf Railroad Co. (Hearing site: Indianapolis, IN or Chicago, IL.)

NOTE.—Common control may be involved.

No. MC 89684 (Sub-No. 100) (correction), filed October 17, 1977. Published in the FEDERAL REGISTER issue of December 22, 1977 and republished this issue. Applicant: WYCOFF CO., INC., 560 South 300 West, Salt Lake City, UT 84110. Applicant's representative: Kent W. Capener, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, commodities which require special equipment, and household goods

as defined by the Commission), restricted to the transportation of packages or articles each not exceeding 100 pounds in weight, and restricted against the transportation of shipments of packages or articles weighing in the aggregate more than 200 pounds from one consignor to one consignee on any one day, between Elko, NV, on the hand and, on the other, points in Washoe, Storey, Carson City, Humboldt, Pershing, Churchill, Lander, Eureka, and White Pine Counties, NV. (Hearing site: Salt Lake, UT.)

NOTE.—The purpose of this republication is to include requested tacking. Applicant intends to tack authority here applied for to authority held by it in MC 89684 and subs thereunder. Applicant does intend to interline with other carriers at Elko, Winnemucca, and Reno, NV.

No. MC 97699 (Sub-No. 48F), filed March 6, 1978. Applicant: Barber Transportation Co., P.O. Drawer 1970, Rapid City, SD 57701. Applicant's representative: Leslie R. Kehl Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Authority sought to operate as a *common carrier* by motor vehicle over regular routes transporting *general commodities* (except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) between Kansas City, KS and Rapid City, SD, serving no intermediate points from Kansas City, KS over Interstate Hwy 29 to junction Interstate Hwy 90, then west over Interstate Hwy 90 to Rapid City, SD and return over the same route. (Hearing sites: Kansas City, KS and Rapid City, SD.)

No. MC 100666 (Sub-No. 385F), filed March 8, 1978. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Plastic, plastic articles, plastic pipe, tubing, fittings, connections and materials, supplies and accessories* used in the manufacture and installation thereof (except in bulk in tank vehicles), between the facilities utilized by Robin-tech Inc., located at or near Weatherford, TX on the one hand and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

No. MC 102616 (Sub-No. 941F), filed March 6, 1978. Applicant: Coastal Tank Lines, Inc., 250 North Cleveland-Massillon Road, Akron, OH 44313. Applicant's representative: David F. McAllister, (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 the facilities of Dow Corning Corp. at or near Hemlock, MI, to points in the United States (except HI). (Hearing site: Washington, DC or Columbus, OH)

No. MC 103051 (Sub-No. 423F), filed March 6, 1978. Applicant: FLEET TRANSPORT CO., INC., 934 44th Avenue, North, Nashville, TN 37209. Applicant's representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. Permanent authority sought to operate as a *common carrier*, over irregular routes, by motor vehicles, transporting: *Petroleum products*, in bulk, in tank vehicles, from Nashville, TN to all points in SC. (Hearing site: Nashville, TN or Atlanta, GA.)

No. MC 103993 (Sub-No. 928F), filed Mar. 6, 1978. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 Est, Elkhart, IN 46515. Applicant's representatives: Paul D. Borghesani, 28651 U.S. 20 West Elkhart, IN 46515. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, paneling and composition board*, from Burns Harbor, IN to points in ND, SD, NE, KS, OK, TX, MN, IA, MO, AR, WI, IL, IN, MI, OH, TN, PA, KY, and NY. (Hearing site: Boston, MA.)

No. MC 105461 (Sub-No. 98F), filed March 8, 1978. Applicant: HERR'S MOTOR EXPRESS, INC., P.O. Box 8, Quarryville, PA 17566. Applicant's representative: Robert R. Herr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Plumbers good, bathroom accessories and equipment, materials and supplies* used in the manufacture and distribution of the above named commodities (except commodities in bulk), between the plantsites and facilities of Universal-Rundle Corp. at New Castle, PA and Salem, OH on the one hand, and on the other, points in PA, NJ, NY, MD, DE, DC, and VA. (Hearing site: Washington, DC or Pittsburgh, PA.)

No. MC 105813 (Sub-No. 234F), filed March 6, 1978. Applicant: BELFORD TRUCKING CO., INC., 1759 Southwest 12th Street, P.O. Box 1936, Ocala, FL 32670. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Frozen fruits and vegetables*, from Jacksonville, FL, to points in FL, restricted to traffic having an immediately prior movement by water. (Hearing site: Jacksonville or Tallahassee, FL.)

NOTE.—Common control may be involved.

No. MC 105733 (Sub-No. 64F), filed March 13, 1978. Applicant: H. R.

RITTER TRUCKING CO., INC., 928 East Hazelwood Avenue, Rahway, NJ 07065. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, DC 20005. 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. (Hearing site: New York, NY or Washington, DC.)

No. MC 107515 (Sub-No. 1129F), filed March 6, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30350. Applicant's representative: Alan E. Serby, Suite 375, 3379 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Bananas and agricultural commodities*, otherwise exempt from economic regulations under section 203(b)(6) of the Act when transported in mixed loads with bananas in intermodal containers, and (2) *empty intermodal containers and trailer chassis*, between Gulfport, MS, on the one hand, and, on other, points in MO. (Hearing site: Atlanta, GA.)

NOTE.—Applicant holds motor contract carrier authority in MC 126436 (Sub-No. 2) and other subs therefore dual operations may be involved. Common control may be involved.

No. MC 108341 (Sub-No. 90F), filed March 6, 1978. Applicant: MOSS TRUCKING COMPANY, INC., 3027 North Tryon Street, P.O. Box 8409, Charlotte, NC 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Air preheater elements or modules, fuel economizers, storage racks, dust collectors, exchangers or equipment*, and (2) *parts, attachments, and accessories* for commodities in (1) above, when moving in mixed loads with commodities in (1) above, from the facilities of CE-Air Preheater Co., McDowell County, NC, to points in the United States in and east of ND, SD, NE, CO, OK, and TX. (Hearing site: Washington, DC.)

NOTE.—Common control may be involved.

No. MC 109124 (Sub-No. 43F), filed March 6, 1978. Applicant: SENTLE TRUCKING CORP., P.O. Box 7850, Toledo, OH 43619. Applicant's representative: James M. Burch, 100 East Broad Street, Suite 1800, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets*, from Tefft, Jasper County, IN, to OR, OH. (Hearing site: Columbus, OH.)

No. MC 110563 (Sub-No. 219F), filed March 6, 1978. Applicant: COLDWAY

FOOD EXPRESS, INC., P.O. Box 747, State Route 29 North, Sidney, OH 45365. Applicant's representative: Mr. Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products and pulpboard*, from Franklin, VA, to points in IL, IN, KY, MI, MO, OH, and WI. (Hearing site: Washington DC.)

No. MC 110563 (Sub-No. 222F), filed March 13, 1978. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29, North, Sidney, OH 45365. Applicant's representative: Mr. Joseph M. Scanlan, 111 West Washington Avenue, Chicago, IL 60602. 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. (Hearing site: Chicago, IL.)

No. MC 111309 (Sub-No. 14F), filed March 13, 1978. Applicant: NEWPORT TRUCKING, CORP., 4600 Fifth Street, Long Island City, NY 11101. Applicant's representative: Arthur Liberstein, Esq., 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, and materials, supplies and equipment* (except in bulk) used in the manufacture thereof, between Arlington, TX, on the one hand, and, on the other, all points in the continental United States, (except AK and HI) under continuing contract with Pepsi-Cola Co. (Hearing site: New York, NY.)

NOTE.—Common control may be involved.

No. MC 113678 (Sub-No. 727F), filed March 13, 1978. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Candy, confectionery and confectionery products* (except commodities in bulk in tank vehicles), in vehicles equipped with mechanical refrigeration, from the facilities utilized by Blum's of San Francisco, located at or near San Francisco, CA and Jackson, MN to Harrisburg, PA and points in the Harrisburg, PA Commercial Zone. (Hearing site: Minneapolis-St. Paul, MN.)

No. MC 113678 (Sub-No. 728F), filed March 10, 1978. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, trans-

porting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except commodities in bulk in tank vehicles), from Fremont, NE to Ports of Entry located on the United States/Canada International Boundary; the United States/Mexico International Boundary; and International Ports of Entry located in the states of AL, CA, CT, DE, GA, FL, LA, ME, MD, MA, MI, NH, NJ, NY, NC, OR, RI, TX, VA, and WI, restricted to traffic having a subsequent movement by water or air or moving in foreign commerce, and further restricted to traffic originating at the named origin point. (Hearing site: Omaha or Lincoln, NE.)

No. MC 113678 (Sub-No. 729F), filed March 13, 1978. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Pasta and pasta products, soybean products, and soup mixes* (except commodities in bulk in tank vehicles), from Minneapolis, MN to points in AZ, CA, CO, KS, LA, MO, MT, NE, NM, OR, TX, UT, and WA. (Hearing site: Minneapolis, MN.)

No. MC 113828 (Sub-No. 255F), filed March 20, 1978. Applicant: O'BOYLE TANK LINES, INC. P.O. Box 30006, Washington, DC 20014. Applicant's representative: William P. Sullivan, Federal Bar building West, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Fly ash*, from Alexandria, VA, Chalk Point, Dickerson, and Morgantown, MD, to points in NJ, PA, and MD. (Hearing site: Washington, DC.)

No. MC 113843 (Sub-No. 250F), filed March 13, 1978. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Terminal Ice & Cold Storage Co. at or near Bettendorf, IA to points in IL, IN, MI, MO, KY, OH, MN, WI, PA, and NY. (Hearing site: Chicago, IL or Washington, DC.)

No. MC 114273 (Sub-No. 355F), filed March 6, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Applicant's representative: Kenneth L.

Core (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, and pelts, and pieces therefrom*, from the hid plant of Iowa Beef Processors, Inc., at or near Dalota City, NE to points in the States of 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. Restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations except for export traffic. (Hearing site: Sioux City, IA or Omaha, NE.)

NOTE.—Common control may be involved.

No. MC 114273 (Sub-No. 356F), filed March 6, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Applicant's representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, pelts and skins*, from the plansite of Hide Co. at or near Maquoketa, IA to points in the States of IL, MI, OH, WV, PA, MD, VA, NY and WI. (Hearing site: Chicago, IL or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 114632 (Sub-No. 153F), filed March 13, 1978. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Applicant's representative: Michael L. Carter, P.O. Box 287, Madison, SD 57042. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes; transporting: *Frozen foods* (except commodities in bulk), from the facilities of General Foods Corp. located in points in MN to points in the states of AR, IL, IN, IA, KS, LA, MI, MO, NE, ND, OH, OK, SD, TX, and WI. Restricted to traffic originating at the facilities of General Foods Corp., and destined to the named destination states. (Hearing site: Chicago, IL or Minneapolis, MN.)

NOTE.—Applicant holds motor contract carrier authority in No. MC-129706, therefore dual operations may be involved.

No. MC 115092 (Sub-No. 67F), filed March 20, 1978. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, UT 84078. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay and lignite coal*, treated or untreated, from the facilities of American Colloid Co. in Crook County, WY and at or near Malta, MT to points in AR, AZ, CA, CO, KS, LA, NV, NM, OK, OR, TX, UT and WA. (Hearing site: Salt Lake City, UT.)

No. MC 115730 (Sub-No. 47F), filed March 13, 1978. Applicant: THE

MICKOW CORP., 531 SW Sixth Street, P.O. Box 1774, Des Moines, IA 50306. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50309. Authority sought to engage in operation, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: (1) *Iron and steel articles*, from Norfolk, NE to points in CO; (2) *Ferrous scrap*, from points in CO to Norfolk, NE. (Hearing site: Omaha, NE or Washington, DC.)

No. MC 115826 (Sub-No. 299F), filed March 1, 1978. Applicant: W. J. DIGBY, INC., 1960 31st Street, P.O. Box 5088 T.A., Denver CO 80217. Applicant's representative: Howard Gore, 1960 31st Street, P.O. Box 5088 T.A., Denver, CO 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting, rugs, floor covering, textiles, and textile products*, from CA to TX, WA and OR. (Hearing site: Amarillo, TX.)

No. MC 116626 (Sub-No. 12F), filed March 9, 1978. Applicant: C. W. EANES, R.F.D. 1, Box 6, Gretna, VA 24557. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, in interstate or foreign commerce, 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. (Hearing site: Lynchburg, VA or Washington, DC.)

No. MC 117686 (Sub-No. 208F), filed March 13, 1978. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis boulevard, P.O. Box 417, Sioux City, IA 51102. Applicant's representative: George L. Hirschbach, P.O. Box 417, Sioux City, IA 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies*, used in the manufacture and sale of clothing and wearing apparel (except in bulk), from Landis, Henderson, Ranlo, Statesville, Goldsboro, Tuxedo, Madison, Kinston, Salisbury and Lumberton, NC, to Minneapolis, MN. (Hearing site: Minneapolis, MN or Omaha, NE.)

No. MC 118202 (Sub-No. 87F), filed March 6, 1978. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, Winona, MN 55987. Applicant's representative: Thomas J. Beener, P.O. Box 5000, Waterloo, IA 50704. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazines and periodicals*, from Pewaukee, WI, to

Las Vegas and Reno, NV, Phoenix, AZ, Portland, OR and Salt Lake City, UT. (Hearing site: Chicago, IL.)

No. MC 119090 (Sub-No. 5F), filed March 9, 1978. Applicant: THRUWAY FREIGHT LINES, INC., P.O. Box 56, Elmwood Park, NJ 07407. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Paper and paper products*, from the facilities of the International Paper Co. at or near Corinth and Ticonderoga, NY, to Nassau, Suffolk Counties, NY and points in NJ, CT, PA, DE, MD and DC. (Hearing site: New York, NY or Washington, DC.)

No. MC 119777 (Sub-No. 346F), filed March 6, 1978. Applicant: LIGON SPECIALIZED HAULER, INC., a corporation, Madisonville, KY, 42431. Applicant's representative: Carl U. Hurst, P.O. Drawer L, Madisonville, KY, 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Armco Steel Corp. at or near Ashland, KY, to points in CA, CO, FL, KS, NE, NM, ND, OK, SD, TX, and UT. Restriction: Restricted to the transportation of traffic originating at the facilities of Armco Steel Corp. at or near Ashland, KY. (Hearing site: (1) Cincinnati, OH, (2) Louisville, KY, or (3) Columbus, OH.)

NOTE.—Common control and dual operations may be involved. Applicant holds contract carrier authority in No. MC 126970 Subs 1 and 3. 000

No. MC 119789 (Sub-No. 437F), filed March 6, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Applicant's representative: Lewis Coffey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing-houses*, as described in sections A and C of appendix I to the Report in Descriptions in Motor Carriers Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of Dubuque Packing Inc., at or near Omaha, NE to AL, CT, DE, FL, GA, KY, LA, ME, MD, MA, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, and WV. (Hearing site: Omaha, NE.)

No. MC 121470 (Sub-No. 15F), filed March 10, 1978. Applicant: TANKSLEY TRANSFER CO., a corporation, 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: (A)(1) *Prefabricated, insulated and jacketed piping systems*; (2) *prefabricated manhole assemblies*; and (3), *parts, attachments, and accessories* for (1) and (2), above, 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 AK and HI) and (b) *Materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (A) (1), (2), and (3), above, from points in the United States (except AK and HI) to the facilities of Midwesco, Inc., Perma-Pipe Division, at or near Lebanon, TN. Restriction: Restricted to the transportation of traffic originating at or destined to the facilities of Midwesco, Inc., Perma-Pipe Division, at or near Lebanon, TN. (Hearing site: Nashville, TN.)

No. MC 123310 (Sub-No. 14F), filed March 6, 1978. Applicant: DOUG ANDRUS & SONS, INC., 1820 Broadway, Idaho Falls, ID. 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: *Feed, feed ingredients, mineral mixtures, whey and/or powdered dry milk solids, and animal health aid product*, from the facilities of Ralston Purina Co. at or near Henderson or Denver, CO, to points in UT. (Hearing site: St. Louis, MO.)

No. MC 124251 (Sub-No. 46F), filed March 13, 1978. Applicant: JACK JORDAN, INC., Highway 41 South, P.O. Box 689, Dalton, GA 30720. Applicant's representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid plastic*, in bulk, in pressure containers, in special insulated van trailers, and in drums, from points in Whitfield County, GA, to points in MA, IN, IL, WV, CT, CO, UT, MI, WI, NJ, MD, NY, DE, and TX, and (2) *isocyanate*, in bulk, from Whitfield County, GA, to points in KS, MO, PA, and TX. (Hearing site: Atlanta, GA.)

No. MC 124711 (Sub-No. 56F), filed March 10, 1978. Applicant: BECKER CORP., P.O. Box 1050, El Dorado, KS 67042. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions*, in bulk, in tank vehicles, from Ulysses, KS, to points in CO, OK, NM, and TX. (Hearing site: Oklahoma City, OK; Kansas City, MO; Denver, CO.)

NOTE.—Common control may be involved.

No. MC 124947 (Sub-No. 101F), filed March 10, 1978. Applicant: MACHIN-

ERY TRANSPORTS, INC., 1945 South Redwood Road, Salt Lake City, UT 84104. Applicant's representative: David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt plants, rotary dryers, kilns, cyclone and wet dust collectors, crushers, screens, car shakers, solid waste shredders, paper making and handling machinery and equipment, and other customs fabricated equipment* (except in bulk), from the facilities of Allis-Chalmers Corp., at or near Appleton, WI, to points in AZ, AR, CA, GA, ME, MD, MI, MN, NC, NY, PA, RI, SC, SD, UT, VA, WV, WA, and WY. (Hearing site: Chicago, IL.)

NOTE.—Common control may be involved.

No. MC 125335 (Sub-No. 10F), filed March 9, 1978. Applicant: GOODWAY, INC., P.O. Box 2283, York, PA 17405. Applicant's representative: Gailyn L. Larsen, 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: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 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., at or near Schuyler, NE, to points in ME, NH, VT, MA, CT, NY, NJ, PA, RI, MD, DE, VA, WV, and DC. (Hearing site: Omaha, NE, or York, PA.)

NOTE.—Common control may be involved.

No. MC 125433 (Sub-No. 151F), filed March 8, 1978. Applicant: F-B TRUCK LINE CO., a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Applicant's representative: David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractories and refractory products* (except in bulk), from Moss Landing, CA, to points in the States of UT, ID, MT, CO, SD, NE, KS, IA, MO, and IL. (Hearing site: San Francisco, CA.)

NOTE.—Common control may be involved.

No. MC 125952 (Sub-No. 29F), filed March 23, 1978. Applicant: INTERSTATE DISTRIBUTOR CO., a corporation, 8311 Durango SW., Tacoma, WA 98499. Applicant's representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. Authority is sought to operate as a *contract carrier*, over irregular routes, in the transportation of: *Cake and cookies*, from Oakland, CA, to points in CO, under a continuing contract or contracts with Mother's Cake and Cookies, Oakland, CA. (Hearing site: San Francisco, CA.)

No. MC 126305 (Sub-No. 91F), filed March 9, 1978. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. 1, Clayton, AL 36016. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier* over irregular routes, transporting: *Pipe and pipe fittings*, from the facilities of Atlantic States Cast Iron Pipe Co., at Phillipsburg, NJ, to points in the States of DE, MD, VA, WV, NC, SC, KY, TN, GA, AL, MS, FL, and DC. (Hearing site: Birmingham, AL, or Washington, DC.)

No. MC 128246 (Sub-No. 25F), filed March 13, 1978. Applicant: SOUTHWEST TRUCK SERVICE, a corporation, P.O. Box A.D., Watsonville, CA 95076. Applicant's representative: William F. King, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen meats, frozen meat products, and frozen meat byproducts*, as described in section A of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except commodities in bulk); and (2) *frozen fish and shellfish, frozen poultry, and frozen eggs*, the transportation of which is otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when moving in mixed loads with the commodities specified in (1) above, from the facilities of Safeway Stores, Inc., located at the storage facilities of Inland Storage Distribution Center at or near Kansas City, KS, to the facilities of Safeway Stores, Inc., located at or near Little Rock, AR; Dallas and El Paso, TX; Denver, CO; Omaha, NE; and Oklahoma City and Tulsa, OK, under a continuing contract or contracts with Safeway Stores, Inc., of Oakland, CA. (Hearing site: Washington, DC, or Oakland, CA.)

No. MC 128246 (Sub-No. 26F), filed March 13, 1978. Applicant: SOUTHWEST TRUCK SERVICE, a corporation, P.O. Box A.D., Watsonville, CA 95076. Applicant's representative: William F. King, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts*, as described in section A of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209, and 766 (except commodities in bulk); from the plantsites and warehouse facilities of Missouri Beef Packers, Inc., at or near Souri and Plainview, TX, to the plantsite and warehouse facilities of the Safeway Stores, Inc., meat pro-

cessing plant at or near Wichita, KS, under a continuing contract or contracts with Safeway Stores, Inc., of Oakland, CA. (Hearing site: Washington, DC, or Oakland, CA.)

No. MC 133233 (Sub-No. 59F), filed March 6, 1978. Applicant: CLARENCE L. WERNER, doing business as Werner Enterprises, I-80 and Highway 50, P.O. 37308, Omaha, NE 68137. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Appliances*, from the facilities of the Maytag Co., located at or near Newton, IA, to points in AZ and CA. Restricted to a transportation service to be performed under a continuing contract, or contracts, with the Maytag Co. Applicant holds common carrier authority in MC 138328 and subs thereunder, therefore dual operations may be involved. (Hearing site: Des Moines, IA, or Omaha, NE.)

No. MC 133296 (Sub-No. 8F), filed March 13, 1978. Applicant: YULE TRANSPORT, INC., P.O. BOX 42, Medford, MN 55040. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Owatonna, Olivia, and Briceyn, MN, to points in IL, OH, NJ, NY, CT, MA, PA, MD, KY, TN, AL, GA, OK, TX, NM, and LA under a continuing contract or contracts with Owatonna Canning Co., Tendersweet Sales Corp., and Olivia Canning Co. (Hearing site: Minneapolis-St. Paul, MN.)

No. MC 133566 (Sub-No. 108F), filed April 7, 1978. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., a corporation, P.O. Box 479, Logansport, IN 46947. Applicant's representative: Charles W. Beinhauer, Suite 4959, One World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities of La Choy Food Products, Inc., at or near Archbold, OH, to points in CO, IL, IA, KS, MO, MN, NE, TN, WI. Restricted to traffic originating at the above-named point and destined to the named destination States. (Hearing site: May 5, 1978 (1 day), at 9:30 a.m., local time, at Columbus, OH, in Room 235, Federal Building, 85 Marconi Boulevard.)

NOTE.—This proceeding will be heard with No MC 133566 (Sub-No. 81), Gangloff & Downham Trucking Co., Inc., and No. MC 134286 (Sub-No. 24), Illini Express, Inc.

No. MC 133666 (Sub-No. 23F), filed March 8, 1978. Applicant: JACOBSON

TRANSPORT, INC., 1112 Second Avenue South, Wheaton, MN 56296. Applicant's representative: Thomas J. Burke, Jr., 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, CO 80264. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *road asphalt and fuel oils*, from Superior, WI, to points in ND and SD.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Minneapolis, MN, or St. Paul, MN.

No. MC 133937 (Sub-No. 25F), filed February 23, 1978. Applicant: CAROLINA CARTAGE COMPANY, INC., P.O. Box 1075, Greenville, SC 29602. Applicant's representative: Henry P. Willimon, P.O. Box 1075, Greenville, SC 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers, in polyethylene bags, flats, racks, and packs, between points and places in AL, FL, GA, MS, TN, Dallas, Ft. Worth, and Houston, TX, New Orleans, LA, St. Louis and Kansas City, MO, Detroit, MI, Los Angeles, San Francisco, and San Diego, CA, Chicago, IL, Cleveland and Columbus, OH.

NOTE.—Common control may be involved. Applicant proposes to tack this authority at Atlanta, GA with authority granted in applicant's pending Sub 19 in order to provide a through service between points covered. If a hearing is deemed necessary, applicant requests that it be held for one week in Atlanta, GA, for one week in Los Angeles, CA, and for one week in Chicago, IL.

No. MC 134755 (Sub-No. 136F), filed March 6, 1978. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery* (except in bulk), in vehicles equipped with mechanical refrigeration: (1) From the facilities of M&M/Mars, Inc. at or near Elizabeth, NJ, Hackettstown, NJ, and Elizabethtown, PA, to points in KS and MO, restricted to traffic originating at the named origins and destined to points in the destination states. (2) From the facilities of M&M/Mars, Inc. at or near Elizabeth, NJ, Hackettstown, NJ, and Elizabethtown, PA, to points in IL, restricted to traffic originating at the named origin and destined to points in the destination states.

NOTE.—Applicant holds motor contract carrier authority in MC 138390 and sub numbers thereunder, therefore, dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at either Kansas City, MO or Philadelphia, PA.

No. MC 135007 (Sub-No. 67F), filed March 8, 1978. Applicant: AMERICAN

TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Applicant's representative: Arthur J. Cerra, 2100 Ten-Main Center, P.O. Box 19251, Kansas City, MO 64141. Authority is sought to operate as a *contract 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 Certificate, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., located at or near Emporia and Wichita, KS to points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, and WV, under a continuing contract with Iowa Beef Processors, Inc.

NOTE.—Applicant holds motor common carrier authority in MC 135078 (Sub-No. 2) and other Subs, therefore, dual operations may be involved. (Hearing Site: Kansas City, MO or Omaha, NE.)

No. MC 135684 (Sub-No. 68F), filed March 13, 1978. Applicant: BASS TRANSPORTATION CO. INC., P.O. Box 391, Old Croton Road, Flemington, NJ 08822. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, chewing gum and novelties*, from Duryea and Scranton, PA, to AR, CA, ID, MT, NE, NM, OR, UT, WA, and WY. (Hearing site: Washington, DC or Newark, NJ.)

No. MC 136035 (Sub-No. 11F), filed March 7, 1978. Applicant: W. S. DUNNING & SON, INC., P.O. Box 793, Jeffersonville, IN 47130. Applicant's representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the facilities of Morgan Packing Company, Inc., Austin and Brownstown, IN, to NY, PA, OH, MD, VA, WV, NC, SC, FL, CT, MA, and NJ, under a continuing contract with Morgan Packing Company, Inc. (Hearing Site: Louisville, KY or Indianapolis, IN.)

No. MC 136407 (Sub-No. 18F), filed March 13, 1978. Applicant: COORS TRANSPORTATION CO., a corporation, 5101 York 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 *contract carrier*, by motor vehicle, over irregular routes, transporting: *prepared frozen foods*, from the facilities of Banquet Foods Corp. located at Marshall, Macon, Moberly, Carrollton, and Milan, MO, to Denver and Pueblo,

CO. Restriction: The operations above are restricted to a transportation service to be performed under a continuing contract or contracts with Banquet Foods Corp. of St. Louis, MO. (Hearing site: Denver, CO or St. Louis, MO.)

No. MC 136857 (Sub-No. 2F), filed March 6, 1978. Applicant: ROSELAND TRUCKING CORP., 462 Eagle Rock Avenue, Roseland, NJ 07068. Applicant's representative: Eugene M. Malkin, 5 World Trade Center, Suite 6193, New York, NY 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Preserved and processed fruits, jellies and jams*, from Modesta, CA, to Dallas and Fort Worth, TX, and (2) *commodities* used in the manufacture, packing, and distribution of preserved and processed fruits, jellies and jams (except in bulk), from Dallas, Brownsville, Houston, and Fort Worth, TX to Modesta, CA, under a continuing contract or contracts with M. Polaner & Son, Inc. of Roseland, NJ. (Hearing site: New York, NY.)

No. MC 138336 (Sub-No. 14F), filed March 8, 1978. Applicant: THE GRADER LINE, INC., 434 Atlas Drive, Nashville, TN 37211. Applicant's representative: Edward C. Blank II, Middle Tennessee Bank Building, P.O. Box 1004, Columbia, TN 38401. Authority sought to operate as a *contract irregular carrier*, by motor vehicle, over irregular routes, transporting: *Water heaters and water heater parts and associated packing material*, from Ashland City, TN, to points in the States of NV, CA, OR, WA, NM, and AZ. (Hearing site: Nashville, TN.)

No. MC 138469 (Sub-No. 58F), filed March 9, 1978. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Applicant's representative: K. E. McLinn, P.O. Box 75354, Oklahoma City, OK 73107. Authority sought as a *common carrier*, by motor vehicle, over irregular routes, to transport: *Trailer axles, trailer tires, wheels, trailer components including steel trailer components, trailer landing gear and mud flaps*, from MI, IL, and OH, to the facilities of Doonan Trailer Corp. at Great Bend, KS. (Hearing site: Wichita, KS or Oklahoma City, OK.)

No. MC 138469 (Sub-No. 59F), filed March 8, 1978. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Okla. City, OK 73107. Applicant's representative: K. E. McLinn, P.O. Box 75354, Okla. City, OK 73107. Authority sought as a *common carrier*, by motor vehicle, over irregular routes, to transport: *Frozen foods* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Southern Frozen Foods, Montezuma, GA, to points in

AL, AR, IL, IN, IA, KY, LA, MS, MO, NE, OH, OK, PA, TN, TX, NM and KS. (Hearing site: Atlanta, GA or Birmingham, AL.)

NOTE.—Applicant now holds contract carrier authority in MC 136375, therefore dual operations may be involved.

No. MC 138890 (Sub-No. 7F), filed March 9, 1978. Applicant: MOODIE, INC., 301 Acorn Street, Stevens Point, WI 54481. Applicant's representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, between the facilities of Continental Freezers of Illinois at Chicago, IL, on the one hand, and, on the other, points in MN, IA, MO, WI, IL, IN, OH, MI, and KY. Restriction: Restricted to traffic originating at and destined to the above-named origins and destinations. (Hearing site: Chicago, IL or Madison, WI.)

No. MC 138902 (Sub-No. 9F), filed March 8, 1978. Applicant: ERB TRANSPORTATION CO., INC., P.O. Box 45, Crozet, VA 22932. Applicant's representative: Harry C. Ames, Jr., Suite 805, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between Crozet, VA, on the one hand, and, on the other, points in AL, FL, GA, and SC. (Hearing site: Washington, DC.)

No. MC 139206 (Sub-No. 21F), filed March 9, 1978. Applicant: F.M.S. TRANSPORTATION, INC., Box 1597, 2564 Harley Drive, Maryland Heights, MO 63043. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought by applicant to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass, glass products, glass articles, mirrors, and mirrored products*, and (2) *materials, equipment and supplies* used in the manufacture, production, assembly, coating, cutting, packing, transportation, finishing, sale and distribution of the commodities named in (1) above (except commodities in bulk), between Tulsa, OK, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic moving under a continuing contract, or contracts, with Chromalloy American Corp. (Hearing site: St. Louis, MO.)

NOTE.—(1) Applicant states that it is a commonly controlled contract carrier for Chromalloy American Corp. and that the purpose of this application is to allow the shipper to substitute the contract carrier services of applicant for its private carriage. Applicant further states that it already

holds authority to provide similar service for this shipper between thirteen (13) other points, on the one hand, and, on the other, points in the United States (except AK and HI). (2) Applicant states that dual operations and common control may be involved. Dual operations and common control were approved in MC-F-12514.

No. MC 139206 (Sub-No. 22F), filed March 20, 1978. Applicant: F.M.S. TRANSPORTATION, INC., Box 1597, 2564 Harley Drive, Maryland Heights, MO 63043. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought by applicant to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals* (except in bulk); and (2) *materials, equipment and supplies* used in the manufacture, sale, processing, production, blending, packaging and transportation of the commodities in (1) supra (except commodities in bulk), between San Antonio, TX, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic moving under a continuing contract, or contracts, with Chromalloy American Corp. (Hearing site: St. Louis, MO.)

NOTE.—(1) Applicant states that it is a commonly-controlled contract carrier for Chromalloy American Corp. and that the purpose of this application is to allow the shipper to replace its private carriage with the contract carrier services of applicant. Applicant further states that it already holds authority to thirteen (13) other points, on the one hand, and, on the other, points in the United States (except AK and HI). (2) Applicant further states that common control and dual operations may be involved. Dual operations and common control were approved in Docket No. MC-F-12514.

No. MC 139495 (Sub-No. 323F), filed March 13, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insecticides, deodorants, chemicals, and dispensers* (except commodities in bulk in tank vehicles), from Cerritos and Long Beach, CA to points in the United States in and east of KS, NE, ND, OK, SD, and TX. (Hearing site: Washington, DC.)

No. MC 140581 (Sub-No. 21F), filed March 7, 1978. Applicant: TOMMY HAGWOOD, d.b.a. HAGWOOD ENTERPRISES, Route 1, Box 222A, Trafford, AL 35172. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregu-

lar routes, transporting: *Automobiles*, in truckaway service, between Los Angeles, CA, on the one hand, and, on the other, points in KS and OK. (Hearing site: Los Angeles, CA.)

No. MC 140581 (Sub-No. 22F), filed March 7, 1978. Applicant: TOMMY HAGWOOD, d.b.a. HAGWOOD ENTERPRISES, Route 1, Box 222A, Trafford, AL 35172. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Used automobiles*, in truckaway service, from Flint, MI, to points in CA. (Hearing site: Detroit, MI.)

No. MC 140581 (Sub-No. 23F), filed March 9, 1978. Applicant: TOMMY HAGWOOD, d.b.a. HAGWOOD ENTERPRISES, Route 1, Box 222A, Trafford, AL 35172. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used motor vehicles*, in truckaway service, from New York, NY, and its commercial zone, and Philadelphia, PA, and its commercial zone, to points in TX. (Hearing site: Dallas, TX.)

No. MC 140665 (Sub-No. 26F), filed March 6, 1978. Applicant: PRIME, INC., Route 1, Box 115B, Urbana, MO 65767. Applicant's representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. Authority sought as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint, waterproofing compounds, roofing cement, coating and caulking compounds, composition roofing, materials and supplies used in the installation of roofing, petroleum oils and greases, rust preventing compounds, and materials and supplies* used in the marketing or distribution of the above commodities (except commodities in bulk), from Cleveland, OH to points in AZ, CA, CO, NV, NM, UT, WY, MT, ID, OR, and WA. (Hearing site: Cleveland, OH or Washington, DC.)

NOTE.—Dual operations and common control may be involved.

No. MC 141197 (Sub-No. 22F), filed March 2, 1978. Applicant: FLEMING-BABCOCK, INC., 4106 Mattox Road, Riverside, MO 64151. Applicant's representative: Tom B. Kretsinger, 910 Brookfield Building, 101 West Eleventh Street, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Coal*, from Bourbon and Crawford Counties, KS, to the facilities of Empire Electric Co. at or near Asbury, MO. (Hearing site: Kansas City, MO.)

No. MC 141450 (Sub-No. 2F), filed March 6, 1978. Applicant: OLIN WOOTEN, d.b.a. WOOTEN TRANSPORT CO., P.O. Box 731, Hazelhurst, GA 31539. Applicant's representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 33202. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes transporting: *Containers, container ends and packing material* used in the shipment of 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 and FL, under a continuing contract or contracts with National Can Corp. of Piscataway, NJ. (Hearing site: Jacksonville, FL or Atlanta, GA.)

No. MC 141575 (Sub-No. 9F), filed March 9, 1978. Applicant: TFS, INC., Box 126, Rural Route 2, Grand Island, NE 68801. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: (1) *Cheese*, (a) from Oxford, NE, to points in the United States (except AZ, CA, CO, IA, KS, MO, NV, UT, and WY), and (b) from points in the United States to Oxford, NE; and (2) *Commodities* used in the manufacture and distribution of cheese, from points in the United States (except CO, KS, IA, MO, and UT) to Oxford, NE; and (3) *Cheese and commodities* used in the manufacture and distribution of cheese, between Hebron and Ravenna, NE, and Milan, MO, on the one hand, and, on the other, all points in the United States, under continuing contract or contracts with Oxford Cheese Corp., Oxford, NE. (Hearing site: Lincoln, NE or Grand Island, NE.)

No. MC 141776 (Sub-No. 22F), filed March 16, 1978. Applicant: FOOD-TRAIN, INC., Spring and South Center Streets, Ringtown, PA 17967. Applicant's representative: Pauline E. Myers, Suite 407, Walker Building, 734 15th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in mechanically refrigerated equipment, except in bulk, from the plantsite of Ore-Ida Foods, Inc., at Greenville, MI, to points in CT, DE, MA, MD, NH, NJ, NY, PA, VA, VT, WV, and DC. (Hearing site: Boise, ID or Washington, DC.)

No. MC 141914 (Sub-No. 32F), filed March 9, 1978. Applicant: FRANKS & SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought by applicant to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl coated fabrics and plastic*

sheeting, other than cellulose exceeding fifteen 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. (Hearing site: Columbus, OH.)

No. MC 142516 (Sub-No. 8F), filed March 8, 1978. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Avenue, Kearny, NJ 07032. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lamps, lighting fixtures and materials, equipment, and supplies* used in the manufacture and sale of lamps and lighting fixtures (except commodities in bulk), between the facilities of North American Philips Lighting Co., located at or near Essex County, MA, Hammond, IN, South Brunswick and Hightstown, NJ, on the one hand, and, on the other, points in the United States (except AK and HI), under a continuing contract or contracts with North American Philips Lighting Co. (Hearing site: New York, NY or Washington, DC.)

No. MC 143071 (Sub-No. 10F), filed March 6, 1978. Applicant: UNIVERSAL DEVELOPMENT, INC., P.O. Box 568, York, NE 68467. Applicant's representative: William B. Barker, 641 Harrison Street, Topeka, KS 66603. 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 the facilities of Dubuque Packing Co. at Mankato, KS, to CT, DC, FL, ME, MD, MA, NH, NJ, NY, OH, PA, RI, and VT. (Hearing site: Omaha, NE)

No. MC 143263 (Sub-No. 1F), filed March 2, 1978. GILLETTE DAIRY, INC., 700 East Omaha Avenue, P.O. Box 19, Norfolk, NE 68701. Applicant's representative: Gailyn L. Larsen, 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: *Sugar*, from the facilities of Holly Sugar Co., at or near Torrington, WY, to points in NE, under continuing contract or contracts with Nash Finch Co. (Hearing site: Lincoln or Omaha, NE.)

No. MC 143375 (Sub-No. 2F), filed March 10, 1978. Applicant: PROVOST INDUSTRIAL TANKERS LTD., 90 North Queen Street, Etobicoke, Ontario, Canada M8Z 2C9. Applicant's rep-

resentative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, OH 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in bulk, in tank vehicles, from the port of entry on the international boundary line between the United States and Canada, located at or near Port Huron to Ecorse, MI. Restricted to the transportation of traffic having an immediate prior movement in foreign commerce. (Hearing site: Washington, DC.)

No. MC 143376 (Sub-No. 1F), filed March 6, 1978. Applicant: LAKE ERIE TRUCKING CO., a corporation, 3025 W. 17th St., Erie, PA 16505. Applicant's representative: John Fullerton, 407 N. Front St., Harrisburg, PA 17101. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *General commodities* between the facilities of Zurn Industries, Inc. at Erie, PA on the one hand and, on the other, points in AL, CA, CO, FL, GA, IL, IN, KS, MA, MI, MO, NY, NM, OH, OK, TX, VA and WA, said transportation to be performed under a continuing contract with Zurn Industries, Inc., of Erie, PA. (Hearing site: Washington, DC.)

No. MC 143532 (Sub-No. 1F), filed March 13, 1978. Applicant: MELVIN A. and THERESA L. AUMAN, d.b.a. AUMAN TRUCKING, 107 Griason Drive, Walkerton, IN 46574. Applicant's representative: Charles O. Lloyd, 529 South Main Street, Bourbon, IN 46504. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, rejects, pallets, and similar return materials*, between Melrose Park, IL on the one hand and, on the other, places in the States of NJ, NY, PA, VA, and IN, under a continuing contract with Album Graphics, Inc. located at Melrose Park, IL. (Hearing site: Chicago, IL; Fort Wayne or Indianapolis, IN.)

No. MC 144041 (Sub-No. 7F), filed March 8, 1978. Applicant: DOWNS TRANSPORTATION CO., INC., 2750 Canna Ridge Circle NE., Atlanta, GA 30345. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Expanded plastic products* (except in bulk), from the facilities of The Dow Chemical Co. at or near Channahon, IL; Magnolia, AR; Pevely, MO; and Hanging Rock, OH, to points in the United States on and east of U.S. Hwy 85. (Hearing site: Washington, DC or Chicago, IL.)

NOTE.—Applicant holds motor contract authority in MC 140883 Sub-No. 2, therefore dual operations may be involved.

No. MC 144239 (Sub-No. 1F), filed March 6, 1978. Applicant: J.L.T. Corp.,

233 Green Village Road, Green Village, NJ 07935. 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: (1) *Cheese*, in vehicles equipped with mechanical refrigeration, (a) from Lena, WI to Providence, RI, DC, and points in CT, ME, MD, MA, NJ, NY, PA, and VA, and (b) from Saddle Brook, NJ and the ports in the New York, NY commercial zone to Lena, WI, and (c) from Blair, WI to New York, NY, points in Nassau and Suffolk Counties, NY, and to points in NJ, and (2) *fiber boxes* from Pennsauken, NJ to Lena, WI, and (3) *labels* from Mt. Holly, NJ to Lena, WI under a continuing contract or contracts with Frigo Cheese Corp., located at Lena, WI. (Hearing site: New York, NY.)

No. MC 144248 (Sub-No. 2F), filed March 7, 1978. Applicant: Wayne Alberts, d.b.a. ALBERTS LEASING, 11030 South Nagle Avenue, Worth, IL 60482. Applicant's representative: Patrick H. Smyth, Suite 521, 19 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, (1) between Berwe Warehouse, Inc., Chicago, IL on the one hand and, on the other, Cedar Rapids, IA, Cleveland, OH, Detroit, MI, Fort Recovery, OH, Kansas City, Mo, Milwaukee, WI, Omaha, NE, St. Louis, MO, and Valley, NE, and (2) from Cleveland, OH and Omaha, NE to Streater Dependable Co. at or near Streater, IL. Restriction: The transportation services authorized above are restricted against the transportation of commodities of bulk and under a continuing contract or contracts with D-L Steel Co., Chicago, IL. (Hearing site: Chicago, IL.)

No. MC 144309 (Sub-No. 1F), filed March 6, 1978. Applicant: GENE WALTERS and CLARK WURTELE, d.b.a. M. & M. TRUCKING, Buchanan, ND 58420. Applicant's representative: Charles E. Johnson, P.O. Box 1982, Bismarck, ND 58501. Authority sought to operate as *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Whittaker Metals at Minneapolis, MN, to points in ND, SD, and MT. Restriction: Restricted to a transportation service to be performed under a continuing contract or contracts with Whittaker Metals. (Hearing site: Minneapolis, MN.)

Note.—Applicant holds common carrier authority in MC 142669 (Sub-No. 5), therefore, dual operations may be involved.

No. MC 144344 F, filed February 22, 1978. Applicant: DE ANZA DELIVERY SYSTEM, INC., P.O. Box 1119,

San Jose, CA 95113. Applicant's representative: J. H. Guleseth, 100 Bush Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by department stores or mail order houses (except commodities in bulk and commodities requiring special equipment), between mail order house and department store facilities in CA, Sparks, NV, and that portion of NV on or west of U.S. Hwy 395, on the one hand and, on the other, points in CA and points in that portion of NV on or west of U.S. Hwy 395. (Hearing site: San Francisco, CA.)

Note.—Applicant holds motor contract carrier authority in No. MC 142450 and sub-numbers thereunder and is filing concurrently a conversion application, therefore dual operations may be involved.

No. MC 144344 (Sub-No. 1F), filed February 22, 1978. Applicant: DE ANZA DELIVERY SYSTEM, INC., P.O. Box 1119, San Jose, CA 95113. Applicant's representative: J. H. Guleseth, 100 Bush Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in by department stores and mail order houses (except commodities in bulk and commodities requiring special equipment), between Los Angeles, CA on the one hand and, on the other, points in CA; and (2) *such commodities* as are dealt in by department stores and mail order houses (except commodities in bulk and commodities the transportation of which requires the use of special equipment), between facilities of Montgomery Ward, at San Leandro, Sacramento, Fresno, San Diego, Los Angeles, and Garden Grove, CA on the one hand and, on the other, points in CA, restricted against the transportation of shipments from any point in or south of San Luis Obispo, Kern, and San Bernardino Counties to any point in the city of Los Angeles. (Hearing site: San Francisco, CA.)

Note.—The purpose of this filing is to convert the above referenced contract authority to common carrier authority.

No. MC 144365 (Sub-No. 1F), filed March 7, 1978. Applicant: SOUTH TEXAS MARKETING ASSOCIATION, INC., 806 N. 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 points in IN, MI, OH and GA to Waco, TX. (Hearing site: Dallas or Ft. Worth, TX.)

Note.—Common control may be involved.

No. MC 144398 F, filed March 6, 1978. Applicant: WAYNE TRANS-

PORTS, INC., Milaca, MN 56353. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, dry, in bulk, from Grand Forks, ND to points in MN and ND. (Hearing site: Minneapolis-St. Paul, MN.)

No. MC 144399 F, filed March 6, 1978. Applicant: CRAWFORD TRUCKING, INC., 323 De La Marie Avenue, Fairhope, AL 36532. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt Beverages* and related advertising material between Mobile, AL, on the one hand, and Montgomery, AL, and Birmingham, AL, on the other, in interstate or foreign commerce, under a continuing contract or contracts with Allstate Beverage Company, Inc. (Hearing site: Mobile, AL; Montgomery, AL; or Birmingham, AL.)

No. MC 144413 (Sub-No. 1F), filed March 9, 1978. Applicant: MARTIN THOMPSON d.b.a. THOMPSON TRUCK TRANSPORTATION, 11218 Elm Street, Omaha, NE 68144. Applicant's representative: Arthur Libenstein, 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, and materials, supplies and equipment* (except in bulk), used in the manufacture thereof, between Arlington, TX on the one hand, and, on the other, all points in the continental United States, under continuing contract with Pepsi Cola Co. (Hearing site: New York, NY.)

Note.—Common control may be involved.

No. MC 144541 F, filed March 6, 1978. Applicant: BALDWIN LEASING COMPANY, INC., 801 Industrial Boulevard, Bay Minette, AL 36507. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used and new furniture* (except residential household goods), between all points in the United States (except Baldwin County, AL and AK and HI). (Hearing site: Mobile, AL or Birmingham, AL.)

Note.—Applicant holds contract carrier authority in No. MC 138885 (Sub-1) therefore dual operations may be involved.

No. MC 144575 F, filed March 7, 1978. Applicant: SILCON TRUCKING CO., INC., 411 West Street, West Bridgewater, MA 02379. Applicant's representative: David E. McCabe, 411

West Street, West Bridgewater, MA 02379. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated Steel Buildings and component parts* thereof, from Taunton, MA, to points in ME, NH, VT, RI, CT, NY, NJ, PA, OH, DC, WV, VA, DE, MD; and (2) *materials, equipment and supplies* (except commodities in bulk) used in the manufacturing, production, processing, installation, sale, and distribution of the commodities named in (1) above, from points in the destination territory described in (1) above to Taunton, MA, under a continuing contract or contracts with Space Building Corp. d.b.a. Space Metal Bldgs. at Taunton, MA, requiring specialized equipment.

NOTE.—Applicant holds common carrier authority in MC 34099 and sub-numbers thereunder. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Boston, MA.

PASSENGERS

No. MC 143578 (Sub-No. 2F), filed April 14, 1978. Applicant: WILSON BUS CO., INC., 314 Alexander Street, Fayetteville, NC 28301. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, and in special operations, in round-trip sightseeing and pleasure tours, (1) beginning and ending at points in Cumberland, Sampson, Johnston, Wilson, Greene, and Bladen Counties, NC, and extending to points in and west of the States of ND, SD, NE, KS, OK, and TX (except AK and HI); and (2) beginning and ending at points in Edgecombe, Harnett, Nash, Pitt, and Wayne Counties, NC, and extending to points in the United States (except AK and HI). (Hearing site: Fayetteville, NC, and Wilson, NC.)

NOTE.—Common control may be involved.

No. MC 144397F, filed March 6, 1978. Applicant: LAMCO LINES, a division of Robert Showers & Sons, Ltd., 461 Campbell Street, P.O. Box 682, Sarnia, ON, Canada N7T 7J7. 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*, in special operations, 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. (Hearing site: Lansing or Detroit, MI.)

By the Commission.

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

[FR Doc. 78-11309 Filed 4-26-78; 8:45 am]

[7035-01]

[Volume No. 85]

Petitions, Applications, Finance Matters (Including Temporary Authorities), Railroad Abandonments, Alternate Route Deviations, and Intrastate Applications

APRIL 21, 1978.

PETITIONS FOR MODIFICATION, INTERPRETATION, OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

All pleadings and documents must clearly specify the suffix (e.g., M1F, M2F) numbers where the docket is so identified in this notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this notice. Such protests shall comply with special rule 247(e) of the Commission's general rules of practice (49 CFR 1100.247)* and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 49117 (M1) (correction) (notice of filing of petition to delete restriction), filed January 30, 1978, published in the FEDERAL REGISTER issue of March 16, 1978, and republished as corrected this issue. Petitioner: KENT FREIGHT LINES, INC., 304 Stockhams Lane, Aberdeen, MD 21001. Petitioner's representative: William B. Dulany, 123 East Main Street, Westminster, MD 21157. Petitioner holds a motor *common carrier* certificate in No. MC 49117, issued October

*Copies of special rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

8, 1975, authorizing transportation, over regular routes, as pertinent, of: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Elkton, MD, and Wye Mills, MD, serving all intermediate points: From Elkton over U.S. Hwy 213 to Wye Mills, and return over the same route; (2) between Galena, MD, and Federalsburg, MD, serving all intermediate points: From Galena over MD Hwy 313 to Federalsburg, and return over the same route; (3) between junction MD Hwys 313 and 16 south of Denton, MD, and Federalsburg, MD, serving all intermediate points: From junction MD Hwys 313 and 16 over MD Hwy 16 to Preston, then over MD Hwy 318 to Federalsburg, and return over the same route; (4) between Denton, MD, and Baltimore, MD, serving all intermediate points: From Denton over MD Hwy 404 to junction U.S. Hwy 50 near Wye Mills, MD, then over U.S. Hwy 50 to junction MD Hwy 2 near Arnold, MD, then over MD Hwy 2 to Baltimore, and return over the same route. Restriction: The operations authorized under route (4) above are restricted to transportation of traffic moving by carrier to or from points in MD east of Chesapeake Bay and south of the Chesapeake-Delaware Canal. (5) Between Washington, DC, and Stevensville (Kent Island), MD, serving all intermediate points: From Washington over U.S. Hwy 50 to Stevensville, and return over the same route. Restriction: The operations authorized in (5) above are restricted to transportation of traffic moving by the carrier to or from points in MD east of Chesapeake Bay and south of the Chesapeake-Delaware Canal, and restricted against joiner to the authority contained in route (4) above (except at Stevensville). (6) Between Chestertown, MD, and Rock Hall, MD, serving all intermediate points: From Chestertown over MD Hwy 20 to Rock Hall, and return over the same route; (7) between junction U.S. Hwys 50 and 301 near Queenstown, MD, and junction U.S. Hwys 301 and 213 near Centerville, MD, serving all intermediate points: From junction U.S. Hwys 50 and 301 over U.S. Hwy 301 to junction U.S. Hwy 213, and return over the same route; (8) between junction MD Hwys 312 and 313 at or near Baltimore Corners, MD, and junction MD Hwys 312 and 404 at or near Downes, MD, serving all intermediate points: From junction MD Hwys 312 and 313 over MD Hwy 312 to junction MD Hwy 404, and return over the same route; (9) in connection with operations over all routes set forth above, except route (5), service is authorized at all off-route points in Cecil, Kent, Queen

Annes, Caroline, and Talbot Counties, MD, and at those in Dorchester County, MD, which are 75 miles of Aberdeen, MD; (10) in connection with operations over routes (4) and (5) above, service is authorized at off-route points in Anne Arundel and Prince Georges Counties, MD, restricted to transportation of traffic moving by the carrier to or from points in MD east of Chesapeake Bay and south of the Chesapeake-Delaware Canal. By the instant petition, petitioner seeks to modify the above authority by the deleting the restriction which reads: "restricted to transportation of traffic moving by the carrier to or from points in MD east of Chesapeake Bay and south of the Chesapeake-Delaware Canal."

NOTE.—The purpose of this correction is to correct the restriction in (10) above.

No. MC 51146 (Sub-Nos. 121, 159, and 173) (M1F) (notice of filing of petition to modify commodity description), filed March 9, 1978. Petitioner: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Petitioner's representative: John R. Patterson (same address as petitioner). Petitioner holds motor common carrier certificates in No. MC 51146 (Sub-Nos. 121, 159, and 173), issued February 13, 1970; April 1, 1971; and April 18, 1977, respectively, authorizing transportation, over irregular routes, as follows: No. MC 51146 (Sub-No. 121), of (1) *Plastic products*,** from the plantsite and warehouse facilities of Presto Products, Inc., at Appleton, WI, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC, restricted to the transportation of shipments originating at the above-specified plantsite and warehouse facilities; and (2) *equipment, materials, and supplies* used in the manufacture and distribution of plastic products,** from points in AL, AR, CT, DE, FL, GA, IL (except from Tuscola, IL, and points in its commercial zone), IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC, to the plantsite and warehouse facilities of Presto Products, Inc., at Appleton, WI, restricted to the transportation of shipments destined to the above-specified plantsite and warehouse facilities, and further restricted against the transportation of commodities in bulk; No. MC 51146 (Sub-No. 159) of (1) *plastic products* (except boats, furniture, and commodities in bulk),** (a) from the plantsite and storage facilities of Presto Products, Inc., at Wayauwega, WI, to points in the United States (except AK and HI); (b) from the plantsite and storage facilities of Presto Prod-

ucts, Inc., at Appleton, WI, to points in MT, WY, CO, NM, AZ, UT, ID, WA, OR, NV, and CA, restricted to the transportation of traffic originating at the above-named origin points; (2) *returned shipments, and equipment, materials, and supplies* used in the manufacture and distribution of the above-named commodities (except in bulk), from points in the above-named destination States, to the plantsites and storage facilities of Presto Products, Inc., at Wayauwega and Appleton, WI, restricted to the transportation of traffic destined to the immediately above-named plantsites and storage facilities. No. MC 51146 (Sub-No. 173) of, as pertinent, *plastic products* (except commodities in bulk),** from Lewiston and Clearfield, UT, to points in the United States (except AK, AZ, CA, CO, HI, ID, MT, NM, NV, OR, UT, WA, and WY); and *equipment, materials, and supplies* (except commodities in bulk and those which because of size or weight require special equipment), used in the manufacture and distribution of plastic products,** from points in the destination States described above, to Lewiston and Clearfield, UT. By the instant petition, petitioner seeks to modify those portions of the commodity descriptions indicated with a double asterisk (**) to include *aluminum foil and stretch wrap holders*.

No. MC 57591 (Sub-No. 4) (M1) (notice of filing of petition to remove restriction), filed January 17, 1978. Petitioner: EVANS DELIVERY CO., INC., P.O. Box 268, Pottsville, PA 17901. Petitioner's representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Petitioner holds a motor common carrier certificate in No. MC 57591 (Sub-No. 4), issued May 1, 1972, authorizing transportation, as pertinent, over regular routes, of: *General commodities*, including commodities of unusual value, commodities in bulk, and those requiring special equipment, but excluding classes A and B explosives, and household goods as defined by the Commission, between Reading, PA, and Shenandoah, PA, serving all intermediate points which are stations on the rail line of the Pennsylvania Railroad Co.: From Reading over PA Hwy 61 to junction PA Hwy 924 at Frackville, PA, then over PA Hwy 924 to Shenandoah, and return over the same route; Between Pottsville, PA, and Minersville, PA, serving all intermediate points which are stations on the rail line of the Pennsylvania Railroad Co.: From Pottsville over U.S. Hwy 209 to junction unnumbered highway (formerly PA Hwy 901), then over unnumbered highway to Minersville, and return over the same route. Restriction: The service by motor vehicle to be performed by carrier shall be limited to service which is auxiliary to, or

supplemental of, train service of the Pennsylvania Railroad Co., hereinafter called the railroad. Carrier shall not render any service to or from any point not a station on the rail lines of the railroad. Shipments transported by carrier shall be limited to those which it receives from or delivers to the railroad under a through bill of lading covering, in addition to movement by said carrier, a prior or subsequent movement by rail. All contractual arrangements between carrier and the railroad shall be reported to the Interstate Commerce Commission and shall be subject to revision if and as the Commission shall find it to be necessary in order that such arrangements shall be fair and equitable to the parties. By the instant petition, petitioner seeks to remove the above restriction in its entirety from the above authority.

No. MC 61016 (Sub-No. 32) (M1F) (Notice of filing of petition to delete restrictions), filed March 3, 1978. Petitioner: PETER PAN BUS LINES, INC., 1776 Main Street, Springfield, MA 01103. Petitioner's representative: Charles A. Webb, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Petitioner holds a motor common carrier certificate in No. MC 61016 (Sub-No. 32), issued January 30, 1969, for the transportation of *passengers and their baggage, in the same vehicle with passengers*, over irregular routes, in special operations, in one-way pleasure and sightseeing tours: "From Springfield, MA, to points in the United States (including AK, but excluding HI). Restriction: The operations authorized above are restricted to the transportation of passengers and their baggage having a subsequent movement by air to Springfield, MA," and, "from points in the United States (including AK, but excluding HI), to Springfield, MA. Restriction: The operations authorized next above are restricted to the transportation of passengers and their baggage having a prior movement by air from Springfield, MA." By the instant petition, petitioner seeks to modify the above authority by deleting the two restrictions.

No. MC 116519 (Sub-No. 27) (M1F) (Notice of filing of a petition to delete restriction), filed March 14, 1978. Petitioner: FREDERICK TRANSPORT LTD., Rural Route 6, Chatham, Ontario, Canada. Petitioner's representative: Jeremy Kahn, Suite 733 Investment Building, 1511 K Street NW., Washington, DC 20005. Petitioner holds a motor common carrier certificate in No. MC 116519 (Sub-No. 27), issued August 25, 1977, authorizing transportation, over irregular routes, of *Dry commodities*, in bulk, in dump vehicles, between ports of entry on the United States-Canada Boundary line

in MI and NY, on the one hand, and, on the other, points in CT, DE, FL, GA, IL, IN, LA, ME, MD (except Baltimore), MA, MI, MS, MO, NH, NJ, NY, NC, OH, PA, RI, TN, VT, VA, WV, and WI. Restricted: (1) Against the transportation of refractory products, refractories, and materials and supplies used in the production and installation of refractories; (2) against the transportation of traffic originating at or destined to the facilities of Moore-McCleary Ltd. and/or Industrial Docks and Supplies Ltd. at Thoroid, Ontario, Canada; (3) against the transportation of shipments to and from the Province of Quebec, Canada, other than via the ports of entry on the United States-Canada Boundary line in MI and along the Niagara River in NY; (4) against the transportation of traffic moving to or from Cyanamid of Canada Ltd. at Niagara Falls and Port Robinson, Ontario, Canada; and (5) restricted to the transportation of traffic originating at or destined to points in Canada. By the instant petition, petitioner seeks to delete the vehicle restriction "in dump vehicles."

No. MC 119639 (Sub-No. 3) (M1F) (Notice of filing of petition to delete restriction), filed March 3, 1978. Petitioner: INCO EXPRESS, INC., 3600 South 124th, Seattle, WA 98168. Petitioner's representative: James T. Johnson, 1610 IBM Building, 1200 Fifth Avenue, Seattle, WA 98101. Petitioner holds a motor *common carrier* certificate in No. MC 119639 (Sub-No. 3) issued February 26, 1971, authorizing transportation, over irregular routes, of: (1) *Meats, meat products, and meat by-products*, as described in section A of appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except commodities in bulk, in tank or hopper-type vehicles); (2) *foods*, in vehicles equipped with mechanical refrigeration; and (3) *commodities*, the transportation of which would otherwise be exempt from regulation pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with commodities described in (1) and (2) above, (a) between points in WA, on the one hand, and, on the other, points in CA and OR; and (b) between points in CA, on the one hand, and, on the other, points in OR. By the instant petition, petitioner seeks to modify the above authority by deleting the language, in vehicles equipped with mechanical refrigeration.

No. MC 119944 (Sub-Nos. 4 and 10) (M1F) (Notice of filing of petition to delete restrictions), filed March 13, 1978. Petitioner: BROCKWAY FAST MOTOR FREIGHT, INC., 568 Central Avenue, Somerville, NJ 08876. Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade

Center, New York, NY 10048. Petitioner holds a motor *common carrier* certificate in No. MC 119944 (Sub-Nos. 4 and 10), issued October 29, 1965 and June 22, 1967 respectively, authorizing transportation, over irregular routes, as follows: No. MC 119944 (Sub-No. 4) of *Polyethylene, Polypropylene and silica gel catalyst*, in bulk, from Bridgewater Township, NJ, to points in MA, RI, CT, NY, NJ, PA, DE, MD, VA, and DC, restricted to shipments having a prior movement by rail to Bridgewater Township, NJ; and in No. MC 119944 (Sub-No. 10) of *Dry plastics*, in bulk, from points in Bridgewater Township, NJ, to points in MA, RI, CT, NY, NJ, PA, DE, MD, VA and DC, restricted to the transportation of traffic having an immediately prior rail movement to Bridgewater Township, NJ; and further restricted against tacking or joinder with carrier's presently held authority for the purpose of performing a through transportation service. By the instant petition, petitioner seeks to (1) delete the restriction in both certificates requiring that the traffic have an immediately prior or prior movement by rail; and (2) to include as additional origin points in both certificates Port Newark and Port Elizabeth, NJ and (3) to restrict each certificate as follows: The authority granted herein is restricted to shipments having a prior movement in interstate or foreign commerce.

No. MC 133488 (Sub-No. 2) (M1F) (Notice of filing of petition to modify territorial description), filed March 24, 1978. Petitioner: EMPRISE TRUCKING CO., INC., 140 Federal Street, Boston MA 02110. Petitioner's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. By permit issued October 4, 1977, Emprise Trucking Co., Inc., holds authority to operate as a *contract carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: (1) *Iron and steel articles, and aluminum articles*, and (2) *materials, equipment and supplies* used in the manufacture, installation, or distribution of the commodities described in (1) above (except commodities in bulk), between the facilities utilized by Roll Form Products, Inc., at or near Fairless Hills, PA, and Tulsa, OK, on the one hand, and on the other, points in the United States (except AK and HI). Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract(s) with Roll Form Products, Inc. By the instant petition for modification of permit, petitioner requests that the additional base point of Camden, NJ, be added to the aforesaid permit.

No. MC 134599 (Sub-No. 5) (M1F) (Notice of filing of petition to modify

territorial description), filed March 20, 1978. Petitioner: INTERSTATE CONTRACT CARRIER CORP., 265 West 2700 South, Salt Lake City, UT 84115. Petitioner's representative: A. J. Swanson, P.O. Box 81849, 521 South 14th Street, Lincoln, NE 68501. Petitioner holds a motor *contract carrier* permit in No. MC 134599 (Sub-No. 5), issued February 14, 1973, authorizing transportation, over irregular routes, as pertinent, of *Paper and paper products*, (1) from Muskegon, MI, to points in WA, CA, CO, KS, NE, IA, and MO (except St. Louis, MO, and points in its commercial zone as defined by the Commission), and (2) from Muskegon, MI, to points in FL, GA, AL, TN, NC, LA, AR, TX, and OK, restricted in the 2 route descriptions next above to a transportation service to be performed under a continuing contract, or contracts, with S. D. Warren Co., a division of Scott Paper Co., of Muskegon, MI. By the instant petition, petitioner seeks to modify the above authority by deleting the language "except St. Louis, MO, and points in its commercial zone as defined by the Commission" in (1) above.

No. MC 139495 (Sub-No. 69) (M1F) (Notice of filing of petition to modify certificate to add an origin point), filed March 27, 1978. Petitioner: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Petitioner's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Petitioner holds a motor *common carrier* certificate in No. MC 139495 Sub-No. 69, issued November 3, 1977, authorizing transportation, over irregular routes, of: *Carpeting, hard surface floor covering, wallboard, wall panels, floor screens, ceiling panels, insulation material, and materials accessories, and supplies* used in the installation of the foregoing commodities (except commodities in bulk, in tank vehicles), from the facilities of Armstrong Cork Co., in Lancaster County, PA, to points in NM, CO, WY, AZ, UT, ID, MT, NV, CA, OR, and WA; and from points in the above-named destination States to the facilities of Armstrong Cork Co., in Lancaster County, PA, restricted to the transportation of shipments originating at the named origins and destined, points in the named destination states. By the instant petition, petitioner seeks to expand the origin territory of this authority by adding Beaver Falls, PA.

No. MC 141355 (Sub-No. 2) (M1) (Notice of filing of petition for modification of contract carrier permit), filed January 26, 1978. Petitioner: GEORGE J. LAUBNER, d.b.a. GEE EL TRUCKING CO., 2500 South Harbor City Boulevard, Melbourne, FL 32901. Petitioner's representative: J. G. Dail, Jr., P.O. Box 567, McLean,

VA 22101. Petitioner holds a motor contract carrier permit No. MC-141355 (Sub-No. 2), issued July 12, 1977, authorizing petitioner to engage in transportation over irregular routes, of uncrated aircraft engines, parts and propellers, between Williamsport and Lancaster, PA, and Baltimore, MD, on the one hand, and, on the other, Vero Beach, FL, restricted to a transportation service to be performed under a continuing contract, or contracts, with Piper Aircraft Corp., of Vero Beach, FL. By the instant petition, petitioner seeks to modify the commodity description to authorize it to transport uncrated aircraft engines, aircraft parts and propellers; and to add Lock Haven, PA, to the radial base territory and Lakeland, FL, to the radial destination territory.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

NOTICE

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. Such pleading shall comply with Special Rule 247(e) of the Commission's General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 105045 (Sub-No. 64) (republication), filed February 15, 1977, published in the FEDERAL REGISTER issue of April 7, 1977, and republished this issue. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47701. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. An order of the Commission, by the initial decision, served January 16, 1978, effective March 6, 1978, finds that the present and future public convenience and necessity require operation, by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle,

over irregular routes, transporting: *Air pollution, heating and cooling equipment* (restricted to traffic which because of size or weight requires the use of special equipment or special handling), and *parts and accessories* of such commodities, from the facilities of the Fuller Co., located at Houston, TX, to points in the United States east of TX, and in and east of ND, SD, NE, KS, and OK; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. The purpose of this republication is to indicate the broadening of the destination territory.

No. MC 105375 (Sub-No. 70) (republication), filed May 19, 1977, published in the FEDERAL REGISTER issue of June 30, 1977, and republished this issue. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, MN 55055. Applicant's representative: Leonard A. Jaskiewicz, 1730 M. Street NW., Washington, DC 20036. An Order of the Commission, by the initial decision, served February 16, 1978, effective April 7, 1978, finds that the present and future public convenience and necessity require operation, by applicant, in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in by retail gasoline/general merchandise stores, (except commodities in bulk), from the facilities of Ashland Oil, Inc., at St. Paul, MN, to points in IL, IA, MI, MN, MO, MT, ND, OH, SD and WI; and (2) *such commodities* as are dealt in by retail gasoline/general merchandise stores, and *materials, parts and supplies* needed for the conduct of such businesses, (except commodities in bulk), from points in IL, IN, IA, MI, MN, MO, MT, NE, ND, OH, SD, and WI, to facilities of Ashland Oil, Inc., located in IL, IA, MN, ND, SD and WI; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. The purpose of this republication is to broaden the commodity and territorial description.

No. MC 107012 (Sub-No. 255) (Republication), filed October 13, 1977, published in the FEDERAL REGISTER issue of December 1, 1977, and republished this issue. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: Gary M. Crist (same address as applicant). An order of the Commission, Review Board No. 3, decided March 23, 1978, and served March 31, 1978, finds that the present and future public convenience

and necessity require operation, by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, transporting: *Fireplaces, and component parts, accessories, and equipment* for fireplaces, from the facilities of Heatilator, a division of Vega Industries, Inc., located at or near Mount Pleasant and to Centerville, IA, to Wickes Lumber & Building Supply Centers, at points in WI, MN, NE, KS, MO, IL, IN, RI, MI, OH, KY, TN, PA, NY, VT, NH, ME, MA, AL, CT, NJ, DE, MD, OK, WV, AR, TX, LA, MS, GA, FL, NC, SC, VA, CO, and DC; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. The purpose of this republication is to broaden the commodity description by the addition of Centerville, IA, as an origin point.

No. MC 114569 (Sub-No. 160) (republication), filed January 4, 1977, published in the FEDERAL REGISTER issue of February 24, 1977, and republished this issue. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Applicant's representative: N. L. Cummins (same address as applicant). An order of the Commission, by the initial decision, served November 30, 1977, effective March 8, 1978, finds that the present and future public convenience and necessity require operation, by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* (except animal feed and animal feed ingredients, hides, and commodities in bulk), from Fort Morgan, CO, to points in DE, IL, IN, MD, MA, MI, NJ, NY, OH, PA, VA, WV, WI, and DC, restricted to traffic originating at Fort Morgan, CO, that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. The purpose of this republication is to broaden the commodity description by adding Massachusetts as a destination State.

No. MC 118202 (Sub-No. 74) (Republication), filed August 2, 1977, published in the FEDERAL REGISTER issue of September 8, 1977, and republished this issue. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. Applicant's representative: Thomas J. Benner, P.O. Box 5000, Waterloo, IA 50704. An order of the Commission, by the initial decision, served February 16, 1978, effective April 7, 1978, finds that the present and future public

convenience and necessity require operation, by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by electrical and plumbing wholesalers (except commodities in bulk, iron and steel articles, paper products, insulation, new furniture, carpet, commodities which because of size require the use of special equipment and cast iron pressure pipe), from points in the United States (except Ottumwa, IA, Jeffersonville, IN, Alliance, Salem, and Monroe, OH, Nevada and Neosha, MO, Ferguson, KY, and Shamokin, PA), destined to points in MN, SD, and WI. Restriction: The operations authorized herein are restricted (1) against the transportation of shipments of plastic pipe originating at Fairfield, IA, McPherson, KS, Waco, TX, or Columbia, MO, and (2) against the transportation of shipments of electrical conduit, originating at Sharon or Wheatland, PA, and destined to points in MN or WI, that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. The purpose of this republication is to broaden the restriction description.

No. MC 128840 (Sub-No. 2) (Correction) (Republication), filed June 15, 1977, published in the FEDERAL REGISTER issue of August 4, 1977, republished in the FEDERAL REGISTER issue of March 16, 1978, and republished this issue. Applicant: ALTED TRUCKING CORP., P.O. Box 2062, Mount Vernon, NY 10551. Applicant's representative: Arthur Piken, 1 Lefrak City Plaza, Flushing, NY 11368. An order of the Commission, Review Board No. 3, dated December 27, 1977, and served January 19, 1978, finds that the present and future public convenience and necessity require operation by applicant in interstate commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: (1) *Pottery and glassware*, from Newell, WV, and points in OH to New York, NY, and (2) returned shipments of the commodities in (1) above, from New York, NY to Newell, WV, and points in OH, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. The purpose of this republication is to change the original commodity description from glass to glassware. The purpose of the second republication is to publish applicant's proper name.

No. MC 136848 (Sub-No. 15) (Republication), filed September 19, 1977, published in the FEDERAL REGISTER issue of December 1, 1977, and repub-

lished this issue. Applicant: JAMES BRUCE LEE AND STANLEY LEE, d/b/a LEE CONTRACT CARRIERS, P.O. Box 48, Old Route 66, Pontiac, IL 61764. Applicant's representative: Edward F. Stanula, P.O. Box 306, 837 East 162nd Street, South Holland, IL 60473. An Order of the Commission, Review Board Number 1, decided March 16, 1978, and served March 27, 1978, finds that the present and future public convenience and necessity require operation, by applicant, in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wrought steel tubing*, (1) from the facilities of Alladin Steel, Inc., located at or near Gillespie, IL, to Maryville, TN; Temperance and Tolumus, MI; Aberdeen, Belle Fourche, Brookings, Clear Lake, Menno, Mitchell, Mobridge, Phillip, Pierre, Rapid City, Sioux Falls, Sturgis, Vermillion, Watertown, and Yankton, SD, and points in IA and NE; and (2) from Chicago, IL, and the facilities of Charles E. Kline Co., located at or near Warren, OH; Miami Industries, Piqua, OH; Republic Steel, Ferndale, MI; Republic Steel and Roth Steel Tube, Cleveland and Toledo, OH; U.S. Metal Co., located at or near Sharon, PA; and Pittsburgh International, located at or near Fairbury, IL, to the facilities of Alladin Steel, Inc., located at or near Gillespie, IL, under a continuing contract, or contracts, with Alladin Steel, Inc., of Gillespie, IL; will be consistent with the public interest and the national transportation policy, that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. The purpose of this republication is to broaden the commodity description.

No. MC 139312 (Sub-No. 8) (Republication), filed August 1, 1977, published in the FEDERAL REGISTER issue of September 8, 1977, and republished this issue. Applicant: JOE H. TIDWELL, d.b.a. NORTHEAST TRUCK BROKERS, P.O. Box 826, Pharr, TX 78577. Applicant's representative: Thomas T. Kingsley, 1819 H Street NW., Washington, DC 20006. An Order of the Commission, Review Board Number 2, decided March 7, 1978, and served March 16, 1978, finds that the present and future public convenience and necessity require operation, by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used clothing, used rags, and used burlap*, (1) from points in AZ, AR, CA, CO, CT (except Bridgeport), DE, ID, ME, MA, MN, MT, NE, NH, NJ (except Bergen County), NM, NY (except New York, NY, and points in Nassau, and Suffolk Counties), ND, OR, RI, SD, TX, UT, VT, WA, WY, and DC, to Nogales, AZ, and McAllen,

Brownsville, Laredo and El Paso, TX; (2) from Nogales, AZ, to points in the United States (except AK and HI); and (3) from McAllen, Brownsville, Laredo, and El Paso, TX, to points in the United States (except AK and HI, and TX); that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. The purpose of this republication is to broaden the commodity and territorial description.

No. MC 139495 (Sub-No. 278) (Republication), filed November 2, 1977, published in the FEDERAL REGISTER issue of December 22, 1977, and republished this issue. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. An Order of the Commission, Review Board Number 1, decided March 28, 1978, and served April 7, 1978, finds that the present and future public convenience and necessity require operation, by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motors, generators, controllers, power transmission equipment, machinery, and scales* (except those commodities which because of size or weight, require the use of special equipment), from Lawrenceburg, KY, to points in GA, IL, IA, KS, MN, MO, SC, and WI; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. The purpose of this republication is to indicate the addition of "scales" to the commodity description, and SC as a destination state.

No. MC 143388 (Sub-No. 1) (Republication), filed September 22, 1977, published in the FEDERAL REGISTER issue of November 10, 1977, and republished this issue. Applicant: MORRIS L. WEST, doing business as West Delivery Service, Route 7, Greer, SC 29651. Applicant's representative: Ronald F. Barbare, 635 North Academy Street, Greensboro, SC 29601. An order of the Commission, Review Board No. 2, decided March 20, 1978, and served March 29, 1978, finds that the present and future public convenience and necessity require operation, by applicant, in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail drug stores, between Spartanburg, SC, on the one hand, and, on the other, points in NC, under a continuing contract, or contracts, with the Geer Drug Co., of Spartanburg, SC;

that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. The purpose of this republication is to broaden the commodity description.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by special rule 247 of the Commission's general rules of practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with §247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protest not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if not representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of §247(e)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality

of the human environment resulting from approval of its application.

No. MC 531 (Sub-No. 357F), filed March 13, 1978. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, TX 77021. Applicant's representative: Wray E. Hughes, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from Delano, CA, to Alexandria, Baton Rouge, and Church Point, LA. (Hearing site: San Francisco, CA, or New Orleans, LA.)

NOTE.—Common control may be involved.

No. MC 720 (Sub-No. 49F), filed March 13, 1978. Applicant: BIRD TRUCKING CO., INC., P.O. Box 227, Waupun, WI 53963. Applicant's representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and preserved foodstuffs*, from Kent City, MI, to points in IL, IN, IA, MN, MO, OH, and WI. (Hearing site: Chicago, IL, or Indianapolis, IN.)

No. MC 2202 (Sub-No. 556F), filed March 13, 1978. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Applicant's representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Texarkana, TX, as an off-route point in connection with applicant's present regular routes. (Hearing site: Texarkana, TX.)

NOTE.—Common control may be involved.

No. MC 4941 (Sub-No. 36F), filed March 13, 1978. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, MA 02403. Applicant's representative: Francis P. Barrett, P.O. Box 238, 60 Adams Street, Milton, MA 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, 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. (Hearing site: Boston, MA.)

No. MC 5227 (Sub-No. 36F), Filed March 15, 1978. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Applicant's representative: Gailyn L. Larsen, 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: *Buildings*, knocked down and in sections, *building sections*, *building panels*, and *metal prefabricated structural components and equipment, materials, and supplies* used in the manufacture and distribution thereof, between the facilities of American Buildings Co., at or near Carson City, NV, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. (Hearing site: Montgomery, AL, or Lincoln, NE.)

No. MC 11207 (Sub-No. 414F), filed February 27, 1978. Applicant: DEATON, INC., 317 Avenue W., P.O. Box 938, Birmingham, AL 35201. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Iron and steel and iron and steel articles* (except commodities in bulk and except commodities which because of size or weight require the use of special equipment), from Alabama City, AL, to points in TX. (Hearing site: Birmingham, AL.)

No. MC 11207 (Sub-No. 415F), filed February 27, 1978. Applicant: DEATON, INC., 317 Avenue W., Post Office Box 938, Birmingham, AL 35201. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, household goods as defined by the Commission, classes A and B explosives, frozen foods, and commodities which because of size or weight require the use of special equipment), between Canton, MS, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, NC, SC, TN, VA, and WV.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Jackson, MS.

No. MC 11207 (Sub-No. 418F), filed March 13, 1978. Applicant: DEATON, INC., 317 Avenue W., Post Office Box 938, Birmingham, AL 35201. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Applicant sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Iron and steel and iron and steel articles*, between points in Richland County, SC, on the one hand, and, on the other, points in AL, FL, GA, IL, IN, KY, MO, OH, TN, TX, VA, and WV.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Columbia, SC or Birmingham, AL.

No. MC 11207 (Sub-No. 419F), filed March 13, 1978. Applicant: DEATON, INC., 317 Avenue W., Post Office Box 938, Birmingham, AL 35201. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Applicant sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Roofing and building materials* (except commodities in bulk), from the facilities of Bird & Son, Inc., located at Charleston, SC, to points in GA, and those in FL on the east of the Apalachicola River.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Charleston, SC or Birmingham, AL.

No. MC 25798 (Sub-No. 298) (correction), filed October 4, 1977, published in the FEDERAL REGISTER issue of November 25, 1977, and republished this issue. Applicant: CLAY HYDER TRUCKING LINES, INC., Post Office Box 1186, Auburndale, FL 33823. Applicant's representative: Tony G. Russell, Post Office Box 1186, Auburndale, FL 33823. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Citrus products, juices and beverages*, from points in Cameron, Hildalgo, and Nueces counties, TX to points in AL, AZ, AR, CA, CO, IN, IA, KS, LA, MI, MN, NE, OK and WI.

NOTE.—The purpose of this republication is to clarify commodity description and amend points of origin. Common Control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Antonio, TX or Tampa, FL.

No. MC 25869 (Sub-No. 138F), filed March 13, 1978. Applicant: NOLTE BROS. TRUCK LINE, INC., 6217 Gilmore St. P.O. Box 7184, Omaha, NE 68107. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *motor common carrier*, by motor vehicle, over irregular routes transporting: *Electrical appliances, equipment and parts* from points in the Chicago, IL commercial zone to points in CO, IA, and NE.

NOTE.—The purpose of this application is to substitute single line service for existing joint line operation and service. Hearing site, Chicago, IL. Common control may be involved.

No. MC 29886 (Sub-No. 339F), filed March 3, 1978. Applicant: DALLAS & MAVIS, FORWARDING CO., INC., 4200 39th Avenue, Kenosha, WI 53140. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Compressors, rotary drills and component parts, un-*

derground mine machinery and machine parts, and drilling and mining equipment, from Franklin, PA, to points in the United States (except AK and HI); and (2) *materials and supplies* used in the manufacture of such items (except commodities in bulk) from points in destination area in (1) above to Franklin, PA. (Hearing site: Washington, DC.)

NOTE.—Common control may be involved.

No. MC 31438 (Sub-No. 16F), filed March 13, 1978. Applicant: ROY O. WETZ, d.b.a. R. O. WETZ TRANSPORTATION, 212 Pike Street, Marietta, OH 45740. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Applicant seeks authority in interstate commerce 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. (Hearing site: Columbus, OH.)

NOTE.—Common control may be involved.

No. MC 34027 (Sub-No. 11F), filed March 14, 1978. Applicant: GEETINGS, INC., P.O. Box, 82, 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. (Hearing site: Des Moines, IA or Kansas City, MO.)

No. MC 41404 (Sub-No. 142F), filed March 2, 1978. Applicant: ARGO COLLIER TRUCK LINES CORP., P.O. Box 440, Fulton Hwy, 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 foods* (except commodities in bulk, in tank vehicles), from Champaign, IL to Anniston, AL. (Hearing site: Springfield, IL or Chicago, IL.)

No. MC 41432 (Sub-No. 153F), filed March 3, 1978. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, TX 75207. Applicant's representative: J. Raymond Chesney (same address 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 as defined by the Commission, commodities in bulk,

those requiring special equipment, livestock, and gasoline), serving the facilities of the Georgia Power Co. Nuclear Generating Plant (Plant Vogtle), located in Burke County, GA, as an off-route point in connection with carrier's regular-route operations. (Hearing site: Augusta, GA or Dallas, TX.)

NOTE.—Common control and dual operations may be involved.

No. MC 42000 (Sub-No. 6F), filed February 13, 1978. Applicant: TEXAS INTERSTATE MOTOR EXPRESS, INC., P.O. Box 626, Galena Park, TX 77547. Applicant's representative: R.C. "Bob" Jacobs, P.O. Box 626, Galena Park, TX 77547. Applicant seeks to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk and those requiring special equipment), between Houston, Galveston, Freeport, Big Spring, Sweetwater, Odessa, and El Paso, TX, and points in that part of TX on and east of a line beginning at the Red River and extending along U.S. Hwy 277 through Wichita Falls to Abilene, TX, then along U.S. Hwy 83 to Ballinger, TX, then along U.S. Hwy 67 to San Angelo, TX, then along U.S. Hwy 87 to San Antonio, TX, and then along U.S. Hwy 181 via Floresville, TX to Corpus Christi, TX. (Hearing site: Houston, TX.)

No. MC 46280 (Sub-No. 83) (Correction), filed January 30, 1978. Published in the FEDERAL REGISTER issue of March 16, 1978, and republished this issue. Applicant: KEY LINE FREIGHT, INC., 15 Andre Street SE., Grand Rapids, MI 49507. 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 regular routes, in the transportation of: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Grand Rapids and Clare, MI, from Grand Rapids over U.S. Hwy 131 to junction with MI Hwy 57, then over MI Hwy 57 to its junction with U.S. Hwy 27, then north on U.S. Hwy 27 to Clare and return over the same route, serving all intermediate points, and serving the off-route points of Alma, St. Louis, Winn, Weidman, Beal City, Vandercar, Delwin, Vernon Center, Rosebush, Leaton, Belding, Saranac, Ionia, and Lowell, MI, restricted to traffic interlined at Grand Rapids, and Detroit, MI with other carriers. (Hearing site: Chicago, IL or Washington, DC.)

NOTE.—The purpose of this republication is to show applicant's correct name. Common control may be involved.

No. MC 47583 (Sub-No. 67F), filed March 14, 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*, over irregular routes, transporting: (1) *feed and feed ingredients* (except commodities in bulk) from the plantsite and storage facilities of Kal Kan Foods, Inc., located at or near Mattoon, IL, to all points in the United States (except AK and HI); and (2) *Materials, equipment and supplies* used in the manufacture and production of feed and feed ingredients (except commodities in bulk), from all points in the United States (except AK and HI), to the plantsite and storage facilities of Kal Kan Foods, Inc., located at or near Mattoon, IL. Restricted to traffic originating at or destined to the plantsite and storage facilities of Kal Kan Foods, Inc., located at or near Mattoon, IL. (Hearing site: Kansas City, MO.)

NOTE.—Common control may be involved.

No. MC 52460 (Sub-No. 207F), filed March 2, 1978. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 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: *Petroleum and petroleum products*, in packages, from Houston, TX to points in NM. (Hearing site: (1) Denver, CO, (2) Houston, TX.)

No. MC 52579 (Sub-No. 171F), filed March 10, 1978. Applicant: GILBERT CARRIER CORP., One Gilbert Drive, Secaucus, NJ 07094. Applicant's representative: Irving Klein, 371 7th Ave., New York, NY 10001. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting: *Wearing apparel* on hangers from points in NC, SC, GA, and FL to DC.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, DC.

No. MC 57778 (Sub-No. 20F), filed March 13, 1978. Applicant: MICHIGAN REFRIGERATED TRUCKING SERVICE, INC., 6134 West Jefferson Avenue, Detroit, MI 48209. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Non-frozen food-stuffs* from the plantsite of American Home Food Products at LaPorte, IN, to points in the Lower Peninsula of MI. (Hearing site: Lansing, MI.)

No. MC 59150 (Sub-No. 127F), filed March 20, 1978. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete and concrete products*, from Peachtree City, GA to points in GA, FL, AL, NC, SC, LA, KY, and TN.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Atlanta, GA.

No. MC 60014 (Sub-No. 77F), filed March 13, 1978. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, PA 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Contractors equipment and supplies, bulk storage tanks and smoke stacks*, which because of unusual size or weight, require special handling and use of special equipment from the plantsite of Brown-Minneapolis Tank and Fabricating Co., at Minneapolis, MN to points in the U.S. (except AK and HI); and (2) *materials and supplies, and contractors equipment*, used in the manufacture of, and construction of bulk storage tanks and smoke stacks from points in the U.S. (except AK and HI) to Minneapolis, MN. (Hearing site: Washington, DC.)

No. MC 60014 (Sub-No. 78F), filed March 13, 1978. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Face brick, fire brick, fire clay, glazed face brick, and glazed and unglazed structural facing tile*, from shipper's facilities located in Bastrop County, TX to points in AL, FL, GA, IL, IN, KY, LA, MI, MN, MS, NC, OH, SC, TN, VA, WV, ND, SD, and WI. (Hearing site: Houston, TX or Washington, DC.)

No. MC 61592 (Sub-No. 415F), filed March 13, 1978. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Applicant's representative: E. A. DeVine, 101 First Avenue, P.O. Box 737, Moline, IL 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor sweeping compounds and absorbents* (except commodities in bulk, in tank vehicles), from Ripley, MS, to points in IL, IN, IA, KY, MI, MO, OH, PA, WV, and WI. (Hearing site: Chicago, IL.)

NOTE.—Common control may be involved.

No. MC 70557 (Sub-No. 3F), filed March 13, 1978. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 West Homer Street, Chicago, IL 60639. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, wall and insulating boards, and materials and supplies* used in the installation thereof (except commodities in bulk) from the facilities of Armstrong Cork Co. located at Pensacola, FL and points in its Commercial Zone, to points in GA. (Hearing site: Atlanta, GA or Pensacola, FL.)

NOTE.—Applicant holds motor contract carrier authority in No. MC 124489 and sub-numbers thereunder, therefore dual operations may be involved.

No. MC 73165 (Sub-No. 430F), filed March 6, 1978. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, Birmingham, AL 35202. Applicant's representative: R. Cameron Rollins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment and equipment, materials and supplies* used in the manufacture of material handling equipment, and (2) *parts, attachments and accessories* used in connection with the commodities described in (1) above, from the plantsite of Contential Conveyor and Equipment Co. at or near Durant, OK to points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

No. MC 73165 (Sub-No. 434F), filed March 6, 1978. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, Birmingham, AL 35202. Applicant's representative: R. Cameron Rollins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Equipment, materials and supplies* used in the manufacture of mobile homes, and (2) *parts, attachments, and accessories*, used in connection with the commodities described in (1) above, from the facilities of Commercial Fab, Inc. (a division of Continental Conveyor Equipment Co.) at or near Newton, NC to points in the United States (except AK and HI). (Hearing site: Atlanta, GA.)

No. MC 73165 (Sub-No. 435F), filed March 13, 1978. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, Birmingham, AL 35202. Applicant's representative: R. Cameron Rollins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in or used by manufacturers of air and water pollu-*

tion equipment, wastewater purification equipment and irrigation equipment from Knoxville, TN to points in the United States (except AK and HI). (Hearing site: Nashville, TN or Atlanta, GA.)

No. MC 85934 (Sub-No. 77F), filed March 15, 1978. Applicant: MICHIGAN TRANSPORTATION CO., a corporation, 3601 Wyoming Avenue, P.O. Box 248, Dearborn, MI 48120. 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: *Muriatic acid* in bulk, in tank vehicles from Montague, MI to points in IN, IL and WI. (Hearing site: Washington, DC or Chicago, IL.)

No. MC 87689 (Sub-No. 15F), filed March 9, 1978. Applicant: INTERCITY TRUCK LINES, LTD., 3033 Universal Drive, Mississauga, ON, L4X 2E2. Applicant's representative: Christine E. Hart (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, in the transportation of: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Detroit, MI and ports of entry on the International boundary line between the United States and Canada, located at or near Port Huron and return over Interstate Hwy 94, serving no intermediate points. (Hearing site: Buffalo, NY or Detroit, MI.)

NOTE.—Common control may be involved. The purpose of this application is for an alternate route only.

No. MC 89408 (Sub-No. 1F), filed March 9, 1978. Applicant: SAMUEL L. PEONE, d.b.a. SPOKANE FORD MOTOR FREIGHT, East 3927 Grace, Spokane, WA 99220. Applicant's representative: Henry Winters, 235 Evergreen Building, Renton, WA 98055. 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 Spokane, WA, and Hunters, WA; from Spokane over U.S. Hwy 2 to junction WA Hwy 25, then over WA Hwy 25 to Hunters, and return over the same route, serving all intermediate points, and serving all points in Spokane Indian Reservation as off-route points. (Hearing site: Wellpinit or Spokane, WA.)

No. MC 93840 (Sub-No. 35F), filed March 13, 1978. Applicant: GLESS BROS., INC., P.O. Box 216, Blue

Grass, IA 52726. 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: *Gypsum and limestone*, in bulk, from the facilities of American Pelletizing Corp. in Marion County, IA, to points in IL, MN, NE, MO, SD, KS, and WI. (Hearing site: Des Moines, IA or St. Paul, MN.)

NOTE.—Common control may be involved.

No. MC 103993 (Sub-No. 929F), filed March 6, 1978. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plywood*, from Darlington, SC to points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Columbia, SC.)

No. MC 103993 (Sub-No. 930F), filed March 6, 1978. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, fittings and connections, and materials, supplies and accessories*, used in the manufacture and installation thereof, (except in bulk, in tank vehicles), from Cleveland, OH, Stone Mountain, and Social Circle, GA, Bakersfield, Sun Valley and Santa Anna, CA, Pompano Beach, FL, Bristol, IN, and Houston, TX, to points in the United States including AK, excluding HI. (Hearing site: Los Angeles, CA.)

No. MC 105566 (Sub-No. 166F), filed March 14, 1978. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Glass bottles and/or containers* from Parkersburg, WV and Joliet, IL to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. (Hearing site: Washington, DC.)

No. MC 105782 (Sub-No. 8F), filed March 6, 1978. Applicant: HUGHES REFRIGERATED EXPRESS, INC., P.O. Box 2106, Haines City, FL 33844. Applicant's representative: James E. Wharton, Suite 811, Metcalf Building, 100 South Orange Avenue, Orlando, FL 32801. Authority sought to operate as a common carrier, over irregular routes, in the transportation of: *Meats, meat products, meat byproducts, and articles distributed by meat packing-houses* as described in sections A and C

of Appendix A I to report in Description in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of Swift & Co. plant located at/or near Grand Island and Omaha, NE, Des Moines, Greenwood, Marshalltown, and Sioux City, IA, to points in AL, GA, FL, NC, SC, and TN. Hearing: May 11, 1978 (2 days), at 9:30 a.m. local time, at Omaha, NE, in a hearing room to be later designated.

No. MC 105813 (Sub-No. 227) (Correction), filed November 28, 1978, published in the FEDERAL REGISTER issue of February 22, 1978, and republished this issue. Applicant: BELFORD TRUCKING CO., INC., 1759 Southwest 12th Street, P.O. Box 2009, Ocala, FL 32670. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Citrus products, juices and beverages*, from points in Cameron, Hidalgo, and Nueces Counties, TX, to points in the States of AR, CO, IL, IA, KS, KY, LA, MI, MS, OH, and WI. (Hearing site: Dallas or Brownsville, TX.)

NOTE.—The purpose of this republication is to clarify applicant's commodity description and amend points of origin. Common control may be involved.

No. MC 106603 (Sub-No. 173F), filed March 13, 1978. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., 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: *Building materials and asbestos millboard products* (except in bulk), from the plant-site of GAF Corp., Erie, PA, to points in IL, IN, IA, MI, and WI. (Hearing site: Chicago, IL or Washington, DC.)

NOTE.—Common control and dual operations may be involved.

No. MC 107403 (Sub-No. 1066F), filed March 13, 1978. Applicant: MATELACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: Martin C. Hynes, Jr., (same address as applicant). Authority sought to operate as a common carrier, over irregular routes, transporting: *Plastic material, dry*, in bulk, in tank vehicles, from Leominster and Worcester, MA to points in ME, NH, VT, RI, CT, NY, NJ, DE, PA, MD, VA, OH, NC, SC, GA, IN, and IL. (Hearing site: Washington, DC.)

NOTE.—Common control may be involved.

No. MC 107496 (Sub-No. 1133F), filed March 13, 1978. Applicant: RUAN TRANSPORT CORP., 3200 Ruan

Center, 666 Grand Avenue, Des Moines, IA 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, in tank or hopper type vehicles, from Indianapolis, IN, to points in the United States on and east of U.S. Hwy. 85, and points in UT. (Hearing site: Des Moines, IA or Chicago, IL.)

No. MC 107515 (Sub-No. 1110) (correction), filed October 13, 1978, published in the FEDERAL REGISTER issue of December 15, 1977, and republished this issue. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30303. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Citrus products, juices, and beverages* (except in bulk), from points in Cameron, Hidalgo, and Nueces Counties, TX, to points in IN, IA, KS, MI, MN, NE, OH, and WI. (Hearing site: Atlanta, GA, Dallas, TX, or New Orleans, LA.)

NOTE.—The purpose of this republication is to clarify commodity description and to amend points of origin. Applicant holds contract carrier authority in No. MC 126436 (Sub 2), and other subs thereunder, therefore dual operations may be involved. Common control may also be involved.

No. MC 107515 (Sub-No. 1131F), filed March 14, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Applicant's representative: Serby & Mitchell, 3379 Peachtree Road NE., Suite 375, Atlanta, GA 30326. Authority sought to operate as a *common carrier*, over irregular routes, by motor vehicle, in the transportation of: (1) *Drugs, medicines, toilet preparations*; (2) *compounds, weed killing*; (3) *feed supplements, animal or poultry*; (4) *printed advertising material*; (5) *fungicides*, from the facilities of Eli Lilly & Co., at or near Indianapolis, Lafayette, and Clinton, IN, to TN, GA, and NC. (Hearing site: Atlanta, GA.)

NOTE.—Applicant holds motor contract authority in MC 126436 (Sub-No. 2) and other subs, therefore, dual operations may be involved. Common control may also be involved.

No. MC 108676 (Sub-No. 119F), filed March 2, 1978. Applicant: A. J. METLER, HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, TN 37917. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Zinc, zinc alloy, and zinc products*, from points

in Montgomery County, TN, to points in the United States in and east of ND, SD, NE, KS, OK, and TX; and (2) *equipment, machinery, materials, and supplies* (except commodities in bulk), used in the manufacture, process, or distribution of commodities in (1) above, from points in the United States and east of ND, SD, NE, KS, OK, and TX, to points in Montgomery County, TN. Restriction: Restricted to the transportation of traffic originating at or destined to the named origins and named destinations in (1) and (2) above, except traffic moving in foreign commerce. (Hearing site: Nashville, TN, or Washington, DC.)

No. MC 109397 (Sub-No. 400F), filed March 13, 1978. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Granite, marble, slate, and stone, including precast stone*, from points in ID and MT, to points in the United States (including AK, but excluding HI). (Hearing site: Salt Lake City, UT, or Denver, CO.)

NOTE.—Common control may be involved.

No. MC 109533 (Sub-No. 104F), filed March 10, 1978. Applicant: OVERNITE TRANSPORTATION CO., 1000 Semmes Avenue, Richmond, VA 23224. Applicant's representative: E. T. Liefert, Suite 1100, 1660 L Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Cincinnati, OH, and Columbus, OH, serving all intermediate points from Cincinnati over Interstate Hwy 71 to Columbus and return over the same route; (2) between Dayton, OH, and Cincinnati, OH, serving all intermediate points from Dayton over Interstate Hwy 75 to Cincinnati, and return over the same route; (3) between Dayton, OH, and Columbus, OH, serving all intermediate points from Dayton over OH Hwy 4 to junction Interstate Hwy 70, then over Interstate Hwy 70 to Columbus and return over the same route; (4) between Columbus, OH, and Wheeling, WV, serving all intermediate points from Columbus over Interstate Hwy 70 to Wheeling and return over the same route; (5) between Columbus, OH, and Parkersburg, WV, serving all intermediate points from Columbus over U.S. Hwy 33 to junction U.S. Hwy 50, at or near Athens, OH, then over U.S. Hwy 50 to Parkersburg and return over same

route; (6) between Dayton, OH, and Point Pleasant, WV, serving all intermediate points from Dayton over U.S. Hwy 35 to Point Pleasant and return over same route; (7) between Cincinnati, OH, and Harrison, OH, serving all intermediate points from Cincinnati over Interstate Hwy 74 to Harrison and return over same route; (8) between IN-OH State line and Dayton, OH, serving all intermediate points and the off-route point of New Paris, OH, from IN-OH State line over Interstate Hwy 70 to junction Interstate Hwy 75, then over Interstate Hwy 75 to Dayton and return over the same route; (9) serving points in Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Delaware, Fairfield, Fayette, Franklin, Greene, Hamilton, Highland, Jackson, Licking, Madison, Marion, Miami, Montgomery, Pickaway, Pike, Preble, Ross, Union, and Warren Counties, OH, as off-route points, in connection with routes (1) through (8). (Hearing site: Cincinnati or Columbus, OH.)

NOTE.—Common control may be involved.

No. MC 109818 (Sub-No. 22F), filed March 13, 1978. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52808. 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 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 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. (Hearing site: Chicago, IL, or Omaha, NE.)

No. MC 109821 (Sub-No. 55F), filed March 13, 1978. Applicant: TAYNTON FREIGHT SYSTEM, INC., 40 Main Street, Wellsboro, PA 16901. Applicant's representative: Dewey T. Whitford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and pet foods and equipment, materials, and supplies* used in the manufacture or distribution of foodstuffs and pet foods (except in bulk), between the facilities of Nabisco, Inc., at: (1) Fairlawn, NJ, on the one hand and on the other points in PA; (2) Buffalo, Geneva, Niagara Falls, NY, on the one hand and on the other points in PA, WV, and OH on the east of Interstate 71 and U.S. Hwy 33; (3) Richmond, VA, on the one hand and on the other points in PA and NY on and west of U.S. Hwy 11. Common control may be

involved. (Hearing site: Philadelphia, PA, or New York, NY.)

No. MC 11035 (Sub-No. 81F), filed March 13, 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, 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 MN (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). (Hearing site: Atlanta, GA.)

No. MC 110420 (Sub-No. 777F), filed March 13, 1978. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, WI 53158. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural pesticides*, in bulk, in tank vehicles, from the plantsite and storage facilities utilized by Shell Chemical Co., a division of Shell Oil Co., at or near El Paso, IL, to points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Milwaukee, WI.)

NOTE.—Common control may be involved.

No. MC 111302 (Sub-No. 118F), Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, Knoxville, TN 37919. Applicant's representative: David A. Petersen, P.O. Box 10470, Knoxville, TN 37919. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from South Pittsburgh, TN, to points in AL and

GA. Common control may be involved. (Hearing site: Atlanta, GA.)

No. MC 112668 (Sub-No. 59F), filed March 14, 1978. Applicant: HARVEY R. SHIPLEY & SONS, INC., Finksburg, MD 21048. Applicant's representatives: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gravel*, in bulk, in dump vehicles, from White Marsh, MD, to points in NJ; (2) *stone and stone products*, in bulk, in dump vehicles, from Medford, MD, to points in CT, NJ, and OH; (3) *stone*, in bulk, in dump vehicles, from the facilities of Harry T. Campbell Sons' Co., Campbell-Grove Division of the Flintkote Co., at or near Gettysburg, PA, to points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, NJ; (4) *sand*, in dump vehicles, from White Marsh, MD, to points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, NJ; (5) *stone*, in bulk, in dump vehicles, from Marriottsville, MD, to points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, NJ, OH, and CT. (Hearing site: Washington, DC.)

NOTE.—Applicant holds contract carrier authority in MC 138212; therefore, dual operations may be involved.

No. MC 112801 (Sub-No. 199F), filed March 13, 1978. Applicant: TRANSPORT SERVICE CO., a corporation, 2 Salt Creek Lane, Hinsdale, IL 60521. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastic*, in bulk, in tank vehicles, from Indianapolis, IN, to points in the United States on and east of U.S. Hwy 85, and points in UT. (Hearing site: Indianapolis, IN.)

No. MC 113651 (Sub-No. 236) (correction), filed November 3, 1977, published in the FEDERAL REGISTER issue of December 22, 1978 and republished this issue. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Muncie, IN 47305. Applicant's representative: George E. Batty, P.O. Box 552, Muncie, IN 47305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products, juices and beverages*; from points in Cameron, Hidalgo, and Nueces Counties, TX, to points in AL, AR, IN, IA, KS, KY, LA, MI, MN, MS, NE, OH, OK, TN, WI and CO. (Hearing site: Houston, TX.)

NOTE.—The purpose of this republication is clarity commodity description and amend points of origin.

No. MC 113678 (Sub-No. 726F), filed March 13, 1978. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Roger M. Shaner (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (except commodities in bulk in tank vehicles), from Trenton, NJ and Norfolk, VA to points in and west of WI, IL, MO, AR, and LA. (Hearing site: Washington, DC or New York, NY.)

No. MC 113855 (Sub-No. 410F), filed March 10, 1978. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Applicant's representative: Richard P. Anderson, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled aerial work platforms*, from the facilities of Krause Manufacturing Co., Inc., at Milwaukee, WI, to points in the United States (except AL and HI). (Hearing site: Chicago, IL.)

NOTE.—Common control may be involved.

No. MC 114045 (Sub-No. 488) (correction), filed November 28, 1978, published in the FEDERAL REGISTER issue of January 26, 1978 and republished this issue. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, TX 75261. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products, juices and beverages*, from points in Cameron, Hidalgo, and Nueces Counties, TX, to points in CA, CO, OK, OR and WA. (Hearing site: Dallas or Brownsville, TX.)

NOTE.—The purpose of this republication is to clarify commodity description and points of origin. Common control may be involved.

No. MC 114273 (Sub-No. 359F), filed March 13, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Applicant's representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meal products, and meal by-products, and articles distributed by meat packing-houses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities, in bulk, in tank vehicles), from the facilities of Swift & Co. located at Rochelle and St. Charles, IL, to points in OH, CT, DE, ME, MD, MA, NH, NJ, PA, RI, VT, VA, and DC. (Hearing site: Chicago, IL or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 115331 (Sub-No. 453F), filed March 13, 1978. Applicant: TRUCK TRANSPORT INC., 29 Clayton Hills Lane, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles from Washington County, MO to all points in the United States (except AK and HI). (Hearing site: Memphis, TN or St. Louis, MO.)

NOTE.—Common control may be involved.

No. MC 115496 (Sub-No. 87F), filed March 13, 1978. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, GA 31014. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Lumber, plywood, particle-board, and cross ties* between points in GA, SC, and AL. (Hearing site: Atlanta, GA.)

No. MC 115654 (Sub-No. 81F), filed March 10, 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*, over irregular routes, transporting: *Foodstuffs* (except in bulk), from La Porte, IN, to points in TN and AR restricted to traffic originating at the facilities of American Home Foods, Division of American Home Products Corp. Common control may be involved. (Hearing site: New York, NY or Washington, DC.)

No. MC 115826 (Sub-No. 330F), filed March 8, 1978. Applicant: W. J. DIGBY, INC., 1960 31st Street, P.O. Box 5088 T.A., Denver, CO 80217. Applicant's representative: Howard Gore, 1960 31st Street, P.O. Box 5088 T.A., Denver, CO 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing houses* from CO to TX and NM. (Hearing site: Denver, CO.)

No. MC 115841 (Sub-No. 616F), filed March 13, 1978. Applicant: Colonial Refrigerated Transportation, Inc., Suite 110, 9041 Executive Park Drive, Knoxville, TN 37919. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Electrical appliances, parts and accessories of electrical appliances, and materials, equipment and supplies used in the manufacture, assembly, repair, maintenance, installation, sale, transportation and distribution of electrical appliances (except commodities in bulk), from the facilities of Metalux Lighting Corp. at or near Americus, GA, to points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, NC, ND, OH, OK, OR, SC, SD, TN, TX, UT, VA, WA, WV, WI, WY and DC, restricted to the transportation of shipments originating at the facilities of Metalux Lighting Corp. (Hearing site: Atlanta, GA or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 116632 (Sub-No. 20F), filed March 9, 1978. Applicant: H. O. BOUCHARD, INC., MRC Box 141A, Bangor, ME 04401. Applicant's representative: Frederick T. McGonagle, 36 Main Street, Gorham, ME 04038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut log buildings and related construction materials therewith*, from Kenduskeag, ME, to points in NH, VT, MA, CT, RI, NY, NJ, PA, OH, IN, MI, WV, DE, MD, DC, VA, NC, SC, and GA. (Hearing site: Portland, ME, or Boston, MA.)

No. MC 116763 (Sub-No. 387) (Correction), filed August 1, 1977, published in the FEDERAL REGISTER issue of September 8, 1977, and republished in this issue. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters, P.O. Box 81, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products, juices, and beverages*, from points in Cameron, Hildalgo, and Nueces Counties, TX, to points in AL, AR, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, OH, OK, TN, and WI. (Hearing site: San Antonio, TX.)

NOTE.—The purpose of this republication is to clarify commodity description, and amend points of origin.

No. MC 116763 (Sub-No. 406F), filed March 13, 1978. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters, North West Street, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Paper and paper products*, from Nicholasville, KY, to points in WI and IL north of Interstate Hwy 74, and IA north of Interstate Hwy 80, and MI. (Hearing site: Milwaukee, WI.)

No. MC 116763 (Sub-No. 407F), filed March 13, 1978. Applicant: CARL

SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by paint and chemical coating manufacturers*, from the facilities of Standard T Chemical Co., Inc., at or near Chicago Heights, IL, to points in upper MI and WI. Restricted to traffic originating at and destined to the named points. (Hearing site: Chicago, IL.)

No. MC 117119 (Sub-No. 678F), filed March 13, 1978. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Applicant's representative: M. 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 on the one hand, and, on the other, the facilities of the Bon Marche, located at Boise and Pocatello, ID, Butte, MT, Ogden, UT, and points in WA. Note: Common control may be involved. (Hearing site: New York, NY or Washington, DC.)

No. MC 118130 (Sub-No. 83F), filed March 13, 1978. Applicant: SOUTH EASTERN XPRSS, INC., P.O. Box 6985, Fort Worth, TX 76115. Applicant's representative: Billy R. Reid, P.O. Box 9093, Fort Worth, TX 76107. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Fruits, canned in containers*, from Delta, CO, to points in AZ, CA, KS, NM, OK, and TX. (Hearing site: Dallas, TX or Denver, CO.)

No. MC 118159 (Sub-No. 252F), filed March 6, 1978. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Applicant's representative: Warren Taylor (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, and cellulose materials and products* (except commodities in bulk), from the facilities of Scott Paper Co. at Winslow and Portland, ME, and Somerset County, ME to points in the United States (except points in WV, VA, MD, AK, HI, DE, PA, NJ, NY, CT, RI, MA, NH, VT, ME, and DC). (Hearing site: Chicago, IL.)

No. MC 118304 (Sub-No. 6F), filed March 13, 1978. Applicant: CALDWELL TRANSPORT LTD., Florenceville, NB. Applicant's representative: Francis E. Barrett, Jr., Esq., 10 Indus-

trial Park Road, Hingham, MA 02043. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting: *Gypsum, gypsum products and plaster-board joint system* from Buchanan and Akron, NY and Portsmouth, NH to ports of entry on the United States-Canada boundary line located at or near Houlton and Calais, ME. (Hearing site: Bangor or Portland, ME, or Boston, MA.)

No. MC 118838 (Sub-No. 19F), filed February 27, 1978. Applicant: GABOR TRUCKING, INC., Rural Route 4, Detroit Lakes, MN 56501. Applicant's representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: *Phosphates, polymers, silica, chemicals, trace minerals, plastic products, plastic resins, and mineral oil* (except in bulk, in tank vehicles), between ports of entry on the International Boundary line between the United States and Canada, located in MN, ND, MT, and WA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Seattle, WA.)

No. MC 118882 (Sub-No. 7F), filed March 10, 1978. Applicant: JOE L. LAMBERT, d.b.a., JOE LAMBERT TRUCKING SERVICE, 715 Fox Avenue, Harrisville, WV 26362. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete pipe and precast concrete products* (1) from points in OH, to points in IN, KY, MD, MI, NC, PA, TN, VA, and WV, and (2) from points in WV, to points in IN, KY, MD, MI, NC, OH, PA, TN and VA. (Hearing site: Charleston, WV or Columbus, OH.)

No. MC 119619 (Sub-No. 124F), filed March 15, 1978. Applicant: DISTRIBUTORS SERVICE CO., 2000 West 43rd Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, One Lefrak City, Plaza, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plant site and/or storage facilities of Lender's Bagel Bakery, Inc., located at or near Buffalo, NY, to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, and WI. Restriction: Restricted to traffic originating at and destined to the above named points. (Hearing site: Buffalo, NY.)

No. MC 119765 (Sub-No. 49F), filed March 9, 1978. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27th

Street, Omaha, NE 68107. 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: *Foodstuffs and inedible foods* (except in bulk), moving in mechanically refrigerated vehicles, (1) From the facilities of Terminal Ice & Cold Storage Co. at or near Bettendorf, IA, to points in IL, IN, KY, MI, MN, MO, OH and WI; and, (2) returned or rejected shipments from the destinations named in part (1) above to Bettendorf, IA. Restriction: Restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Omaha, NE.

No. MC 119777 (Sub-No. 348F), filed March 14, 1978. Applicant: LIGON SPECIALIZED HAULER, INC., a corporation, Madisonville, KY 42431. Applicant's representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forgings, and pipe couplings, and fittings*, from Louisville, KY, to points in the United States (except AK and HI).

NOTE.—Applicant holds contract carrier authority in MC 126970 Sub 1 and other subs thereunder and therefore dual operations may be involved. Common control may also be involved. (Hearing site Louisville, KY or Cincinnati, OH or Nashville, TN.)

No. MC 119968 (Sub-No. 11) (correction) filed December 29, 1977, published in the FEDERAL REGISTER issue of February 24, 1978, and republished this issue. Applicant: A. J. WEIGAND, INC., P.O. Box 130, 1046 N. Tuscarawas Avenue, Dover, OH 44622. Applicant's representative: Paul F. Beery, 275 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Hydrofluoric acid*, in bulk, from Nitro, WV to points in IL, IN, MI, NY, OH, PA, RI, MA, CT, MD, NJ, KY, WI, NC, MO, TN, SC, FL and GA.

NOTE.—The purpose of this republication is to correct errors in spelling and omitted destination point. (Hearing Site: Columbus, OH.)

No. MC 119988 (Sub-No. 134F), (correction), filed February 13, 1978, published in the FEDERAL REGISTER issue of March 16, 1978 and republished this issue. Applicant: GREAT WESTERN TRUCKING CO., INC., Hwy 103 E, P.O. Box 1384, Lufkin, TX, 75901. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX, 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Such commodities as are dealt in by retail department and variety stores* (except commodities in bulk), from points in AL, AR, CA, FL, GA, IL, LA, MA, MO, NC, NY, OH, PA, SC, TX and WA, to the facilities of W. E. Walker Stores, Inc., at or near Columbia, MS, and Diboll, TX. (Hearing site: Jackson, MS or Birmingham, AL.)

NOTE.—The purpose of this republication is to correct the origin point from Columbia, MI to Columbia, MS.

No. MC 121664 (Sub No. 31F), filed March 6, 1978. Applicant: G. A. HORNADY, CECIL M. HORNADY, AND B. C. HORNADY d.b.a. HORNADY BROTHERS TRUCK LINE, P.O. Box 846, Monroeville, AL 36460. Applicant's representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35233. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and wood products* from: Greenville, GA; Camden, Selma, Demopolis, and York, AL to: NC, and SC.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Montgomery or Birmingham, AL.

No. MC 124211 (Sub-No. 321F), filed March 10, 1978. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in and used by banking and financial institutions* (except commodities in bulk), (1) Between points in Fremont, Mills, Montgomery, Page, and Pottawattamie Counties, IA, and points in NE, on the one hand, and, on the other, points in AL, FL, and GA; and, (2) Between Omaha, NE, on the one hand, and, on the other, points in the U.S. (except AL, AK, FL, GA, and HI).

NOTE.—Applicant presently is authorized in MC 124211 Sub-Nos. 251 and 270 to provide service on the above commodities between points in Burt and Madison Counties, NE and points in the continental U.S. The primary purpose of this application is to substitute single line service for existing joint line service. Common control may be involved. (Hearing site: Lincoln, NE.)

No. MC 124579 (Sub-No. 22F), filed March 13, 1978. Applicant: WIKEL BULK EXPRESS, INC., Route 2, Huron, OH 44839. Applicant's representative: James Duvall, Post Office Box 97, 220 West Bridge Street, Dublin, OH 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean oil*, in bulk, in tank vehicles, from the facilities of Cargill, Inc., located at or near Sidney, OH, to points in GA, IL, IN, KY, MD,

MA, NC, NY, NJ, OH, PA, TN and VA. (Hearing site: Columbus, OH.)

No. MC 124887 (Sub-No. 51F), filed March 14, 1978. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Applicant's representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Crude, calcined and dead burned magnesite, and magnesium based products, on flatbed equipment, from Port St. Joe, FL to points in AL, AR, FL, GA, IL, LA, MS, NC, OH, PA, SC, TN, TX.* (Hearing site: Jacksonville or Tallahassee, FL or Atlanta, GA.)

No. MC 124947 (Sub-No. 102F), filed March 13, 1978. Applicant: MACHINERY TRANSPORTS, INC., 1945 South Redwood Road, Salt Lake City, UT 84104. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, UT 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic battery boxes, (2) plastic battery covers, (3) plastic battery vents; and (4) parts for items (1), (2), and (3) above (except in bulk), between Milwaukee, WI, Vicksburg, MS, Swainsboro, GA, and Wichita, KS, on the one hand, and, on the other, City of Industry, CA, Farmers Branch, TX, Dunmore, PA, Leavenworth, KS, Luncyburg, VA, Memphis, TN, Salem, OR, Orlando, FL, Shreveport, LA, Zanesville, OH, Milwaukee, WI, and Vicksburg, MS, restricted to shipments originating at or destined to the facilities of Gould, Inc., located at or near the above-named cities.* (Hearing site: Chicago, IL.)

NOTE.—Common control may be involved.

No. MC 125470 (Sub-No. 30F), filed March 13, 1978. Applicant: MOORE'S TRANSFER, INC., P.O. Box 1151, Norfolk, NE 68701. Applicant's representative: Gallyn L. Larsen, 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: *Salt and salt products, and materials and supplies, used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries in mixed loads with salt and salt products, from the facilities of American Salt Co., at or near Lyons, KS, to points in NE, SD, ND, NM, WI, IL, and IN.* (Hearing site: Kansas City, MO or Lincoln, NE.)

No. MC 127303 (Sub-No. 34F), filed March 8, 1978. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., No. 805, Washington, D.C. 20001. Authority sought to operate as

a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and container accessories, from Dunkirk, IN, to points in IA, MO, and IL.* (Hearing site: Chicago, IL or Washington, DC.)

No. MC 127478 (Sub-No. 8F), filed March 13, 1978. Applicant: WILLIAM M. HAYES, d.b.a. HAYES TRUCKING CO., P.O. Box 31, Winterville, GA 30683. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *food-stuffs, from the facilities of CFS Continental Inc., at Chicago, IL to Atlanta and Macon, GA.* (Hearing site: Atlanta, GA.)

No. MC 127705 (Sub-No. 51F), filed March 10, 1978. Applicant: KREVDABROS EXPRESS, INC., P.O. Box 68, Gas City, IN 46933. Applicant's representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers and accessories therefor, from the facilities of Anchor Hocking Corp. at Winchester and Richmond, IN to points in IA, MO, PA, OH, MI, IL, WI, KY, NY, NJ, and MD, (2) materials, equipment, and supplies used in the manufacture and distribution of glass containers (except commodities in bulk), and returned glass containers, from points in IA, MO, PA, OH, MI, IL, WI, KY, NY, NJ, and MD, to the facilities of Anchor Hocking Corp. at Winchester and Richmond, IN, restricted to traffic originating at and destined to the named origins and the named destinations.* (Hearing site: Washington, DC.)

No. MC 128905 (Sub-No. 4F), filed March 10, 1978. Applicant: ZERKLE TRUCKING CO., a corporation, 34 Race Street, Middleport, OH 45670. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. 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, from Huntington, WV, to points in the United States (except AK and HI), and (2) such commodities as are used in the manufacture of iron and steel articles (except commodities in bulk), from points in the United States (except AK and HI), to Huntington, WV, under a continuing contract or contracts with Connors Steel Co., Inc., located at Huntington, WV.* (Hearing site: Charleston, WV or Columbus, OH.)

NOTE.—Applicant holds common carrier authority in No. MC 61977 and subnumbers

thereunder, therefore dual operations may be involved. Common control may be involved.

No. MC 129510 (Sub-No. 13F), filed March 9, 1978. Applicant: ENGLUND EQUIPMENT CO., a corporation, 740 Old Stage Road, Salinas, CA 93901. Applicant's representative: John Paul Fischer, 256 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile body parts and plastic trim, from the facilities of Pantel, Inc. located in Lapeer and Genesee Counties, MI, to points in the United States (Excluding AK and HI), under contract with Pantel, Inc.* (Hearing site: San Francisco, CA.)

No. MC 133233 (Sub-No. 58F), filed March 3, 1978. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I-80 and Hwy 50, P.O. Box 37308, Omaha, NE 68137. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and aluminum products, from points in Milam County, TX, to points in the United States in the east of WY, MT, UT, and NM; and (2) materials, equipment and supplies utilized in the manufacture of aluminum and aluminum products, from points in the United States in and east of WY, MT, UT and NM, to points in Milam County, TX, under a continuing contract or contracts, with Aluminum Co. of America.* Applicant holds common carrier authority in MC 138328 Sub 1 and other subs thereunder, therefore dual operations may be involved. (Hearing site: Pittsburgh, PA.)

No. MC 133735 (Sub-No. 5F), filed March 13, 1978. Applicant: AUDUBON TRANSPORT, INC., Wever, IA 52658. 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: *Fertilizer, from the facilities of Merschman Seed & Fertilizer, Inc. at or near Fort Madison, IA, to points in IL and MO.* (Hearing site: Des Moines, IA or Kansas City, MO.)

NOTE.—Common control may be involved.

No. MC 134477 (Sub-No. 223F), filed March 15, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail department stores, and equipment, materials and supplies*

used in the conduct of such business (except commodities in bulk and food-stuff), from Statesville, NC to Denver, CO, Chicago, IL, Kansas City and St. Louis, MO, and Dallas and Houston, TX. Restricted to traffic originating at the facilities of J. C. Penney Co., Inc. at Statesville, NC and destined to the above named destinations. (Hearing site: Minneapolis, MN.)

No. MC 134591 (Sub-No. 4F), filed March 14, 1978. Applicant: R. C. FILKINS, INC., Route 8, Cheshire, MA 01225. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and poultry feed*, (2) *dry animal and poultry feed ingredients*, and (3) *agriculture commodities* otherwise exempt from regulation under Section 203(b)(6) of the Act when moving in mixed loads with the commodities in (1) and (2) above, in bulk, between points in NY, CT, MA, RI, NH, VT, and ME. (Hearing site: Hartford, CT.)

NOTE.—Common control may be involved.

No. MC 134872 (Sub-No. 11F), filed March 7, 1978. Applicant: GOSSELIN EXPRESS LTD., 141 Smith Boulevard, Thetford Mines, PQ, Canada. Applicant's representative: Neil D. Breslin, 99 Washington Avenue, Albany, NY 12210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Asbestos*, in bags, from the ports of entry on the International boundary line at Champlain, NY, and Detroit, MI to points in H, Norristown, PA, and Meredith, NH. (Hearing site: Albany, NY or Plattsburgh, NY.)

No. MC 135197 (Sub-No. 12F), filed March 3, 1978. Applicant: LEESER TRANSPORTATION, INC., Route 3, Palmyra, MO 63461. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, MO 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from points in MO, to points in IA, IL and KS. (Hearing site: Jefferson City, MO.)

No. MC 135200 (Sub-No. 6F), filed March 13, 1978. Applicant: SAPP BROS. TRUCKING CO., R.F.D. 1, Box 135-A, Barney, GA 31625. Applicant's representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, dry, in bulk, from Marks, MS, to points in AL, AR, LA, MS and TN. (Hearing site: Jacksonville, FL or Atlanta, GA.)

No. MC 135283 (Sub-No. 32F), filed March 2, 1978. Applicant: GRAND

ISLAND MOVING & STORAGE CO., INC., P.O. Box 2122, 432 South Stuhr Road, Grand Island, NE 68801. Applicant's representative: Gailyn L. Larsen, 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: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, (except hides and commodities in bulk), from the facilities of Gibbon Packing Co., at or near Gibbon, NE, to points in IA, WI, MI, IL, IN, AND MN. (Hearing site: Grand Island or Lincoln, NE.)

No. MC 136006 (Sub-No. 7F), filed March 9, 1978. Applicant: WALKILL AIR FREIGHT, R.F.D. 3, Box 5, Walkill, NY 12589. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, over irregular routes transporting: *General commodities* (except commodities in bulk), between Newark, NJ, on the one hand, and, on the other, points in Ulster, Orange, Dutchess and Sullivan Counties, NY, restricted to transportation of shipments having a prior or subsequent movement by water, motor or air common carriers. (Hearing site: New York or Newburgh, NY.)

No. MC 136343 (Sub-No. 128F), filed March 13, 1978. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Containers, fibreboard or pulpboard*, with or without ends of same or other material and supplies used in the manufacture and distribution thereof, (except commodities in bulk), from the facilities of Sonoco Products Co. at or near Alpha, OH and warehouse facilities at or near Dayton, OH, to points in the United States (except AK and HI.) (Hearing site: Columbus, OH, New York, NY or Washington, DC.)

No. MC 136343 (Sub-No. 129F), filed March 9, 1978. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Paper and paper products* from the facilities of International Paper Co. at or near Corinth, NY, and Ticonderoga, NY to points in the New York, NY commercial zone, Nassau and Suffolk Counties, NY, NJ, PA, MD, DE, OH and Washington, DC. (Hearing site: Washington, DC or New York, NY.)

No. MC 136511 (Sub-No. 18F), filed March 15, 1978. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Road, Lynchburg, VA 24502. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from Henry County, VA to points in CO, NM, WY, MO, and ID, and, (2) from Smyth County, VA to points in CA, AZ, WA, OR, ID, MT, WY, CO, UT, NE, and NM. (Hearing site: Washington, DC.)

No. MC 136713 (Sub-No. 10F), filed March 10, 1978. Applicant: AERO LIQUID TRANSIT, INC., 1717 Four Mile Road N.E., Grand Rapids, MI 49505. Applicant's representative: Daniel J. Kozera, Jr., The McKay Tower, Suite 2-A, Grand Rapids, MI 49503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from Lemont, IL, to points in IN and MI.

NOTE.—Applicant holds motor contract authority in MC 135012, therefore dual operations may be involved. (Hearing site: Lansing or Detroit, MI or Chicago, IL.)

No. MC 135732 (Sub-No. 30F), filed March 13, 1978. Applicant: AUBREY FREIGHT LINES, INC., P.O. Box 503, Elizabeth, NJ 07208. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Oleo margarine, vegetable oil shortening, vegetable oils, vegetable stearnes* (except in bulk), in vehicles equipped with mechanical refrigeration from the facilities of Capital City Products Co., Division of Stokely-Van Camp, Inc., Columbus, OH, to points in ME, NH, VT, MA, RI, CT, PA (except Philadelphia, PA); NJ, north of Atlantic and Camden Counties; NY, east of U.S. Hwy 81. (Hearing site: Columbus, OH, or Washington, DC.)

No. MC 136784 (Sub-No. 2F), filed March 13, 1978. Applicant: BRADY'S TRANSPORT LIMITED, P.O. Box 1940, Hull, Quebec, Canada J8X 3Z2. Applicant's representatives Herbert M. Canter, 305 Montgomery Street, Syracuse, NY 13202. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Rough and dressed lumber* from ports of entry on the United States-Canada boundary line located in NY to points in NJ, OH, PA and VT. (Hearing Site: Syracuse, NY or Washington, DC.)

No. MC 138157 (Sub-No. 60F), filed March 10, 1978. Applicant: SOUTH-

WEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Applicant's representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heating and air conditioning equipment and ranges, ovens, refrigerators, dishwashers, disposals and range hoods*, from Los Angeles and City of Industry, CA, to points in the United States (except AK and HI); (2) commodities named in (1) above, and materials, equipment and supplies used in the manufacture, production and distribution of the commodities named in (1) above, from Elkhart and Connorsville, IN; Anniston, AL; Columbus and Bellevue, OH; and Cleveland, TN; to Los Angeles and City of Industry, CA. Restriction: Restricted against the transportation of commodities in bulk and further restricted to traffic originating at or destined to the facilities of Gaffers & Sattler, Inc.

NOTE.—Applicant holds contract carrier authority in MC 134150 and subs thereunder, therefore dual operations may be involved. Common control may be involved. The purpose of this application is to convert the contract carrier authority held by applicant in MC 134150 (Sub-Nos. 3 (portion), 5 and 8). (Hearing site: Los Angeles, CA; Washington, DC.)

No. MC 138235 (Sub-No. 18 F), filed March 13, 1978. Applicant: DECKER TRANSPORT COMPANY, INCORPORATED, 412 ROUTE 23, Pompton Plains, NJ 07444. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *contract carrier*, by motor vehicle, transporting: (1) *Motor vehicles* (except trucks, automobiles and motor homes, new tractors and chassis in secondary movements in driveway service), *hardware, conveyors and conveyor equipment, furniture, lawn mowers, power equipment, and wheel goods* (2) *parts, attachments and accessories* for the commodities in (1) above and (3) *materials, equipment and supplies* used in the manufacture and sale of the commodities in (1) and (2) above (except commodities in bulk), between the facilities of MTD Products, Inc., located at or near Westfield, MA, on the one hand, and, on the other, points in the states of AZ, CA, CO, ID, MT, NE, NM, ND, OR, SD, UT, WA, WY, under a continuing contract or contracts with MTD Products, Inc. (Hearing site: Columbus, Ohio; Washington, D.C.)

No. MC 138308 (Sub-No. 43F), filed March 20, 1978. Applicant: KLM, INC., 2102 Old Brandon Road, P.O. Box 6098, Jackson, MS 39208. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O.

Box 22628, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail, department and variety stores* (except commodities in bulk): (1) from points in CT, IN, KY, IA, ME, MD, MI, NH, NJ, OK, RI, TN, VT, VA, WV and WI to the facilities of Value Mart, Inc. at or near Hattiesburg, MS.; (2) from points in AL, AR, CA, CT, FL, IL, IN, KY, LA, ME, MD, MA, MI, MO, MS, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, TA, WA, WV and WI to the facilities of Value Mart, Inc. at or near Atlanta, GA, restricted in (1) and (2) above to the transportation of shipments originating at the named origins and destined to the indicated destinations. (Hearing site: Jackson, MS.)

NOTE.—Applicant holds motor contract carrier authority in Mo. MC-128592 and subnumbers thereunder, therefore dual operations may be involved.

No. MC 138875 (Sub-No. 83F), filed March 13, 1978. Applicant: SHOE-MAKER TRUCKING CO., a corporation, 11900 Franklin Road, Boise, ID 83705. Applicant's representative: F. L. Sigloh, 11900 Franklin Road, Boise, ID 83705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in ID, south of the southern boundary of Idaho County and points in Malheur County, OR, to points in OR and WA. (Hearing site: Boise, ID.)

No. MC 138882 (Sub-No. 50F), filed March 14, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrapping paper in rolls and bundles*, from the facilities of Damsky Paper Co., located at Birmingham, AL, to points in GA, FL, MS, TX, OK, KS, AR, TN, KY, SC, NC, VA, NY, and IL; and (2) *scrap and waste paper for recycling* from points in GA, FL, MS, TX, OK, KS, AR, TN, KY, SC, NC, VA, NY, and IL to the facilities of Damsky Paper Co., Birmingham, AL. (Hearing site: Birmingham or Montgomery, AL.)

No. MC 138882 (Sub-No. 51F), filed March 14, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Foodstuffs, not frozen*, in containers, from the facilities of Doxsee Foods at or near Brundidge, AL to points in LA. (Hearing site: Birmingham or Montgomery, AL.)

No. MC 138882 (Sub-No. 52F), filed March 14, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081. Applicant's representative: George A. Olsen, P.O. Box 347, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, 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. (Hearing site: Birmingham or Montgomery, AL.)

No. MC 138882 (Sub-No. 53F), filed March 24, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Malt beverages and related advertising materials*, from Fort Worth, TX to Tallahassee, FL. (Hearing site: Birmingham or Montgomery, AL.)

No. MC 138882 (Sub-No. 54F), filed March 14, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, over irregular routes transporting: *Pre-cut log buildings, knocked down, and materials and supplies used in the construction of such commodities*, between Blountstown, FL, on the one hand, and, on the other, points in the United States in and east of MN, IA, IL, KY, TN, and MS. (Hearing site: Birmingham or Montgomery, AL.)

No. MC 138890 (Sub-No. 8F), filed March 16, 1978. Applicant: MOODIE, INC., 301 Acorn Street, Stevens Point, WI 54481. Applicant's representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potato products* (except in bulk) from the facilities utilized by American Potato Co. at Beaver Dam and Milwaukee, WI to points in the United States (except AK and HI). (Hearing site: Beaver Dam or Milwaukee, WI.)

No. MC 138999 (Sub-No. 1F), filed March 9, 1978. Applicant: FRED NARK AND ROBERT NARK, d.b.a. NARK BROS., P.O. Box 336, Cobelskill, NY 12043. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic foam insulating materials*, from Linden, NJ, to points in CT, DE, MD, ME, MA, NY, PA, RI, VA, VT, WV, NH, and DC, under contract or contracts with Apache Foam Products, Division of

Millmaster Onyx Corp., of Linden, NJ. (Hearing site: New York, NY or Washington, DC.)

No. MC 139206 (Sub-No. 17F), filed March 13, 1978. Applicant: F.M.S. TRANSPORTATION, INC., Box 1597, 2564 Harley Drive, Maryland Heights, MO 63043. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought by applicant to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: (1) *Farm machinery; farm equipment; farm implements; augers; back fillers; scraper bars; diggers; blades; excavators; back hoes; ditchers; rakes; tractor cranes; snow blowers; box scrapers; stump cutters; trenchers; teeth; fork lifts; loaders; and parts and accessories therefor;* and (2) *materials, equipment and supplies* used in the manufacture, sale, assembly, installation, packing, maintenance, repair, distribution, finishing and transportation of the commodities in (1) above (except commodities in bulk), between New Holstein, WI, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic moving under continuing contract, or contracts with Chromalloy American Corp. (Hearing site: St. Louis, MO.)

NOTE.—(1) Applicant states that it is a commonly controlled contract carrier for Chromalloy American Corp., and that the purpose of this application is to enable the shipper to substitute the contract carrier services of applicant for its private carriage. Applicant further states that it already holds authority to provide similar service for this shipper between thirteen (13) points, on the one hand, and, on the other, points in the United States (except AK and HI); (2) Applicant also states that dual operations and common control may be involved. Dual operations and common control were approved in Docket No. MC-F-12514.

No. MC 139206 (Sub-No. 20F), filed March 15, 1978. Applicant: F.M.S. TRANSPORTATION, INC., Box 1597, 2564 Harley Drive, Maryland Heights, MO 63043. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought by applicant to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Textiles, textile articles, piecegoods, clothing, and textile products,* and (2) *materials, equipment and supplies* used or useful in the manufacture, sale, processing, dyeing, cutting, distribution and transportation of the commodities in (1) above (except commodities in bulk), between Corsicana, TX, on the one hand, and, on the other, points in the United States (except AK and HI) restricted to the transportation of traffic moving under a continuing contract, or contracts, with

Chromalloy American Corp. (Hearing site: St. Louis, MO.)

NOTE.—(1) Applicant states that it is a commonly controlled contract carrier for Chromalloy American Corp. and that it is already authorized to perform contract carrier services for the supporting and contracting shipper between thirteen (13) other points on the one hand, and, on the other, points in the United States (except AK and HI). The purpose of this application is to allow the shipper to replace its private carriage with the contract carrier services of applicant. (2) Applicant further states that dual operations and common control may be involved. Common control and dual operations were approved in Docket No. MC-F-12514.

No. MC 139482 (Sub-No. 42F), filed March 15, 1978. Applicant: NEW ULM FREIGHT LINES, INC., County Road 29 West, 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* (except in bulk), from the plant site and storage facilities of Blum's of San Francisco, Inc., at or near Jackson, MN, to all points in the United States except AK and HI, and *supplies used in the manufacture and production and packaging of candy* (except commodities in bulk), from all points in the United States except AK and HI, to the plantsite and storage facilities of Blum's of San Francisco, Inc., at or near Jackson, MN. (Hearing site: Minneapolis or St. Paul, MN.)

No. MC 139495 (Sub-No. 326F), filed March 10, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canoes and camping equipment and supplies*, from Wichita, KS, to points in the United States (except AK and HI). (Hearing site: Washington, DC, or Wichita, KS.)

No. MC 139615 (Sub-No. 12F), filed March 2, 1978. Applicant: D.R.S. TRANSPORT, INC., P.O. Box 29, Oskaaloosa, IA 52577. 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: *Pipe, fittings, valves, hydrants, and materials and supplies* (except in bulk) used in the installation thereof, from the facilities of Clow Corp., located at or near Buckhannon, WV, to points in CO, IL, IN, IA, KS, MN, MO, MT, NE, ND, SD, and WY. (Hearing site: Chicago, IL, or Washington, DC.)

No. MC 139958 (Sub-No. 5F), filed March 6, 1978. Applicant: R. T.

TRUCK SERVICE, INC., 801 South 13th Street, Louisville, KY 40210. Applicant's representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in packages and drums; from the plant of the Olin Chemicals, at Do Run, KY, to points and places in the States of IN, IL, OH, WV, MI, MO, TN, GA, NC, LA, and KY; (2) *materials and supplies* used in the manufacture of chemicals, from points and places in the States of IN, IL, OH, WV, MI, MO, TN, GA, NC, LA, and KY to the plantsite of the Olin Chemicals at Do Run, KY. (Hearing site: Louisville, KY.)

NOTE.—Common control may be involved.

No. MC 139973 (Sub-No. 39F), filed March 2, 1978. Applicant: J. H. WARE TRUCKING INC., P.O. Box 398, Fulton, MO 65251. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except in bulk), from the facilities of Commercial Distribution Center, Inc., located at or near Kansas City, MO, to points in OH, PA, NY, NJ, DE, CT, RI, MA, ME, MD, KY, VT, NH, and DC, restricted to traffic originating at the named origin. (Hearing site: Kansas City or St. Louis, MO.)

NOTE.—Applicant holds motor contract carrier authority in MC 138375 and sub numbers thereunder, therefore, dual operations may be involved.

No. MC 140123 (Sub-No. 5F), filed March 13, 1978. Applicant: GRAHAM TRANSFER, INC., Route 2, Box 44, Main Street, Linden, TN 37096. Applicant's representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated and untreated ties, timber, poles, pilings, cross-arms, lumber, pallets, and pallet parts*, (1) between points in Grundy County, TN, and points in TN on and west of Interstate Hwy 65 (except Nashville and Memphis, TN); on the one hand, and, on the other, points in AL, AR, GA, IL, IN, KY, LA, MS, MO, NC, SC, TN, VA, and WV; and (2) from Nashville, TN, to points in AL, AR, GA, IL, IN, KY, LA, MS, MO, NC, SC, TN, VA, and WV. (Hearing site: Nashville or Jackson, TN.)

No. MC 140615 (Sub-No. 24-F), filed March 15, 1978. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Applicant's representative: Jacob P. Billig, 2033 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: (a) *Frozen foods* (except commodities in bulk) from the facilities used by Ore-Ida Foods, Inc., and the facilities of Terminal Ice & Cold Storage Co. at or near Plover, WI, to points in CT, DE, MD, MA, NJ, NY, NC, OH, PA, RI, SC, VA, WV, and DC, and (b) *returned, refused, or rejected merchandise* from the destination points in (a) to the origin points in (a), restricted to traffic originating at and destined to the points named. (Hearing site: Washington, DC, or Madison, WI.)

No. MC 142941 (Sub-No. 15F) (correction), filed February 6, 1978, published in the FEDERAL REGISTER issue of March 16, 1978, and republished this issue. Applicant: SCARBOROUGH TRUCK LINES, INC., 1313 North 25th Avenue, Phoenix, AZ 85009. Applicant's representative: Lewis P. Ames, 10th Floor, 111 West Monroe, Phoenix, AZ 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen prepared foods*; and (2) *agricultural* (including horticultural) and *fish* (including shellfish) *commodities* otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when moving in the same vehicle and at the same time as the commodities in (1) above, (a) from the facilities of Van De Kamp's located at Santa Fe Springs, CA, to points in IL, MI, OH, KS, MO, and Erie, PA, and Syracuse, NY (and points in their respective commercial zones); and (b) from Erie, PA, to points in IL, KS, MI, MN, MO, OH, WI, and Atlanta, GA, and Syracuse, NY (and points in their respective commercial zones); restricted in (a) and (b) above to the transportation of the above commodities in vehicles equipped with mechanical refrigeration. (Hearing site: Los Angeles, CA, or Phoenix, AZ.)

NOTE.—The purpose of this republication is to correct points of origin. Applicant proposes to transport loads composed solely of prepared foods as well as mixed loads of regulated and otherwise exempt commodities.

No. MC 142948 (Sub 7F), filed March 13, 1978. Applicant: THE GRADER LINE, INC., 434 Atlas Drive, Nashville, TN 37211. Applicant's representative: Edward C. Blank II, Middle Tennessee, Bank Building, P.O. Box 1004, Columbia, TN 38401. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Electroless nickel plating solution*, except in bulk, from the plantsite of Elnic of Tennessee, Inc., Nashville, TN, to all points in the United States and DC (except AK and HA). (Hearing site: Nashville, TN.)

No. MC 143236 (Sub-No. 14F), filed March 9, 1978. Applicant: WHITE

TIGER TRANSPORTATION, INC., 115 Jacobus Avenue Kearny, NJ 07302. Applicant's representative: George A. Olsen, P.O. Box 357 Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in or used by discount department stores* (except commodities in bulk and foodstuffs), between the facilities of Unishops, Inc., at Jersey City, NJ, on the one hand, and, on the other, points in the United States (except AK and HA). (Hearing site: New York, NY, or Washington, DC.)

NOTE.—Applicant holds motor contract authority in No. MC 142766 (Sub-Nos. 3 and 4), therefore dual operations may be involved.

No. MC 143436 (Sub-No. 10F), filed March 15, 1978. Applicant: CONTROLLED TEMPERATURE TRANSPORT, INC., 9049 Stonegate Road, Indianapolis, IN 46227. Applicant's representative: Stephen M. Gentry, 1500 Main Street; Speedway, IN 46224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such general merchandise* as is dealt in by wholesale and retail grocery houses, retail chain department stores, and drug stores, and *materials and supplies* used in the manufacture and assembly of such merchandise, between the plantsite and storage facilities of Colgate-Palmolive Co., located at or near Jeffersonville, IN, on the one hand, and, on the other, points in IL, MN, and WI. (Hearing site: Indianapolis, IN, or Louisville, KY.)

No. MC 143594 (Sub-No. 2F), filed March 8, 1978. Applicant: NATIONAL BULK TRANSPORT, INC., P. O. Box 5078, Atlanta, GA 30302. Applicant's representative: Charles W. Singer, 2440 E. Commercial Blvd., Fort Lauderdale, FL 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid amorphous polypropylene*, in bulk, in tank vehicles, from Bayport, TX to Crowley, LA.

NOTE.—Hearing site, Chicago, IL. Common control may be involved.

No. MC 143739 (Sub-No. 4F), filed March 2, 1978. Applicant: SHURSON TRUCKING CO., INC., P. O. Box 147, New Richland, MN. 56072. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), from the plantsites and storage facilities of General Foods Corp., located at points in MN, to points in AR, IL, IN, IA, KS, LA, MI, MO, NE, ND, OH, OK, SD, TX and WI. Restricted to traffic originating at the plantsites

and storage facilities of General Foods Corp., and destined to the named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, MN.

No. MC 143804 (Sub-No. 1F), filed March 13, 1978. Applicant: RAYDEE TRANSPORTATION, INC., 1 Hackensack Avenue, Kearny, NJ 07032. Applicant's representative: Edward N. Button, 1329 Pennsylvania Avenue, Post Office Box 1417, Hagerstown, MD 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nonedible animal, vegetable, fish and mineral oils* (except in bulk, in tank vehicles), from Newark, NJ to points in the United States (except AK and HI), under a continuing contract or contracts with Atlas Refinery, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Newark, NJ.

No. MC 143907 (Sub-No. 1F), filed March 14, 1978. Applicant: ALL STATE MESSENGER AND DELIVERY SERVICE, INC., 2400 Wilson Boulevard, Arlington, VA 22201. Applicant's representative: Edward F. Schiff, 1100 Madison Office Building, 1155 Fifteenth Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Business or office machine parts, supplies, devices and units* used in connection therewith between the facilities of International Business Machines Corp. located in the Washington, D.C. Commercial Zone, on the one hand, and on the other, (1) points in the Counties of Albemarle, Culpeper, Spotsylvania, Shenandoah, Henrico, York, Rockingham, Loudoun, Prince William, James City, Prince George, Stafford, Chesterfield and Frederick Counties and the independent Cities of Charlottesville, Fredericksburg, Hampton, Harrisonburg, Newport News, Norfolk, Petersburg, Richmond, Waynesboro and Winchester, all in the Commonwealth of VA, and (2) points in the Counties of Anne Arundel, Allegany, Washington, St. Mary's, Baltimore, Frederick, Charles and Montgomery Counties and the independent City of Baltimore, all in the state of MD; under a continuing contract, or contracts, with International Business Machines Corp.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Washington, DC or New York, NY.

No. MC 143933 (Sub-No. 1F), filed March 6, 1978. Applicant: ABCO MOVING AND STORAGE, INC., 1790 Atlantic Avenue, Chesapeake, VA 23324. Applicant's representative: Blair P. Wakefield, Suite 1001 First

and Merchants Bank Building, Norfolk, VA 23510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, unaccompanied baggage, and personal effects*, as defined by the Commission, between points and places in Accomack, Charles City, Gloucester, Isle of Wight, James City, Mathews, Northampton, Prince George, Southampton, Surry, Sussex, and York Counties in VA (including the cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach and Williamsburg, VA), Camden, Currituck, Dare, Gates and Pasquotank Counties, NC, restricted to (1) traffic having a prior or subsequent movement in containers, beyond points authorized and (2) pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic. (Hearing site: Norfolk or Richmond, VA, or Washington, DC.)

No. MC 143934 (Sub-No. 1F), filed March 9, 1978. Applicant: HARRISON'S MOVING & STORAGE CO., INC., 710 Seventh Street, Portsmouth, VA 23704. Applicant's representative: Blair P. Wakefield, Suite 1001 First and Merchants Bank Building, Norfolk, VA 23510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, unaccompanied baggage, and personal effects*, as defined by the Commission, between points and places in the cities of Norfolk, Portsmouth, Chesapeake, Suffolk, Virginia Beach, Hampton, Newport News and Williamsburg, VA, and the counties of York, James City, Accomack and Northampton, VA, and the counties of Currituck, Camden, and Pasquotank, NC, restricted to (1) traffic having a prior or subsequent movement in containers, beyond points authorized and (2) pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. (Hearing site: Norfolk, VA., Richmond, VA., or Washington, DC.)

No. MC 144140 (Sub-No. 7F), filed March 13, 1978. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 374, Eustis, FL 32726. Applicant's representative: John L. Dickerson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Frozen foods and exempt commodities when moving in the same vehicle with frozen foods*, from the facilities of Empire Freezers of Syracuse, Inc., Syracuse, NY, to points in OH and PA. (Hearing site: Syracuse, NY or Washington, DC.)

NOTE.—Applicant holds contract carrier authority in MC 104589 (Sub-No. 3), therefore dual operations may be involved.

No. MC 144141 (correction), filed December 29, 1977, published in the FEDERAL REGISTER issue of February 23, 1978 and republished this issue. Applicant: 3W TRUCKING, INC., 1208 North First Street, (P.O. Box 2382), Yakima, WA 98901 (98902). Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable packaging supplies and materials*, between points in WA, OR, ID and MT, and from points in Colusa, Glenn, Sacramento, Tehama and Yolo Counties, CA, to points in OR, WA, ID and MT, restricted to service to be performed under a continuing contract or contracts with H.R. Spinner, Corp. (Hearing Site: Seattle, WA.)

NOTE.—The purpose of this republication is to show applicant as a contract carrier.

No. MC 144331 (Sub-No. 2F), filed March 13, 1978. Applicant: EDWARD F. MADEIRA, INC., 514 Island Street, Hamburg, PA 19526. Applicant's representative: William F. King, Suite 400, Overlook Building, 6121 Lincoln Road, Alexandria, VA 22312. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Personal safety equipment and parts thereof*, from the facilities of Willson Products Division of E.S.B., Inc. at Reading, PA, to the facilities of Willson Products Division of E.S.B., Inc. located at or near Oklahoma City, OK and Porterville, CA, under a continuing contract or contracts with Willson Products Division of ESB Inc. Hearing site: Washington, DC.)

NOTE.—Applicant holds common carrier authority in MC 119871, therefore dual operations may be involved. Common control may be involved.

No. MC 144352 (Sub-No. 1F), filed March 3, 1978. Applicant: HARRIS BAKING CO., 33 North Street, Waterville, ME 04901. Applicant's attorney: 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 East Hartford, CT, to points in ME and Stratham, NH, under a continuing contract or contracts, with The First National Stores, Inc., at East Hartford, CT. (Hearing site: Boston, MA or Portland, ME.)

No. MC 144406 F, filed March 8, 1978. Applicant: PACKARD TRANSPORTER, INC., 253 Reeves Avenue, Trenton, NJ 08610. Applicant's representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and incidental adver-*

tising material and paraphernalia, from Trenton, NJ and Norfolk, VA, to points in NY and PA; and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above, from points in NY and PA, to Trenton, NJ, and Norfolk, VA. (Hearing site not specified.)

No. MC 144409 (Sub-No. 1F), filed March 8, 1978. Applicant: F.C. AUTO SALES, INC., 10645 South Woodlawn, Chicago, IL 60616. Applicant's representative: Edward G. Finnegan, 188 West Randolph Street, Chicago, IL 60601. Authority sought, Certificate of Public Convenience and Necessity as a *common carrier* by motor vehicle over irregular routes in the transportation of: *Used passenger automobiles and used pickup trucks*, in secondary movements, in truckaway service (restricted to the transportation of shipments originating at or destined to automobile auction sites, marshalling or storage yards for used cars and automobile reconditioning centers.) between the states of AR, CO, IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, OK, PA, TN, and WI. (Hearing site: Chicago, IL.)

No. MC 144468 F, filed March 13, 1978. Applicant: KEVIN A. SMITH d.b.a. AUTO TRANSPORT, 141 Sperry Road, Bethany, CT 06525. Applicant's representative: Milo J. Altschuler, 12 Bank Street, P.O. 278, Seymour, CT 06483. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antique, classic and special interest autos*, between all points in the United States exclusive of HI and AK. (Hearing site: Hartford, CT.)

PASSENGERS

No. MC 109865 (Sub-No. 14F), filed March 13, 1978. Applicant: VALLEY TRANSPORTATION, INC., 516 Oxford Road, Oxford, CT 06483. Applicant's representative: L. C. Major, Jr., Suite 400 Overlook Building, 6121 Lincoln Road, Alexandria, VA 22312. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, from Springfield and West Springfield, MA, and points in New London County, CT, to points and places in the United States, excluding HI, and return, restricted to charter tour movements being operated for tour brokers which also involve the pickup and discharge of tour passengers at points in the State of CT other than in New London County. (Hearing site: Hartford CT or Washington, DC.)

NOTE.—An application for similar temporary authority has been filed.

No. MC 144471 F, filed March 13, 1978. Applicant: CLAUSEN BUS SER-

VICE, INC., 25 Surrey Lane, Valley Stream, NY. Applicant's representative: Thomas D. Morath, 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 charter operations, beginning and ending in Nassau and Suffolk Counties, NY, on the one hand, and, on the other, points in ME, NH, VT, MA, CT, RI, NY, PA, NJ, MD, VA, NC, SC, DA, AL, GA, FL, LA, MS, NO, TN, KY, WV, OH, IN, IL and DC. (Hearing site: Minneola or New York, NY.)

BROKERS

No. MC 130487 F, filed March 31, 1978. Applicant: WILLIAM R. YOCUM, 102 Stenton Avenue, Blue Bell, PA 19422. Applicant's representative: Joel E. Mazor, 6 Penn Center Plaza, Room 1138, Philadelphia, PA 19104. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Ambler, PA to sell or offer to sell the transportation of: *Passengers and their baggage* in round trip all expense charter tours, from points in Montgomery County, PA, to points in AL, CT, DE, FL, GA, IN, KY, LA, ME, MD, MA, MI, NH, NJ, NY, NC, OH, SC, TN, VT, and VA. (Hearing site: Philadelphia or Harrisburg, PA.)

No. MC 130488F, filed March 28, 1978. Applicant: WOODY B. SEARLE, VENETTA SEARLE, FARON WILKINS AND WAYNE WILKINS, a Partnership, d.b.a., FRONTIER TRAVEL & TOURS, 15 South Vernal Avenue, Vernal, UT 84078. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Authority sought to engage in operations, in interstate or foreign commerce, as a *broker* at Vernal, UT, to sell or offer to sell the transportation of: *Passengers and their baggage*, in special and charter operations, in sightseeing and pleasure tours, beginning and ending at points in Uintah County, UT and West Yellowstone, MT, and extending to points in the United States, including AK and HI. (Hearing site: Vernal, UT.)

NOTE.—Common control may be involved.

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, or rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An Original and two copies of protests against the granting of the requested authority must be filed with the Commission on or before May 26, 1978. Such protests shall comply with

Special Rules 240(c) or 240(d) of the Commission's general rules of practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F 13528. (BEE LINE TRANSPORTATION, INC.—Purchase (Portion)—OSBORNE HIGHWAY EXPRESS, M. Nolden, Trustee in Bankruptcy), published in the April 6, 1978, issue of the FEDERAL REGISTER. Application filed February 28, 1978, for temporary authority under section 210a(b).

No. MC-F 13531. Authority sought for purchase by LAW TRUCKING COMPANY, Crow Point Road, Lincoln, RI 02895 of the operating rights of METROPOLITAN TRUCK TRANSPORTATION, INC., 115 Jacobus Avenue, S. Kearny, NJ 07032 and for acquisition by MARGARET M. LAW, Crow Point Road, Lincoln, RI 02895 of control of such rights through the purchase. Applicants' attorneys: John F. O'Donnell, Barrett and Barrett, 60 Adams Street, P.O. Box 238, Milton, MA 02187 and George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Operating rights sought to be transferred: *General commodities*, with exceptions, as a common carrier over irregular routes, between New York, NY on the one hand, and, on the other, Newark and Elizabeth, NJ. Transferee operates as a common carrier over regular and irregular routes in the States of MA, RI, and CT. Application has been filed for temporary authority under section 210a(b). MC 99764 (Sub-No. 37F), is a directly related matter.

No. MC-F 13552. Authority sought for continuing common control of SEA-LAND FREIGHT SERVICE, INC., P.O. Box 900, Edison, NJ 08817 and PETROLEUM TRANSPORTATION CORPORATION, 9117 East 42nd Street, Tulsa, OK 74145, by R.J. REYNOLDS INDUSTRIES, INC., Reynolds Building, Reynolds Boulevard, Winston-Salem, NC 27102. Applicant's attorney: Harry J. Jordan, 1000—16th Street, NW, Washington, DC. Operating rights sought to be commonly controlled: Sea-Land Freight Service, Inc., irregular routes: (a) *General commodities*, except those of unusual value, household goods as defined by the Commission, and commodities in bulk other than animal feed and flour, as a common carrier. Between points in AK (except those in the AK Panhandle). Restriction: The authority granted above, to the extent it authorizes the transportation of classes A and B explosives, shall be limited, in point of time, to a period expiring February 24, 1979; (b) *Fruits and vegetables*, fresh and frozen,

meats, lard and lard substitutes, rendered pork fats, and dairy products, as classified in (B) of the appendix to the report in *Modification of Permits-Packing House products*, 48 M.C.C. 628, From the United States Army depot at or near Auburn, WA to Seattle and Tacoma, WA with no transportation for compensation on return except as otherwise authorized; (c) *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, Between Seattle and Tacoma, WA on the one hand, and, on the other, the Mt. Rainier Ordnance Depot (Mobase), WA restricted to traffic destined to or originating at points in AK (d) *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating other lading, Between Tacoma, WA on the one hand, and, on the other, Seattle and McChord Air Force Base, WA. Between points in the Tacoma, WA Commercial Zone, as defined by the Commission. Between points in the Seattle, WA Commercial Zone, as defined by the Commission. From Auburn, WA to Tacoma and Seattle, WA with no transportation for compensation on return except as otherwise authorized; (e) *Ammunition*, From Bangor, WA to Tacoma, WA with no transportation for compensation on return except as otherwise authorized; (f) *Engine assembly and tank parts*, From Tacoma, WA to Mt. Rainier Ordnance Depot, WA with no transportation for compensation on return except as otherwise authorized. Restriction: The service authorized under the 3 commodity descriptions next above is restricted to traffic moving to or from the States of AK and HI and the Territories or possessions of the United States; (g) *Commodities* in bulk, in marine-type containers, Between points in AK (except those in the AK Panhandle). Between points in the Seattle, WA Commercial Zone as defined by the Commission. Restriction: The operations authorized herein are restricted to the movement of such containers having a prior or subsequent movement by water; Petroleum Transportation has been granted, but not issued, motor carrier authority in Docket No. MC-142905 to transport, over irregular route, anhydrous ammonia, nitrogen fertilizer solutions, and urea liquor, from the plantsites of OK Nitrogen Company and Bison Nitrogen Products Co., located at or near Woodward, OK to points in AR, CO, IA, KS, LA, MO, NA, NM, SD, TX. Application filed pursuant to conditional grant of authority in MC-142905. R.J. Reynolds Industries, Inc., holds no author-

ity from the Interstate Commerce Commission, however, it controls Sea-Land Freight Service, Inc., through common stock. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13554. Authority sought for purchase by CENTRAL TRANSPORT, INCORPORATED, P.O. Box 7007, Uwharrie Road, High Point, NC 27264, of a portion of the operating rights of EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, IN 47808, and for acquisition by A. L. Honbarrier, P.O. Box 7007, Uwharrie Road, High Point, NC 27264 of control of such rights through the purchase. Applicant's attorneys: E. Stephen Heisley, Suite 805, 666 Eleventh Street, N.W., Washington, DC 20001, for transferee, and Roland C. Rice, 608 Perpetual Building, 1111 E. Street, N.W., Washington, DC 20004, and Peter M. Witham, 1450 Wabash Avenue, Terre Haute, IN 47808, attorneys for transferor. Operating rights sought to be transferred: *General commodities*, in bulk, as a common carrier, over regular routes, between Baltimore, MD and Jacksonville, FL, as follows: From Jacksonville over U.S. Hwy 17 to Pocatigo, SC, then over Alternate U.S. Hwy 17 (formerly portion U.S. Hwy 15) to Walterboro, SC, then over U.S. Hwy 16 to Society Hill, SC, then over U.S. Hwy 52 to Cheraw, SC, then over U.S. Hwy 1 to Rockingham, NC, then over U.S. Hwy 20 to junction U.S. Hwy 311, then over U.S. Hwy 311 via High Point, NC to Winston-Salem, NC, then over U.S. Hwy 421 to Greensboro, NC, then over U.S. Hwy 70 to Durham, NC, then over U.S. Hwy 15 to Oxford, NC, then over U.S. Hwy 158 to Henderson, NC, and then over U.S. Hwy 1 to Baltimore, and return over the same route. From Jacksonville to High Point as specified above, then over U.S. Hwy 70 to Durham, NC, and then to Baltimore as specified above, and return over the same route. From Jacksonville to Walterboro, SC, as specified above, then over U.S. Hwy 15 to Laurinburg, NC, then over U.S. Hwy 501 to Aberdeen, NC, and then over U.S. Hwy 1 to Baltimore, and return over the same route. From Jacksonville to Laurinburg as specified above, then over U.S. Hwy 401 (formerly portion Alternate U.S. Hwy 15) to Fayetteville, NC, then over U.S. Hwy 301 to Petersburg, VA, and then over U.S. Hwy 1 to Baltimore, and return over the same route. Service is authorized to and from all intermediate points between Walterboro, SC, and Baltimore, MD, inclusive, without restriction; Brunswick and Savannah, GA, restricted to southbound traffic only; and the off-route points of Columbia, SC, and Charlotte, NC. Vendee is authorized to operate as a common carrier in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, LA, ME,

MD, MA, MI, MS, MO, NB, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VA, WV, Application has been filed for temporary authority under section 210a(b). MC 118831 (Sub-No. 16F) is a directly related matter.

No. MC-F-13559. Authority sought for purchase by INTERCITY TRUCK LINES, LTD., 3033 Universal Drive, Mississauga, ON, Canada L4X 2E2, of the operating rights of Lapp Express Co., Inc., Mapleridge and Sanderson Road, Medina, NY 14103, and for acquisition by N. M. Davis Corp., Ltd., 2400 Yonge Street, Toronto, ON, Canada, of control of such rights through the transaction. Applicant's attorney and representative: William J. Hirsch, Attorney at Law, Suite 1125, 43 Court Street Buffalo, NY 14202. Operating rights sought to be transferred: (A) Certificate of public convenience and necessity, MC 7663: *General commodities*, with exceptions as a common carrier, over irregular routes, between Buffalo, NY, and Medina and Rochester, NY, as follows: From Buffalo over NY Hwy 270 to junction NY Hwy 263, then over NY Hwy 263 to Lockport, NY, and then over NY Hwy 31, via Spencerport, NY, to Rochester; from Buffalo to Lockport as specified above, then over NY Hwy 78 to Wrights Corners, NY, then over U.S. Hwy 104 to Parma, NY, then over NY Hwy 259 to Spencerport, NY, and then to Rochester, as specified above; from Buffalo over NY Hwy 5 to junction NY Hwy 93, then over NY Hwy 93 to Akron, NY, then over unnumbered highway to Indian Falls, NY, then over NY Hwy 77 to Alabama, NY, and then over NY Hwy 62 to Medina; and return over these routes to Buffalo. Service is authorized to and from all intermediate points on the above-specified routes; and the off-route points of Adams, Basin, Ashwood, Barker, Barre Centre, Carendon, Eagle Harbor, East Shelby, Elmgrove, Getzville, Hamlin, Hulberton, Kenyonville, Kent, Knowlesville, Lyndonville, Millville, McNalls, Royalton, Waterport, and Yates, NY; (B) under a certificate of registration in docket No. MC 7663 (Sub-No. 3) to operate solely within the State of NY over irregular routes transporting: (A) *General commodities*, between all points in the following counties: Erie, Genesee, Monroe, Niagara, Orleans; (B) *air-conditioning equipment*, from all points in Orleans County to all points in the following counties: Albany, Cayuga, Chautaugua, Chemung, Cortland, Erie, Monroe, Niagara, Oneida, Onondaga, Schenectady, Warren; (C) *household goods*, between all points in Orleans County; from all points in Orleans County to all points in the following counties: Erie, Monroe, Niagara, Ontario, Wyoming; from all points in the following counties to all points in Or-

leans County: Erie, Genesee, Monroe, Wyoming. Vendee is authorized to operate as a common carrier in MI and NY. Application has been filed for temporary authority under section 210a(b). MC 87689 (Sub-No. 16F) is a directly related matter.

No. MC-F-13567. Authority sought for purchase by SCHULTZ TRANSIT, INC., 323 Bridge Street, Winona, MN 55987, of a portion of the operating rights of Hiawatha Produce Co., 4195 4th Street, Goodview, MN 55987, and for acquisition by Schultz Transit, Inc., of control of such rights through the purchase. Applicant's attorney: Thomas J. Beener, Waterloo Savings Bank Building, Suite 340, West Park at Cedar, P.O. Box 5000, Waterloo, IA 50704. Operating rights sought to be transferred are issued under docket MC 135032 (Sub-Nos. 6 and 13). Sub-No. 6 authorizes transportation of *New motorcycles*, in crates, from Norfolk, VA; Newark and Norwood, NJ; and Baltimore and Timonium, MD, to the facilities of Robb Motors, Inc., at Winona, MN, and Eau Claire, WI, with no transportation for compensation on return except as otherwise authorized. *Yarn*, from Cleveland, OH, and Rochelle, IL, to Winona, MN, with no transportation for compensation on return except as otherwise authorized. Sub-No. 13 authorizes transportation of: *Cheese*, from the plantsites and warehouse facilities of Associated Milk Producers, Inc., located at Blair, Fremont, Portage, and Madison, WI, to points in CT, ME, MD, MA, NH, NJ, NY, PA, RI, and VT, restricted to transportation of shipments originating at the above named facilities. Vendee is authorized to transport specified commodities, from and to points in the continental United States except AL. Application has been filed for temporary authority under section 210a(b).

No. MC-F 13569. Authority sought for purchase by WASHINGTON-OREGON LUMBER FREIGHTERS, INC., 12925 Northeast, Rockwell Drive, Vancouver, WA 98665, a portion of the operating rights of Osborne Highway Express (M. Nolden, trustee in bankruptcy), 1404 Franklin Street, Oakland, CA 94612. Applicants' attorneys: David C. White, 2400 Southwest Fourth Avenue, Portland, OR 97201; Miles L. Kavaller, 315 South Beverly Drive, Beverly Hills, CA 90212. Operating rights sought to be purchased: *Fireplace logs*, as a *common carrier*, over irregular routes, from Stockton and Port of Stockton, CA, to points in OR, WA, and a portion of ID, as more fully described in certificate No. MC 136762 (Sub-No. 9). Vendee is authorized to operate pursuant to certificate MC 107541 and subs as a common carrier in the States of WA, OR, CA, ID, NV, MT, WY, UT, CO, and NM. Appli-

cation has been filed for temporary authority under section 210a(b).

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights application(s) are filed in connection with pending finance applications under section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days of this notice. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. Protests shall comply with special rule 247(e) of the Commission's general rules of practice (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 87689 (Sub-No. 16F), filed March 27, 1978. Applicant: INTERCITY TRUCK LINES, LTD., 3033 Universal Drive, Mississauga, ON, Canada L4X 2E2. Applicant's representative: William J. Hirsch 43 Court Street, Suite 1125, Buffalo, NY 14202. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (A) *General commodities*, between all points in Erie, Genesee, Monroe, Niagara, Orleans Counties, NY; (B) air-conditioning equipment, from all points in Orleans County, NY, to all points in Albany, Cayuga, Chautaugua, Chemung, Cortland, Erie, Monroe, Niagara, Oneida, Onondaga, Schenectady, Warren Counties, NY; (C) *household goods* (1) between all points in Orleans County, NY; (2) from all points in Orleans County, NY, to all points in Erie, Monroe, Niagara, Ontario, Wyoming Counties, NY; (3) from all points in Erie, Genesee, Monroe, Wyoming Counties, NY, to all points in Orleans County, NY. (Hearing site: Buffalo, NY.

NOTE.—The purpose of this filing is to convert a certificate of registration to a certificate of public convenience and necessity. This matter is directly related to a section 5(2) finance proceeding in docket No. MC-F 13559, published in the a previous section of this FEDERAL REGISTER issue. Common control may be involved.

No. MC 99764 (Sub-No. 37F), filed April 5, 1978. Applicant: LAW TRUCKING CO., a corporation, Crow Point Road, Lincoln, RI 02895. Applicant's representatives: John F. O'Donnell, 60 Adams Street, Milton, MA 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles, textile products, and equipment, supplies, and materials* used in the manufacture of textiles and the maintenance of textile mills, between points in RI, on the one hand, and, on the other, New York, NY, and its commercial zone. (Hearing site: On a consolidated record with MC-F 13531 at Boston, MA, or New York, NY.)

NOTE.—This application is directly related to MC-F 13531, published in a previous section of this FEDERAL REGISTER issue. The purpose of this application is to eliminate the gateways of Providence, RI, and points in CT within the New York, NY, commercial zone and to permit tacking to provide a through service between points in RI, on the one hand, and, on the other New York, NY, and its commercial zone.

No. MC 118831 (Sub-No. 16F), filed March 27, 1978. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 7007, High Point, NC 27264. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, in bulk, between Jacksonville, FL, and Baltimore, MD, as follows: From Jacksonville over U.S. Hwy 17 to Pocatigo, SC, then over Alternate U.S. Hwy 17 (formerly portion U.S. Hwy 15) to Walterboro, SC, then over U.S. Hwy 15 to Society Hill, SC, then over U.S. Hwy 52 to Cheraw, SC, then over U.S. Hwy 1 to Rockingham, NC, then over U.S. Hwy 220 to junction U.S. Hwy 311, then over U.S. Hwy 311 via High Point, NC, to Winston-Salem, NC, then over U.S. Hwy 421 to Greensboro, NC, then over U.S. Hwy 70 to Durham, NC, then over U.S. Hwy 15 to Oxford, NC, then over U.S. Hwy 158 to Henderson, NC, and then over U.S. Hwy 1 to Baltimore, and return over the same route; from Jacksonville to High Point as specified above, then over U.S. Hwy 70 to Durham, NC, and then to Baltimore as specified above, and return over the same route; from Jacksonville to Walterboro, SC, as specified above, then over U.S. Hwy 15 to Laurinburg, NC, then over U.S. Hwy 501 to Aberdeen, NC, and then over U.S. Hwy 1 to Baltimore, and return over the same route; from Jacksonville to Laurinburg as specified above, then over U.S. Hwy 401 (formerly portion Alternate U.S. Hwy 15) to Fayetteville, NC, then over U.S. Hwy 301 to Petersburg, VA, and then over U.S. Hwy 1 to Baltimore, and return over the same route. Service is

authorized to and from all intermediate points between Walterboro, SC, and Baltimore, MD, inclusive, without restriction; Brunswick and Savannah, GA, restricted to southbound traffic only; and the off-route points of Columbia, SC and Charlotte, NC. (Hearing site: Washington, DC.)

NOTE.—This application is directly related to Central Transport, Inc.—Purchase (Portion)—Eastern Express, Inc. Docket No. MC-F 13554, published in a previous section of this FEDERAL REGISTER issue. The purpose of this application is to insure that Central receives either under the section 5 application or this application all of the operating rights sought to be acquired from Eastern.

MOTOR CARRIER INTRASTATE APPLICATION(S)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act. These applications are governed by special rule 245 of the Commission's general rules of practice (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

AK Docket No. 78-36-MF/O, filed February 2, 1978. Applicant: VIRGIL STOUT & MELVIN GRAVES, doing business as Wrangell, Mountain Motor Freight Co., Box 113, Glennallen, AK 99588. Applicant's representative: George L. Benesch, 213 West 6th Avenue, Suite No. 1, Anchorage, AK 99501. Certificate of public convenience and necessity sought to operate a freight service, as follows: Transportation of: *General commodities* (except classes A and B explosives and commodities in bulk), between points within a 50-mile radius of Glennallen, AK, including Glennallen, AK. (Hearing site: Date, time, and place not yet fixed. Requests for procedural information should be addressed to AK Public Service Commission, 1000 MacKay Building, 338 Denali Street, Anchorage, AK 99501, and should not be directed to the Interstate Commerce Commission)

FL Docket No. 780125-CCT (amendment), filed March 24, 1978. Applicant: MERCHANT TRANSPORT, INC., 5409 Georgia Avenue, P.O. Box 6115, West Palm Beach, FL. Applicant's representative: Norman T. Bolinger, 1729 Gulf Life Tower, Jacksonville, FL

32207. Certificate of public convenience and necessity sought to operate a freight service, as follows: Transportation of: (1) *Iron and steel articles and concrete forming systems*, composed of iron, steel, aluminum, and/or wooden parts; and (2) *building and construction materials and supplies*, in truckload lots, on flatbed equipment only, between all points in FL. Intrastate, interstate, and foreign commerce authority sought. (Hearing site: Date, time, and place not yet fixed. Requests for procedural information should be addressed to FL Public Service Commission, 700 South Adams Street, Tallahassee, FL 32304, and should not be directed to the Interstate Commerce Commission.)

NC Docket No. T-1906, filed February 21, 1978. Applicant: REGIONAL STORAGE & TRANSPORT, INC., North Industrial Park, Greenville, NC 27834. Applicant's representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602. Certificate of public convenience and necessity sought to operate a freight service, over irregular routes, as follows: Transportation of: *Rolled and baled processed pulp*, between points in Carteret, Craven, Martin, Pitt, and Washington Counties, NC, under a continuing contract with Weyerhaeuser Co. Intrastate, interstate, and foreign commerce authority sought. (Hearing site: May 4, 1978, at 9:30 a.m., Room 217, Dobbs Building, Raleigh, NC. Requests for procedural information should be addressed to NC Utilities Commission, P.O. Box 991, Raleigh, NC 27602, and should not be directed to the Interstate Commerce Commission.)

TN Docket No. MC. 7174, filed March 27, 1978. Applicant: MAURY-GILES COUNTY EXPRESS, INC., 402 Maplewood Avenue, Nashville, TN 37201. Applicant's representative: Ward Crutchfield, 1776 Commerce Union Tower, Chattanooga, TN 37450. Certificate of public convenience and necessity sought to operate a freight service, as follows: Transportation of: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment or handling), between Nashville, TN, and all points in Giles County, TN, serving Columbia, TN, as an intermediate point over U.S. Hwy 31, with alternate use of U.S. Interstate Route 65 and State Route 99, and all highways in Giles County, TN. Intrastate, interstate, and foreign commerce authority sought. (Hearing site: May 11, 1978, at 9:30 a.m., C1-110, Cordell Hull Building, Nashville, TN. Requests for procedural information should be addressed to TN Public Service Commission, C1-102, Cordell Hull Building, Nashville, TN 37219, and should not be directed to the Interstate Commerce Commission.)

By the Commission.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc. 78-11310 Filed 4-26-78; 8:45 am]

[4110-02]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Office of Education

**COMMUNITY SERVICE AND CONTINUING
EDUCATION—SPECIAL PROJECTS PROGRAM**

Closing Date for Receipt of New Applications
for Fiscal Year 1978

Notice is hereby given that, pursuant to the authority contained in section 106 of the Higher Education Act of 1965, as amended, (20 U.S.C. 1005a), applications will be accepted for new projects under the Community Service and Continuing Education-Special Projects program. Under the Special Projects program, awards are made to institutions of higher education or combinations of institutions of higher education to assist them in carrying out special programs and projects of community service and continuing education, including resource materials sharing, designed to seek solutions to national and regional problems relating to technological and social changes and environmental pollution.

Applications for new awards must be received by the U.S. Office of Education Application Control Center on or before the closing date.

CLOSING DATE: June 27, 1978.

A. APPLICATION FORMS AND INFORMATION: Application forms are available and will be mailed on or about April 28, 1978.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package.

B. APPLICATIONS SENT BY MAIL: An application sent by mail should be addressed to: U.S. Office of Education, Application Control Center, Attention: 13.557A, Washington, D.C. 20202. In an effort to prevent the late arrival of applications due to any unforeseen circumstance, the Office of Education suggests that applicants consider the use of registered or certified mail as explained below.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than June 23, 1978, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from U.S. Postal Service; or

(2) The application is received on or before the closing date by either the

Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

C. HAND-DELIVERED APPLICATIONS: An application to be hand-delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

D. PROGRAM INFORMATION: (a) *Revised priorities.* Applicants are informed that priority areas for new awards in fiscal year 1978 have been revised as a result of public comment directed to the proposed priorities published in the FEDERAL REGISTER on November 28, 1977 (42 FR 60574).

Commenters suggested that the proposed priorities be modified to reflect the enlarged emphasis on continuing education and resource sharing provided by the Education Amendments of 1976. It was recommended that priorities (2), (3) and (4) be revised to reflect problems and concerns that have grown in significance over the last few years and that priority (1) be modified to include "water conservation and land use planning" and to remove "transportation". Commenters also suggested that priorities give increased emphasis to the following concerns: professional development for continuing education; non-traditional degree programs; linkages between higher education and management and labor; and planning and implementation of resource sharing programs to expand continuing education opportunities for adults. As revised in response to these comments, the priorities are:

(1) Experimentation with programs of continuing education directed to the problems of regional or national water or energy conservation, land use planning, and/or environmental pollution.

(2) Demonstrations of effective linkages between institutions of higher education and management and/or organized labor in developing innovative continuing education programs to retrain workers whose jobs have been adversely affected by technological change.

(3) Planning and demonstration of resource sharing among institutions of higher education, agencies, and organizations, that expand continuing edu-

cation opportunities for particular populations who have traditionally been underserved such as women, minorities, the handicapped, older adults and parents/families.

(4) Demonstrations of new or improved professional development programs to meet the needs of individuals working in continuing education and postsecondary lifelong learning.

(5) Evaluations of selected non-traditional degree programs that meet the continuing education needs of adults, particularly those that integrate liberal and experiential learning.

(6) Demonstrations of innovative State or local programs which provide effective linkages between postsecondary continuing education and State or local comprehensive manpower programs to enhance long-term employability.

(b) *Available Funds.* In formulating proposals, potential applicants should be aware that there is approximately \$1,800,000 available for the Special Projects program in fiscal year 1978. We estimate that these funds would be used to support eleven or twelve new projects and to continue twelve currently in operation. The anticipated average award for new projects for fiscal year 1978 will be between \$60,000 and \$80,000.

These estimates of fund distribution are basically for informational purposes and do not bind the Office of Education except as may be required by the applicable statute and regulation.

(c) *Applicable regulations.* The regulations applicable to this program are the Office of Education General Provisions Regulations (45 Parts 100 and 100a) and the revised regulations governing the Community Service and Continuing Education Program (45 CFR Part 173) which are expected to be published in the near future. The revised regulations will contain and codify priority areas for Special Projects at 45 CFR §173.42. If there are further changes made in the priority areas in the Publication of the final rule, applicants will be given an opportunity to revise their applications accordingly. (20 U.S.C. 1005a)

E. STATE AND AREAWIDE CLEARINGHOUSE REVIEW (OMB Circular A-95): Applicants under the Community Service and Continuing Education Program are subject to both the State and areawide clearinghouse procedures required by OMB Circular A-95, for facilitating coordinated planning under the Intergovernmental Cooperation Act. Applicants should check with the appropriate Federal Regional Office to obtain the name(s) and address(es) of the clearinghouse(s) in the State. All applicants must provide an assurance of compliance with clearinghouse review requirements in the application to the

Commissioner. The assurance may consist of:

(1) A State application identifier number obtained from the clearinghouse and clearinghouse comments if available; or

(2) Certification by the applicant that either or both State and areawide clearinghouse have been provided with the opportunity to review the application and that no comments have been received.

Clearinghouse comments received by the applicant after the submission of the application to the U.S. Office of Education must be forwarded to the Community Service and Continuing Education Branch, U.S. Office of Education (see address in paragraph below). Clearinghouse comments received by the Community Service and Continuing Education Branch no later than July 27, 1978 will be considered in reviewing applications.

F. FOR FURTHER INFORMATION CONTACT:

Dr. Edwin J. Neumann, Senior Program Officer, Special Projects Program-CSCE: U.S. Office of Education, Room 3717, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. 20202, telephone 202-245-9868.

(Catalog of Federal Domestic Assistance Number 13.557; Community Service and Continuing Education Program.)

Dated: April 20, 1978.

ERNEST L. BOYER,
U.S. Commissioner of Education.

[FR Doc. 78-11487 Filed 4-26-78; 8:45 am]

[4110-02]

GUARANTEED STUDENT LOAN PROGRAM

Special Allowance for Quarter Ending March 31, 1978

The Commissioner announces that for the three-month period ending March 31, 1978, and under the statutory formula of section 438(b) of the Higher Education Act of 1965, a special allowance at the annual rate of three and one-eighth percent will be paid to holders of eligible loans in the Guaranteed Student Loan Program.

Using the statutory formula, the special allowance for this three-month period was computed by determining the average of the bond equivalent rates of the ninety-one-day Treasury bills for this period (6.620 percent), by subtracting 3.5 percent from this average, by rounding the resultant percent (3.120) upward to the nearest one-eighth of one percent (3.125), and by dividing the resultant percent by four (0.78125 percent.) Thus the special allowance to be paid for this period will be 0.78125 percent of the average unpaid balance of principal (not including unearned interest added to

principal) of all eligible loans held by lenders.

(20 U.S.C. 1087-1(b))

ERNEST L. BOYER,
U.S. Commissioner of Education.
[FR Doc. 78-11488 Filed 4-26-78; 8:45 am]

[4110-02]

Office of Education

**VOCATIONAL EDUCATION TEACHER
CERTIFICATION FELLOWSHIP PROGRAM**

Teacher Shortages

AGENCY: Office of Education/HEW.

ACTION: Notice of vocational teacher shortages.

SUMMARY: The Education Amendments of 1976 requires the Commissioner of Education to publish the shortage of vocational education teachers during each fiscal year. The attached report identifies a shortage of 5,692 vocational teachers during fiscal year 1978. The report enables the vocational education teacher certification fellowship program applicants to identify a teacher shortage area for which they wish to certify.

FOR FURTHER INFORMATION CONTACT:

Muriel Shay Tapman, Division of Research and Demonstration, U.S. Office of Education, Room 5652, ROB 3, 400 Maryland Avenue SW., Washington, D.C. 20202, telephone 202-245-9793.

SUPPLEMENTARY INFORMATION:

The Education Amendments of 1976, Pub. L. 94-482 (20 U.S.C. 2402), part B, subpart 2, section 172(c)(7) requires the Commissioner to publish "a listing of the areas of teaching in vocational education where there are or will be shortages of personnel." This requirement is further emphasized in the applicable regulation (45 CFR Part 105.441). Beyond keeping the public informed, the purpose of this listing is to enable the vocational educational teacher certification fellowship program (C.F.D.A. No 13.578) applicants to identify a teacher shortage area for which they wish to certify. The legislation and the regulation identified above also require the Commissioner "to the maximum degree possible," to award fellowships under the 13.578 program to applicants seeking to become teachers in the areas of shortage identified. A copy of the notice and report will be included in each application for the 13.578 program. The closing date for receipt of applications for this program is May 16, 1978, announced previously on February 2, 1978 (43 FR 4460).

Subsequent to the enactment of Pub. L. 94-482 on October 12, 1976, the vocational education personnel devel-

opment staff (VEPD) of the Bureau of Occupational and Adult Education (DHEW-OE) began a search for a reliable source of supply and demand information which could be a base for determining teacher shortages. The State plans for vocational education, filed in the USOE regional offices before July 1, 1976, were reviewed, but these supplied only gross data for the generally recognized fields of vocational education. The data lacked the specificity needed for identifying areas of teacher shortage in which individuals could be trained, certified and then placed. For instance, in the gross total of the trades and industry field alone, there are at least 36 different teaching areas with OE code numbers in which an individual can be trained, certified, and placed. Other examples reiterating the need for information beyond gross totals include: Vocational agriculture, 8 different teaching areas; health occupations, 10 different teaching areas; and office occupations, 10 different teaching areas. The teach-

er shortage information in sufficient specificity was not available from the National Center for Education Statistics.

The BOAE issued a contract for the purpose of conducting a survey to identify shortage areas, since NCES was unable to locate data of sufficient specificity to meet the requirements set forth by section 172. An OMB approved survey instrument requesting an enumeration of shortages by OE codes was sent to the 56 State directors of vocational education.

The teacher shortages identified by the 37 States reporting shortages, are included in the table below. Twelve additional States also responded. Three States (Louisiana, Mississippi, and Pennsylvania) indicated they did not have the information available. Nine States (Hawaii, Idaho, Nevada, New Hampshire, New Mexico, Oklahoma, Rhode Island, Vermont, and the Trust Territories of the Pacific) reported no shortages. In addition, seven States (Delaware, Minnesota, Oregon, Wash-

ington, American Samoa, Puerto Rico, and the Virgin Islands) did not respond to the survey request. Response to the survey by the States was voluntary not mandatory. In the following table, the 37 States are listed horizontally and the 101 OE codes under which the shortages were reported are listed vertically.

Applicable regulations. The regulation applicable to this notice and report is 45 CFR Part 105, Section 441. The applicable regulations for the vocational education teacher certification fellowship program are 45 CFR Part 100, 100a (Office of Education general provisions) and 45 CFR Part 105, sections 431-443.

(Catalog of Federal Domestic Assistance No. 13.578, Vocational Educational Teacher Certification Fellowship Program.)

Dated: April 20, 1978.

ERNEST L. BOYER,
U.S. Commissioner of Education.

VOCATIONAL EDUCATION TEACHER SHORTAGE SCHOOL YEAR 1977-78.—Reported shortages by generic field, instructional area, and by State

OE codes and titles for generic fields and instructional areas in vocational education	Alabama	Alaska	Arizona	Arkansas	California	Colorado
01.00 Agriculture.....	5			5	7	35
.01 Agricultural production.....				5		15
.02 Agricultural supplies/services.....						13
.03 Agricultural mechanics.....						15
.04 Agricultural products.....						20
.05 Ornamental horticulture.....						2
.06 Agricultural resources.....						
.07 Forestry.....						
.99 Agriculture, other.....	5					
04.00 Distributive education.....	4			2		75
.01 Advertising services.....						15
.02 Apparel and accessories.....						
.03 Automotive.....						20
.04 Finance and credit.....						
.05 Floristry.....						
.06 Food distribution.....						
.07 Food services.....						
.08 General merchandise.....						
.09 Hardware, building material.....						
.10 Home furnishings.....						
.11 Hotel and lodging.....						
.12 Industrial marketing.....						
.13 Insurance.....						
.14 International trade.....						
.15 Personal services.....						
.16 Petroleum.....						
.17 Real estate.....						
.18 Recreation and tourism.....						
.19 Transportation.....						
.20 Retail trade, other.....						10
.31 Wholesale trade, other.....						30
.99 Distributive education, other.....	4			2		39
07.00 Health occupations, education.....	2			1		
.01 Dental.....						
.02 Medical laboratory technology.....						10
.03 Nursing.....						
.04 Rehabilitation.....						
.05 Radiologic.....						
.06 Ophthalmic.....						
.07 Environmental health.....				1		
.08 Mental health technology.....						
.09 Miscellaneous health occupations education.....						19
.99 Health occupations education, other.....	2			5	1	10
09.00 Home economics.....				5	1	74
.01 Homemaking: Preparation for personal home and family living.....						9
.02 Occupational preparation.....				5	1	74
14.00 Office occupations.....			20	2		160
.01 Accounting and computing occupations.....						2
.02 Business data processing systems occupations.....						
.03 Filing, office machines, and general office clerical occupations.....						70
.04 Information communication occupations.....						40
.05 Materials support occupations (transporting, storing, and recording).....						50
.06 Personnel, training, and related occupations.....						
.07 Stenographic, secretarial, and related occupations.....						4
.08 Supervisory and administrative management occupations.....						1

VOCATIONAL EDUCATION TEACHER SHORTAGE SCHOOL YEAR 1977-78.—Reported shortages by generic field, instructional area, and by State—Continued

OE codes and titles for generic fields and instructional areas in vocational education	Alabama	Alaska	Arizona	Arkansas	California	Colorado
.09 Typing and related occupations.....		20				
.99 Office occupations, other.....			2			
16.00 Technical education.....			5		8	5
.01 Engineering related technology.....					8	4
.02 Agricultural related technology.....						
.03 Health related technology.....			5			
.04 Office related technology.....						
.05 Home economics related technology.....						
.06 Miscellaneous technical education.....						1
17.00 Trade and industrial occupations.....		73	2	7	44	4
.01 Air conditioning.....						
.02 Appliance repair.....					2	
.03 Automotive services.....						
.04 Aviation occupations.....		25				1
.05 Blueprint reading.....					4	
.06 Business machine maintenance.....						
.07 Commercial art occupations.....						
.08 Commercial fishery occupations.....						
.09 Commercial photography occupations.....						
.10 Construction and maintenance trades.....						
.11 Custodial services.....		30		3	2	
.12 Diesel mechanic.....				2	4	
.13 Drafting.....						
.14 Electrical occupations.....					6	1
.15 Electronics occupations.....						
.16 Fabric maintenance services.....						
.17 Foremanship, supervision, and management development.....						
.18 General continuation.....						
.19 Graphic arts occupations.....					8	1
.20 Industrial atomic energy.....						
.21 Instrument maintenance and repair.....						
.22 Maritime occupation.....						
.23 Metalworking.....						
.24 Metallurgy.....				2	6	1
.28 Personal services.....						
.27 Plastics occupations.....			2			
.28 Public service occupations.....						
.29 Quantity food occupations.....					8	
.30 Refrigeration.....						
.31 Small engine repair, internal combustion.....						
.32 Stationary energy sources occupations.....		18				
.33 Textile production and fabrication.....					4	
.34 Leatherworking.....						
.35 Upholstering.....						
.36 Woodworking occupations.....						
.99 Trade and industrial occupations, other.....						
99.00 Industrial arts.....					43	
Total.....	11	93	22	15	478	45
	Connecticut	Florida	Georgia	Illinois	Indiana	Iowa
01.00 Agriculture.....	3	19		15	59	7
.01 Agricultural production.....				11		4
.02 Agricultural supplies/services.....				1		2
.03 Agricultural mechanics.....						3
.04 Agricultural products.....						
.05 Ornamental horticulture.....				2		1
.06 Agricultural resources.....					1	8
.07 Forestry.....					1	1
.99 Agriculture, other.....				1		
04.00 Distributive education.....	10	7		7	5	18
.01 Advertising services.....						9
.02 Apparel and accessories.....				1		2
.03 Automotive.....						
.04 Finance and credit.....						
.05 Floristry.....						
.06 Food distribution.....						
.07 Food services.....						
.08 General merchandise.....				1		
.09 Hardware, building material.....						
.10 Home furnishings.....						
.11 Hotel and lodging.....						
.12 Industrial marketing.....						2
.13 Insurance.....						
.14 International trade.....						
.15 Personal services.....						
.16 Petroleum.....						
.17 Real estate.....						
.18 Recreation and tourism.....						
.19 Transportation.....						1
.20 Retail trade, other.....						
.31 Wholesale trade, other.....						
.99 Distributive education, other.....				1		
07.00 Health occupations education.....	9	31		4		4
.01 Dental.....						129
.02 Medical laboratory technology.....					91	8
.03 Nursing.....						5
.04 Rehabilitation.....						82

VOCATIONAL EDUCATION TEACHER SHORTAGE SCHOOL YEAR 1977-78.—Reported shortages by generic field, instructional area, and by State—Continued

OE codes and titles for generic fields and instructional areas in vocational education	Connecticut	Florida	Georgia	Illinois	Indiana	Iowa
.05 Radiologic.....						2
.06 Ophthalmic.....						1
.07 Environmental health.....						8
.08 Mental health technology.....						23
.09 Miscellaneous health occupations education.....						7
.99 Health occupations education, other.....	17	6	9	91		
09.00 Home economics.....						
.01 Homemaking: Preparation for personal home and family living.....			9			7
.02 Occupational preparation.....				91	7	25
14.00 Office occupations.....	23	18	17			9
.01 Accounting and computing occupations.....					3	11
.02 Business data processing systems occupations.....			1			
.03 Filing, office machines, and general office clerical occupations.....			5			1
.04 Information communication occupations.....						
.05 Materials support occupations (transporting, storing, and recording).....						
.06 Personnel, training, and related occupations.....			5		4	4
.07 Stenographic, secretarial and related occupations.....						
.08 Supervisory and administrative management occupations.....						
.09 Typing and related occupations.....			5			
.99 Office occupations, other.....			1			
16.00 Technical education.....	6	3		53		6
.01 Engineering related technology.....						
.02 Agricultural related technology.....						
.03 Health related technology.....						
.04 Office related technology.....						
.05 Home economics related technology.....						
.06 Miscellaneous technical education.....						6
17.00 Trade and industrial occupations.....	24	28		37		124
.01 Air conditioning.....						3
.02 Appliance repair.....						20
.03 Automotive services.....						2
.04 Aviation occupations.....						
.05 Blueprint reading.....						
.06 Business machine maintenance.....						1
.07 Commercial art occupations.....						
.08 Commercial fishery occupations.....						3
.09 Commercial Photography occupations.....						8
.10 Construction and maintenance trades.....						1
.11 Custodial services.....						6
.12 Diesel mechanic.....						3
.13 Drafting.....						3
.14 Electrical occupations.....						9
.15 Electronics occupations.....						
.16 Fabric maintenance services.....						
.17 Foremanship, supervision, management development.....						5
.18 General continuation.....						
.19 Graphics arts occupations.....						
.20 Industrial atomic energy.....						
.21 Instrument maintenance and repair.....						
.22 Maritime occupations.....						16
.23 Metalworking.....						
.24 Metallurgy.....						
.26 Personal services.....						9
.27 Plastics occupations.....						1
.28 Public service occupations.....						
.29 Quantity food occupations.....						
.30 Refrigeration.....						1
.31 Small engine repair, internal combustion.....						
.32 Stationary energy sources occupations.....						
.33 Textile production and fabrication.....						
.34 Leatherworking.....						1
.35 Upholstering.....						9
.36 Woodworking occupations.....						24
.99 Trade and industrial occupations, other.....						
99.00 Industrial arts.....		21	37	115	48	338
Total.....	92	133	85	446	67	
	Kansas	Kentucky	Maine	Maryland	Massachusetts	Michigan
01.00 Agriculture.....			3			63
.01 Agricultural production.....			2			13
.02 Agricultural supplies/services.....						
.03 Agricultural mechanics.....			1			13
.04 Agricultural products.....						30
.05 Ornamental horticulture.....						5
.06 Agricultural resources.....						2
.07 Forestry.....						
.99 Agriculture, other.....						6
04.00 Distributive education.....	2			3		1
.01 Advertising services.....						
.02 Apparel and accessories.....						
.03 Automotive.....						1
.04 Finance and credit.....						
.05 Floristry.....						

VOCATIONAL EDUCATION TEACHER SHORTAGE SCHOOL YEAR 1977-78.—Reported shortages by generic field, instructional area, and by State—
Continued

OE codes and titles for generic fields and instructional areas in vocational education	Kansas	Kentucky	Maine	Maryland	Massachusetts	Michigan
.06 Food distribution						
.07 Food services						
.08 General merchandise		2				4
.09 Hardware, building, material						
.10 Home furnishings						
.11 Hotel and lodging						
.12 Industrial marketing						
.13 Insurance						
.14 International trade						
.15 Personal services						
.16 Petroleum						
.17 Real estate						
.18 Recreation and tourism						
.19 Transportation						
.20 Retail trade, other						
.31 Wholesale trade, other						
.99 Distributive education, other						
07.00 Health occupations education				2		349
.01 Dental						17
.02 Medical laboratory technology						4
.03 Nursing						184
.04 Rehabilitation						
.05 radiologic						
.06 Ophthalmic						
.07 Environmental health						1
.08 Mental health technology						
.09 Miscellaneous health occupations education						24
.99 Health occupations education, other						119
.09.00 Home economics	20	75		4		186
.01 Homemaking: Preparation for personal home and family living						
.02 Occupational preparation		75		2		1
14.00 Office occupations	20			2		185
.01 Accounting and computing occupations	3	74				63
.02 Business data processing systems occupations		11				3
.03 Filing, office machines, and general office clerical occupations		8				55
.04 Information communication occupations		20				1
.05 Materials support occupations (transporting, storing, and recording)						2
.06 Personnel, training, and related occupations						
.07 Stenographic, secretarial and related occupations	2	31				
.08 Supervisory and administrative management occupations						
.09 Typing and related occupations	1	1				1
.99 Office occupations, other		3				1
16.00 Technical education		16			6	
.01 Engineering related technology		2			3	
.02 Agricultural related technology		2				
.03 Health related technology						
.04 Office related technology						
.05 Home economics related technology		3				
.06 Miscellaneous technical education		9			3	
17.00 Trade and industrial occupations	24	51	1	11	9	1,219
.01 Air-conditioning		7		3	2	62
.02 Appliance repair		1				17
.03 Automotive services		6		2		266
.04 Aviation occupations						8
.05 Blueprint reading						1
.06 Business machine maintenance						1
.07 Commercial art occupations						17
.08 Commercial fishery occupations			1			
.09 Commercial photography occupations						7
.10 Construction and maintenance trades		4		2		162
.11 Custodial services						29
.12 Diesel mechanic						5
.13 Drafting		2				36
.14 Electrical occupations		7				26
.15 Electronics occupations		2				66
.16 Fabric maintenance services						
.17 Foremanship, supervision, and management development						
.18 General continuation						
.19 Graphic arts occupations		2				43
.20 Industrial atomic energy						
.21 Instrument maintenance and repair		1				
.22 Maritime occupations						
.23 Metalworking						
.24 Metallurgy				4		170
.26 Personal services						179
.27 Plastics occupations						
.28 Public service occupations						11
.29 Quantity food occupations		2				21
.30 Refrigeration						8
.31 Small engine repair, internal combustion						66
.32 Stationary energy sources occupations						8
.33 Textile production and fabrication						
.34 Leatherworking						
.35 Upholstering						

VOCATIONAL EDUCATION TEACHER SHORTAGE SCHOOL YEAR 1977-78.—Reported shortages by generic field, instructional area, and by State—Continued

OE codes and titles for generic fields and instructional areas in vocational education	Kansas	Kentucky	Maine	Maryland	Massachusetts	Michigan
.36 Woodworking occupations.....						10
.99 Trade and industrial occupations, other.....	24	17			7	
99.00 Industrial arts.....				7		
Total.....	49	219	1	27	15	1,886
	Missouri	Montana	Nebraska	New Jersey	New York	North Carolina
01.00 Agriculture.....	3	2	14			11 20
.01 Agricultural production.....	3	2				8
.02 Agricultural supplies/services.....						
.03 Agricultural mechanics.....						
.04 Agricultural products.....						3
.05 Ornamental horticulture.....						
.06 Agricultural resources.....						
.07 Forestry.....						
.99 Agriculture, other.....						
04.00 Distributive education.....	4				5	37
.01 Advertising services.....						
.02 Apparel and accessories.....						
.03 Automotive.....						
.04 Finance and credit.....						
.05 Floristry.....						
.06 Food distribution.....						
.07 Food services.....						
.08 General merchandise.....						
.09 Hardware, building material.....						
.10 Home furnishings.....						
.11 Hotel and lodging.....						
.12 Industrial marketing.....						
.13 Insurance.....						
.14 International trade.....						
.15 Personal services.....						
.16 Petroleum.....						
.17 Real estate.....						
.18 Recreation and tourism.....						
.19 Transportation.....						
.20 Retail trade, other.....						
.31 Wholesale trade, other.....						
.99 Distributive education, other.....						
07.00 Health occupations education.....	26				72	8
.01 Dental.....	5					
.02 Medical laboratory technology.....						
.03 Nursing.....	15					
.04 Rehabilitation.....						
.05 Radiologic.....						
.06 Ophthalmic.....						
.07 Environmental health.....						
.08 Mental health technology.....						
.09 Miscellaneous health occupations education.....						
.99 Health occupations education, other.....	6					
09.00 Home economics.....		4	6		55	80
.01 Homemaking: Preparation for personal home and family living.....		4			55	
.02 Occupational preparation.....			6			
14.00 Office occupations.....	6		7	115	12	55
.01 Accounting and computing occupations.....						
.02 Business data processing systems occupations.....	6					1
.03 Filing, office machines, and general office clerical occupations.....				7		2
.04 Information communication occupations.....						
.05 Materials support occupations (transporting, storing, and recording).....						
.06 Personnel, training, and related occupations.....						
.07 Stenographic, secretarial and related occupations.....						8
.08 Supervisory and administrative management occupations.....						
.09 Typing and related occupations.....						1
.99 Office occupations, other.....						
16.00 Technical education.....					45	
.01 Engineering related technology.....						
.02 Agricultural related technology.....						
.03 Health related technology.....						
.04 Office related technology.....						
.05 Home economics related technology.....						
.06 Miscellaneous technical education.....						
17.00 Trade and industrial occupations.....	28		4	70		175
.01 Air-conditioning.....	4					
.02 Appliance repair.....						
.03 Automotive services.....	3					
.04 Aviation occupations.....						
.05 Blueprint reading.....						
.06 Business machine maintenance.....	2					
.07 Commercial art occupations.....						
.08 Commercial fishery occupations.....						
.09 Commercial photography occupations.....						
.10 Construction and maintenance trades.....	6		2			
.11 Custodial services.....						
.12 Diesel mechanic.....	3					

VOCATIONAL EDUCATION TEACHER SHORTAGE SCHOOL YEAR 1977-78.—Reported shortages by generic field, instructional area, and by State—Continued

OE codes and titles for generic fields and instructional areas in vocational education	Missouri							North Carolina					
	Missouri	Montana	Nebraska	New Jersey	New York	North Carolina	North Dakota	Ohio	South Carolina	South Dakota	Tennessee	Texas	
13 Drafting	2		2										
14 Electrical occupations													
15 Electronics occupations													
16 Fabric maintenance services													
17 Foremanship, supervision, and management development													
18 General continuation													
19 Graphic arts occupations	3		137										
20 Industrial atomic energy													
21 Instrument maintenance and repair	2												
22 Maritime occupations													
23 Metalworking	3												
24 Metallurgy													
26 Personal services													
27 Plastics occupations													
28 Public service occupations													
29 Quantity food occupations													
30 Refrigeration													
31 Small engine repair, internal combustion													
32 Stationary energy sources occupations													
33 Textile production and fabrication													
34 Leatherworking													
35 Upholstering													
36 Woodworking occupations													
99 Trade and industrial occupations, other													
99.00 Industrial arts			4			4							
Total	67	6	35	362	23	379							
01.00 Agriculture													
01 Agricultural production													
02 Agricultural supplies/services													
03 Agricultural mechanics													
04 Agricultural products													
05 Ornamental horticulture													
06 Agricultural resources													
07 Forestry													
99 Agriculture, other													
04.00 Distributive education	3												
01 Advertising services													
02 Apparel and accessories													
03 Automotive													
04 Finances and credit													
05 Floristry													
06 Food distribution													
07 Food services													
08 General merchandise													
09 Hardware, building material													
10 Home furnishing													
11 Hotel and lodging													
12 Industrial marketing													
13 Insurance													
14 International trade													
15 Personal services													
16 Petroleum													
17 Real estate													
18 Recreation and tourism													
19 Transportation													
20 Retail trade, other													
31 Wholesale trade, other													
99 Distributive education, other													
07.00 Health occupations education	3												
01 Dental	10												
02 Medical laboratory technology													
03 Nursing	10												
04 Rehabilitation													
05 Radiologic													
06 Ophthalmic													
07 Environmental health													
08 Mental health technology													
09 Miscellaneous health occupations education													
99 Health occupations education, other													
09.00 Home economics													
01 Homemaking: Preparation for personal home and family living													
02 Occupational preparation													
14.00 Office occupations	2												
01 Accounting and computing occupations													
02 Business data processing systems occupations													
03 Filing, office machines, and general office clerical occupations													
04 Information communication occupations													
05 Materials support occupations (transporting, storing, and recording)													
06 Personnel, training, and related occupations													
07 Stenographic, secretarial and related occupations	1												

VOCATIONAL EDUCATION TEACHER SHORTAGE SCHOOL YEAR 1977-78.—Reported shortages by generic field, instructional area, and by State—Continued

OE codes and titles for generic fields and instructional areas in vocational education	North Dakota	Ohio	South Carolina	South Dakota	Tennessee	Texas
.08 Supervisory and administrative management occupations						
.09 Typing and related occupations	1					
.99 Office occupations, other						
16.00 Technical education	4		32			
.01 Engineering related technology	4		8			
.02 Agricultural related technology			2			
.03 Health related technology			7			
.04 Office related technology			5			
.05 Home economics related technology						
.06 Miscellaneous technical education			10			
17.00 Trade and industrial occupations	20		31	8	6	
.01 Air-conditioning	1		2			
.02 Appliance repair						
.03 Automotive services	2		4	4	3	
.04 Aviation occupations						
.05 Blueprint reading						
.06 Business machine maintenance						
.07 Commercial art occupations						
.08 Commercial fishery occupations						
.09 Commercial photography occupations						
.10 Construction and maintenance trades	8		2	2	2	
.11 Custodial services						
.12 Diesel mechanic			1			
.13 Drafting	1		1			
.14 Electrical occupations	1		4			
.15 Electronics occupations	1			2		
.16 Fabric maintenance services						
.17 Foremanship, supervision, and management development						
.18 General continuation						
.19 Graphic arts occupations	1		2			
.20 Industrial atomic energy						
.21 Instrument maintenance and repair						
.22 Maritime occupations						
.23 Metalworking	4		5		1	
.24 Metallurgy						
.26 Personal services			1			
.27 Plastics occupations						
.28 Public service occupations			1			
.29 Quantity food occupations			1			
.30 Refrigeration			1			
.31 Small engine repair, internal combustion	1		2			
.32 Stationary energy sources occupations						
.33 Textile production and fabrication			4			
.34 Leatherworking						
.35 Upholstering						
.36 Woodworking occupations						
.99 Trade and industrial occupations, other						
99.00 Industrial arts	7	7	28	8	33	
Total	46	59	218	25	71	14
			Utah	Virginia	West Virginia	Wisconsin
01.00 Agriculture			2	10	7	5
.01 Agricultural production			2			2
.02 Agricultural supplies/services					3	1
.03 Agricultural mechanics						
.04 Agricultural products						
.05 Ornamental horticulture					4	
.06 Agricultural resources						
.07 Forestry						2
.99 Agriculture, other						2
04.00 Distributive education			3	15	6	3
.01 Advertising services					3	
.02 Apparel and accessories						
.03 Automotive						
.04 Finance and credit						
.05 Floristry						
.06 Food distribution						
.07 Food services						1
.08 General merchandise					12	6
.09 Hardware, building material						
.10 Home furnishing						1
.11 Hotel and lodging			1			
.12 Industrial marketing						
.13 Insurance						
.14 International trade						
.15 Personal services						
.16 Petroleum						
.17 Real estate						1
.18 Recreation and tourism			2			1
.19 Transportation						
.20 Retail trade, other						
.31 Wholesale trade, other						
.99 Distributive education, other						22
07.00 Health occupations education			3	23		2
.01 Dental						2
.02 Medical laboratory technology				10		
.03 Nursing				6		5

VOCATIONAL EDUCATION TEACHER SHORTAGE SCHOOL YEAR 1977-78.—Reported shortages by generic field, instructional area, and by State—
Continued

OE codes and titles for generic fields and instructional areas in vocational education	Utah	Virginia	West Virginia	Wisconsin
.04 Rehabilitation				1
.05 Radiologic				1
.06 Ophthalmic	3	2		1
.07 Environmental health				2
.08 Mental health technology				1
.09 Miscellaneous health occupations education				1
.99 Health occupations education, other				1
09.00 Home economics			3	10
.01 Homemaking: Preparation for personal home and family living			10	
.02 Occupational preparation				
14.00 Office occupations			10	
.01 Accounting and computing occupations			12	1
.02 Business data processing systems occupations				
.03 Filing, office machines, and general office clerical occupations			3	
.04 Information communication occupations			4	
.05 Materials support occupations (transporting, storing, and recording)				
.06 Personnel, training, and related occupations				1
.07 Stenographic, secretarial and related occupations			4	
.08 Supervisory and administrative management occupations				
.09 Typing and related occupations			1	
.99 Office occupations, other				
16.00 Technical education				1
.01 Engineering related technology	2			
.02 Agricultural related technology				
.03 Health related technology				
.04 Office related technology				
.05 Home economics related technology				
.06 Miscellaneous technical education				
17.00 Trade and industrial occupations	2			1
.01 Air-conditioning	7	36	2	3
.02 Appliance repair				
.03 Automotive services				
.04 Aviation occupations	1	5		
.05 Blueprint reading				
.06 Business machine maintenance				
.07 Commercial art occupations				
.08 Commercial fishery occupations				
.09 Commercial photography occupations				
.10 Construction and Maintenance trades				
.11 Custodial services			3	
.12 Diesel mechanic				
.13 Drafting			2	
.14 Electrical occupations	2		3	1
.15 Electronics occupations			2	
.16 Fabric maintenance services				
.17 Foremanship, supervision, and management development				
.18 General continuation				
.19 Graphic arts occupations				
.20 Industrial atomic energy				
.21 Instrument maintenance and repair				1
.22 Maritime occupations				
.23 Metalworking				
.24 Metallurgy	1	3		
.25 Personal services				
.26 Plastics occupations				
.27 Public service occupations				
.28 Quantity food occupations			1	
.29 Refrigeration				
.30 Small engine repair, internal combustion				2
.31 Stationary energy sources occupations				
.32 Textile production and fabrication				1
.33 Leatherworking				
.34 Upholstering				
.35 Woodworking occupations				
.99 Trade and industrial occupations, other				
99.00 Industrial arts	3	17	71	6
Total	17	177	21	35
	Wyoming	District of Columbia	Guam	Total
01.00 Agriculture				
.01 Agricultural production	5			419
.02 Agricultural supplies/services	5			96
.03 Agricultural mechanics				10
.04 Agricultural products				40
.05 Ornamental horticulture				80
.06 Agricultural resources				7
.07 Forestry				3
.99 Agriculture, other				25
04.00 Distributive education	6	1		277
.01 Advertising services				20
.02 Apparel and accessories				12
.03 Automotive				
.04 Finance and credit				23

VOCATIONAL EDUCATION TEACHER SHORTAGE SCHOOL YEAR 1977-78.—Reported shortages by generic field, instructional area, and by State—
Continued

OE codes and titles for generic fields and instructional areas in vocational education	Wyoming	District of Columbia	Guam	Total
.05 Floristry.....				4
.06 Food distribution.....				1
.07 Food services.....				24
.08 General merchandise.....				6
.09 Hardware, building material.....				
.10 Home furnishing.....				
.11 Hotel and lodging.....		1		8
.12 Industrial marketing.....				2
.13 Insurance.....				3
.14 International trade.....				1
.15 Personal services.....				
.16 Petroleum.....				
.17 Real estate.....				15
.18 Recreation and tourism.....				4
.19 Transportation.....				2
.20 Retail trade, other.....				
.31 Wholesale trade, other.....				12
.99 Distributive education, other.....				51
07.00 Health occupations education.....	4			835
.01 Dental.....				38
.02 Medical laboratory technology.....				19
.03 Nursing.....				318
.04 Rehabilitation.....				1
.05 Radiologic.....				8
.06 Ophthalmic.....				2
.07 Environmental health.....				3
.08 Mental health technology.....				9
.09 Miscellaneous health occupations education.....	4			70
.99 Health occupations education, other.....				152
09.00 Home economics.....	30		1	757
.01 Homemaking: Preparation for personal home and family living.....	18		1	177
.02 Occupational preparation.....	12			415
14.00 Office occupations.....	31		1	689
.01 Accounting and computing occupations.....				33
.02 Business data processing systems occupations.....			1	99
.03 Filing, office machines, and general office clerical occupations.....				111
.04 Information communication occupations.....				41
.05 Materials support occupations (transporting, storing, and recording).....				52
.06 Personnel, training, and related occupations.....				1
.07 Stenographic, secretarial and related occupations.....				69
.08 Supervisory and administrative management occupations.....				1
.09 Typing and related occupations.....				31
.99 Office occupations, other.....				9
16.00 Technical education.....			1	193
.01 Engineering related technology.....			1	30
.02 Agricultural related technology.....				4
.03 Health related technology.....				12
.04 Office related technology.....				5
.05 Home economics related technology.....				3
.06 Miscellaneous technical education.....				32
17.00 Trade and Industrial occupations.....	30		5	2,083
.01 Air-conditioning.....				84
.02 Appliance repair.....				20
.03 Automotive services.....				342
.04 Aviation occupations.....				14
.05 Blueprint reading.....				1
.06 Business machine maintenance.....				3
.07 Commercial art occupations.....				18
.08 Commercial fishery occupations.....				1
.09 Commercial photography occupations.....				10
.10 Construction and maintenance trades.....	11		4	251
.11 Custodial services.....				30
.12 Diesel mechanic.....				21
.13 Drafting.....				49
.14 Electrical occupations.....	6			60
.15 Electronics occupations.....			1	83
.16 Fabric maintenance services.....				
.17 Foremanship, supervision, and management development.....				
.18 General continuation.....				65
.19 Graphic arts occupations.....				
.20 Industrial atomic energy.....				4
.21 Instrument maintenance and repair.....				
.22 Maritime occupations.....				216
.23 Metalworking.....				
.24 Metallurgy.....				
.26 Personal services.....				182

VOCATIONAL EDUCATION TEACHER SHORTAGE SCHOOL YEAR 1977-78.—*Reported shortages by generic field, instructional area, and by State—Continued*

OE codes and titles for generic fields and instructional areas in vocational education	Wyoming	District of Columbia	Guam	Total
27 Plastics occupations.....				20
28 Public service occupations.....				34
29 Quantity food occupations.....				11
30 Refrigeration.....				88
31 Small engine repair, internal combustion.....				18
32 Stationary energy sources occupations.....	5			4
33 Textile production and fabrication.....				1
34 Leatherworking.....				27
35 Upholstering.....	8			92
36 Woodworking occupations.....				439
99 Trade and industrial occupations, other.....				
99.00 Industrial arts.....				
Total.....	106	1	8	5,692

[FR Doc. 78-11276 Filed 4-26-78; 8:45 am]

[4110-02]

Office of the Secretary

ADVISORY COUNCIL ON EDUCATION
STATISTICS

Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that a meeting of the Advisory Council on Education Statistics will be held on May 18, 1978, from 9 a.m. to 4:30 p.m., in room 3000, FOB No. 6,400 Maryland Avenue SW., Washington, D.C. 20202. The meeting will be continued on May 19, 1978, from 9 a.m. to 4:30 p.m., at the same location.

The advisory Council on Education Statistics is mandated by Section 406(c) of the General Education Provisions Act as added by Section 501(a) of the Education Amendments of 1974, Pub. L. 93-380 (20 USC 1221e-1(c)), to advise the Secretary of the Department of Health, Education, and Welfare and the Assistant Secretary for Education, and the National Center for Education Statistics (NCES); and "shall review general policies for the operation of the Center and shall be responsible for establishing standards to ensure that statistics and analyses disseminated by the Center are of high quality and are not subject to political influence."

The meeting agenda will include an

Administrator's Report on the state of the Center's budget, organization and surveys, a discussion of the Center's program in statistical standards, and procedures for the development of meeting agendas and the Council's Annual Report.

The meeting is open to the public; however, because of limited accommodations, those members of the public wishing to attend should make reservations by writing, no later than May 8, 1978, to:

Acting Executive Director, Advisory Council on Education Statistics, Room 3003, FOB-6, 400 Maryland Avenue SW., Washington, D.C. 20202.

Records shall be kept of all Council proceedings and shall be available for public inspection in the Office of the Administrator, National Center for Education Statistics, located at 400 Maryland Avenue SW., Washington, D.C. 20202.

Signed at Washington, D.C. on April 24, 1978.

MARIE D. ELDRIDGE,
Administrator, National
Center for Education Statistics.

[FR Doc. 78-11402 Filed 4-26-78; 8:45 am]

[4110-39]

National Institute of Education
UNSOLICITED PROPOSALS
Educational Research and Development
Activities

Pursuant to the authority contained in section 405 of the General Education Provisions Act (20 U.S.C. 1221e) and regulations published at 45 CFR 1403.6, the Institute has announced its interest in receiving unsolicited proposals to conduct educational research and development activities.

Unsolicited proposals may be submitted at any time, but awards will usually be made twice a year in June/July and January/February based upon competitive reviews of proposals received by April 30 and October 31, respectively.

Since April 30, 1978 is a Sunday, all proposals received by 4:30 p.m. on Monday, May 1, 1978 will be considered for award in the June/July cycle.

Additional information may be obtained from the National Institute of Education, Proposal Clearinghouse, Room 708, 1832 M Street NW., Washington, D.C., 202-254-5600.

Dated: April 26, 1978.

JOHN W. CHRISTENSEN,
Associate Director for Administration
and Management.

[FR Doc. 78-11729 Filed 4-26-78; 11:13 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).

CONTENTS	Item
Commodity Futures Trading Commission	1, 2
Copyright Royalty Tribunal.....	3
Equal Employment Opportunity Commission.....	4
Federal Maritime Commission...	5
Interstate Commerce Commission	6
Renegotiation Board.....	7
Securities and Exchange Commission	8

[6351-01]

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., May 2, 1978.

PLACE: 2033 K Street NW., Washington, D.C., 5th floor hearing room.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public.

Part 8—Disciplinary rules and proposed rules relating to exchange procedures for disciplinary, summary and membership denial actions.

Portions closed to the public:

Enforcement matter and offer of settlement.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-881-78 Filed 4-25-78; 10:49 am]

[6351-01]

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., May 5, 1978.

PLACE: 8th Floor Conference Room, 2033 K Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-882-78 Filed 4-25-78; 10:49 am]

[1410-01]

3

COPYRIGHT ROYALTY TRIBUNAL.

TIME AND DATE: 10 a.m. and 2 p.m., Thursday, May 4, 1978.

PLACE: Room 500, 2000 L Street NW.

STATUS: Open.

SUBJECT: Consideration of terms and rates of royalty payments for the use of certain works in connection with noncommercial broadcasting.

CONTACT PERSON FOR MORE INFORMATION:

Thomas C. Brennan, Chairman,
Copyright Royalty Tribunal, 202-653-5175.

THOMAS C. BRENNAN,
Copyright Royalty Tribunal.

[S-878-78 Filed 4-25-78; 9:06 am]

[6570-06]

4

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 17112, April 21, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time), Tuesday, April 25, 1978.

CHANGES IN THE MEETING: The time of the meeting is changed to 11:30 a.m. (eastern time), and the entire meeting will be open to the public.

Litigation matters previously announced for consideration at a closed session will be taken up at a later meeting. A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required these changes and that no earlier announcement was possible.

The vote was as follows:

In favor of change.—Eleanor Holmes Norton, Chair; Daniel E. Leach, Vice Chair; and Ethel Bent Walsh, Commissioner.

Opposed.—None.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer,
Executive Secretariat at 202-634-6748.

[S-880-78 Filed 4-25-78; 9:42 am]

[6730-01]

5

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., May 3, 1978.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Agreements Nos. 2846-30 and 2846DR-5: Modifications of the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference's basic agreement and dual rate contract system to extend authority for independent action.

2. Special Docket Nos. 460 and 461: *U.S. Department of Agriculture v. Waterman Steamship Corporation*—Review of initial decision.

3. Special Docket No. 554: *Hermann Ludwig, Inc. v. Waterman Steamship Corporation*—Review of initial decision.

4. Special Docket No. 546: *United Grocery Export Co. v. Pacific Westbound Conference*—Review of initial decision.

5. Special Docket No. 560: *American Home Foods v. Sea-Land Service*—Review of initial decision.

6. Special Docket No. 571: *Firestone International v. United States Lines, Inc.*—Review of initial decision.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5725.

[S-879-78 Filed 4-25-78; 9:06 am]

[7035-01]

6

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 1:30 p.m., Tuesday, May 2, 1978.

PLACE: Room 4225, Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D.C.

STATUS: Open regular conference.

MATTER TO BE CONSIDERED:

1. Long-Term Utilization of Budget Resources.

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-884-78 Filed 4-25-78; 3:45 pm]

[8010-01]

8

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of May 1, 1978, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Wednesday, May 3, 1978, at 10 a.m. and on Thursday, May 4, 1978, immediately following the open meeting. An open meeting will be held on Thursday, May 4, 1978, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A), and (10) and 17 CFR 200.402(a) (8), (9)(i), and (10).

Chairman Williams, Commissioners Loomis, and Karmel determined to hold the aforesaid meetings in closed session.

The subject matter of the closed

meeting scheduled for Wednesday, May 3, 1978, at 10 a.m., will be:

Formal orders of investigation.
Referral of investigatory files to Federal, State, or Self-Regulatory authorities.
Institution of administrative proceedings of an enforcement nature.
Settlement of administrative proceedings of an enforcement nature.
Institution of injunctive actions.
Settlement of injunctive actions.
Other litigation matters.

The subject matter of the closed meeting scheduled for Thursday, May 4, 1978, immediately following the open meeting, will be:

Opinion.

The subject matter of the open meeting scheduled for Thursday, May 4, 1978, at 10 a.m., will be:

1. Consideration of amendments to Guide 42, of the Guides for the Preparation and Filing of Registration Statements under the Securities Act of 1933, to clarify and relax the provisions relating to the submission of supplemental material concerning registrants.
2. Consideration of proposed rule changes filed by the New York Stock Exchange, Inc. and the American Stock Exchange, Inc., which would establish uniform procedures for the arbitration of small claims by investors.

FOR FURTHER INFORMATION CONTACT:

Kathy Malfa at 202-376-8004 or Linda Schneider at 202-755-1119.

APRIL 24, 1978.

[S-877-78 Filed 4-25-78; 9:06 am]

[7910-01]

7

RENEGOTIATION BOARD.

DATE AND TIME: Tuesday, April 25, 1978 at 2 p.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED: Executive session concerning personnel matter.

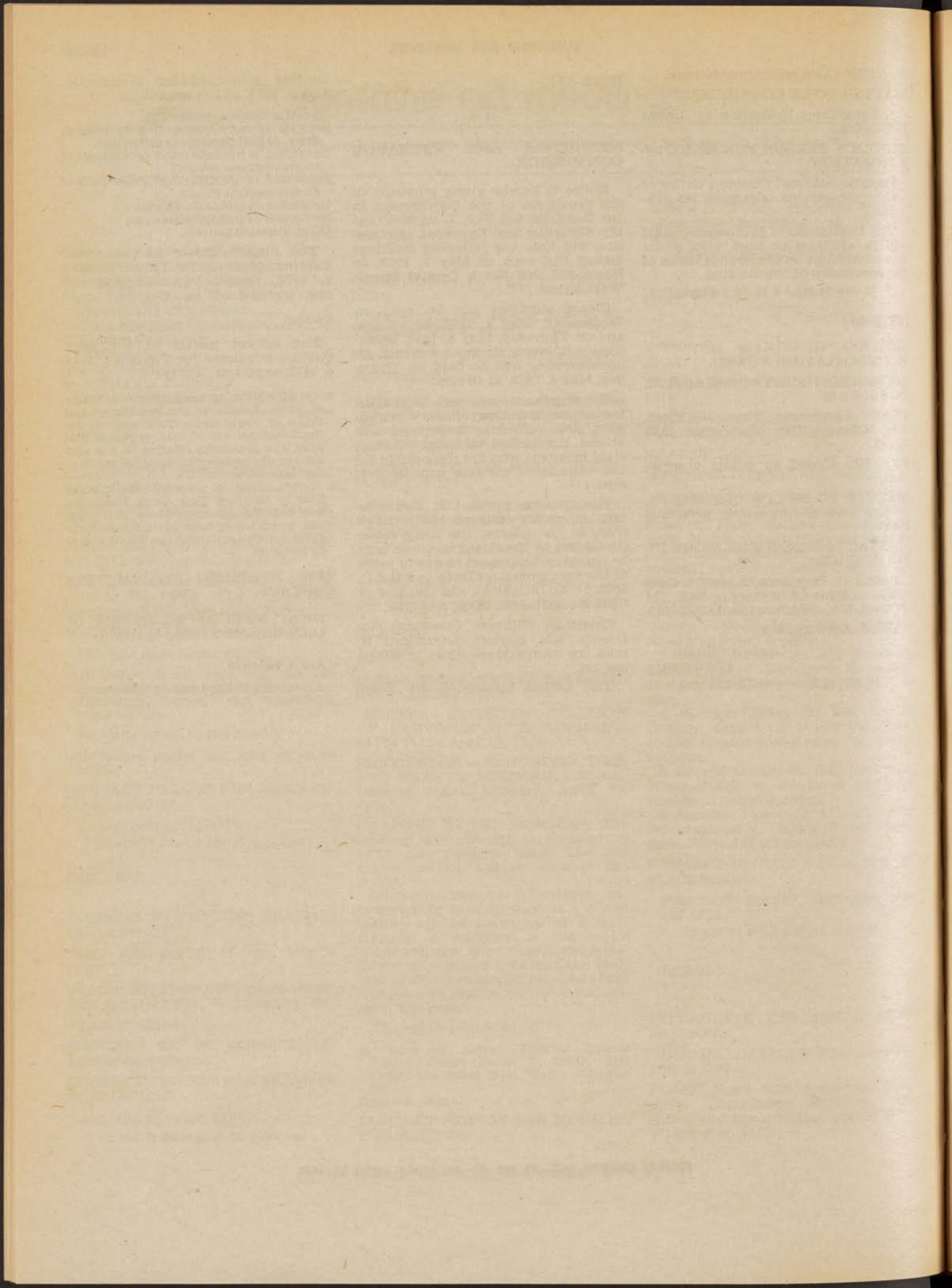
CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446.

Dated: April 25, 1978.

GOODWIN CHASE,
Chairman.

[S-883-78 Filed 4-25-78; 2:31 pm]



Register
Federal Order

THURSDAY, APRIL 27, 1978
PART II



**STATE
DEPARTMENT**

**Fishery Conservation and
Management Act of
1976**



**APPLICATIONS FOR
PERMITS TO FISH OFF
THE COASTS OF THE
UNITED STATES**

[4710-09]

DEPARTMENT OF STATE

[Public Notice 6061]

FISHERY CONSERVATION AND MANAGEMENT
ACT OF 1976Applications for Permits To Fish Off the Coasts
of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to section 204 of the Act.

The Act also requires that all applications for such permits be published in the FEDERAL REGISTER.

Applications for fishing during 1978 have been received from the Governments of Bulgaria, Cuba, Japan, and the Union of the Soviet Socialist Republics, and are published herewith.

Dated: April 13, 1978.

JAMES A. STORER,
Director,
Office of Fisheries Affairs.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. JA-78-0379

1. Name of Vessel BANSHU MARU NO.5 Visual Identif-
 2. fier (Call Sign) JGGJ
 3. Type of Vessel STERN TRAWLER 4. Length 81M
 5. Gross Tonnage 1420M.T 6. Net Tonnage 812M.T 7. Speed (knots) 13
 8. Owner's Name and Address TAIYO FISHERY CO., LTD
1-5-1, MARUICHI, CHIYODA-KU, TOKYO, 100, JAPAN
 9. Types of Processing Equipment _____

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
NWA	LONG-FINNE SQUID	BOTTOM TRAWL	X	X	
		MID-WATER TRAWL	X	X	
		OFF-THE BOTTOM TRAWL	X	X	
SHORT-FINNE SQUID	SHORT-FINNE SQUID	BOTTOM TRAWL	X	X	
		MID-WATER TRAWL	X	X	
		OFF-THE BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. JA-78-1271

1. Name of Vessel OJU MARU NO.1 Visual Identif-
 2. fier (Call Sign) JWPN
 3. Type of Vessel Longliner 4. Length 51 M
 5. Gross Tonnage 284 6. Net Tonnage 143 7. Speed (knots) 13.1
 8. Owner's Name and Address YUJIRO YAMADA
12-5398 MURATO MISAKI-CHO KOCHI-KEN
 9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. JA-78-1272

1. Name of Vessel TAISEI MARU NO.2 Visual Identif-
 2. fier (Call Sign) JEOU
 3. Type of Vessel Longliner 4. Length 47
 5. Gross Tonnage 345 6. Net Tonnage 162 7. Speed (knots) 12
 8. Owner's Name and Address TAISEI SUISAN CO., LTD.
13-22-2 MISAKI MIURA-SHI KANAGAWA-KEN
 9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. UR-78-0618

1. Name of Vessel YELSK Visual Identif-
 2. fier (Call Sign) UR-UWOY
 3. Type of Vessel TANKER 4. Length 145.5
 5. Gross Tonnage 7948 6. Net Tonnage 3928 7. Speed (knots) 12.9
 8. Owner's Name and Address RIZHSKAYA BAZA REPRIZHERATORNOGO FLOTA,
RIGA, USSR
 9. Types of Processing Equipment _____

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
NWA					X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. UR-76-0617

1. Name of Vessel 18 SIZD VLKSN 2. Vessel Identifier (Call Sign) EMZP
3. Type of Vessel STERN TRAWLER 4. Length 84 Maximum
5. Gross Tonnage 2327 6. Net Tonnage 842 7. Speed (knots) 12.2
8. Owner's Name and Address NAKHODKINSKAJA BAZA AKTIVNOGO MORSKOGO RYBOLOVSTVA, NAKHODEA, USSR
9. Types of Processing Equipment FREEZER, FISH MEAL PLANT
FILLETER
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
BSA	Pollock	Midwater Trawl	X	X	X
		Bottom Trawl			
	Pacific Cod	"	X	X	X
	Yellowfin Sole	"	X	X	X
	Other Flounders	"	X	X	X
	Atka Mackerel	"	X	X	X
	Herring	"	X	X	X
	Pacific Ocean Perch	"	X	X	X
Other Groundfish	"	X	X	X	
GOA	Pollock	Midwater Trawl	X	X	X
		Bottom Trawl			
	Pacific Cod	"	X	X	X
	Flounders	"	X	X	X
	Pacific Ocean Perch	"	X	X	X
	Other Rockfishes	"	X	X	X
	Other Groundfish	"	X	X	X
Atka Mackerel	"	X	X	X	
WOC	Hake	Midwater Trawl	X	X	X
	Jack Mackerel	"	X	X	X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

- No Yes (if yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. BU-76-0004

1. Name of Vessel BEKAS 2. Vessel Identifier (Call Sign) LZRR
3. Type of Vessel Stern Trawler 4. Length 82 Maximum
5. Gross Tonnage 2653 6. Net Tonnage 1115 7. Speed (knots) 13.5
8. Owner's Name and Address "Okeanski Ribolov, 3 Industrialna Street, Bourgas, Bulgaria
9. Types of Processing Equipment 2 Freezing App.; 1 Fishmeal Plant
10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
NWA	Silver Hake	Bottom and Mid-water Trawl	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

- No Yes (if yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. BU-78-0002

1. Name of Vessel ARGONAUT 2. Vessel Identifier (Call Sign) IZSN
3. Type of Vessel Stern Trawler 4. Length 89 Maximum
5. Gross Tonnage 2467 6. Net Tonnage 1033 7. Speed (knots) 15.1
8. Owner's Name and Address "Okeanski Ribolov" 3 Industrialna Street, Bourgas, Bulgaria
9. Types of Processing Equipment 5 Freezer App.; 1 Fishmeal Plant;
3 Filletters; 1 Header, 2 Skinning M.
10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
NWA	Silver Hake	Bottom and Mid-water Trawl	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

- No Yes (if yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. BU-78-0017

1. Name of Vessel ALKA 2. Vessel Identifier (Call Sign) LZRI
3. Type of Vessel Stern Trawler 4. Length 82 Maximum
5. Gross Tonnage 2653 6. Net Tonnage 1115 7. Speed (knots) 13.5
8. Owner's Name and Address "Okeanski Ribolov" 3 Industrialna Street, Bourgas, Bulgaria
9. Types of Processing Equipment 2 Freezing App.; 1 Fishmeal Plant
10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
NWA	Silver Hake	Bottom and Mid-water Trawl	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

- No Yes (if yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

THE UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

APPLICATION FOR VESSEL PERMITS TO FISH WITHIN THE
FISHERY CONSERVATION ZONE OF THE UNITED STATES

No. _____

In accordance with the provisions of the Fishery Conservation and Management Act of 1976, the Government of Cuba hereby submits this application for permits for vessels under its jurisdiction to fish within the Fishery Conservation Zone of the United States, or beyond that zone for anadromous species or Continental Shelf fishery resources subject to the jurisdiction of the United States, during the year 1978.

Fishing Vessel Identification Forms will be submitted in support of this application. The fishery plans, species, and catch contemplated for vessels of the Cuban flag are as follows:

Fishery Plans	Target Species	Total Tonnage Requested For Each Species (MT)
Gulf of Mexico, Shrimp	Shrimp (Pink, white and brown).	1000
Gulf of Mexico, Bottom Trawl	Groundfish (Pomadasidae, Lutjanidae, Sparidae).	200
Gulf of Mexico, Bottom Longline	Red Grouper and associated species.	6200

Submitted: November 5th 1977
Date

[Signature]
Signature of Authorized Official
Director, Foreign Relations
Title

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0019**

1. Name of Vessel LAMBDA XI Visual Identif. CO-2413
2. Flag (Call Sign)
3. Type of Vessel Longliner and boat carrier Length 22.55
4. Gross Tonnage 107.15 6. Net Tonnage 49.18 7. Speed (knots) 9
8. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana
9. Types of Processing Equipment None

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
 No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0018**

1. Name of Vessel M/P ARROYOS DE MANTUA Visual Identif. COLU
2. Flag (Call Sign)
3. Type of Vessel Used as boat carrier * 4. Length 48.7
5. Gross Tonnage 676.1 ton 6. Net Tonnage 252.61 ton 7. Speed (knots) 9.3
8. Owner's Name and Address FLOTA DEL GOLFO, CALIXTO GARCIA NO.111 REGLA, HABANA
9. Types of Processing Equipment Not been used: 3 fish trundle machines
1 washing machine

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
 No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

*This vessel carries 18 longline boats

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0020**

1. Name of Vessel LAMBDA LXIX Visual Identif. CO-2192
2. Flag (Call Sign)
3. Type of Vessel Longliner and boat carrier Length 21.85
4. Gross Tonnage 107.15 6. Net Tonnage 49.18 7. Speed (knots) 9
8. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana
9. Types of Processing Equipment None

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
 No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0021

1. Name of Vessel LAMBDA LXXXII Visual Identifi-
2. fier (Call Sign) CO-2188
3. Type of Vessel Longline and boat carrier 4. Length 22.55
5. Gross Tonnage 107.15 ton 6. Net Tonnage 40.18 ton 7. Speed (knots) 9
8. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No. 111 Regla, Habana
9. Types of Processing Equipment None

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

*each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0022

1. Name of Vessel LAMBDA LXXXV Visual Identifi-
2. fier (Call Sign) CO-2543
3. Type of Vessel Longliner and boat carrier 4. Length 22.55
5. Gross Tonnage 107.15 ton 6. Net Tonnage 40.18 ton 7. Speed (knots) 9
8. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111 Regla, Habana
9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

*each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0023

1. Name of Vessel LAMBDA LXXXVII Visual Identifi-
2. fier (Call Sign) CO-2527
3. Type of Vessel Longliner and boat carrier Length 22.55
5. Gross Tonnage 107.15 ton 6. Net Tonnage 40.18 ton 7. Speed (knots) 9
8. Owner's Name and Address FLOTA DEL GOLFO - Calixto Garcia 111 Regla, Habana
9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0029

1. Name of Vessel M/P TIBURON Visual Identifi-
2. fier (Call Sign) CONP
3. Type of Vessel Used as boat carrier * 4. Length 60.0
5. Gross Tonnage 1284.08 ton 6. Net Tonnage 588.3 ton 7. Speed (knots) 13
8. Owner's Name and Address FLOTA DEL GOLFO, CALIXTO GARCIA NO.111 REGLA, HABANA
9. Types of Processing Equipment Not been used: 3 fish trundle machines: 8 WT

10. Fisheries for Which Permit is Requested: future and a future commercial operation according to its behavior.

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

*This vessel carries 40 longline boats

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0024**

1. Name of Vessel LAMBDA LXXXVIII Visual Identif. CO-2194
 2. Flag (Call Sign)
 3. Type of Vessel Longliner and boat carrier 4. Length 22.55
 5. Gross Tonnage 107.15 6. Net Tonnage 49.18 7. Speed (knots) 9.5
 8. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana
 9. Types of Processing Equipment None
 10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
 No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)
 * each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0030**

1. Name of Vessel M/P MORON Visual Identif. COLW
 2. Flag (Call Sign)
 3. Type of Vessel Used as boat carrier * 4. Length 48.7
 5. Gross Tonnage 676.1 ton 6. Net Tonnage 252.61 ton 7. Speed (knots) 9.5
 8. Owner's Name and Address FLOTA DEL GOLFO,CALIXTO GARCIA NO.111 REGLA,HABANA
 9. Types of Processing Equipment Not been used: 3 fish trundle machines
1 washing machine
 10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
 No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)
 *This vessel carries 18 longline boats

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0027**

1. Name of Vessel LAMBDA XCIII Visual Identif. CO-2415
 2. Flag (Call Sign)
 3. Type of Vessel Longliner and boat carrier 4. Length 22.55
 5. Gross Tonnage 107.15 6. Net Tonnage 49.18 7. Speed (knots) 9.5
 8. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana
 9. Types of Processing Equipment None
 10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
 No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)
 * each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0031**

1. Name of Vessel M/P JUCARO Visual Identif. COLS
 2. Flag (Call Sign)
 3. Type of Vessel Used as boat carrier * 4. Length 48.7
 5. Gross Tonnage 676.1 ton 6. Net Tonnage 252.61 ton 7. Speed (knots) 9.5
 8. Owner's Name and Address FLOTA DEL GOLFO,CALIXTO GARCIA NO.111 REGLA,HABANA
 9. Types of Processing Equipment Not been used: 3 fish trundle machines
1 washing machine
 10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
 No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)
 *This vessel carries 18 longline boats

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0032**

1. Name of Vessel LAMBDA VI Visual Ident- CO-2532
 2. Flag (Call Sign)

3. Type of Vessel Longliner and boat carrier Length 21.85
 4. Maximum

5. Gross Tonnage 92.10 6. Net Tonnage 45.60 7. Speed (knots) 9

8. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana

9. Types of Processing Equipment None

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0033**

1. Name of Vessel LAMBDA VIII Visual Ident- CO-2166
 2. Flag (Call Sign)

3. Type of Vessel Longliner and boat carrier Length 22.55
 4. Maximum

5. Gross Tonnage 107.15 6. Net Tonnage 49.18 7. Speed (knots) 9

8. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana

9. Types of Processing Equipment None

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0034**

1. Name of Vessel LAMBDA XIV Visual Ident- CO-2536
 2. Flag (Call Sign)

3. Type of Vessel Longliner and boat carrier Length 22.55
 4. Maximum

5. Gross Tonnage 107.15 6. Net Tonnage 49.18 7. Speed (knots) 9

8. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana

9. Types of Processing Equipment None

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0035**

1. Name of Vessel LAMBDA XVIII Visual Ident- CO-2525
 2. Flag (Call Sign)

3. Type of Vessel Longliner and boat carrier Length 21.85
 4. Maximum

5. Gross Tonnage 107.15 6. Net Tonnage 49.28 7. Speed (knots) 9

8. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana

9. Types of Processing Equipment None

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0036**

1. Name of Vessel LAMBDA XIX Visual Ident-
2. Flar (Call Sign) CO-2183

3. Type of Vessel Longliner and boat carrier Length 21.85

5. Gross Tonnage 107.15 6. Net Tonnage 49.28 7. Speed (knots) 5

8. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana

9. Types of Processing Equipment None

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
 No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0037**

1. Name of Vessel LAMBDA XXIII Visual Ident-
2. Flar (Call Sign) CO-2592

3. Type of Vessel Longliner and boat carrier Length 21.85

5. Gross Tonnage 107.15 6. Net Tonnage 49.28 7. Speed (knots) 5

8. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana

9. Types of Processing Equipment None

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
 No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0038**

1. Name of Vessel LAMBDA XXIX Visual Ident-
2. Flar (Call Sign) CO-2624

3. Type of Vessel Longliner and boat carrier Length 21.85

5. Gross Tonnage 107.15 6. Net Tonnage 49.28 7. Speed (knots) 5

8. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana

9. Types of Processing Equipment None

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
 No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0039**

1. Name of Vessel LAMBDA XXX Visual Ident-
2. Flar (Call Sign) CO-2163

3. Type of Vessel Longliner and boat carrier Length 21.85

5. Gross Tonnage 107.15 6. Net Tonnage 49.28 7. Speed (knots) 5

8. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana

9. Types of Processing Equipment None

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
 No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0040

1. Name of Vessel LAMBDA XXXIV Visual Identif. CO-2521
 2. Pier (Call Sign)
 3. Type of Vessel Longliner and boat carrier Length 21.85
 4. Gross Tonnage 107.15 5. Net Tonnage 49.28 6. Speed (knots) 9
 7. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana
 8. Types of Processing Equipment None

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0042

1. Name of Vessel LAMBDA XLI Visual Identif. CO-2157
 2. Pier (Call Sign)
 3. Type of Vessel Longliner and boat carrier Length 21.85
 4. Gross Tonnage 107.15 5. Net Tonnage 49.28 6. Speed (knots) 9
 7. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana
 8. Types of Processing Equipment None

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0041

1. Name of Vessel LAMBDA XXXIX Visual Identif. CO-2522
 2. Pier (Call Sign)
 3. Type of Vessel Longliner and boat carrier Length 21.85
 4. Gross Tonnage 107.15 5. Net Tonnage 49.28 6. Speed (knots) 9
 7. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana
 8. Types of Processing Equipment None

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0043

1. Name of Vessel LAMBDA XLIV Visual Identif. CO-2172
 2. Pier (Call Sign)
 3. Type of Vessel Longliner and boat carrier Length 21.85
 4. Gross Tonnage 107.15 5. Net Tonnage 49.28 6. Speed (knots) 9
 7. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana
 8. Types of Processing Equipment None

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0043**

1. Name of Vessel LAMBDA XLVIII Visual Ident. CO-2524
 2. Flag (Call Sign)
 3. Type of Vessel Longliner and boat carrier % Length 21.85
 4. Maximum Speed (knots) 9
 5. Gross Tonnage 107.15 6. Net Tonnage 49.28
 7. Speed (knots) 9
 8. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana
 9. Types of Processing Equipment None

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0045**

1. Name of Vessel LAMBDA LI Visual Ident. CO-2184
 2. Flag (Call Sign)
 3. Type of Vessel Longliner and boat carrier % Length 21.85
 4. Maximum Speed (knots) 9
 5. Gross Tonnage 107.15 6. Net Tonnage 49.28
 7. Speed (knots) 9
 8. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana
 9. Types of Processing Equipment None

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0046**

1. Name of Vessel LAMBDA LXI Visual Ident. CO-2537
 2. Flag (Call Sign)
 3. Type of Vessel Longliner and boat carrier % Length 21.85
 4. Maximum Speed (knots) 9
 5. Gross Tonnage 107.15 6. Net Tonnage 49.28
 7. Speed (knots) 9
 8. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana
 9. Types of Processing Equipment None

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0047**

1. Name of Vessel LAMBDA LXII Visual Ident. CO-2533
 2. Flag (Call Sign)
 3. Type of Vessel Longliner and boat carrier % Length 21.85
 4. Maximum Speed (knots) 9
 5. Gross Tonnage 109.87 6. Net Tonnage 48.32
 7. Speed (knots) 9
 8. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana
 9. Types of Processing Equipment None

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0048**

1. Name of Vessel LAMBDA LXIII Visual Identif. CO-2538
 2. Fier (Call Sign)

3. Type of Vessel Longliner and boat carrier Length 21.85
 4. Gross Tonnage 107.15 5. Net Tonnage 49.18 6. Speed (knots) 9

7. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana

8. Types of Processing Equipment None

9. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
 No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0050**

1. Name of Vessel LAMBDA LXV Visual Identif. CO-2185
 2. Fier (Call Sign)

3. Type of Vessel Longliner and boat carrier Length 21.85
 4. Gross Tonnage 109.7 5. Net Tonnage 48.32 6. Speed (knots) 9

7. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana

8. Types of Processing Equipment None

9. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
 No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0049**

1. Name of Vessel LAMBDA LXI Visual Identif. CO-2538
 2. Fier (Call Sign)

3. Type of Vessel Longliner and boat carrier Length 21.85
 4. Gross Tonnage 107.15 5. Net Tonnage 49.18 6. Speed (knots) 9

7. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana

8. Types of Processing Equipment None

9. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
 No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0051**

1. Name of Vessel LAMBDA LXVI Visual Identif. CO-2535
 2. Fier (Call Sign)

3. Type of Vessel Longliner and boat carrier Length 21.85
 4. Gross Tonnage 107.15 5. Net Tonnage 49.18 6. Speed (knots) 9

7. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana

8. Types of Processing Equipment None

9. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
 No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0052**

1. Name of Vessel LAMBDA LXVIII 2. Visual Identif. No. (Call Sign) CO-2191
 3. Type of Vessel Longliner and boat carrier 4. Length 21.85
 5. Gross Tonnage 107.15 6. Net Tonnage 49.18 7. Speed (knots) 9
 8. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana
 9. Types of Processing Equipment None

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0054**

1. Name of Vessel LAMBDA CI 2. Visual Identif. No. (Call Sign) CO-2529
 3. Type of Vessel Longliner and boat carrier 4. Length 22.55
 5. Gross Tonnage 107.15 6. Net Tonnage 49.18 7. Speed (knots) 9
 8. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana
 9. Types of Processing Equipment None

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0053**

1. Name of Vessel LAMBDA LXXI 2. Visual Identif. No. (Call Sign) CO-2186
 3. Type of Vessel Longliner and boat carrier 4. Length 21.85
 5. Gross Tonnage 108.23 6. Net Tonnage 50.26 7. Speed (knots) 9
 8. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana
 9. Types of Processing Equipment None

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0055**

1. Name of Vessel LAMBDA CII 2. Visual Identif. No. (Call Sign) CO-2588
 3. Type of Vessel Longliner and boat carrier 4. Length 21.85
 5. Gross Tonnage 107.15 6. Net Tonnage 49.18 7. Speed (knots) 9
 8. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana
 9. Types of Processing Equipment None

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0056

1. Name of Vessel LAMBDA CIII Visual Ident. CO-2414
 2. Fier (Call Sign)
 3. Type of Vessel Longliner and boat carrier Length 22.55
 4. Gross Tonnage 107.15 6. Net Tonnage 49.18 7. Speed (knots) 9
 8. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana
 9. Types of Processing Equipment None

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0057

1. Name of Vessel LAMBDA CVI Visual Ident. CO-2415
 2. Fier (Call Sign)
 3. Type of Vessel Longliner and boat carrier Length 22.55
 4. Gross Tonnage 107.15 6. Net Tonnage 49.18 7. Speed (knots) 9
 8. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana
 9. Types of Processing Equipment None

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0058

1. Name of Vessel LAMBDA CVII Visual Ident. CO-2540
 2. Fier (Call Sign)
 3. Type of Vessel Longliner and boat carrier Length 22.55
 4. Gross Tonnage 107.15 6. Net Tonnage 49.18 7. Speed (knots) 9
 8. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana
 9. Types of Processing Equipment None

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0059

1. Name of Vessel LAMBDA CVIII Visual Ident. CO-2541
 2. Fier (Call Sign)
 3. Type of Vessel Longliner and boat carrier Length 22.55
 4. Gross Tonnage 107.15 6. Net Tonnage 49.18 7. Speed (knots) 9
 8. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana
 9. Types of Processing Equipment None

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0060**

1. Name of Vessel LAMBDA CIX 2. Visual Identifier (Call Sign) CO-2195
 3. Type of Vessel Longliner and boat carrier Length 22.55
 4. Gross Tonnage 107.15 5. Net Tonnage 49.18 6. Speed (knots) 9
 7. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana
 8. Types of Processing Equipment None

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0062**

1. Name of Vessel CARIBE II 2. Visual Identifier (Call Sign) CARIBE II
 3. Type of Vessel Side Trawler 4. Length 23.0
 5. Gross Tonnage 138.0 ton 6. Net Tonnage 79.11 ton 7. Speed (knots) 10
 8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
 9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0061**

1. Name of Vessel LAMBDA CX 2. Visual Identifier (Call Sign) CO-2542
 3. Type of Vessel Longliner and boat carrier Length 22.55
 4. Gross Tonnage 107.15 5. Net Tonnage 49.18 6. Speed (knots) 9
 7. Owner's Name and Address FLOTA DEL GOLFO-Calixto Garcia No.111
Regla, Habana
 8. Types of Processing Equipment None

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

* each vessel carries 6 boats that also fish

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0063**

1. Name of Vessel CARIBE XIII 2. Visual Identifier (Call Sign) CARIBE XIII
 3. Type of Vessel Side Trawler 4. Length 23.0
 5. Gross Tonnage 138.0 ton 6. Net Tonnage 79.11 ton 7. Speed (knots) 10
 8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
 9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0064

1. Name of Vessel CARIBE XV 2. Visual Identif-
fier (Call Sign) CARIBE XV
3. Type of Vessel Side Trawler 4. Length 23.0
Maximum
5. Gross Tonnage 138.0 ton 6. Net Tonnage 79.11 ton 7. Speed (knots) 10
8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (pink, White and Brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0065

1. Name of Vessel CARIBE XVII 2. Visual Identif-
fier (Call Sign) CARIBE XVII
3. Type of Vessel Side Trawler 4. Length 23.0
Maximum
5. Gross Tonnage 138.0 ton 6. Net Tonnage 79.11 ton 7. Speed (knots) 10
8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0066

1. Name of Vessel CARIBE XXI 2. Visual Identif-
fier (Call Sign) CARIBE XXI
3. Type of Vessel Side Trawler 4. Length 23.0
Maximum
5. Gross Tonnage 138.0 ton 6. Net Tonnage 79.11 ton 7. Speed (knots) 10
8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (pink, White and Brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0067

1. Name of Vessel CARIBE XXIII 2. Visual Identif-
fier (Call Sign) CARIBE XXIII
3. Type of Vessel Side Trawler 4. Length 23.0
Maximum
5. Gross Tonnage 138.0 ton 6. Net Tonnage 79.11 ton 7. Speed (knots) 10
8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0068**

1. Name of Vessel CARIBE XXXI Visual Ident-
2. Pier (Call Sign) CARIBE XXXI
3. Type of Vessel Side Trawler 4. Length 23.0
Maximum
5. Gross Tonnage 138.0 ton 6. Net Tonnage 79.11 ton 7. Speed (knots) 10
8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0069**

1. Name of Vessel CARIBE XXXIII Visual Ident-
2. Pier (Call Sign) CARIBE XXXIII
3. Type of Vessel Side Trawler 4. Length 23.0
Maximum
5. Gross Tonnage 138.0 ton 6. Net Tonnage 79.11 ton 7. Speed (knots) 10
8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0070**

1. Name of Vessel CARIBE XXXV Visual Ident-
2. Pier (Call Sign) CARIBE XXXV
3. Type of Vessel Side Trawler 4. Length 23.0
Maximum
5. Gross Tonnage 138.0 ton 6. Net Tonnage 79.11 ton 7. Speed (knots) 10
8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0071**

1. Name of Vessel CARIBE XXXVI Visual Ident-
2. Pier (Call Sign) CARIBE XXXVI
3. Type of Vessel Side Trawler 4. Length 23.0
Maximum
5. Gross Tonnage 138.0 ton 6. Net Tonnage 79.11 ton 7. Speed (knots) 10
8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0072**

1. Name of Vessel CARIBE XXXVII Visual Ident-
2. fier (Call Sign) CARIBE XXXVII
3. Type of Vessel Side Trawler 4. Length 23.0
5. Gross Tonnage 138.0 ton 6. Net Tonnage 79.11 ton 7. Speed (knots) 10
8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0074**

1. Name of Vessel GILBERTO PICO Visual Ident-
2. fier (Call Sign) COVF
3. Type of Vessel AUXILIARY VESSEL 4. Length 49.0
5. Gross Tonnage 467.35 ton 6. Net Tonnage 293.68 ton 7. Speed (knots) 11
8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Trawl					X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0073**

1. Name of Vessel CARIBE XLIII Visual Ident-
2. fier (Call Sign) CARIBE XLIII
3. Type of Vessel Side Trawler 4. Length 23.0
5. Gross Tonnage 138.0 ton 6. Net Tonnage 79.11 ton 7. Speed (knots) 10
8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0075**

1. Name of Vessel Moroboro Visual Ident-
2. fier (Call Sign) COMA
3. Type of Vessel Auxiliary Vessel 4. Length 49.0
5. Gross Tonnage 467.35 ton 6. Net Tonnage 293.68 ton 7. Speed (knots) 11
8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Trawl					X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0076**

1. Name of Vessel E-78 AC Visual Ident- CO-2478
 2. Pier (Call Sign)
 3. Type of Vessel Side Trawler 4. Length 23.0
 5. Gross Tonnage 107.27 ton 6. Net Tonnage 42.77 ton 7. Speed (knots) 9
 8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
 9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity		
				Processing	Other Support	
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X			

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
 No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0078**

1. Name of Vessel E-27 JA Visual Ident- CO-2504
 2. Pier (Call Sign)
 3. Type of Vessel Side Trawler 4. Length 23.0
 5. Gross Tonnage 107.27 ton 6. Net Tonnage 42.77 ton 7. Speed (knots) 9
 8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
 9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity		
				Processing	Other Support	
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X			

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
 No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0079**

1. Name of Vessel E-28 JA Visual Ident- CO-2505
 2. Pier (Call Sign)
 3. Type of Vessel Side Trawler 4. Length 23.0
 5. Gross Tonnage 107.27 ton 6. Net Tonnage 42.77 ton 7. Speed (knots) 9
 8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
 9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity		
				Processing	Other Support	
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X			

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
 No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0080**

1. Name of Vessel E-29 JA Visual Ident- CO-2313
 2. Pier (Call Sign)
 3. Type of Vessel Side Trawler 4. Length 23.0
 5. Gross Tonnage 107.27 ton 6. Net Tonnage 42.77 ton 7. Speed (knots) 9
 8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
 9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity		
				Processing	Other Support	
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X			

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
 No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0082**

1. Name of Vessel E-16 JG 2. Visual Identifier (Call Sign) CO-2214
 3. Type of Vessel Side Trawler 4. Length 23.0
 5. Gross Tonnage 107.27 ton 6. Net Tonnage 42.77 ton 7. Speed (knots) 9
 8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
 9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (pink, White and Brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0083**

1. Name of Vessel E-17 JG 2. Visual Identifier (Call Sign) CO-2217
 3. Type of Vessel Side Trawler 4. Length 23.0
 5. Gross Tonnage 107.27 ton 6. Net Tonnage 42.77 ton 7. Speed (knots) 9
 8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
 9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0084**

1. Name of Vessel E-23 JG 2. Visual Identifier (Call Sign) CO-2472
 3. Type of Vessel Side Trawler 4. Length 23.0
 5. Gross Tonnage 107.27 ton 6. Net Tonnage 42.77 ton 7. Speed (knots) 9
 8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
 9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0085**

1. Name of Vessel E-24 JG 2. Visual Identifier (Call Sign) CO-2473
 3. Type of Vessel Side Trawler 4. Length 23.0
 5. Gross Tonnage 107.27 ton 6. Net Tonnage 42.77 ton 7. Speed (knots) 9
 8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
 9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0086**

1. Name of Vessel E-25 JG Visual Identif-
2. fier (Call Sign) CO-2503

3. Type of Vessel Side Trawler 4. Length 23.0

5. Gross Tonnage 107.27 ton 6. Net Tonnage 48.77 ton 7. Speed (knots) 9
Maximum

8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel

9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity		
				Processing	Other Support	
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X			

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0088**

1. Name of Vessel E-32 SA Visual Identif-
2. fier (Call Sign) CO-2314

3. Type of Vessel Side Trawler 4. Length 23.0

5. Gross Tonnage 107.27 ton 6. Net Tonnage 42.77 ton 7. Speed (knots) 9
Maximum

8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel

9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity		
				Processing	Other Support	
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X			

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0087**

1. Name of Vessel E-26 JG Visual Identif-
2. fier (Call Sign) CO-2221

3. Type of Vessel Side Trawler 4. Length 23.0

5. Gross Tonnage 107.27 ton 6. Net Tonnage 42.77 ton 7. Speed (knots) 9
Maximum

8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel

9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity		
				Processing	Other Support	
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X			

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **CU-78-0089**

1. Name of Vessel E-34 SA Visual Identif-
2. fier (Call Sign) CO-2515

3. Type of Vessel Side Trawler 4. Length 23.0

5. Gross Tonnage 107.27 ton 6. Net Tonnage 42.77 ton 7. Speed (knots) 9
Maximum

8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel

9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity		
				Processing	Other Support	
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X			

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0090

1. Name of Vessel E-35 SA 2. Visual Identifier (Call Sign) CO-2517
 3. Type of Vessel Side Trawler 4. Length 23.0
 5. Gross Tonnage 107.27 ton 6. Net Tonnage 42.77 ton 7. Speed (knots) 9
 8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
 9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0091

1. Name of Vessel E-37 SA 2. Visual Identifier (Call Sign) CO-2284
 3. Type of Vessel Side Trawler 4. Length 23.0
 5. Gross Tonnage 107.27 ton 6. Net Tonnage 42.77 ton 7. Speed (knots) 9
 8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
 9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0092

1. Name of Vessel E-38 SA 2. Visual Identifier (Call Sign) CO-2223
 3. Type of Vessel Side Trawler 4. Length 23.0
 5. Gross Tonnage 107.27 ton 6. Net Tonnage 42.77 ton 7. Speed (knots) 9
 8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
 9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0093

1. Name of Vessel E 41 SA 2. Visual Identifier (Call Sign) CO-2194
 3. Type of Vessel Side Trawler 4. Length 23.0
 5. Gross Tonnage 107.27 ton 6. Net Tonnage 42.77 ton 7. Speed (knots) 9
 8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
 9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0094

1. Name of Vessel E-42SA 2. Visual Identifi-
fier (Call Sign) CO-2516
3. Type of Vessel Side Trawler 4. Length 23.0
5. Gross Tonnage 107.27 ton 6. Net Tonnage 42.77 ton 7. Speed (knots) 9
8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0096

1. Name of Vessel F-12 CNC 2. Visual Identifi-
fier (Call Sign) COVU
3. Type of Vessel Side Trawler 4. Length 25.0
5. Gross Tonnage 124.41 ton 6. Net Tonnage 55.63 ton 7. Speed (knots) 10
8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
9. Types of Processing Equipment Freezing tunnel

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0095

1. Name of Vessel E-43 SA 2. Visual Identifi-
fier (Call Sign) CO-2418
3. Type of Vessel Side Trawler 4. Length 23.0
5. Gross Tonnage 107.27 ton 6. Net Tonnage 42.77 ton 7. Speed (knots) 9
8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0097

1. Name of Vessel F-16 CNC 2. Visual Identifi-
fier (Call Sign) COVX
3. Type of Vessel Side Trawler 4. Length 25.0
5. Gross Tonnage 124.41 ton 6. Net Tonnage 55.63 ton 7. Speed (knots) 10
8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
9. Types of Processing Equipment Freezing tunnel

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0098

1. Name of Vessel F-18 CNC 2. Visual Identifi- fier (Call Sign) COVZ
 3. Type of Vessel Side Trawler 4. Length 25.0
 5. Gross Tonnage 124.41 ton 6. Net Tonnage 55.63 ton 7. Speed (knots) 10
 8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
 9. Types of Processing Equipment Freezing tunnel

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0100

1. Name of Vessel F-22 CNC 2. Visual Identifi- fier (Call Sign) COZR
 3. Type of Vessel Side Trawler 4. Length 25.0
 5. Gross Tonnage 124.41 ton 6. Net Tonnage 55.63 ton 7. Speed (knots) 10
 8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Mojica s/n, Mariel
 9. Types of Processing Equipment Freezing tunnel

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0099

1. Name of Vessel F-20 CNC 2. Visual Identifi- fier (Call Sign) COZP
 3. Type of Vessel Side Trawler 4. Length 25.0
 5. Gross Tonnage 124.41 ton 6. Net Tonnage 55.63 ton 7. Speed (knots) 10
 8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
 9. Types of Processing Equipment Freezing tunnel

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0101

1. Name of Vessel F-25 CNC 2. Visual Identifi- fier (Call Sign) COZU
 3. Type of Vessel Side trawler 4. Length 25.0
 5. Gross Tonnage 124.41 ton 6. Net Tonnage 55.63 ton 7. Speed (knots) 10
 8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
 9. Types of Processing Equipment NONE Freezing Tunnel

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0102

1. Name of Vessel F3PI Visual Identif. COVK
 2. Flag (Call Sign)
 3. Type of Vessel Side Trawler 4. Length 25.0
 5. Gross Tonnage 124.41 ton 6. Net Tonnage 55.63 ton 7. Speed (knots) 10
 8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
 9. Types of Processing Equipment Freezing tunnel

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0129

1. Name of Vessel E-13 JG Visual Identif. CO-2502
 2. Flag (Call Sign)
 3. Type of Vessel Side Trawler 4. Length 23.0
 5. Gross Tonnage 107.27 ton 6. Net Tonnage 42.77 ton 7. Speed (knots) 10
 8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
 9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0103

1. Name of Vessel F-9 PI Visual Identif. COVD
 2. Flag (Call Sign)
 3. Type of Vessel Side Trawler 4. Length 25.0
 5. Gross Tonnage 124.41 ton 6. Net Tonnage 55.63 ton 7. Speed (knots) 10
 8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
 9. Types of Processing Equipment Freezing tunnel

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0130

1. Name of Vessel E-83 HB Visual Identif. CO-2479
 2. Flag (Call Sign)
 3. Type of Vessel Side Trawler 4. Length 23.0
 5. Gross Tonnage 107.27 ton 6. Net Tonnage 42.77 ton 7. Speed (knots) 10
 8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
 9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
Gulf of Mexico Bottom Trawl	Shrimp (Pink, White and Brown)	Bottom Trawl	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0131

1. Name of Vessel Cocal 2. Visual Identifi-
fier (Call Sign) COLZ
3. Type of Vessel Auxiliary vessel 4. Length 46.33
5. Gross Tonnage 417.58 ton 6. Net Tonnage 161.66 ton 7. Speed (knots) 11
8. Owner's Name and Address FLOTA CAMARONERA DEL MARIEL
Calle Mojica s/n, Mariel
9. Types of Processing Equipment NONE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Trawl					X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0132

1. Name of Vessel PUERTO ESPERANZA 2. Visual Identifi-
fier (Call Sign) COLK
3. Type of Vessel Used as boat carrier * 4. Length 48.7
5. Gross Tonnage 676.1 ton 6. Net Tonnage 252.61 ton 7. Speed (knots) 9.5
8. Owner's Name and Address FLOTA DEL GOLFO, CALIXTO GARCIA NO.111 REGLA, HABANA
9. Types of Processing Equipment Not been used: 3 fish trundle machines
1 washing machine

10. Fisheries for Which Permit is Requested:

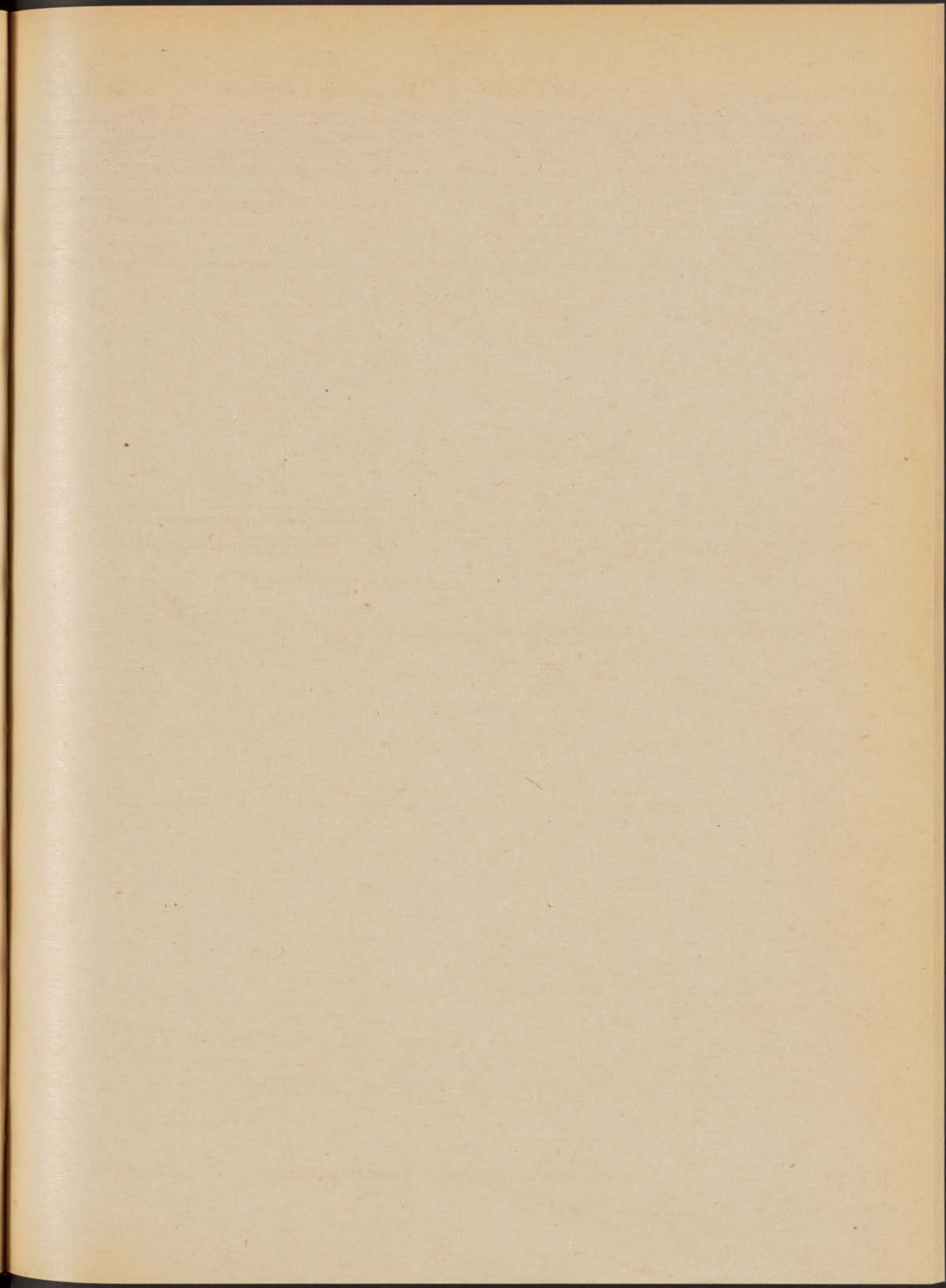
Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
Gulf of Mexico Bottom Longline	Red Grouper	Longline	X		

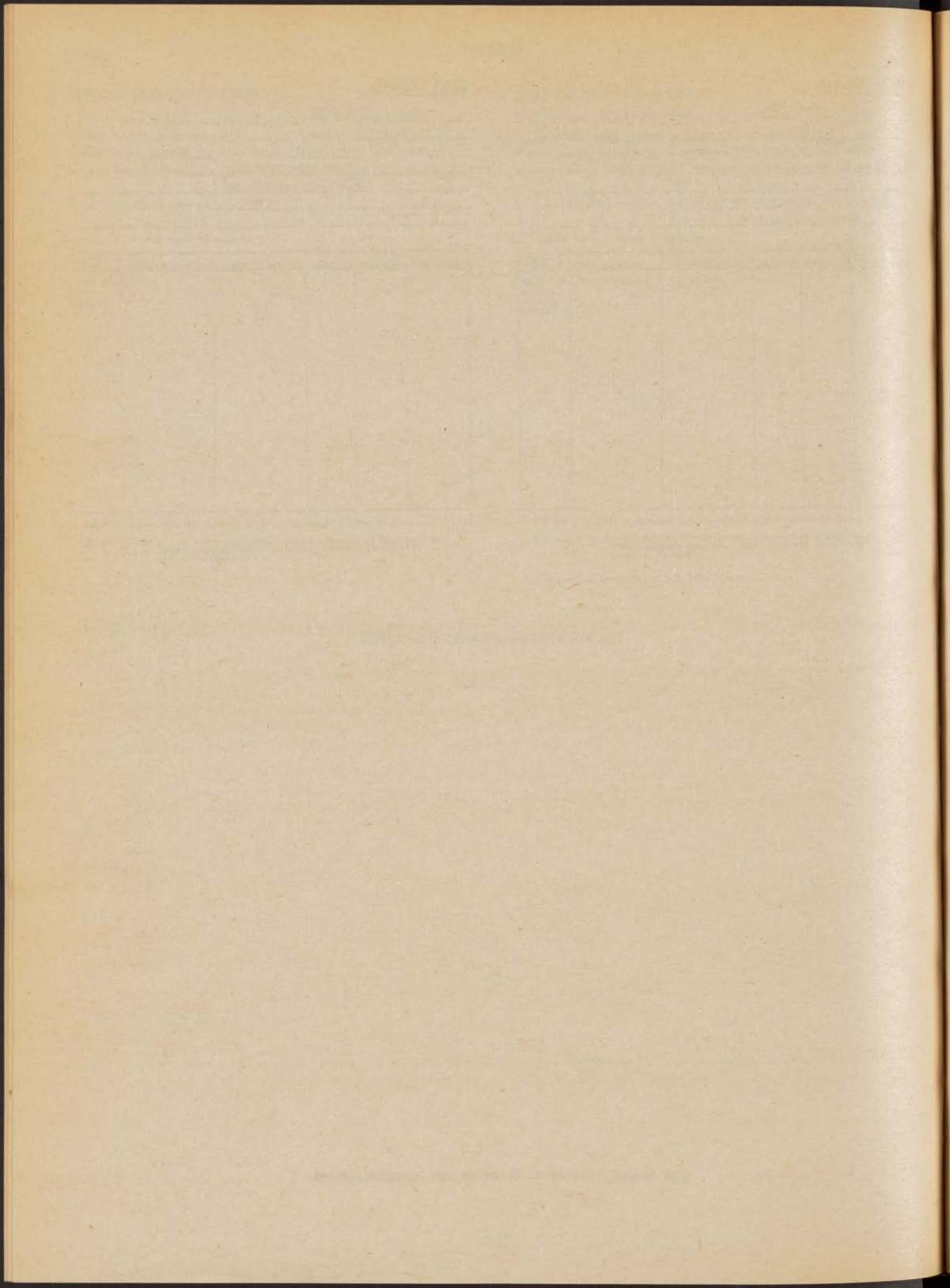
11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

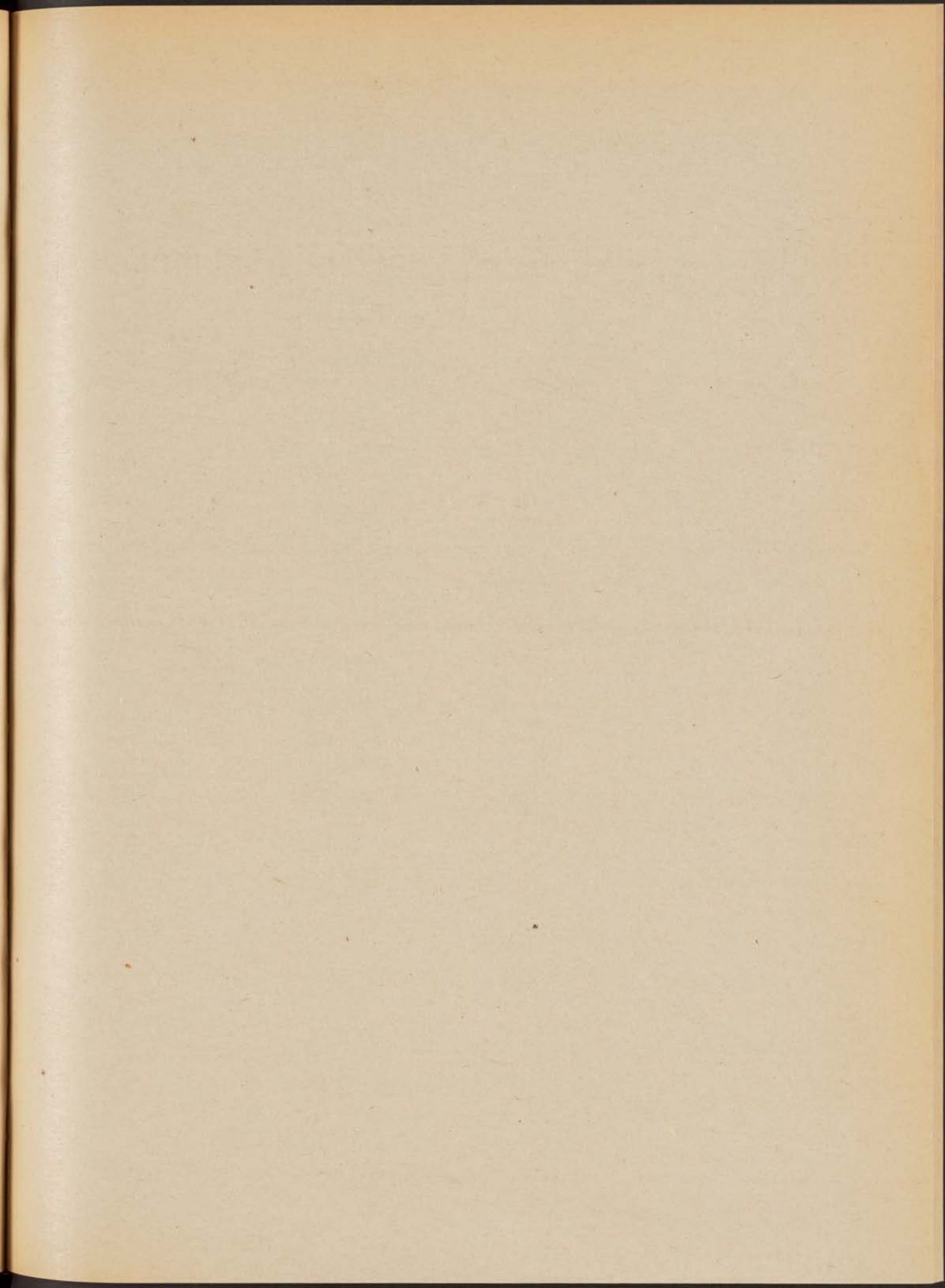
No Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

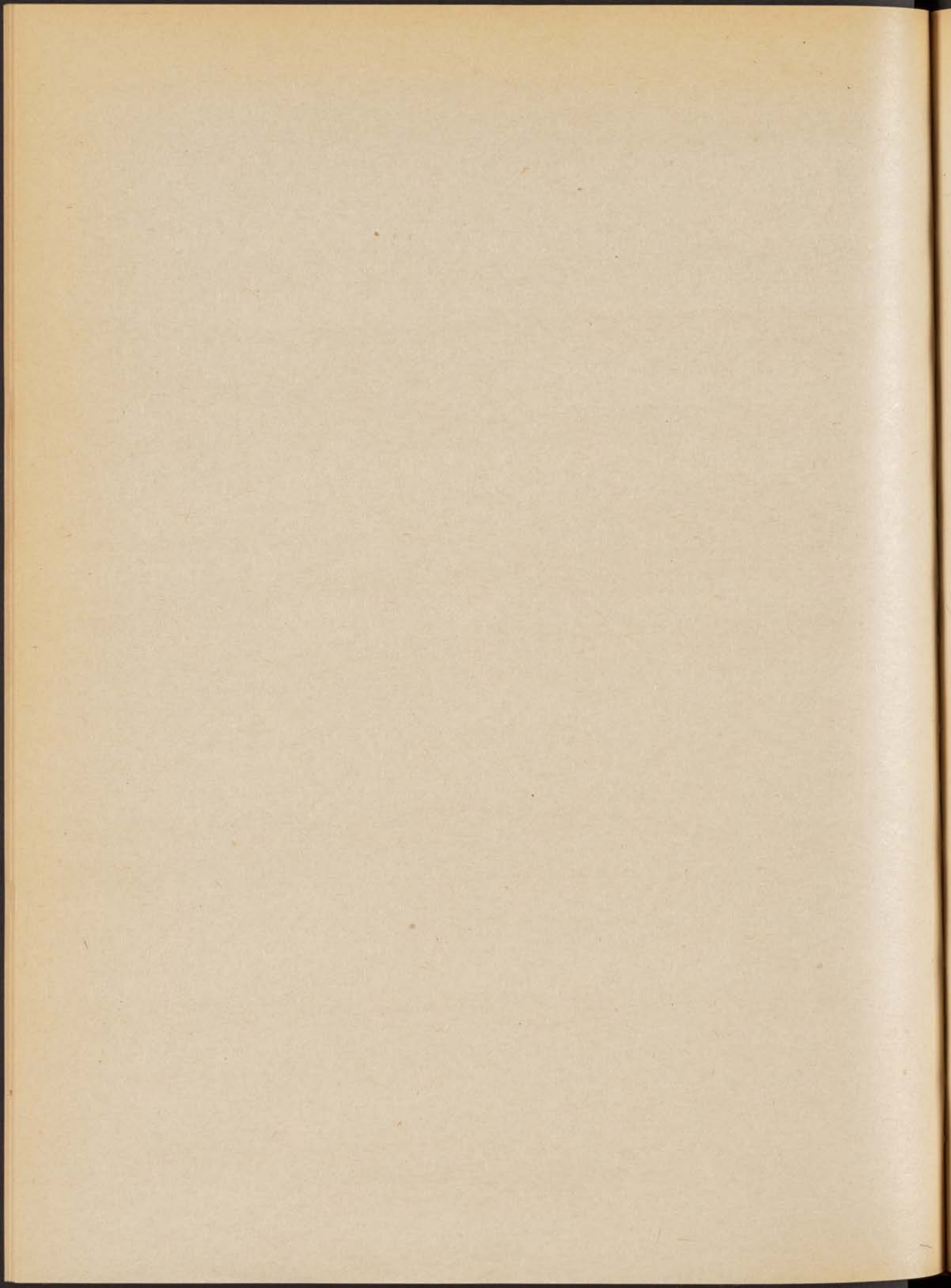
*This vessel carries 18 longline boats

[FR Doc. 78-11260 Filed 4-26-78; 8:45 am]









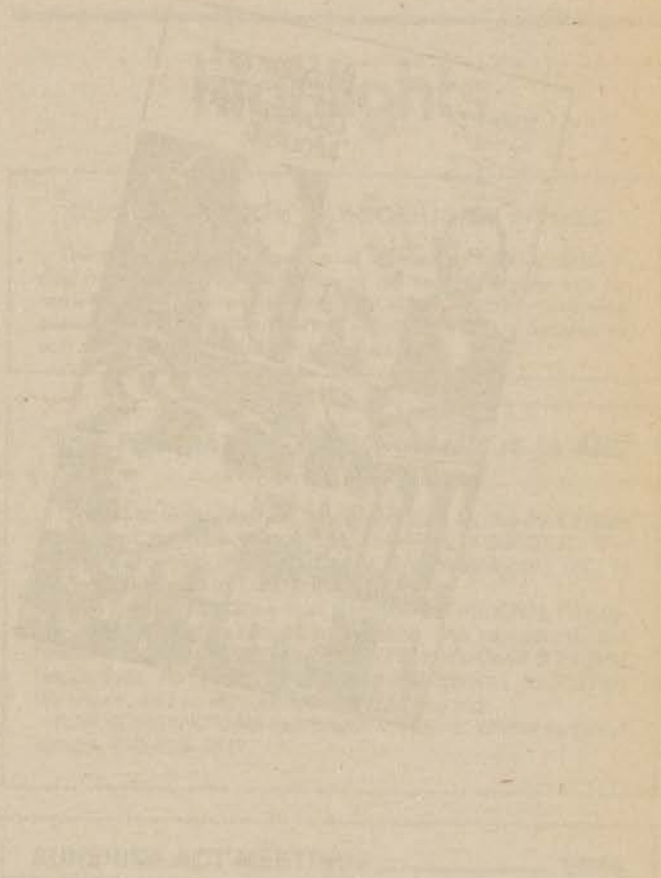


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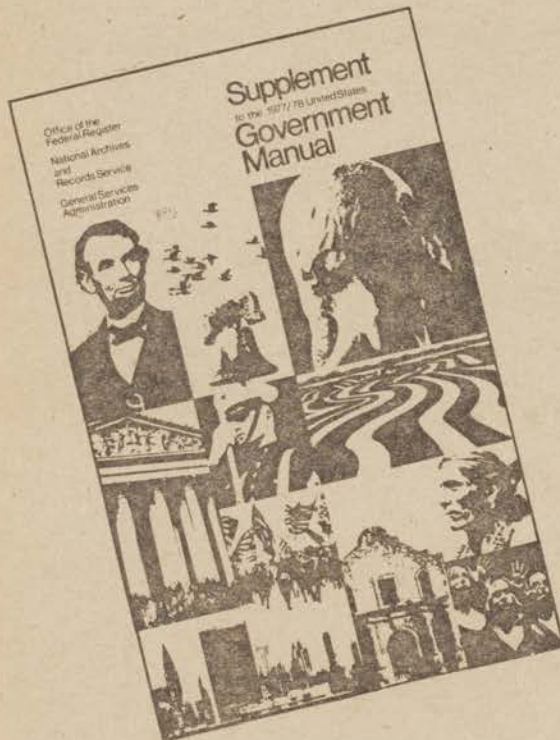


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