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federal register

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Monday	Tuesday	Wednesday	Thursday	Friday
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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.

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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 28, 1978]

H.R. 7744 ..... Pub. L. 95269

To amend the Acts of August 11, 1888, and March 2, 1919, pertaining to carrying out projects for improvements of rivers and harbors by contract or otherwise, and for other purposes. (April 26, 1978; 92 Stat, 218) Price: $.50.

S. 2452 ..... Pub. L. 95-270

"Hubert H. Humphrey Institute of Public Affairs and the Everett McKinley Dirksen Congressional Leadership Research Center Assistance Act". (April 27, 1978; 92 Stat. 220) Price: $.50.

Table of Effective Dates and Time Periods—May 1978

This table is for use in computing dates certain in connection with documents which are published in the FEDERAL REGISTER subject to advance notice requirements or which impose time limits on public response.

Federal Agencies using this table in calculating time requirements for submissions must allow sufficient extra time for FEDERAL REGISTER scheduling procedures.

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

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

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
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AGENCY ABBREVIATIONS USED IN HIGHLIGHTS AND REMINDERS
(This List Will Be Published Monthly In First Issue Of Month.)

USDA—AGRICULTURE DEPARTMENT

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

COMMERCE—COMMERCE DEPARTMENT

Census—Census Bureau
EDA—Economic Development Administration
ITA—Industry and Trade Administration
MA—Maritime Administration
MBE—Minority Business Enterprise Office
NBS—National Bureau of Standards
NFPCA—National Fire Prevention and Control Administration
NOAA—National Oceanic and Atmospheric Administration
NSA—National Shipping Authority
NTIS—National Technical Information Service
PTO—Patent and Trademark Office
USTS—United States Travel Service

DOD—DEFENSE DEPARTMENT

AF—Air Force Department
Army—Army Department
DCPA—Defense Civil Preparedness Agency
DCAA—Defense Contract Audit Agency
DIA—Defense Intelligence Agency
DLA—Defense Logistics Agency
EC—Engineers Corps
Navy—Navy Department

DOE—ENERGY DEPARTMENT

BPA—Bonneville Power Administration
ERA—Economic Regulatory Administration
EIA—Energy Information Administration
ERO—Energy Research Office
ETO—Energy Technology Office
FERC—Federal Energy Regulatory Commission
OHADOE—Hearings and Appeals Office, Energy Department

SEPA—Southeastern Power Administration
SWPA—Southwestern Power Administration
WAPA—Western Area Power Administration

HEW—HEALTH, EDUCATION, AND WELFARE DEPARTMENT

ADAMHA—Alcohol, Drug Abuse, and Mental Health Administration
CDC—Center for Disease Control
FDA—Food and Drug Administration
HCFA—Health Care Financing Administration
HDSO—Human Development Services Office
HRA—Health Resources Administration
HSA—Health Services Administration
MSI—Museum Services Institute
NIH—National Institutes of Health
OE—Office of Education
PHS—Public Health Service
RSA—Rehabilitation Services Administration
SSA—Social Security Administration

HUD—HOUSING AND URBAN DEVELOPMENT DEPARTMENT

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

INTERIOR—INTERIOR DEPARTMENT

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

JUSTICE—JUSTICE DEPARTMENT

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

LABOR—LABOR DEPARTMENT

BLS—Bureau of Labor Statistics
BRB—Benefits Review Board
ESA—Employment Standards Administration
ETA—Employment and Training Administration
FCCPO—Federal Contract Compliance Programs Office
LMSEO—Labor Management Standards Enforcement Office
MSHA—Mine Safety and Health Administration
OSHA—Occupational Safety and Health Administration
P&WBP—Pension and Welfare Benefit Programs
W&H—Wage and Hour Division

STATE—STATE DEPARTMENT

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

DOT—TRANSPORTATION DEPARTMENT

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

TREASURY—TREASURY DEPARTMENT

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

INDEPENDENT AGENCIES

ATBCB—Architectural and Transportation Barriers Compliance Board
CAB—Civil Aeronautics Board
CASB—Cost Accounting Standards Board
CEQ—Council on Environmental Quality
CFTC—Commodity Futures Trading Commission
CITA—Textile Agreements Implementation Committee
CPSC—Consumer Product Safety Commission
CRC—Civil Rights Commission
CSA—Community Services Administration
CSC—Civil Service Commission
CSC/FPRAC—Federal Prevailing Rate Advisory Committee
EEOC—Equal Employment Opportunity Commission
EXIMBANK—Export-Import Bank of the U.S.
EPA—Environmental Protection Agency
ESSA—Endangered Species Scientific Authority
ERDA—Energy Research and Development Administration
FCC—Federal Communications Commission
FCSC—Foreign Claims Settlement Commission
FDIC—Federal Deposit Insurance Corporation
FEA—Federal Energy Administration
FEC—Federal Election Commission
FHLBB—Federal Home Loan Bank Board
FMC—Federal Maritime Commission
FPC—Federal Power Commission
FRS—Federal Reserve System
FTC—Federal Trade Commission
GSA—General Services Administration
GSA/ADTS—Automated Data and Telecommunications Service
GSA/FPA—Federal Preparedness Agency
GSA/FSS—Federal Supply Service
GSA/NARS—National Archives and Records Service
GSA/PBS—Public Buildings Service
ICA—International Communications Agency
ICC—Interstate Commerce Commission
ICP—Interim Compliance Panel (Coal Mine Health and Safety)
ITC—International Trade Commission
LSC—Legal Services Corporation
NACEO—National Advisory Council on Economic Opportunity
NASA—National Aeronautics and Space Administration
NCUA—National Credit Union Administration
NFAH/NEA—National Endowment for the Arts
NFAH/NEH—National Endowment for the Humanities
NLRB—National Labor Relations Board
NRC—Nuclear Regulatory Commission
NSF—National Science Foundation
NTSB—National Transportation Safety Board
OFR—Office of the Federal Register

OMB—Office of Management and Budget
OPIC—Overseas Private Investment Corporation
PADC—Pennsylvania Avenue Development Corporation
PRC—Postal Rate Commission
PS—Postal Service
RB—Renegotiation Board
RRB—Railroad Retirement Board
ROAP—Reorganization, Office of Assistant to President
SBA—Small Business Administration
SEC—Securities and Exchange Commission
TVA—Tennessee Valley Authority
USIA—United States Information Agency
VA—Veterans Administration
WRC—Water Resources Council

[3195-01]

PROCLAMATION 4567

Loyalty Day, 1978

By the President of the United States of America

A Proclamation

Throughout the remainder of our third century of national existence, America will face problems that will differ markedly from those we have confronted in the past. Yet some things will remain constant. Among these is the loyalty of the American people.

Because we are a free people, the loyalty we feel to our country is deeper than that which any imposed political or ideological orthodoxy could possibly evoke. And as long as we continue to remain faithful to the principles and freedoms on which our republic was founded, that loyalty will see us through whatever challenges lie ahead.

To encourage the people of the United States to reflect upon the liberties and institutions that have inspired the loyalty of so many generations of Americans, the Congress, by joint resolution of July 18, 1958 (72 Stat. 369; 36 U.S.C. 162) has designated the first day of May of each year as Loyalty Day and has requested the President to issue a proclamation calling for its appropriate observance.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, call upon all Americans to observe Monday, May 1, 1978, as Loyalty Day. I ask the appropriate officials of the Government to display the flag of the United States on that day on all Government buildings.

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

Jimmy Carter

[FR Doc. 78-11999 Filed 4-28-78; 11:25 am]

rules and regulations

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

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

[1505-01]

Title 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1977 Issuances

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

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

The rate for subscription service to all revised volumes issued for 1977 is $400 domestic, $100 additional for foreign mailing.

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

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

Title	Price
1	$1.65
2 [Reserved]	
3	3.00
4	3.25
5	4.70
7 Parts:	
0-45	5.30
46-51	4.20
52	5.20
53-209	5.80
210-699	6.10
700-749	4.10
750-899	1.80
900-944	4.25
945-980	2.40
981-999	2.50
1000-1059	4.25
1060-1119	4.40
1120-1199	3.20
1200-1499	4.20
1500-end	7.25
8	2.60
9	6.80
10 Parts:	
0-199	4.40
200-end	4.60
11 (Rev. 5/1/77)	2.30
12 Parts:	
1-299	7.40
300-end	7.30
13	4.20
14 Parts:	
1-59	6.00
60-199	5.10
200-1199	6.20
1200-end	2.20
15	5.35
16 Parts:	
0-149	5.50
150-999	4.25
1000-end	3.00

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

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

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

28	$4.25
29 Parts:	
0-499	5.75
500-1899	6.00
1900-1919	6.00
1920-end	4.50
30	6.00
31	5.75
32 Parts:	
1-39 (V. I) (Rev. 7/1/76)	4.75
(V. II) (Rev. 7/1/76)	7.50
(V. III) (Rev. 7/1/76)	5.25
400-589	5.00
590-699	4.00
700-799	8.25
800-999	5.75
1000-1399	2.75
1400-1599	4.25
1600-end	2.75
32A	3.75
33 Parts:	
1-199	7.00
200-end	5.30
34	1.70
35	4.00
36	4.50
37	3.00
38	6.00
39	3.50
40 Parts:	
0-49	4.25
50-59	5.75
60-99	5.00
100-399	4.75
400-end	5.75
41 Chapters:	
1-2	5.25
3-6	5.50
7	2.75
8	2.30
9 (Rev. 9/26/77)	5.00
10-17	4.25
19-100	4.50
101-end	5.75
CFR INDEX & finding aids	4.75

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

43 Parts:	
1-999	$4.00
45 Parts:	
1-99	4.25
46 Parts:	
1-29	3.00
30-40	3.25
70-89	3.25
90-109	3.00
110-139	3.00
140-165	4.75
166-199	3.75
49 Parts:	
1-99	3.00
1300-end	4.25

[3410-10]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 6—IMPORT QUOTAS AND FEES

Subpart—Section 22 Import Quotas

PRICE DETERMINATION FOR CERTAIN CHEESE

AGENCY: Foreign Agricultural Service.

ACTION: Final rule.

SUMMARY: The subpart, section 22 Import Quotas, is amended to change the price, determined by the Secretary of Agriculture, which is used as a basis for establishing import restrictions under section 22 on certain cheese. The change from $1.05 to $1.10 per pound is required since one of the factors used in determining such price (the Commodity Credit Corporation purchase price for Cheddar cheese under the milk support program) has been increased.

EFFECTIVE DATE: May 1, 1978. (See Supplementary Information)

FOR FURTHER INFORMATION CONTACT:

Bryant H. Wadsworth, Head, Dairy

and Import Group, Dairy, Livestock and Poultry Division, FCA, Foreign Agricultural Service, Room 6621 So. Agricultural Building, United States Department of Agriculture, Washington, D.C. 20250, 202-447-5270.

SUPPLEMENTARY INFORMATION: Since the action taken herewith involves foreign affairs functions of the United States, this amendment falls within the foreign affairs exception to the notice and effective date provisions of 5 U.S.C. 553. (Sec. 3, 62 Stat. 1248, as amended, 7 U.S.C. 624; Part 3 of the Appendix to the Tariff Schedules of the United States, 19 U.S.C. 1202)

EFFECTIVE DATE

In accordance with headnote 3(a)(v) of Part 3 of the Appendix to the Tariff Schedules of the United States, the change in price effected by this amendment would not make the import restrictions contained in items 950.10B through 950.10E of Part 3 of the Appendix to the Tariff Schedules of the United States applicable to cheese having a purchase price of $1.05 or more per pound if such cheese had been exported to the United States on a through bill of lading or had been placed in a bonded warehouse on or before May 1, 1978.

The subpart, section 22 Import Quotas of Part 6, Subtitle A of Title 7, is amended as follows:

1. Section 6.16, under the heading "Price Determination for Certain Quotas," is amended to read as follows:

§ 6.16 Price determination.

The price referred to in items 950.10B through 950.10E of Part 3 of the Appendix to the Tariff Schedules, determined by the Secretary of Agriculture in accordance with headnote 3(a)(v) of said Part 3, is $1.10 per pound. This price shall continue in effect until changed by amendment of this section.

APPENDIX 1 [AMENDED]

2. Group V of Appendix 1, under the heading "Licensing Regulations," is amended by changing the description appearing immediately below "Group V" to read as follows:

Cheese described below, if shipped otherwise than in pursuance to a purchase, or if having a purchase price under $1.10 per pound.

Issued at Washington, D.C. this 25th day of April 1978.

BOB BERGLAND,
Secretary.

[FR Doc. 78-11760 Filed 4-28-78; 8:45 am]

[3410-08]

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

[Amdt. No. 97]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

CLOSING DATES

AGENCY: Federal Crop Insurance Corporation.

ACTION: Final rule.

SUMMARY: This is an extension of the final dates for the filing of applications for crop insurance for the 1978 crop year on barley, corn, oats, potatoes, and wheat having an April 30 or earlier closing date in those counties where such insurance is otherwise authorized to be offered. The extension will be until May 1 for all crops listed. This extension will coincide with the ASCS acreage, offsetting compliance, and signup period of April 30 and allow farmers more time to make decisions on their insurance plans along with signup intentions.

EFFECTIVE DATE: May 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-3325.

SUPPLEMENTARY INFORMATION: On January 12, 1978, the Agricultural Stabilization and Conservation Service (ASCS) issued notification of acreage, offsetting compliance, and signup period, which indicates the signup period for filing an intention to participate on farms with a crop subject to set-aside will be March 1 through April 30. Since April 30 is on a Sunday, intentions will be accepted by ASCS the following Monday, May 1, 1978.

The ASCS set-aside announcement will have significant impact on farm operations and farmers are presently involved in decisionmaking regarding the set-aside acreage. Since crop insurance is involved in the overall farm operation decisionmaking process and the closing dates for many crops insured by the Federal Crop Insurance Corporation falls long before the end of the ASCS signup date of May 1, 1978, the Corporation has determined that the closing dates for filing applications for crop insurance on barley, corn, oats, potatoes, and wheat, having an April 30 or earlier closing date, should be extended to coincide with the end of the ASCS signup period. This will allow farmers more time to include plans for crop insurance on those crops subject to set-aside.

Accordingly, under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 et seq.), and in accordance with the applicable provision in the Federal crop insurance regulations for the 1969 and succeeding crop years (7 CFR § 401.103(c), 32 FR 15911, Nov. 21, 1967), allowing for such extensions, the Federal Crop Insurance Corporation is extending, effective for the 1978 crop year, the closing date for the acceptance of applications for crop insurance on barley, corn, oats, potatoes, and wheat through May 1, 1978, as indicated below.

Since these extensions will benefit producers by providing more time to file applications for crop insurance, and since producers need to be informed of these extensions immediately, it is found and determined that compliance with the procedure for notice and public participation in the proposed rulemaking process would be impracticable, unnecessary, and contrary to the public interest. Therefore, this amendment is issued without compliance with such procedure.

Accordingly, 7 CFR § 401.103(a) is amended by adding at the end thereof the following:

§ 401.103 Application for insurance.

(a) * * * The time for filing applications for the 1978 crop year on the following crops in those States and counties so indicated is hereby extended until the close of business on Monday, May 1, 1978. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

BARLEY

Modoc and Siskiyou Counties, Calif. All counties in Colorado, Minnesota, Montana, North Dakota, South Dakota, Utah, and Wyoming. Klamath and Malheur Counties, Oreg. All Idaho counties south of Idaho County.

CORN

All counties in all States.

OATS

All counties in all States.

POTATOES

Grant County, Wash., and Canyon County, Idaho.

WHEAT

All counties in Minnesota and North Dakota. The following counties in South Dakota: Aurora, Beadle, Bon Homme, Brown, Campbell, Clark, Codington, Corson, Day, Deuel, Douglas, Edmunds, Grant, Hamlin, Hutchinson, Jerauld, Kingsbury, McPherson, Marshall, Miner, Perkins, Roberts, and Spink.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516).)

Dated: April 25, 1978.

PETER F. COLE,
Secretary, Federal Crop Insurance Corporation.

Dated: April 25, 1978.

Approved:

BOB BERGLAND,
Secretary

[FR Doc. 78-11734 Filed 4-28-78; 8:45 am]

[3410-08]

[Amdt. No. 98]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

WHEAT ENDORSEMENT

AGENCY: Federal Crop Insurance Corporation.

ACTION: Final rule.

SUMMARY: This rule changes the wheat endorsement to add Gregory County, S. Dak., to the cancellation and termination for indebtedness date table. Gregory County was added for wheat crop insurance effective with the 1979 crop year.

EFFECTIVE DATE: May 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-3325.

SUPPLEMENTARY INFORMATION: Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 et seq.), the Federal Crop Insurance Corporation is amending its regulations found in 7 CFR 401.126 The Wheat Endorsement (33 FR 2376, January 31, 1968), to list Gregory County, S. Dak., in the table at the end thereof which lists the cancellation and termination for indebtedness dates.

Gregory County was added as a new county for wheat crop insurance effective with the 1979 crop year. The amendment No. 98 to the Federal crop insurance regulations for the 1969 and succeeding crop years merely adds the name of the county to the list as indicated above.

In view of the foregoing, the Corporation has found and determined that compliance with the procedure for notice and public participation would be impracticable, unnecessary, and contrary to the public interest.

Accordingly, this amendment No. 98 is hereby issued without compliance with such procedure.

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 et seq.), section 7 of the endorsement contained in § 401.126 of the Federal crop insurance regulations contained in 7 CFR, Part 401, is amended effective with the 1979 crop year in the following respect:

§ 401.126 The wheat endorsement (applicable in all States except North Dakota).

* * * * *

7. *Cancellation and termination for indebtedness dates.*

* * * * *

In the table at the end thereof, under the section listing counties in South Dakota, insert the word "Gregory" immediately after the work "Faulk" and immediately before the word "Haakon."

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.)

Dated: April 25, 1978.

PETER F. COLE,
Secretary, Federal Crop Insurance Corporation.

Dated: April 25, 1978.

Approved:

BOB BERGLAND,
Secretary.

[FR Doc. 78-11736 Filed 4-28-78; 8:45 am]

[3410-08]

[Amdt. No. 1]

PART 414—FORAGE SEEDING CROP INSURANCE

Subpart—Regulations for the 1978 and Succeeding Crop Years

CLOSING DATES

AGENCY: Federal Crop Insurance Corporation.

ACTION: Final rule.

SUMMARY: This is an extension of the final date for the filing of applications for crop insurance for the 1978 crop year on forage seeding in counties where such insurance is otherwise authorized to be offered. The current closing date is April 15 in all States except New York, which is July 31 and need not be extended. This extension will be through May 6, 1978, for the 1978 crop year only and is being made to allow sufficient time for producers to become familiar with this new program inasmuch as the forage seeding crop insurance application period will only be open for approximately 15-20 days due to the late start of the program offer.

EFFECTIVE DATE: May 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-3325.

SUPPLEMENTARY INFORMATION: It is expected that the forage seeding crop insurance program, recently enacted by the Board of Directors of the Federal Crop Insurance Corporation, will become effective with approximately 15-20 days before the April 15 closing date for accepting applications. In order to provide more time for producers to examine this new program, it has been determined by the Corporation to extend the closing date for the filing of applications for the 1978 crop year until the close of business on Saturday, May 6, 1978, thus allowing an additional 20 days. This extension of closing date will be applicable for the 1978 crop year only due to the short time available.

Accordingly, under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 et seq.), and in accordance with § 414.3(b) of the forage seeding crop insurance regulations for the 1978 and succeeding crop years (7 CFR Part 414), allowing for such extensions, the Federal Crop Insurance Corporation is extending, effective for the 1978 crop year, the closing date for accepting applications for forage seeding crop insurance through the close of business on Saturday, May 6, 1978, as indicated below.

Since this extension will benefit the producer by providing additional time for filing, and since producers need to be informed of this extension immediately, it is found and determined that compliance with the procedure for notice and public participation in the proposed rulemaking process would be impracticable, unnecessary, and contrary to the public interests. Therefore, this amendment is issued without compliance with such procedure.

Accordingly, 7 CFR § 414.3(a) is amended by adding at the end thereof the following sentence:

§ 414.3 Application for insurance.

(a) * * * The time for filing applications for the 1978 crop year for forage seeding crop insurance is hereby extended until the close of business on Saturday, May 6, 1978, in all States except New York. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516).)

Dated: April 25, 1978.

PETER F. COLE,
Secretary, Federal Crop Insurance Corporation.

Dated: April 25, 1978.

Approved:

BOB BERGLAND,
Secretary.

[FR Doc. 78-11735 Filed 4-28-78; 8:45 am]

[3410-07]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—GENERAL REGULATIONS

[FmHA Instruction 426.2]

PART 1806—INSURANCE

Subpart B—National Flood Insurance

SERVICING COMPANIES

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: Farmers Home Administration amends its regulations regarding servicing companies for the national flood insurance program. The intended effects of the action is to list the servicing company to be contacted for information regarding the national flood insurance. This action is necessitated by the new Federal Insurance Administration (FIA) contract which took effect January 1, 1978.

DATE: May 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Jerry B. Ireton, 202-447-4296.

SUPPLEMENTARY INFORMATION: The table of sections of part 1806, and exhibit B of subpart B of part 1806, chapter XVIII, Title 7, Code of Federal Regulations, are amended. 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 exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is not published for proposed rulemaking since the purpose of the change is to reflect the new agreement between FIA and the servicing company public participation as to this FmHA regulation is therefore unnecessary.

Accordingly, the table of contents of part 1806 and exhibit B of subpart B of part 1806 read as follows:

Subpart B—National Flood Insurance

Sec.
1806.21 General.
1806.22 Areas of responsibility.
1806.23 Definitions.
1806.24 Eligibility.
1806.25 Conditions.
1806.26 Coverage and premium rates.
1806.27 Acceptable policies and servicing.
Exhibit A—Coverage and premium rates.
Exhibit B—Servicing company.

* * * * *

EXHIBIT B—SERVICING COMPANY

The servicing company office to be contacted for information relative to the availability of coverage under the national flood insurance program, flood hazard boundary maps, insurance rate tables, and related material.

E.D.S. Federal Corporation, National Flood Insurance, P.O. Box 34294, Bethesda, Md. 20034, phone toll-free 800-638-6620; commercial phone 301-898-5900.

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; 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 17, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-11721 Filed 4-28-78; 8:45 am]

[7590-01]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Minor and Clarifying Amendments

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission's "Licensing of Production and Utilization Facilities" is hereby amended. The amendments make changes relating to the service of copies of an updated application for a license to construct a production or utilization facility so as to reflect the current practice regarding the NRC officers who are to receive copies of such updated applications. The amendments also provide clarifying language as to when the application should by updated, and substitute clarifying language regarding the service of copies of any subsequent amendments to the application.

EFFECTIVE DATE: May 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Royal J. Voegeli, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301-492-7437.

SUPPLEMENTARY INFORMATION: 10 CFR 50.30(c)(2) presently provides that an applicant for a license to construct a production or utilization facility who has updated its application shall, upon notification of the appointment of an atomic safety and licensing board to conduct the public hearing required by the Atomic Energy Act for the issuance of a construction permit, serve copies of such updated application on each atomic safety and licensing board member and alternate, the Chairman of the Atomic Safety and Licensing Board Panel, the Office of the Secretary, and the Director of Nuclear Reactor Regulation or the director of Nuclear Material Safety and Safeguards. The current NRC practice is to not require serving copies on the Office of the Secretary, the Chairman of the Atomic Safety and Licensing Board Panel, the Director of Nuclear Reactor Regulation or the Director of Nuclear Material Safety and Safeguards. Applicants are, however, requested to serve a copy on the Atomic Safety and Licensing Appeal Panel. In order to reflect the current practice, the present amendments delete the language designating the NRC officers who are to be served copies of the updated application, and provide instead that copies shall be served as directed by the atomic safety and licensing board appointed to conduct the public hearing on the application. In addition, the amendments provide that the applicant shall serve a copy on the Atomic Safety and Licensing Appeal Panel, and that at the time the application is offered into evidence at the public hearing on the application, the applicant shall provide sufficient updated copies so that one may be served by the Office of the Secretary upon the Atomic Safety and Licensing Appeal Panel. The amendments also provide clarifying language as to when the application is to be updated by providing that the applicant shall update its application when notified to do so by the atomic safety and licensing board appointed to conduct the public hearing on the application. The amendments also substitute clarifying language regarding the service of copies of any subsequent amendments to the application.

Because these amendments relate solely to minor matters, it has been found that good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary, and for making the amendments effective upon publication in the FEDERAL REGISTER (May 1, 1978).

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 50 are published as a document subject to codification.

1. Paragraph (c)(2) of § 50.30 of 10 CFR Part 50 is amended to read as follows:

§ 50.30 Filing of application for license; oath or affirmation.

* * * * *

(c) *Number of copies of applications.*
* * *

(2) With respect to an application for a license described in subdivision (1)(i) of this paragraph, the applicant shall, upon notification by the atomic safety and licensing board appointed to conduct the public hearing required by the Atomic Energy Act for the issuance of a construction permit, update the application and serve such updated copies of the application or parts thereof, eliminating all superseded information, together with an index of the updated application, as directed by the atomic safety and licensing board. In addition, at that time the applicant shall serve one such copy on the Atomic Safety and Licensing Appeal Panel. Further, at the time the application is offered into evidence at the public hearing on the application, the applicant shall provide sufficient updated copies so that one may be served by the Office of the Secretary on the Atomic Safety and Licensing Appeal Panel. Any subsequent amendments to the application shall be served on those served copies of the application, and three signed originals and the specified number of copies of such amendments shall be filed with the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate as provided in paragraph (c)(1)(i) of this section. At the time of filing of such an application, one copy shall be made available in an appropriate office near the site of the proposed facility for inspection by the public and updated as amendments to the application prior to the public hearing may be made. This updated copy shall be produced at the public hearing for the use of any other parties to the proceeding. The applicant shall certify that the updated copies of the application contain the current contents of the application submitted in accordance with the requirements of this part. The applicant shall also update and serve copies of the application and make available a copy of such updated application in an appropriate office near the site of the facility for inspection by the public at such time as the Commission may issue a notice of public hearing concerning the issuance of an operating license.

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

Dated at Bethesda, Md. this 24th day of April, 1978.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc. 78-11759 Filed 4-28-78; 8:45 am]

[6210-01]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Regs. B and Z; Docket No. R-0154]

PART 202—EQUAL CREDIT OPPORTUNITY

PART 226—TRUTH IN LENDING

Amendment to Procedures for Issuing Official Staff Interpretations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: This amendment to Regulation B, Equal Credit Opportunity, and Regulation Z, Truth in Lending, revises the Board's existing procedures for issuing official staff interpretations.

The amendment provides that official staff interpretations will be published in the FEDERAL REGISTER with a 30 day delayed effective date. If a request for public comment is received, the effective date will be suspended and the interpretation published for comment. Once the comments have been analyzed, a final version of the interpretation will be published. The current criteria for determining whether a question merits an official staff interpretation and the procedures for a request for reconsideration are eliminated.

EFFECTIVE DATE: Immediately.

FOR FURTHER INFORMATION CONTACT:

Anne Geary, Chief Staff Attorney, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-2761.

SUPPLEMENTARY INFORMATION: The Equal Credit Opportunity Act and Truth in Lending Act provide for the issuance of official staff interpretations. Regulations B and Z, which implement these laws, set forth procedures and criteria for requesting an official staff interpretation. Currently, official staff interpretations are issued when clarification of a technical ambiguity in the regulation is required or when a request does not involve significant policy implications. The interpretation is published in the FEDERAL REGISTER within a week or two of issuance, to be effective at the time of publication. The regulations also provide for reconsideration of an official staff interpretation if a request is submitted within 30 days of publication.

The Board is amending Regulations B and Z to provide for a delayed effective date and for an opportunity for public comment on official staff interpretations. The Board believes this change in procedure is appropriate because it will enable the public to review official staff interpretations before they become final. If an official staff interpretation is challenged, the new procedures will enable the new staff to reconsider it in the light of public comments.

The amendment provides that official staff interpretations will be published in the FEDERAL REGISTER within a week or two of issuance but will become effective only upon the expiration of thirty days. If a request for public comment is received or postmarked within the 30 days, the effective date of the interpretation will be suspended. Notice of the suspension of the effective date and the interpretation will then be published for public comment as soon as possible. Any comments received will be reviewed and a final interpretation issued to be effective upon publication in the FEDERAL REGISTER.

EXPLANATION OF AMENDMENT

The references to official or formal Board interpretations have been deleted because the Administrative Procedure Act and the Board's Rules of Procedure (12 CFR 262.3) independently provide opportunity for requests for Board action. Sections 202.1(d) and 226.1(d) deal only with staff action and procedures.

The language in the second and third sentences of subsection (d)(1) of the regulations regarding the signature of the requester or authorized agent, and copies of documents accompanying a request has been deleted because the Board believes that such requirements have proved unnecessary. In the same subsection, the language concerning a substantive response has been deleted as it is no longer applicable. The time for acknowledging the request for an offical staff interpretation has been reduced from fifteen to five business days.

The provision for requests for reconsideration of official staff interpretations has been deleted because this amendment provides an opportunity for public comment and the Board's Rules of Procedure independently provide for Board consideration of the underlying issue.

The requirements in subsection (d)(4)(ii) that official staff interpreta-

tions deal with clarification of a technical ambiguity in the regulation or have no significant policy implications have been deleted because the Board has determined that these criteria are not sufficiently specific to be useful. However, official staff interpretations will not address policy questions, which will be referred to the Board for its consideration.

The prohibition on issuance of interpretations approving creditors' or lessors' forms or language has been moved from subsection (d)(3) to (d)(2)(i). The description of the two types of staff interpretations, followed by a description of the manner in which they may be obtained, will enable an interested party to determine, first, which kind of interpretation to seek and, second, how to request it.

A new subsection (d)(3) has been added to provide for requests for public comment on official staff interpretations. Such requests must be postmarked or received by the Secretary, Board of Governors of the Federal Reserve System, within 30 days of the interpretation's publication in the FEDERAL REGISTER. A statement of the reasons why public comment is appropriate must accompany the request.

TEXT OF AMENDMENT

1. Pursuant to the authority granted under section 703 of the Equal Credit Opportunity Act (15 U.S.C. 1691(b)), the Board amends Regulation B, 12 CFR 202.1(d) as follows:

§ 202.1 Authority, scope, enforcement, penalties and liabilities, interpretations.

* * * * *

(d) *Issuance of staff interpretations.* (1) Unofficial staff interpretations will be issued at the staff's discretion where the protection of section 706(e) of the Act is neither requested nor required, or where a rapid response is necessary.

(2) (i) Official staff interpretations will be issued at the discretion of designated officials. No such interpretation will be issued approving creditors' or lessors' forms or statements. Any request for an official staff interpretation of this Part must be in writing and addressed to the Director of the Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The request must contain a complete statement of all relevant facts concerning the credit or lease transaction or arrangement and must include copies of all pertinent documents.

(ii) Within 5 business days of receipt of the request, an acknowledgment will be sent to the person making the request. If, in the opinion of the designated officials, issuance of an official staff interpretation is appropriate, it will be published in the FEDERAL REGISTER to become effective 30 days after the publication date. If a request for public comment is received, the effective date will be suspended. The interpretation will then be republished in the FEDERAL REGISTER and the public given an opportunity to comment. Any official staff interpretation issued after opportunity for public comment shall become effective upon publication in the FEDERAL REGISTER.

(3) Any request for public comment on an official staff interpretation of this Part must be in writing and addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, and postmarked or received by the Secretary's office within 30 days of the interpretation's publication in the FEDERAL REGISTER. The request must contain a statement setting forth the reasons why the person making the request believes that public comment would be appropriate.

(4) Pursuant to section 706(e) of the Act, the Board has designated the Director and other officials of the Division of Consumer Affairs as officials "duly authorized" to issue, at their discretion, official staff interpretations of this Part.

2. Pursuant to the authority granted under § 105 of the Truth in Lending Act (15 U.S.C. 1604), the Board amends Regulation Z, 12 CFR 226.1(d), as follows:

§ 226.1 Authority, Scope, Purpose, etc.

* * * * *

(d) *Issuance of staff interpretations.* (1) Unofficial staff interpretations will be issued at the staff's discretion where the protection of section 130(f) of the Act is neither requested nor required, or where a rapid response is necessary.

(2) (i) Offical staff interpretations will be issued at the discretion of designated officials. No such interpretation will be issued approving creditors' or lessors' forms or statements. Any request for an official staff interpretation of this Part must be in writing and addressed to the Director of the Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The request must contain a complete statement of all relevant facts concerning the credit or lease transaction or arrangement and must include copies of all pertinent documents.

(ii) Within 5 business days of receipt of the request, an acknowledgment will be sent to the person making the request. If, in the opinion of the designated officials, issuance of an official staff interpretation is appropriate, it will be published in the FEDERAL REGISTER to become effective 30 days after the publication date. If a request for public comment is received, the effective date will be suspended. The interpretation will then be republished in the FEDERAL REGISTER and the public given an opportunity to comment. Any official staff interpretation issued after opportunity for public comment shall become effective upon publication in the FEDERAL REGISTER.

(3) Any request for public comment on an official staff interpretation of this Part must be in writing and addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, and postmarked or received by the Secretary's office within 30 days of the interpretation's publication in the FEDERAL REGISTER. The request must contain a statement setting forth the reasons why the person making the request believes that public comment would be appropriate.

(4) Pursuant to section 130(f) of the Act, the Board has designated the Director and other officials of the Division of Consumer Affairs as officials "duly authorized" to issue, at their discretion, official staff interpretations of this Part.

By order of the Board of Governors, April 21, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-11758 Filed 4-28-78; 8:45 am]

[6714-01]

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

PART 338—FAIR HOUSING

Deferral of Effective Date for Fair Housing Advertising, Poster, and Recordkeeping Requirements

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Deferral of effective date for final rules.

SUMMARY: The Federal Deposit Insurance Corporation postpones to July 3, 1978 the effective date for its adopted Fair Housing Regulations published on pages 11563 through 11568 of the FEDERAL REGISTER dated March 20, 1978 because of requests for additional time to prepare for compliance and the need to disseminate information regarding the numerous inquiries that have been made concerning the proper interpretation of the regulations.

EFFECTIVE DATE: July 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Jerry L. Langley, Senior Attorney,

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

By order of the Board of Directors, April 25, 1978.

ALAN R. MILLER,
Executive Secretary.

[FR Doc. 78-11763 Filed 4-28-78; 8:45 am]

[3510-24]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 303—ECONOMIC DEVELOPMENT DISTRICTS

Extension of Time To Comply with the Private Citizen Representation Requirement

AGENCY: Economic Development Administration (EDA), Department of Commerce.

ACTION: Final rule.

SUMMARY: This rule revises the regulation which requires certain district organizations to comply with the representation of private citizens requirement by May 1, 1978. EDA is making this change because it is currently reconsidering the amount of representation that private citizens must have on district organizations. The effect of this rule is to postpone the date by which district organizations must comply with this requirement until October 1, 1978 in order to give EDA time to conclude its deliberations.

DATES: Effective date: April 27, 1978. Comments by: May 31, 1978.

ADDRESSES: Send comments to: Assistant Secretary for Economic Development, U.S. Department of Commerce, Room 7800B, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Information on Regulations:

James F. Marten, U.S. Department of Commerce, Room 7009, Washington, D.C. 20230, 202-377-5441.

SUPPLEMENTARY INFORMATION: EDA is currently reconsidering the requirement of § 303.4(c)(3) that one-third of the members of the governing boards of economic development districts must be private citizens. While EDA has not decided to change the requirement at this time, it will continue to reconsider the requirement for the next few months; § 303.4(a)(2) of 13 CFR requires compliance with the one-third private citizen provision no later than May 1, 1978. In that compliance with § 303.4(c)(3) will require districts to make changes in the composition of their governing boards over the course of the next several months, EDA believes it is unfair to require them to make these changes while it is considering modifying that requirement. In order to give EDA time to reconsider this requirement without burdening the districts with possibly needless reorganization of their boards, EDA is extending the time of compliance until October 1, 1978.

Because this rule relates to EDA grant and loan programs, it is exempted from the notice and comment procedures described in section 553 of the Administrative Procedure Act (5 U.S.C. 553). However, in the spirit of the public policy set forth in that Act, interested persons may submit written suggestions regarding this amendment to the above address.

Due to the technical nature of this rule, EDA has determined that this document does not constitute a significant regulation under Executive Order 12044 and that it is exempt from the procedural requirements imposed by that order.

Accordingly, 13 CFR 303.4 is amended to read as follows:

§ 303.4 District organization.

(a) * * *

(2) Each development organization shall comply with the representation requirement set forth in paragraph (c)(3) of this section no later than October 1, 1978.

* * * * *

(Sec. 701, Pub. L. 89-136, 79 Stat. 570 (42 U.S.C. 3211); Department of Commerce Organization Order 10-4, as amended (40 FR 56702, as amended).)

Dated: April 27, 1978.

ROBERT T. HALL,
Assistant Secretary for Economic Development.

[FR Doc. 78-11848 Filed 4-28-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-CE-6-AD; Amdt. 39-3202]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 336, 337, T337, P337, and M337 Series Airplanes

AGENCY: Federal Aviation Administrative (FAA), DOT.

ACTION: Final rule, supersedure of existing airworthiness directive.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Cessna 336, 337, T337, P337, and M337 series airplanes, which supersedes AD 76-10-11. In addition to incorporating those provisions requiring repetitive inspections of wing front and rear spar lower caps for cracks originally set forth in AD 76-10-11, the new AD requires repetitive inspections of the inboard end of the wing front spar web and web doubler for cracks on certain airplanes. Approximately 490 additional airplanes are added to the AD applicability. This action will assure continued structural integrity of wing front and rear spar lower caps and the inboard end of the front spar web on affected airplanes and will preclude possible separation of the wing from the airplanes due to failure of these components.

DATES: Effective date. May 11, 1978. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: Cessna Multi-Engine Service Letter ME78-2, dated February 13, 1978, applicable to this AD, may be obtained from Cessna Aircraft Co., Marketing Division, Attention: Customer Service Department, Wichita, Kans. 67201; telephone 316-685-9111. A copy of the service letter cited above is contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Mo. 64106, and at Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

William L. Schroeder, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106; telephone 816-374-3446.

SUPPLEMENTARY INFORMATION: Amendment 39-2621 (41 FR 22045-22048), AD 76-10-11, currently requires repetitive inspection of critical areas of the wing front and rear spar lower caps on certain 336, 337, T337, P337, and M337 series airplanes for fatigue cracks in accordance with Cessna Multi-Engine Service Letter ME76-3 and ME76-3, Supplement No. 1.

Subsequent to the issuance of AD 76-10-11 a fatigue crack was discovered in the wing front spar web and doubler on a Cessna Model 337C airplane operated on pipeline patrol. AD 76-10-11 does not require inspection of the wing front spar web for cracks.

The manufacturer has now issued Multi-Engine Service Letter ME78-2, dated February 13, 1978, which supersedes ME76-3 and ME76-3, Supplement No. 1. The new service letter recommends, in addition to the repetitive

front and rear spar lower cap inspections, repetitive inspections of the inboard end of the front spar web and web doubler for fatigue cracks.

The spar web and web doubler inspections are applicable to all airplanes currently affected by AD 76-10-11 plus approximately 490 additional airplanes which have improved front and rear spar lower caps installed that do not require repetitive inspection for cracks.

Accordingly the FAA has decided to supersede AD 76-10-11 with a new AD applicable to 336, 337, T337, P337, and M337 series airplanes that makes compliance with most of the recommendations in Cessna Service Letter ME78-2 mandatory. The new AD includes the inspection requirements currently in AD 76-10-11 plus repetitive inspections of the inboard end of the front wing spar web and web doubler on Cessna 336, 337, T337, P337, and M337 series airplanes which do not have the new improved front spar web and doubler installed. The new AD incorporates a clearer presentation of the more complicated compliance times resulting from the addition of the spar web inspections. In addition, paragraph IV of AD 76-10-11 is deleted from the new AD since owners/operators can best determine how they meet the compliance times in the AD. As is the case with the service letters cited in AD 76-10-11, ME78-2 recommends initiating wing spar cap and web inspections at 3,000 hours time in service and repetitive inspections each 300 hours on airplanes flown predominately at or below 1,500 feet above ground level. Since it is impossible to identify such aircraft because of a lack of operating records, we are prevented from making such inspections mandatory on these airplanes. However, as previously recommended in AD 76-10-11 the new AD strongly urges owners/operators to initiate inspections at 3,000 hours time in service and to perform repetitive inspections at 300-hour intervals on aircraft utilized in contour or terrain following operations at low altitudes, such as, power/pipe line patrol, fish or game spotting, aerial applications, police patrol, livestock management, etc.

The agency has coordinated this document with the manufacturer prior to issuance.

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

Drafting Information

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

Adoption of the Amendment

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Cessna. Applies to the following models and serial number airplanes certificated in all categories:

Model: 336; serial Nos.: 336-0001 through 336-0195.

Models: 337, 337A, 337B, T337B, 337C, T337C, 337D, and T337D; serial Nos.: 337-0001 through 337-1193.

Models: 337E, T337E, 337F, T337F, 337G, 337H, and T337H; serial Nos.: 33701194 through 33701852.

Models: T337G and P337H; serial Nos.: P3370001 through P3370313.

Model: M337B; serial Nos.: All serial numbers.

Compliance: Required as indicated in accordance with compliance table I set forth in this AD or as otherwise set forth herein, unless already accomplished.

To detect cracking of the wing front and rear spar lower caps, front spar web and web doubler—In accordance with instructions set forth herein and in Cessna Multi-Engine Service Letter ME78-2, dated February 13, 1978, or later revisions:

I. At time intervals noted in table I of this AD, inspect the right and left wing front and rear spar lower cap and front spar web and web doubler on airplanes having model and serial numbers shown below:

Table I.—*Compliance times*

Airplane type/operation	Inspection times for spar cap inspections required by par. I.A.			Inspection times for front spar web inspections required by par. I.B.		
	Total time [1]	Initial inspection [2]	Interval for repetitive inspections (hours)	Initial inspection	Interval for repetitive inspections [3] (hours)	
Nonpressurized (see note 1)	0 to 4,999	None	None	None	None	
	5,000 and up	Within 25 h time in service after the effective date of this AD for those airpanes which have not yet been inspected in accordance with AD 76-10-11 or 73-04-02 or; within 500 h time in service after the last inspection in accordance with AD 76-10-11 or 73-04-02.	500	Within 25 h time in service after the effective date of this AD.	500	
Pressurized (see note 1)	0 to 9,999	None	None	None	None	
	10,000 and up	Within 25 h time in service after the effective date of this AD for those airplanes which have not yet been inspected in accordance with AD 76-10-11 or 73-04-02 or; within 500 h time in service after the last inspection in accordance with AD 76-10-11 or 73-04-02.	500	Within 25 h time in service after the effective date of this AD.	500	

TABLE I.—*Compliance times* —Continued

Airplane type/operation	Inspection times for spar cap inspections required by par. I.A.			Inspection times for front spar web inspections required by par. I.B.	
	Total time [1]	Initial inspection [2]	Interval for repetitive inspections (hours)	Initial inspection	Interval for repetitive inspections* (hours)
Note 1: For those airplanes which have engaged in contour or terrain following operations at low altitudes, such as power/pipeline patrol, fish or game spotting, aerial applications, police patrol, livestock management, etc., Cessna recommends and FAA strongly urges inspections at intervals shown to the right of this note.	0 to 2,999	None	None	None	None
	3,000 and up..	Within 25 h time in service after the effective date of this AD for those airplanes which have not yet been inspected in accordance with the suggestion in AD 76-10-11 or 73-04-02 or, within 300 h time in service after the last inspection in accordance with AD 76-10-11 or 73-04-02.	300	Within 25 h time in service after the effective date of this AD.	300

[1] In service for each of the following: (1) front spar lower cap; (2) rear spar lower cap; and (3) front spar web and web doubler.
[2] In accordance with this AD.
* After initial inspection in accordance with this AD the compliance time for repetitive inspections may be adjusted to allow compliance at the same time as the inspections required by paragraph I.A. of this AD.

A. Front and rear spar lower cap inspection:

Model: 336; serial Nos.: 336-0001 through 336-0195.

Models: 337, 337A, 337B, T337B, 337C, T337C, 337D, and T337D; serial Nos. 337-0001 through 337-1193.

Models: 337E, T337E, 337F, T337F, and 337G; serial Nos.: 33701194 through 33701548.

Model: T337G; serial Nos.: P3370001 through P3370138.

Model: M337B; serial Nos.: All serial numbers.

1. Front spar lower cap inspection. (a) Inspect three fastener holes on the left wing and three fastener holes on the right wing for wing spar cracks using eddy current inspection procedures outlined in the above noted Cessna service letter. Figure 1 shows the area involved and the three fasteners (two NAS 221 screws at W.S. 64.41 and the jack point bolt hole at W.S. 68.45) that are to be inspected.

(b) Remove the two NAS 221 screws at wing station 64.41 one at a time for this inspection and hold the boom fairing firmly against underlying thicknesses of material to insure proper eddy current probe depth settings during this inspection. A cross-section with the screws at W.S. 64.41 removed is shown in figure 2. Figure 3 shows the spar assembly (less boom and wing skins) and the relationship of the lower cap to the other parts at the strut attachment. Figure 4 shows the spar cross-section through the jack point bolt hole.

(c) If cracks are found in either the right or left wing front spar lower cap during any inspection required by this AD, prior to approving the airplane for return to service replace the front spar lower cap in both the right and left wing with new spar caps.

2. Rear spar lower cap inspection. (a) Dye penetrant inspect the lower spar cap area between 2 and 3 inches (second rivet outboard of W.S. 66.00 rib) outboard of wing station 66.00 rib for spar cap cracks originating in the rivet hole in accordance with inspection provisions in the above noted Cessna service letter. Figures 5, 6, and 7 show the location of the area on the rear spar lower cap to be inspected.

(b) If cracks are found in either the right or left wing rear spar lower cap during any inspection required by this AD, prior to approving the airplane for return to service replace the rear spar lower cap in both the right and left wing.

B. Front spar web and web doubler inspection:

Model: 336; serial Nos.: 336-0001 through 336-0195.

Models: 337, 337A, 337B, T337B, 337C, T337C, 337D, and T337D; serial Nos.: 337-0001 through 337-1193.

Models: 337E, T337E, 337F, T337F, 337G, 337H, and T337H; serial Nos.: 33701194 through 33701852.

Models: T337G and P337H; serial Nos.: P3370001 through P3370313.

Model: M337B; serial Nos.: All serial numbers.

1. Remove wing root access panels and wing root fairings.

2. Visually inspect the radii of both the spar web and web doubler for cracks in the shaded critical area shown in figure 8 of this AD.

3. If cracks are found in either the right or left wing front spar web or web doubler during any inspection required by this AD, prior to approving the airplane for return to service, replace the discrepant components.

II. Airplanes found to have cracked spar caps, webs or web doublers during inspections required by this AD may be flown in accordance with FAR 21.197 to a base where the component replacement can be accomplished.

III. Accomplish the repetitive inspections made mandatory by this AD on those spar caps, webs and web doublers replaced in accordance with this AD upon accumulation of the total time in service shown in table I of this AD. Repetitive inspections "strongly urged" via note 1 in table I of this AD should also be accomplished on spar caps, webs and web doublers replaced in accordance with this AD upon accumulation of the total time in service shown in note 1, table I, of this AD.

IV. Notify in writing the Chief, Engineering and Manufacturing Branch, FAA, Central Region, of the location and length of any crack found during inspections required by this AD and also the total time in service of the component at the time the crack was discovered. (Reporting approved by the Office of Management and Budget under OMB No. 04-R0174.)

V. The time interval for repetitive inspections required by this AD, after compliance with initial inspection requirements, can be adjusted up to 25 hours to allow accomplishment of these inspections at regular scheduled maintenance periods.

VI. Equivalent methods of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This AD supersedes AD 76-10-11, Amendment 39-2621 (41 FR 22405, 22406, 22407, and 22408).

This amendment becomes effective May 11, 1978.

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

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

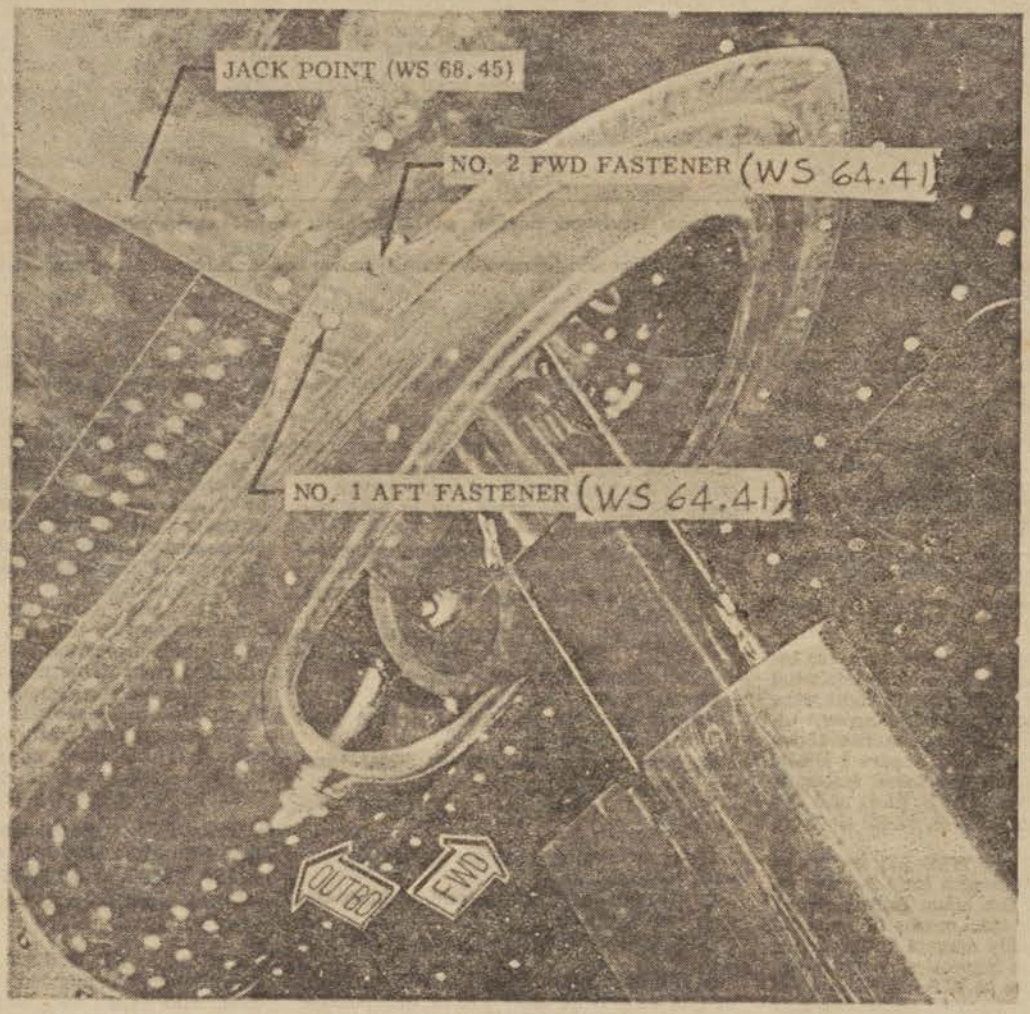
Issued in Kansas City, Mo., on April 21, 1978.

JOHN E. SHAW,
Acting Director,
Central Region.

[FR Doc. 78-11607 Filed 4-28-78; 8:45 am]

WING STRUT ATTACHMENT AREA

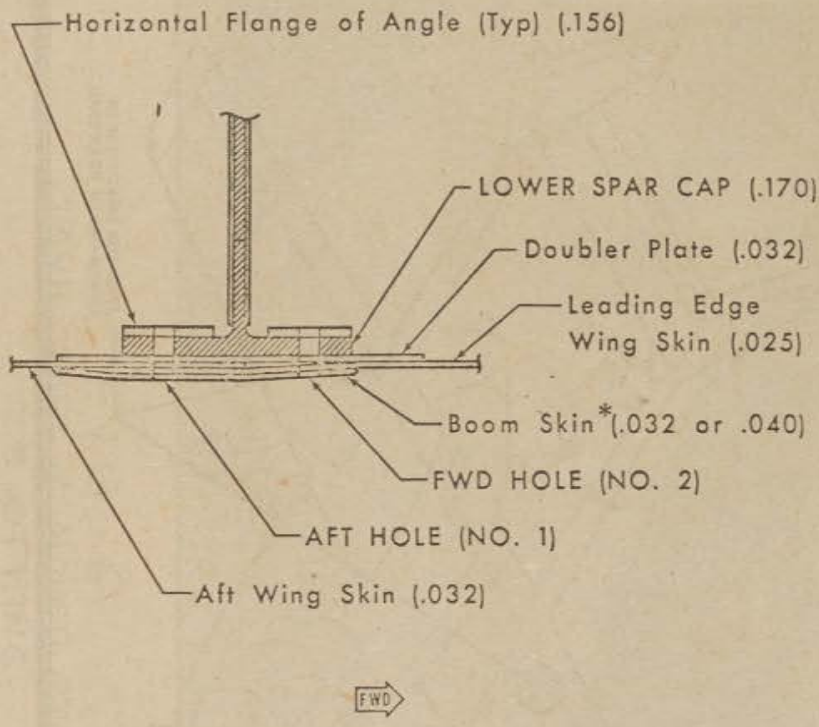
WITH STRUT CUFF REMOVED



VIEW LOOKING UP AT R.H. WING - L.H. TYPICAL

FIG. 1

LOWER SPAR CAP AT FASTENERS
Wing Station 64.41



*.032 THRU SN 337-0755
.040 SN 337-0756 AND ON

Fig. 2

FRONT WING SPAR-BOOM & STRUT ATTACHMENT AREA
L.H. Shown - R.H. Typical

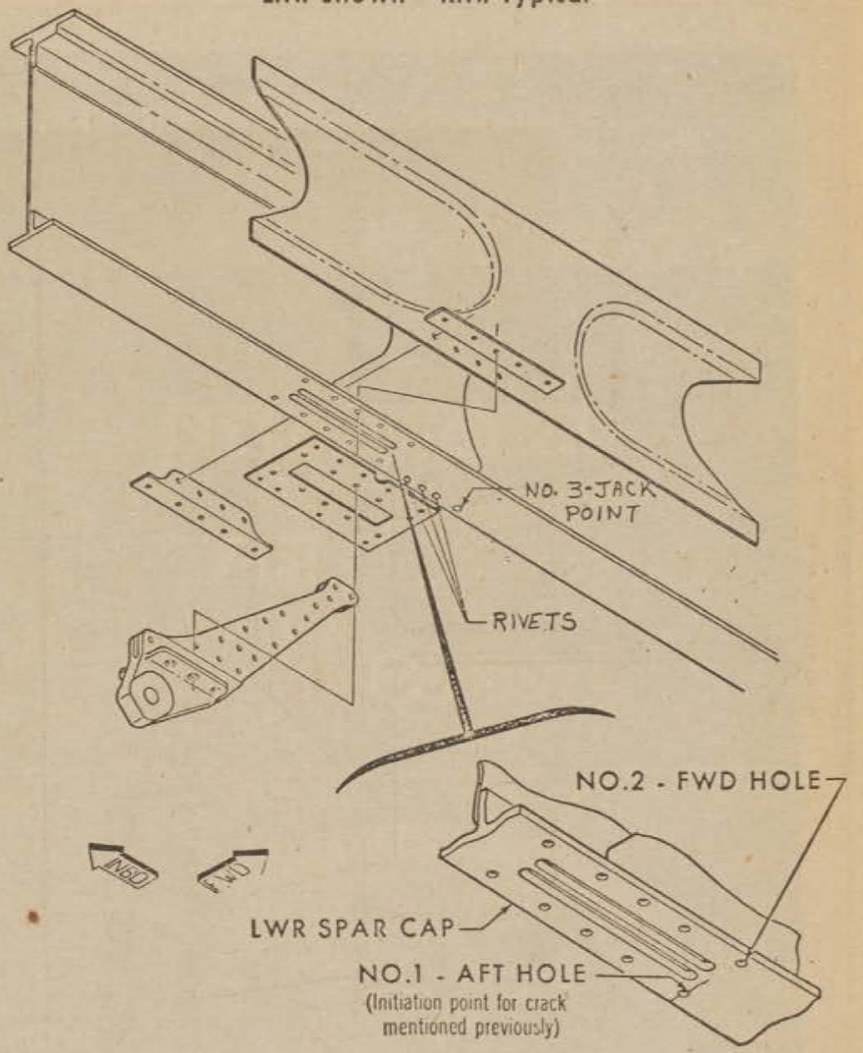
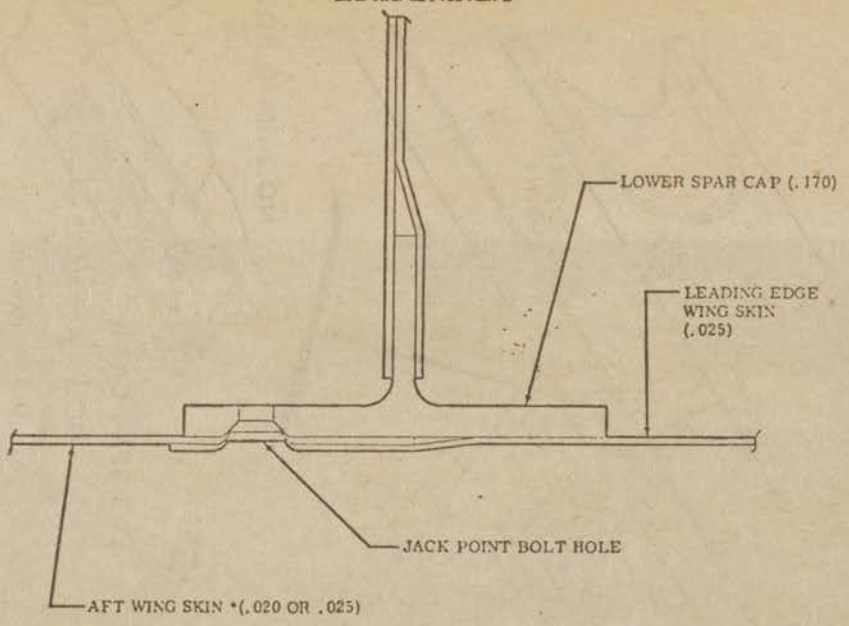


Fig. 3

LOWER SPAR CAP AT JACK POINT

WING STATION 68.45



.020 THRU SERIAL 337-0755
.025 SERIAL 337-0756 & ON

FIG. 4

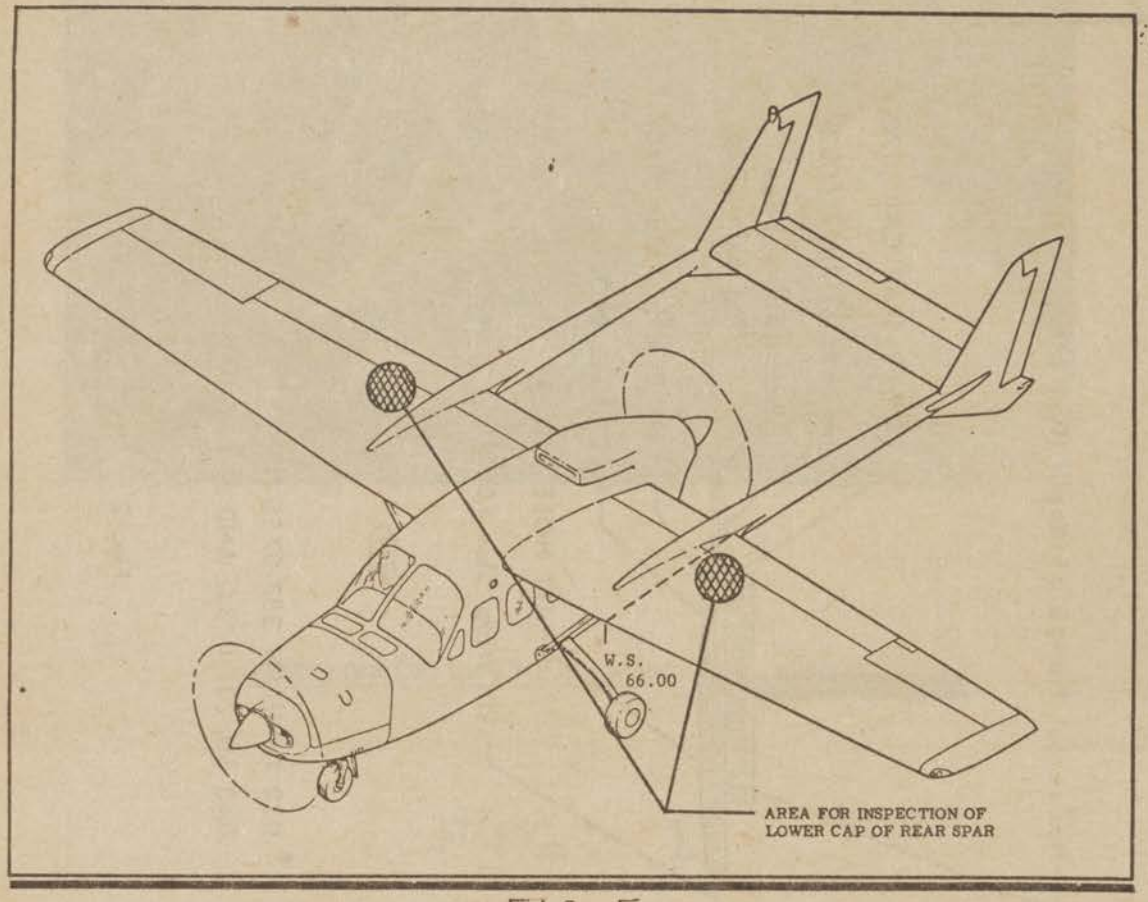


FIG. 5

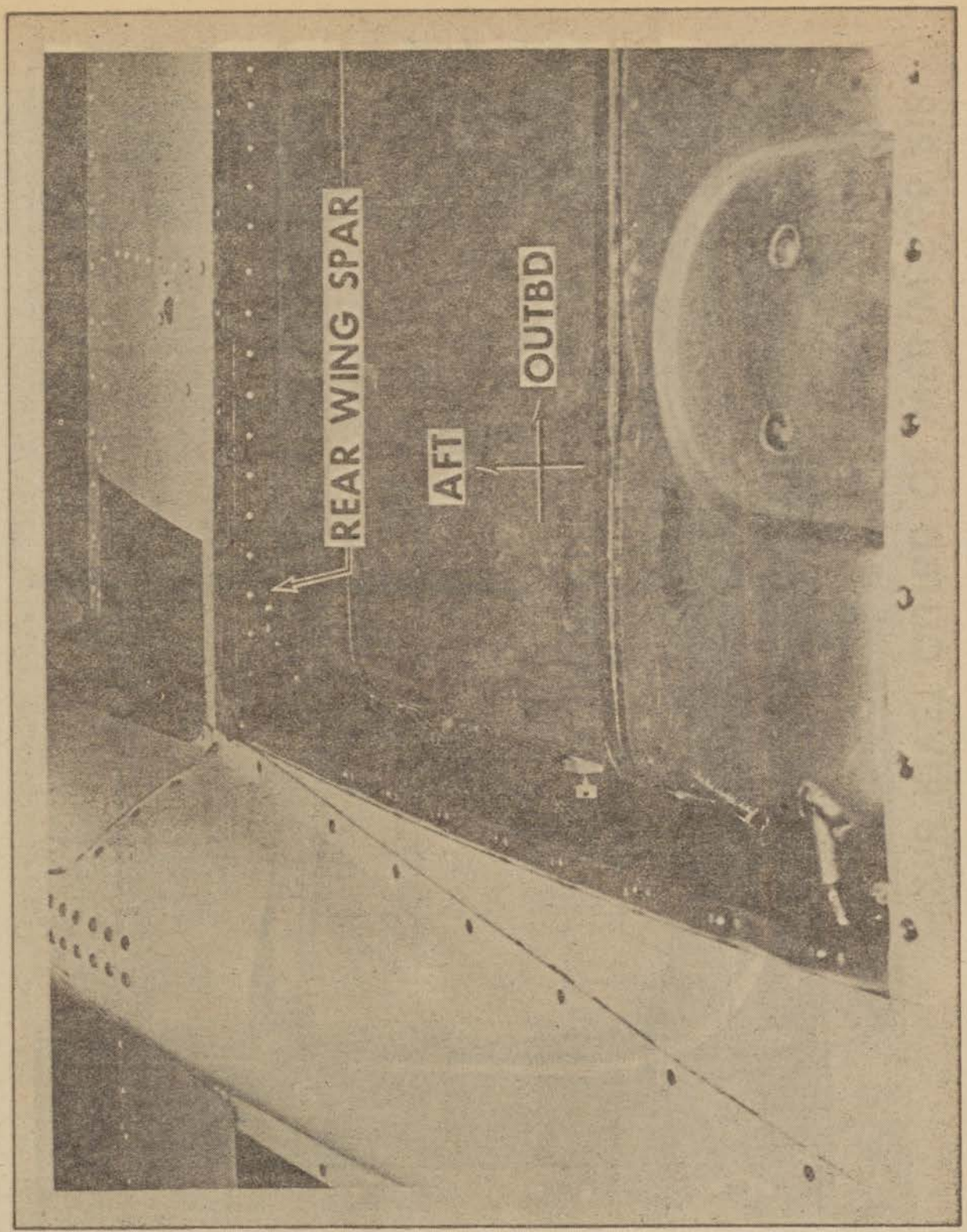


FIG. 6
TANK COVER REMOVED FROM
TOP OF WING

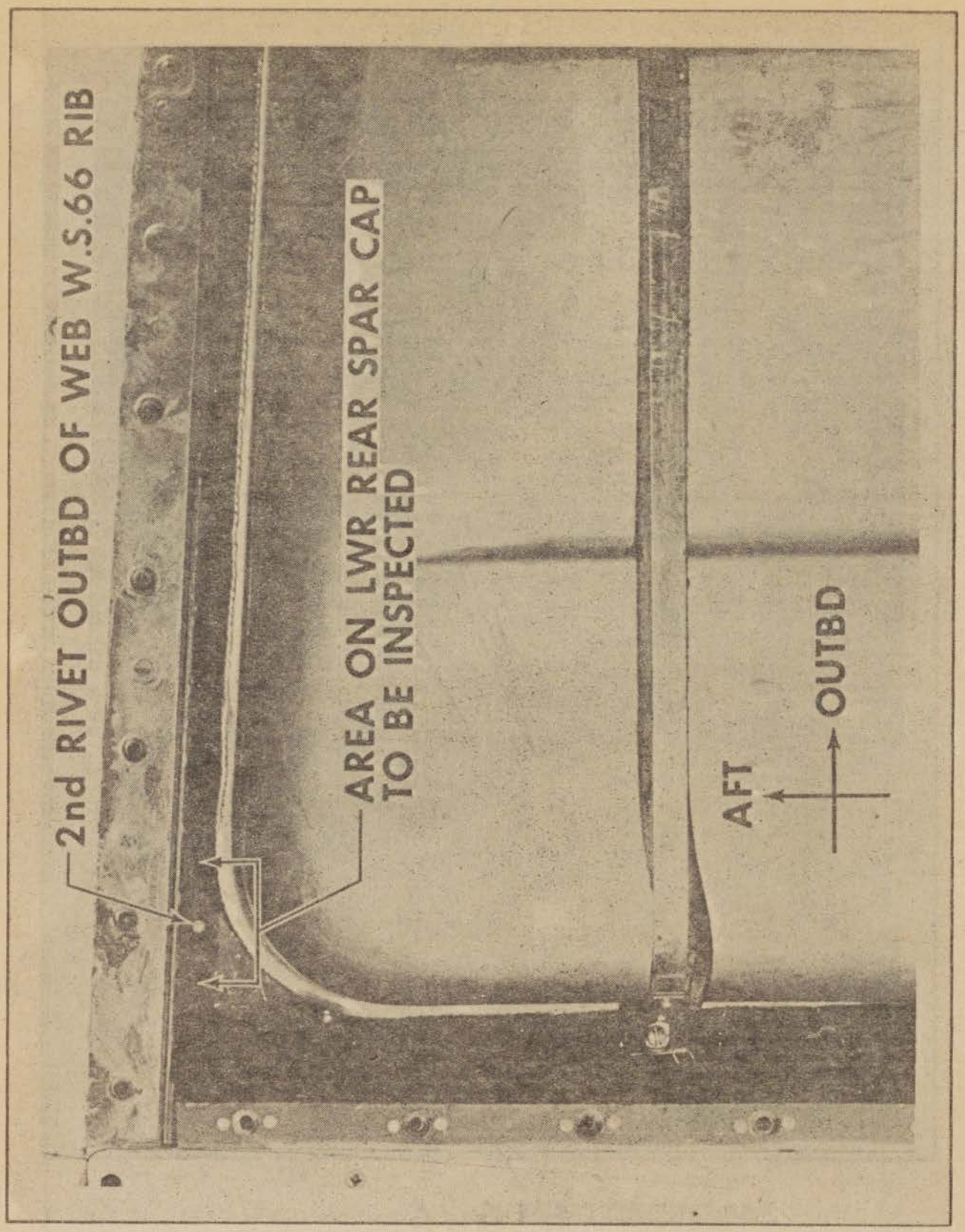

2nd RIVET OUTBD OF WEB W.S.66 RIB
AREA ON LWR REAR SPAR CAP TO BE INSPECTED
AFT
OUTBD

FIG. 7

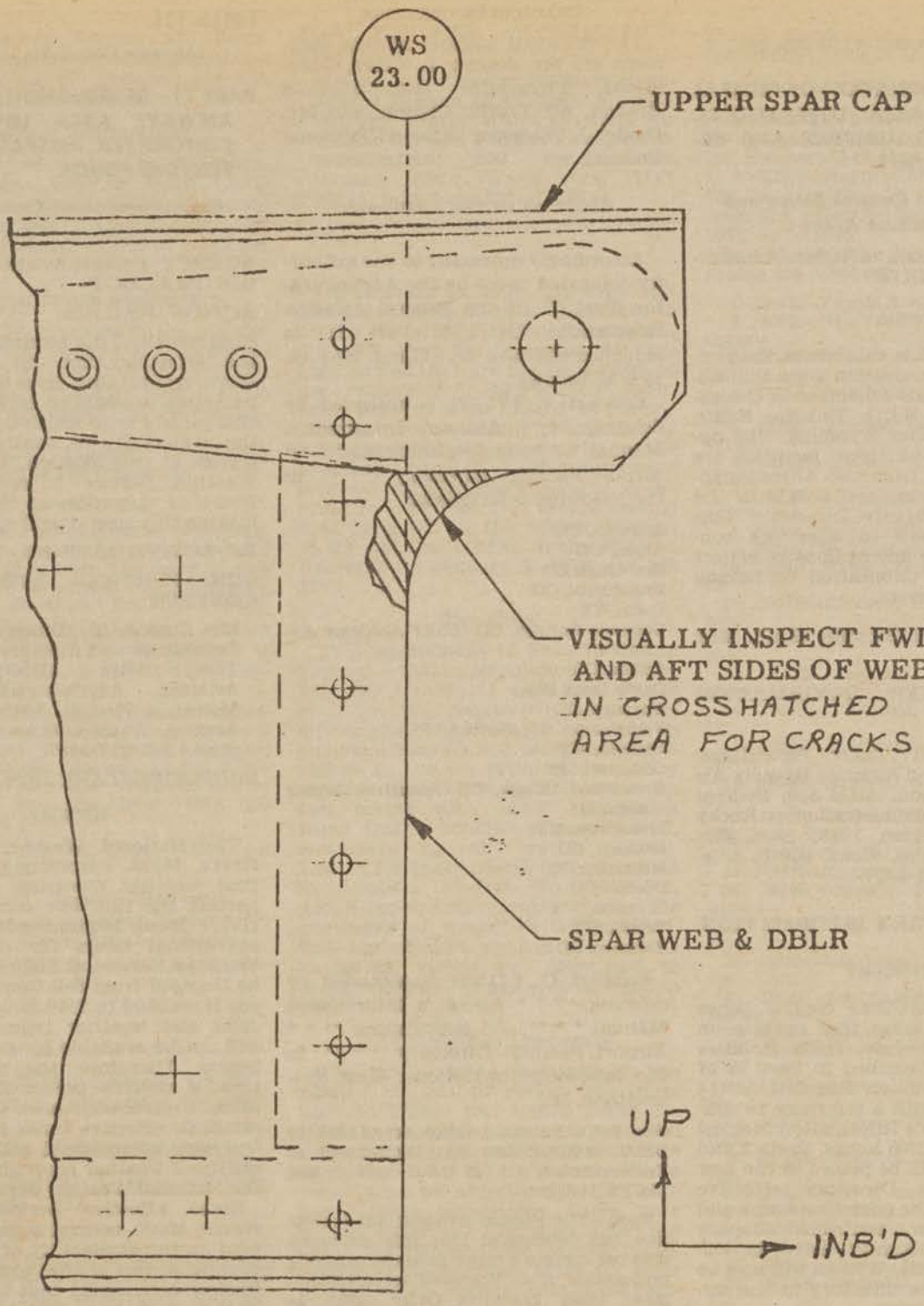


FIGURE 8

FRONT SPAR ASSY

[4910-13]

[Airspace Docket No. 78-RM-12]

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

Alteration of Control Zones and Transition Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the control zones and transition areas that operate on irregular schedules in Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming. The operating hours of these facilities are being removed from the Airman's Information Manual and posted in the new Airport/Facility Directory. This rule is necessary to alter the controlled airspace descriptions to reflect the change of publication containing the operating hours.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

There are part-time control zones and transition areas that operate on an irregular schedule. These facilities are presently described in Part 71 of the Federal Aviation Regulations (14 CFR Part 71) with a reference to consult the Airman's Information Manual (AIM) for effective hours. Parts 2 and 3 of the AIM will be placed in the new Airport/Facility Directory effective May 18, 1978. The operating hours and dates of part-time controlled airspace designations currently listed in the AIM Part 3 Special Notices will now be listed in the new directory in the airport remarks section.

RULE

Therefore, it is necessary to alter the named control zones and transition areas by this editorial change. 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 Mr. Joseph T. Taber, Operations, Procedures and Airspace Branch, Air Traffic Divison, and Mr. Daniel J. Peterson, Office of Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective 0901 G.m.t. May 18, 1978 as follows:

Subpart F, § 71.171 is amended by deleting: "* * * Airman's Information Manual * * *" and substituting "* * * Airport/Facility Directory * * *" in the following descriptions:

Alamosa, CO
Aspen, CO
Brookings, SD
Broomfield, CO
Cody, WY
Colorado Springs, CO (USAF Academy Airstrip)
Cortez, CO
Devils Lake, ND
Durango, CO
Fort Carson, CO (Butts AAF)
Gillette, WY
Glasgow (AFB)
Greenwood Village, CO (Arapahoe County Airport)
Livingston, MT
Mitchell, SD
Montrose, CO
Pueblo, CO
Riverton, WY
Vernal, UT
Yankton, SD

Subpart G, § 71 181 is amended by deleting: "* * * Airman's Information Manual * * *" and substituting "* * * Airport/Facility Directory * * *" in the following descriptions: West Yellowstone, MT.

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

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

Issued in Aurora, Colo., 80010, on April 18, 1978.

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

[FR Doc. 78-11603 Filed 4-28-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-RM-13]

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

Redesignation of Control Zone, Havre, Mont.

AGENCY: Federal Aviation Aministration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises the effective time for the Havre, Mont. control zone from continuous to part-time to establish effectiveness for this control zone which coincides with the availability of weather reporting service at this location. The National Weather Service is reducing their hours of operation at Havre, Mont., making this amendment necessary.

EFFECTIVE DATE: May 18, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

The National Weather Service at Havre, Mont. currently provides full time weather reporting service supporting the full time control zone at Havre, Mont. Beginning May 18, 1978, operational hours for the National Weather Service at Havre, Mont. will be changed from full time to the periods from 0500 to 2100 hours local time daily and weather reporting service will not be available for an eight-hour period. Therefore, the present continuous effective period of the Havre, Mont. control zone must be revised to establish effective times for this control zone coincidental with the availability of weather reporting service by the National Weather Service.

Since effective periods for the Havre, Mont. control zone are contingent on the availability of weather reporting service at that location, it was further determined that issuance of a Notice of Proposed Rulemaking for this amendment would be impractical and not within the public interest.

RULE

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) revises the control zone at Havre, Mont. The reduced hours of weather reporting service by the Na-

tional Weather Service at Havre, Mont. necessitates the changing of the effective hours of operation for the Havre, Mont. control zone.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

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

By amending Subpart F, Section 71.171 by adding the following:

HAVRE, MONT.

This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time, thereafter, will be continuously published in the Airport Facility Directory.

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

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

Issued in Aurora, Colo. 80010, on April 20, 1978.

ISAAC H. HOOVER,
Acting Director,
Rocky Mountain Region.

[FR Doc. 78-11604 Filed 4-28-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-WA-23]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Revocation of Area High Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes certain area high routes which do not respond to area navigation user requirements. This action is consistent with FAA Area Navigation Policy and is taken as a positive step to facilitate area navigation within the existing air traffic control environment by eliminating area navigation routes that are not required nor used by existing area navigation equipped aircraft operators.

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 January 12, 1978, the FAA proposed to amend Subpart D of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to revoke 81 area high routes that are not responsive to user requirements (43 FR 1802). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. The comments received expressed no objection to the route revocations. This amendment is that proposed in the notice. Section 75.400 was republished in the FEDERAL REGISTER on January 3, 1978, (43 FR 730).

THE RULE

This amendment to Part 75 of the Federal Aviation Regulations (14 CFR Part 75) revokes 81 area high routes that are not responsive to user requirements. Most area navigation equipped aircraft are using area navigation in the en route system on a random route basis as direct between two points with radar monitoring when traffic conditions permit such clearances by air traffic control. Except for these routes being handled in Airspace Docket No. 78-WA-1, which require coordination under the provisions of Executive Order 10854, this amendment revokes those area navigation routes not identified as being required by any area navigation user.

DISCUSSION OF COMMENTS

The notice stated that initially the agency intends to retain waypoints used to define the routes being deleted. Later, those waypoints would be relocated to more accurately serve the users and the ATC System. While there were no objections to the proposed route revocations, there were several comments that questioned the value of retaining those waypoints and recommendations were made for their deletion. FAA believes that these comments may have merit. Accordingly, FAA will reconsider this matter after several months experience has been gained and the benefits, if any, of the retained waypoints in facilitating pilot selection of direct routes can be determined.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart D of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (43 FR 730) is amended, effective 0901 GMT, July 13, 1978, as follows:

In § 75.400 The following area high routes are revoked:

1. J804R—Tampa, Fla. to Atlanta, Ga.
2. J807R—New York, N.Y. to Sherbrooke, Canada
3. J813R—Atlanta, Ga. to New Orleans, La.
4. J814R—New Orleans, La. to Atlanta, Ga.
5. J816R—Atlanta, Ga. to Washington, D.C.
6. J821R—Chicago, Ill. to Minneapolis, Minn.
7. J822R—Minneapolis, Minn. to Chicago, Ill.
8. J823R—Detroit, Mich. to Chicago, Ill.
9. J824R—St. Louis, to Chicago, Ill.
10. J826R—Kansas City, Mo. to Chicago, Ill.
11. J827R—Chicago, Ill. to Kansas City, Mo.
12. J830R—St. Louis, Mo. to New York, N.Y.
13. J834R—Chicago, Ill. to Cleveland, Ohio
14. J835R—Cleveland, Ohio to Chicago, Ill.
15. J837R—Cincinnati, Ohio to Chicago, Ill.
16. J838R—Atlanta, Ga. to Jacksonville, Fla.
17. J839R—Jacksonville, Fla. to Atlanta, Ga.
18. J846R—Omaha, Nebr. to Chicago, Ill.
19. J847R—Chicago, Ill. to Omaha, Nebr.
20. J849R—Chicago, Ill. to Des Moines, Iowa
21. J850R—Los Angeles, Calif. to San Francisco, Calif.
22. J852R—Las Vegas, Nev. to San Francisco, Calif.
23. J854R—Los Angeles, Calif. to Sacramento, Calif.
24. J856R—Atlanta, Ga. to Pittsburgh, Pa.
25. J857R—Denver, Colo. to Salt Lake City, Utah
26. J858R—Denver, Colo. to Kansas City, Mo.
27. J859R—Kansas City, Mo. to Denver, Colo.
28. J860R—Memphis, Tenn. to Louisville, Ky.
29. J866R—Denver, Colo. to Chicago, Ill.
30. J867R—Chicago, Ill. to Denver, Colo.
31. J869R—Columbia, S.C. to Atlanta, Ga.
32. J871R—Atlanta, Ga. to St. Louis, Mo.
33. J872R—Atlanta, Ga. to Columbia, S.C.
34. J874R—Memphis, Tenn. to Atlanta, Ga.
35. J876R—Atlanta, Ga. to Savannah, Ga.
36. J877R—Savannah, Ga. to Atlanta, Ga.
37. J878R—Atlanta, Ga. to Cleveland, Ohio
38. J879R—Cleveland, Ohio to Atlanta, Ga.
39. J881R—Detroit, Mich. to Atlanta, Ga.
40. J882R—Atlanta, Ga. to Detroit, Mich.
41. J885R—St. Louis, Mo. to Memphis, Tenn.
42. J890R—Cleveland, Ohio to St. Louis, Mo.

43. J891R—Chicago, Ill. to Memphis, Tenn.
44. J894R—Jacksonville, Fla. to Miami, Fla.
45. J897R—Philadelphia, Pa. to Chicago, Ill.
46. J901R—Seattle, Wash. to Spokane, Wash.
47. J902R—Portland, Oreg. to Los Angeles, Calif.
48. J904R—Los Angeles, Calif. to Denver, Colo.
49. J905R—Las Vegas, Nev. to Tucson, Ariz.
50. J908R—San Francisco, Calif. to Denver Colo.
51. J909R—Denver, Colo. to San Francisco, Calif.
52. J911R—Portland, Oreg. to Denver, Colo.
53. J913R—Portland, Oreg. to Salt Lake City, Utah.
54. J916R—San Antonio, Tex. to Hobby, Tex.
55. J923R—Albuquerque, N. Mex. to Denver, Colo.
56. J925R—Minneapolis, Minn. to Denver, Colo.
57. J926R—Denver, Colo. to Los Angeles, Calif.
58. J927R—Chicago, Ill. to Dallas, Tex.
59. J928R—Denver, Colo. to Seattle, Wash.
60. J931R—Salt Lake City, Utah to San Francisco, Calif.
61. J935R—Tucson, Ariz. to Albuquerque, N. Mex.
62. J936R—Phoenix, Ariz. to Chicago, Ill.
63. J942R—Dallas, Tex. to Lubbock, Tex.
64. J950R—Houston, Tex. to Oklahoma City, Okla.
65. J951R—Washington, D.C. to St. Louis, Mo.
66. J954R—Washington, D.C. to Detroit, Mich.
67. J956R—Memphis, Tenn. to Chicago, Ill.
68. J969R—Denver, Colo. to Phoenix, Ariz.
69. J970R—Denver, Colo. to Dallas, Tex.
70. J971R—San Antonio, Tex to Dallas, Tex.
71. J972R—Dallas, Tex. to San Antonio, Tex.
72. J973R—Seattle, Wash. to Salt Lake City, Utah
73. J975R—Dallas, Tex. to El Paso, Tex.
74. J977R—Portland, Oreg. to Chicago, Ill.
75. J978R—Chicago, Ill. to Portland, Oreg.
76. J982R—Los Angeles, Calif. to Kansas City, Mo.
77. J987R—Montreal, Canada to New York, N.Y.
78. J988R—New York, N.Y. to Montreal, Canada.
79. J989R—New York, N.Y. to Chicago, Ill.
80. J991R—Minneapolis, Minn. to Greater Southwest Texas, Tex.
81. J992R—Houston, Tex. to Tulsa, Okla.

(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. 78-11602 Filed 4-28-78; 8:45 am]

[4830-01]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7542]

PART 301—PROCEDURE AND ADMINISTRATION

Procedures for the Abatement of the Civil Penalty for Failure To File Information Required by Section 6046

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the abatement of the civil penalty for failure to file an information return regarding the organization or reorganization of foreign corporations and acquisitions of their stock. The regulations are intended to provide more efficient procedures for the abatement of the penalty. They affect potentially all persons who are required to file the described information return.

EFFECTIVE DATE: The regulations are effective May 1, 1978.

FOR FURTHER INFORMATION CONTACT:

David Dolan of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3459) (not a toll free call).

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains an amendment to the Regulations on Procedure and Administration (26 CFR Part 301) under section 6679 of the Internal Revenue Code of 1954. Because the regulations affect solely Departmental practice and procedure, a notice of proposed rulemaking was not published in the FEDERAL REGISTER.

Section 6046 requires certain persons to detail in a return information regarding the organization or reorganization of foreign corporations and acquisitions of the stock of those corporations. Section 6679(a) provides for a $1,000 penalty for failure to file a return required under section 6046 or for failure to furnish in full the information required on the return. Section 6679(a) also provides that the penalty will be abated if failure to file a proper return is due to reasonable cause. Section 301.6679-1(a)(3) specifies that the Director of International Operations or the Director of the Philadelphia Service Center shall make all determinations of reasonable cause.

The amendment to § 301.6679-1(a)(3) provides that district directors and service center directors, as well as the Director of International Operations, may make reasonable cause determinations. This amendment will permit the evaluation of reasonable cause to be undertaken by the district or service center director who can most conveniently make the evaluation.

DRAFTING INFORMATION

The principal author of this regulation was David Dolan of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation on matters of both substance and style.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, 26 CFR Part 301 is amended as follows:

§ 301.6679-1 Failure to file returns as to organization or reorganization of foreign corporations and as to acquisitions of their stock.

(a) *Civil penalties.* * * *

(3) *Showing of reasonable cause.* The district director, the director of the Internal Revenue service center, and the director of International Operations are authorized to make the determination that such failure was due to a reasonable cause and that, accordingly, the penalty imposed by section 6679 shall not apply. An affirmative showing of reasonable cause must be made in the form of a written statement, containing a declaration that it is made under the penalties of perjury, setting forth all the facts alleged as a reasonable cause. If the taxpayer exercises ordinary business care and prudence and is nevertheless unable to furnish any item of information required under section 6046 and the regulations thereunder, such failure shall be considered due to a reasonable cause. In determining the extent of a taxpayer's ability to obtain information, the percentage of stock owned by such taxpayer and the nature of the other interests in the foreign corporation will be considered.

* * * * *

Because this treasury decision affects solely Departmental practice and procedure, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

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

JEROME KURTZ,
Commissioner of Internal Revenue.

Approved: April 18, 1978.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

[FR Doc. 78-11761 Filed 4-28-78; 8:45 am]

[4910-14]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77-234]

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

Administrative Change; Los Angeles-Long Beach Marine Inspection Office Relocation

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment reflects a recent change in the Eleventh Coast Guard District. The Los Angeles-Long Beach Marine Inspection Office has been moved from Wilmington, Calif. to Long Beach, Calif., where it is now collocated with the Los Angeles-Long Beach Captain of the Port Office.

EFFECTIVE DATE: This amendment is effective on May 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Capt. 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 is related to agency organization, it is exempt from the notice of proposed rulemaking requirements in 5 U.S.C. 553(b)(3)(A), and since this amendment is not substantive, it may be made effective in less than 30 days after publication in the FEDERAL REGISTER under 5 U.S.C. 553(d)(2).

The Coast Guard has evaluated this final rule under the Department of Transportation Policies for Improving Government Regulations published on March 8, 1978 (43 FR 9582). Since this rule amounts to an address change, impacts are anticipated to be minimal.

DRAFTING INFORMATION

The principal persons involved with the drafting of this regulation are: Ens. G. W. Molessa, Jr., Project Manager, Office of Marine Environment and Systems, and Lt. G. S. Karavitis, Project Attorney, Office of Chief Counsel.

In accordance with the foregoing, Part 3 of Chapter 1, Title 33 of the Code of Federal Regulations is amended as follows:

1. By amending 33 CFR 3.55-10(a) to read as follows:

§ 3.55-10 Los Angeles-Long Beach Marine Inspection Zone and Captain of the Port Area.

(a) The Los Angeles-Long Beach Marine Inspection Office and the Los Angeles-Long Beach Captain of the Port Office are located in Long Beach, California.

* * * * *

(Sec. 1, 63 Stat. 504; (14 U.S.C. 93).)

Dated: April 26, 1978.

O. W. SILER,
Admiral, U.S. Coast Guard Commandant.

[FR Doc. 78-11792 Filed 4-28-78; 8:45 am]

[4910-14]

[CGD 76-212]

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES AND CAPTAIN OF THE PORTS AREAS

Boundary Realignments within the Seventh Coast Guard District

AGENCY: Coast Guard, DOT.

ACTION: Correction.

SUMMARY: This document makes a correction to a regulation which appeared in the Thursday, January 5, 1978 edition of the FEDERAL REGISTER.

EFFECTIVE DATE: May 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Capt. 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.

The following correction is made to Part III of the FEDERAL REGISTER of January 5, 1978, appearing on page 1055:

1. On page 1056, second column, in § 3.35-20(b), in the fourth line, the words "eastern Florida" should be deleted and the word "Georgia" should be inserted in their place.

Dated: April 14, 1978.

O. W. SILER,
Admiral, U.S. Coast Guard Commandant.

[FR Doc. 78-11788 Filed 4-28-78; 8:45 am]

[4910-60]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER D—PIPELINE SAFETY

[Amdts. 192-32, 195-14; Docket No. 77-10]

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE

PART 195—TRANSPORTATION OF LIQUIDS BY PIPELINE

Qualification and Design of Steel Pipe

AGENCY: Materials Transportation Bureau.

ACTION: Final rule.

SUMMARY: This amendment updates the existing incorporation by reference of API Standard 5LS, "API Specification for Spiral-Weld Line Pipe," and API Standard 5LX, "API Specification for High-Test Line Pipe," to include in Part 192, the March 1976 Supplement and the 1977 edition of each document and in Part 195, the 1977 edition of each document..

DATE: This amendment becomes effective June 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank E. Fulton, 202-426-2082.

SUPPLEMENTARY INFORMATION: This amendment makes Parts 192 and 195 conform with recent developments in the manufacture and design of steel pipe. These subjects are now regulated, in part, through an incorporation by reference of API Standard 5LS and API Standard 5LX. At present, the 1975 editions are the latest applicable editions of API 5LS and 5LX listed in Parts 192 and 195. This amendment updates the lists to include the 1977 editions in both parts and the March 1976 Supplements in Part 192.

Of particular importance is that by referencing the March 1976 Supple-

ments and the 1977 editions of API 5LS and 5LX, pipeline operators will be permitted to use Grade X-70 pipe in the transportation of gas. Grade X-70 is more economical for certain uses than other available grades of steel pipe because of its high strength, which permits the use of thinner walled pipe. It is projected for use in the pipeline approved under the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719) to transport gas from the North Slope to the lower 48 States.

The Office of Pipeline Safety Operations proposed adoption of the later editions of API 5LS and 5LX in a Notice of Proposed Rulemaking (Notice 77-7) issued on December 7, 1977 (42 FR 62397, Dec. 12, 1977). Interested persons were invited to participate in the rulemaking proceeding by submitting written data, views, or arguments by January 12, 1978. In addition, in accordance with Sec. 4(b) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1673(b)), the Technical Pipeline Safety Standards Committee (TPSSC) considered the proposal at its meeting in Washington, D.C., on January 17 and 18, 1978. The TPSSC's report is set forth below.

Twelve persons submitted comments in response to Notice 77-7, 3 trade associations and 9 gas pipeline companies. All the commenters favored adoption of the later editions of API 5LX and 5LS.

One person suggested that Grade X-70 pipe be required to pass the Charpy impact testing set forth in Supplementary Test SR5 in the 1977 editions of 5LS and 5LX. The SR5 test, which is intended to substantiate material quality and to mitigate the potential for brittle or shear pipe fractures, is not obligatory under the provisions of 5LS and 5LX and was not discussed in Notice 77-7. The test, therefore, could not be made binding under Part 192 or Part 195 without issuing an additional Notice of Proposed Rulemaking on the subject. Since the commenter did not submit evidence that would justify imposing the Charpy test as a general rule and the other available information does not show that potential fractures are a general problem in Grade X-70 pipe, there does not appear to be an immediate need to pursue the matter further. It is recognized, however, that under certain conditions of high stress and low temperature, the potential for fractures may increase in thin walled pipe. Under these conditions, operators are already required by the general design requirements of Parts 192 and 195 to take additional precautions (see §§ 192.53 and 195.102). Further consideration will be given to this problem in a future rulemaking proceeding on pipelines operating in low temperature environments.

Several commenters suggested that the introductory language in Section II of Appendix A and Section I of Appendix B to Part 192 and in § 195.3(a) be amended to permit the use of components which provide a comparable level of safety but do not comply with any of the listed editions of the documents incorporated by reference. Since the safety standards were adopted, the use of items in stock or the reuse of salvagable items has been permitted only if the items meet the requirements of Part 192 or Part 195, as the case may be, and where applicable, the requirements of a listed edition of a referenced document. Although this requirement may be too inflexible in certain situations, it was not proposed to be changed in Notice 77-7 and thus cannot be changed in the final rules. However, the problem will be given further attention in the future when action is taken on a petition for rulemaking filed by the Interstate Natural Gas Association of America. This petition proposes that criteria be established for the use of materials that do not conform with any listed edition of a listed document.

Report of the Technical Pipeline Safety Standards Committee

Section 4(b) of the Natural Gas Pipeline Safety Act of 1968 requires that all proposed standards and amendments to such standards pertaining to gas pipelines be submitted to the Committee and that the Committee be afforded a reasonable opportunity to prepare a report on the technical feasibility, reasonableness, and practicability of each proposal. This amendment to Part 192 was submitted as Item A in a list of items before the Committee at a meeting in Washington, D.C., on January 17 and 18, 1978. On March 10, 1978, the Committee filed the following favorable report. A minority report was not filed.

This communication is the official report of the Technical Pipeline Safety Standards Committee concerning the Committee's action on one amendment to 49 CFR Part 192 proposed by the Office of Pipeline Safety Operations, on revisions of Subpart I of Part 192, as proposed by Committee members, and on other matters the Committee decided should be brought to the attention of the Department of Transportation.

The following described actions were taken by the Committee at a meeting held in Washington, D.C., on January 17 and 18, 1978.

A. PROPOSAL BY OPSO TO AMEND THE REQUIREMENTS IN RESPECT TO QUALIFICATION AND DESIGN OF STEEL PIPE

OPSO proposed to amend the requirements of Appendix A and Appendix B of Part 192 pertaining to qualification and design of steel pipe as published in Notice 77-7, Docket No. 77-10. By a unanimous affirmative vote of the nine members present, the Committee found the following language to be technically feasible, reasonable and practicable.

[The language suggested is adopted in the final rules.]

* * * * *

NOTE.—It has been determined that this document does not contain a major regulation requiring preparation of a Regulatory Analysis under DOT procedures or Executive Order 12044.

In consideration of the foregoing, Parts 192 and 195 of Title 49 of the Code of Federal Regulations are amended as set forth below.

1. Section II of Appendix A to Part 192 is amended to read as follows:

APPENDIX A—INCORPORATED BY REFERENCE

* * * * *

II. Documents incorporated by reference. Numbers in parentheses indicate applicable editions. Only the latest listed edition applies except that an earlier listed edition may be followed with respect to pipe or components which are manufactured, designed, or installed in accordance with the earlier edition before the latest edition is adopted, unless otherwise provided in this part.

A. * * *

(5) API Standard 5LS "API Specification for Spiral-Weld Line Pipe" (1967, 1970, 1971 plus Supp. 1, 1973 plus Supp. 1, 1975 plus Supp. 1, and 1977).

(6) API Standard 5LX "API Specification for High-Test Line Pipe" (1976, 1970, 1971 plus Supp. 1, 1973 plus Supp. 1, 1975 plus Supp. 1, and 1977).

* * * * *

2. Section I of Appendix B to Part 192 is amended to read as follows:

APPENDIX B—QUALIFICATION OF PIPE

I. Listed Pipe Specifications. Numbers in parentheses indicate applicable editions. Only the latest listed edition applies except that an earlier listed edition may be followed with respect to pipe or components which are manufactured, designed, or installed in accordance with the earlier edition before the latest edition is adopted, unless otherwise provided in this part.

* * * * *

API 5LS, Steel pipe (1967, 1970, 1971 plus Supp. 1, 1973 plus Supp. 1, 1975 plus Supp. 1, and 1977).

API 5LX, Steel pipe (1967, 1970, 1971 plus Supp. 1, 1973 plus Supp. 1, 1975 plus Supp. 1, and 1977).

* * * * *

(Sec. 3, Pub. L. 90-481, 82 Stat. 721, (49 U.S.C. 1672); for offshore gathering lines, sec. 105, Pub. L. 93-633, 88 Stat. 2157, (49 U.S.C. 1804); 49 CFR 1.53 and App. A to Part 1.)

3. In § 195.3, paragraphs (a) and (c)(1) (iv) and (v) are revised to read as follows:

§ 195.3 Matter incorporated by reference.

(a) There are incorporated by reference in this part all materials referred

to in this part that are not set forth in full in this part. These materials are hereby made a part of this regulation. Applicable editions are listed in paragraph (c) of this section in parentheses following the title of the referenced material. Only the latest listed edition applies, except that an earlier listed edition may be followed with respect to components which are manufactured, designed, or installed in accordance with the earlier edition before the latest edition is adopted, unless otherwise provided in this part.

* * * * *

(c) * * *

(1) * * *

(iv) API Specification 5LS "API Specification for Spiral-Weld Line Pipe" (1969, 1975, and 1977).

(v) API Specification 5LX "API Specification for High-Test Line Pipe" (1969, 1975, and 1977).

* * * * *

(Secs. 6, Pub. L. 89-670, 80 Stat. 937, (49 U.S.C. 1655); (18 U.S.C. 831-835); 49 CFR 1.53 and App. A to Part 1.)

Issued in Washington, D.C., on April 25, 1978.

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

[FR Doc. 78-11813 Filed 4-28-78; 8:45 am]

[7035-01]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1323]

PART 1033—CAR SERVICE

Distribution of Freight Cars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Service Order No. 1323).

SUMMARY: There is a shortage of tri-level auto rack flatcars on the Burlington Northern (BN) and on the Union Pacific (UP) Railroads for the shipment of automobiles. Bi-level auto rack cars are available to these railroads but cannot be used because of tariff provisions requiring the use of tri-level cars. Service Order No. 1323 authorizes the BN and the UP to substitute three bi-level cars for each two tri-level cars ordered by shippers for transporting automobiles.

DATES: Effective 12:01 a.m., April 25, 1978; expires 11:59 p.m., June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of April, 1978.

There are shortages of tri-level type multi-level auto rack flat cars on the Burlington Northern Inc., (BN) and on the Union Pacific Railroad Co. (UP) required to transport automobiles subject to tariff restrictions requiring the use of such tri-level cars. These railroads have available supplies of bi-level cars of similar type for which could be used for transporting these automobiles if tariff provisions permitted. The economic loss suffered by shippers dependent upon the BN and the UP for their car supplies can be alleviated by the substitution of bi-level cars for tri-level cars at the ratio of three bi-level cars for each two tri-level cars ordered.

In the opinion of the Commission, present regulations and practices with respect to the use and supply of auto rack flat cars are ineffective to overcome these shortages of auto rack flat cars and an emergency exists requiring immediate action. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1323 Distribution of freight cars.

(a) Subject to the concurrence of the shipper the Burlington Northern Inc., (BN), and the Union Pacific Railroad Co. (UP) may substitute three bi-level auto rack flat cars, listed in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 407, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "FA" for each two tri-level auto rack flat cars ordered by the shipper for transporting automobiles.

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

(c) *Rates and Minimum Weights Applicable.* The rates to be applied to shipments for which three bi-level cars have been substituted for two tri-level cars ordered as authorized by Section (a) of this order shall be the rates applicable to the larger cars ordered. The minimum weight to be applied to each group of three bi-level cars substituted for two tri-level cars shall be the combined minimum weights applicable to the two tri-level cars ordered.

(d) *Billing to be Endorsed.* The carrier substituting smaller cars for larger cars as authorized by Section (a) of this order shall place the following endorsement on the bill of lading and on the waybills authorizing movement of the car:

Two tri-level cars ordered. Three bi-level cars furnished authority I.C.C. Service Order No. 1323.

(e) *Exception.* This order shall not apply to shipments subject to tariff provisions which require that cars be furnished by the shipper.

(f) *Exceptions.* Exceptions to this order may be authorized to railroads by the Railroad Service Board, Washington, D.C. 20423. Requests for such exception must be submitted in writing, or confirmed in writing, and must clearly state the points at which such exceptions are requested and the reason therefor.

(g) *Rules and Regulations Suspended.* The operation of all rules, regulations, or tariff provisions is suspended insofar as they conflict with the provisions of this order.

(h) *Effective date.* This order shall become effective at 12:01 a.m., April 26, 1978.

(i) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

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

[FR Doc. 78-11787 Filed 4-28-78; 8:45 am]

[8010-01]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-14711; File No. S7-648]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Quotations for Reported Securities

AGENCY: Securities and Exchange Commission.

ACTION: Postponement of effective date of rule.

SUMMARY: The Commission has amended its rule governing dissemination of quotation information with respect to reported securities to postpone the effective date of that rule from May 1, 1978 to August 1, 1978. The Commission has taken this action to permit the self-regulatory organizations to plan for the joint implementation of the rule in a manner which is designed to facilitate the development of a composite quotation system—an important element of a national market system.

EFFECTIVE DATE: May 1, 1978.

FOR FURTHER INFORMATION CONTACT:

John W. Osborn, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202-755-8961.

SUPPLEMENTAL INFORMATION: The Commission today announced that it has amended Rule 11Ac1-1 [17 CFR § 240.11Ac1-1] (the "Rule") under the Securities Exchange Act of 1934 (the "Act") (15 U.S.C. 78a et seq., as amended by Pub. L. 94-29 (June 4, 1975)] to postpone the effective date of the Rule until August 1, 1978. The Rule governs dissemination of quotation information as to which last sale information is reported in the consolidated transaction reporting system contemplated by Rule 17a-15 under the Act (17 CFR 240.17a-15) ("reported securities") and, as adopted, would have become effective on May 1, 1978.[1]

Most of the self-regulatory organizations subject to the Rule have requested that the Commission delay the effective date of the Rule.[2] The requests state that the various self-regulatory organizations which are subject to the Rule have been meeting to discuss the feasibility of joint implementation of the Rule. The discussions contemplated the formation of a Consolidated Quotation Association, which would make available to vendors quotations in eligible securities from each participating self-regulatory organization through a single data stream. The self-regulatory organizations further state that joint implementation would provide several forms of cost savings to the industry and to vendors of quotation information by removing possible redundancies in equipment and personnel. In particular, they state that creation of a single, comprehensive quotation data stream would avoid multiple data transmission lines from self-regulatory organizations to vendors and facilitate the sequencing of quotation information.

In addition, certain exchanges have advised the Commission that they have encountered technical problems in connection with their plans to disseminate quotations in reported securities through the use of computer systems which permit market makers on those exchanges either to input quotations manually or generate updated quotations automatically in response to changes in quotations in the primary markets. These exchanges have been actively involved in developing such systems facilities for over a year and state that recently discovered technical problems (which became evident during the testing of certain new programs) make full compliance with the Rule technically impossible on May 1, 1978.

The Commission has frequently stated its belief that the availability of comprehensive quotation information is a fundamental building block of a national market system. In its recent Statement on the Development of a National Market System, the Commission noted that a composite quotation system should:

> (i) lead to increased efforts by brokers to make informed order routing decisions from among the various competing market centers (in order to choose the particular market affording, at a particular point in time, the most favorable execution opportunities to their customers); (ii) foster improvements in existing methods of routing orders to all market centers; (iii) enhance fair competition among markets; and (iv) otherwise advance the objectives of a national market system specified by the Congress in Section 11A(a) of the Act.[3]

The Commission has also encouraged the self-regulatory organizations to plan for joint implementation of the Rule. In the release announcing the adoption of the Rule, the Commission stated its belief that "any arrangement among all of the various exchanges and associations leading to centralized processing, sequencing and validation of quotations would be beneficial."[4] The Commission continues to believe that joint implementation of the Rule would be in the public interest and would further the purposes of the Act by facilitating the development of an important facility of a national market system—a composite quotation system. It also appears that the creation of a single data stream would result in reduced costs for both the self-regulatory organizations and the vendors by eliminating the necessity for duplicative facilities, data transmission lines and personnel, and by resolving potential timing and sequencing problems. It is apparent, however, that joint implementation will not be possible by May 1, 1978, and that technical problems will delay the ability of certain exchanges to comply with the Rule on that date. Accordingly, the Commission has determined to amend the Rule by postponing its effective date from May 1, 1978, to August 1, 1978. The Commission wishes to emphasize that this action reflects its understanding that each of the self-regulatory organizations has acted, and will continue to act, as expeditiously as possible in implementing the facilities and procedures (including the proposed joint data stream) necessary to provide quotation information from all market centers in conformity with the Rule so that further delays will not be necessary.[5]

For the reasons stated above and pursuant to the Administrative Procedure Act (5 U.S.C. 551 et seq.), the Commission finds for good cause that notice and public procedure on this amendment to the Rule is both impracticable, unnecessary and contrary to the public interest and that there is good cause for making this amendment to the Rule effective immediately. The Commission also finds that adoption of this amendment to the Rule does not impose any burdens on competition that are not necessary or appropriate in furtherance of the purposes of the Act.

The Securities and Exchange Commission, acting pursuant to the Act, and particularly Sections 2, 3, 6, 9, 10,

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[1] Securities Exchange Act Release No. 14415 (January 26, 1978), 43 FR 4342.

[2] Requests for a delay in the effective date of the Rule have been received from the American, Boston, Cincinnati, Midwest and New York Stock Exchanges and the National Association of Securities Dealers, Inc.

[3] Securities Exchange Act Release No. 14416 (January 26, 1978) at 28, 43 FR 4358.

[4] Securities Exchange Act Release No. 14415 (January 26, 1978) at 51, 43 FR 4349.

[5] In addition, the Commission notes that, to the extent a self-regulatory organization participates in the Intermarket Trading System ("ITS") recently approved by the Commission on a temporary basis prior to the revised effective date of the Rule, it will be necessary for organizations to provide quotation information to the other ITS participants in accordance with the terms of the ITS Plan approved pursuant to Section 11A(a)(3)(B) of the Act (15 U.S.C. 78k-1 (a)(3)(B)). See Securities Exchange Act Release No. 14661 (April 14, 1978), 43 FR 14419.

11A, 15, 15A, 17, and 23 thereof (15 U.S.C. 78b, 78c, 78f, 78i, 78j, 78k-1, 78o, 78o-3, 78q, and 78w) hereby amends paragraph (e) of § 240.11Ac1-1 of Title 17 of the Code of Federal Regulations to postpone until August 1, 1978, the effective date of that section. The text of the amendment is as follows:

Rule 11Ac1-1 under the Act (17 CFR 240.11Ac1-1) is amended to read as follows:

§ 240.11Ac1-1 Dissemination of quotations for reported securities.

* * * * *

(e) The effective date of this section shall be August 1, 1978.

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By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 27, 1978.

[FR Doc. 78-11826 Filed 4-28-78; 8:45 am]

[8010-01]

[Release No. 34-14713; File No. S7-613]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Securities Transactions by Members of National Securities Exchanges

AGENCY: Securities and Exchange Commission.

ACTION: Temporary rules and interpretations.

SUMMARY: Section 11(a) of the Securities Exchange Act of 1934 prohibits members of national securities exchanges from effecting transactions for certain types of accounts. The Commission is announcing the adoption of: (i) A new temporary rule under section 11(a) permitting members to effect exchange transactions in listed bonds and other forms of indebtedness; (ii) amendments to temporary rules previously adopted concerning (a) proprietary trading, and (b) transactions effected by exchange members through other members; and (iii) certain interpretations of the section and the rules thereunder.

EFFECTIVE DATES: May 1, 1978. Comments should be received by June 1, 1978.

ADDRESSES: Interested persons should submit six copies of their views and comments to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, and should refer to File No. S7-613. All submissions will be made available for public inspection at the Commission's Public Reference Section, Room 6101, 1100 L Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Richard A. Steinwurtzel, Esq., 202-755-7974 or Charles M. Horn, Esq., 202-755-8747, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION:

INTRODUCTION

Section 11(a)(1) of the Securities Exchange Act of 1934 (the "Act")[1] prohibits, subject to certain exemptions, a member of a national securities exchange from effecting a transaction on that exchange for its own account, the account of an associated person, or an account as to which it or its associated person exercises investment discretion (collectively referred to as "covered accounts"). Section 11(a)(1) became effective upon its enactment with respect to persons who became exchange members after May 1, 1975. Pursuant to section 11(a)(3),[2] its effectiveness was delayed until May 1, 1978, with respect to transactions by persons who were exchange members on May 1, 1975.[3]

On March 14, 1978,[4] the Commission announced the adoption of several rules and interpretations under section 11(a), including: (i) interpretation of the meaning of the term "investment discretion" for purposes of the section 11(a) prohibition; (ii) adoption of technical amendments to the "proprietary trading" rule (Temporary Rule 11a1-1(T));[5] (iii) adoption of the "look-through" rule (Rule 11a1-2);[6] (iv) adoption of the "effect versus execute" rule (Rule 11a2-2(T));[7] and (v) discussion of the scope of exemptions under section 11(a)(1) for members' proprietary transactions.

In recent weeks, the Commission has received numerous inquiries with respect to the operation of section 11(a) and the existing final and temporary rules thereunder. Particularly in view of the widespread uncertainty concerning the meaning and application of section 11(a), and in order to provide further guidance by May 1, 1978, for members and others in complying with the section and the Commission's rules, the Commission has determined to clarify in this Release several matters. In so doing, the Commission is adopting amendments to the proprietary trading rule and the effect versus execute rule.

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[1] 15 U.S.C. 78k(a)(1).

[2] 15 U.S.C. 78k(a)(3).

[3] The Commission has rulemaking authority under section 11(a)(2), 15 U.S.C. 78k(a)(2), to extend the prohibitions of section 11(a)(1) to: (i) members' transactions (other than market maker and odd-lot dealer transactions) exempted thereunder; (ii) over-the-counter transactions (other than market maker transactions); and (iii) non-members' exchange transactions (other than market maker transactions). The Commission's authority under that section is complemented by sections 11(b) and 15(c)(5) of the Act, 15 U.S.C. 78k(b) and 78o(c)(5). In addition, under section 11(a)(1)(H), 15 U.S.C. 78k(a)(1)(H), the Commission is authorized to exempt from section 11(a)(1) any transaction of a kind which the Commission, by rule, determines is consistent with the purposes of section 11(a)(1), the protection of investors, and the maintenance of fair and orderly markets.

[4] Securities Exchange Act Release No. 14563 (Mar. 14, 1978) (the "March 1978 Release") 43 FR 11542 (Mar. 17, 1978).

[5] 17 CFR 240.11a1-1(T). The proprietary trading rule was adopted in Securities Exchange Act Release No. 12055 (Jan. 27, 1976) (the "January 1976 Release"), 41 FR 8075 (Feb. 24, 1976).

[6] 17 CFR 240.11a1-2.

[7] 17 CFR 240.11a2-2(T).

In addition, the Commission has determined to adopt, effective May 1, 1978, Temporary Rule 11a1-4(T) under section 11(a)(1)(H) to exempt from the section's prohibition exchange transactions by members in bonds and other forms of indebtedness. Interested persons are invited to submit comments with respect to any of the matters raised in this release.

The remainder of this Release consists of the following sections:

I. Exemptive Rule for Bond Transactions (Temporary Rule 11a1-4(T))

II. Amendments to, and Interpretations Under, the Proprietary Trading Rule Temporary Rule 11a1-1(T))

III. Interpretations Under the Look-Through Rule (Rule 11a1-2)

IV. Amendment to, and Interpretations Under, the Effect Versus Execute Rule (Temporary Rule 11a2-2(T))

V. Application of the Natural Person Exemption Under Section 11(a)(1)(E) to Certain Accounts

VI. Relationship of Exemptions Under Section 11(a) to One Another

VII. Statutory Basis

I. Exemptive Rule for Bond Transactions (Temporary Rule 11a1-4(T))

As discussed above, section 11(a)(1) prohibits a member of a national securities exchange from effecting transactions on such exchange for its own account or the account of its associated person. That proscription encompasses transactions in any type or class of security listed or admitted to trading on the exchange.

Commentators on the March 1978 Release and the Commission's two prior releases on section 11(a), the January 1976 Release and Securities Exchange Act Release No. 13388 (Mar. 18, 1977) (the "March 1977 Release"),[8] requested that the Commission exercise its exemptive authority under section 11(a)(1)(H) to permit members to effect transactions for their own accounts in bonds listed on an exchange. In support of that request, they contended that the over-the-counter market is the primary market in listed bonds; that bond trading on exchanges is essentially an odd-lot business; and that bond transactions on the exchange are overwhelmingly conducted by members on a principal basis and therefore section 11(a)(1) could and probably will eliminate the great majority of exchange transactions in listed bonds. Commentators further urged that such principal bond transactions are not subject to the member trading advantages identified by the Congress as a reason for enacting section 11(a). Bond trading is different in that respect, they suggested, because among other things, bonds are priced on the basis of factors, such as the money supply and interest rates, which are independent of the influence of exchange market activities. Consequently, they argued, fluctuations in bond prices are usually small, and the ability of members to avail themselves of time and place advantages in bond transactions for their own accounts is limited.[9]

In December 1977, the New York Stock Exchange, Inc. (the "NYSE"), requested the Commission to adopt rules under section 11(a)(1)(H) exempting certain types of member transactions from the prohibition of section 11(a). Among the rules suggested was a rule which would exempt proprietary transactions in listed bonds which are effected to facilitate an order of a public customer.[10] In the March 1978 Release, the Commission determined that the NYSE had not provided a sufficient rationale for such an exemption.[11] Upon further consideration of members' principal transactions in exchange-traded bonds, however, the Commission has determined to adopt Temporary Rule 11a1-4(T) (the "bond trading rule") under section 11(a)(1)(H) of the Act to exempt from section 11(a)(1) all bond transactions on an exchange for the account of a member or its associated person. The Commission has taken this action in recognition of several factors.

First, principal bond trading on exchanges provides a relatively liquid market for transactions of small size. The primary market in listed bonds is over-the-counter and is characterized by large-sized transactions among financial institutions and bond dealers. Bond transactions on exchanges, on the other hand, are generally effected as principal on behalf of exchange members' retail customers and often involve transactions of less than 100 bonds, which normally would be the minimum size of an institutional over-the-counter transaction.

The second reason for the Commission's adoption of an exemptive rule for bond trading is its belief that, because the primary market for listed bond trading currently is in the over-the-counter market, the exchange bond markets do not appear to offer to exchange bond traders the special "time and place" trading advantages which the Congress identified as a basis for section 11(a).[12] Unlike other types of securities, the pricing of listed bonds on the exchanges appears to be directly related to the pricing of simular forms of indebtedness traded in the over-the-counter market. Finally, since the institutional trading market in bonds currently is conducted over-the-counter, an exemption for exchange bond trading would not appear to raise any of the problems of institutional exchange membership articulated by the Congress when it enacted section 11(a).[13]

The bond trading rule covers transactions involving any bond, debenture, or other form of indebtedness listed or admitted to trading on national securities exchanges.[14] Transactions permitted by the rule will continue to be gov-

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[8] 42 FR 16345 (Mar. 29, 1977).

[9] Responses of Asiel & Co. (June 14, 1976, June 30, 1977, and Apr. 14, 1978); Cowen & Co. (Apr. 7, 1978); Lehman Bros. Kuhn Loeb (Apr. 14, 1978); Mabon, Nugent & Co. (Apr. 19, 1976, May 10, 1977, and Apr. 14, 1978); Merrill Lynch, Pierce, Fenner & Smith Inc. (Apr. 13, 1978); the New York Stock Exchange, Inc. (June 25, 1976, undated response received July 25, 1977, and Apr. 20, 1978); and the Securities Industry Association (July 14, 1977), Securities and Exchange Commission File No. S7-613 (hereinafter "File No. S7-613").

[10] Letter from James E. Buck to Andrew M. Klein (Dec. 23, 1977), File No. S7-613.

[11] March 1978 Release, at text following note 80.

[12] Securities Reform Act of 1975, Report of the House Comm. on Interstate and Foreign Commerce, Together With Minority Views, to Accompany H.R. 4111 (the "House Report"), H.R. Rept. No. 94-123, 94th Cong., 1st Sess. 54-57 (1975).

[13] House Report, at 55-57; Securities Acts Amendments of 1975, Report of the Senate Comm. on Banking, Housing, and Urban Affairs to Accompany S. 249 (the "Senate Report"), S. Rept. No. 94-75, 94th Cong., 1st Sess. 60-69 (1975). In 1964, the Commission concluded that floor trading activities in bonds did not pose serious problems. The Commission permitted the NYSE and the American Stock Exchange, Inc. (the "Amex"), to amend their floor trading plans under Rule 11a-1, 17 CFR 240.11a-1, to exempt bond trading from all of the prohibitions contained in that rule and in the plans adopted by the exchanges thereunder. In that connection, the Commission concluded that: (i) bond trading on the NYSE and the Amex comprises a minimal part of the business transacted on those exchanges; (ii) the low volume of activity in the exchange markets for bonds, coupled with the fact that the principal market for bonds exists in the over-the-counter market, eliminates the possibilities of harm which the Commission had earlier identified as arising from floor trading in equity securities; (iii) the floor trader in bonds does not have a significant competitive advantage over the public and, in fact, must adjust his own quotations to meet those he receives from off the floor; and (iv) because of the limited activity in bonds, there is considerable doubt whether the exchanges could continue making markets in bonds if the restrictions in Rule 11a-1 and the plans of the exchanges were to apply to the activities of members trading bonds on the floor. Securities Exchange Act Release No. 7375 (July 13, 1964).

[14] The phrase "other form of indebtedness" would include, for example, notes, obligations of the United States, foreign government obligations, guaranteed loan certificates, equipment trust certificates, and convertible debt securities. It would not, of course, include any equity security other than a convertible debt security. See Rule 3a11-1 under the Act, 17 CFR 240.3a11-1.

erned by applicable exchange rules as well as provisions of the Act (other than section 11(a)) and rules thereunder. The relief provided by that rule extends to transactions for the account of a member or its associated person,[15] but not to transactions effected by a member on behalf of a managed institutional account.[16] Transactions for managed institutional accounts are not being exempted since the potential fiduciary problems which the Congress identified with respect to such accounts would not appear to be substantially less significant in debt securities than they were perceived to be in the case of equity securities.

The Commission is adopting Rule 11a1-4(T) on a temporary basis, effective May 1, 1978, in order to avoid any disruption of the exchange bond market on and after May 1, 1978. The Commission will consider carefully commentators' views on the bond trading rule and may act at any time to modify, or indeed to rescind, the rule. The Commission may also need to revise the rule if exchange bond trading activities undergo a substantial change of character or begin to exhibit any substantial member trading abuses.

II. Amendments to, and Interpretations Under, the Proprietary Trading Rule (Temporary Rule 11a1-1(T))

The proprietary trading rule was adopted under Section 11(a)(1)(G)[17] to implement that provision's exemption for members' proprietary transactions. Under Section 11(a)(1)(G), as implemented by the proprietary trading rule, a member may effect a transaction for its own account if (i) the member derives more than 50% of its gross income from certain types of business (the "business mix" test), and (ii) the transaction yields priority, parity, and precedence in execution to orders for the accounts of persons who are not members or associated with members of the exchange. Questions have been raised concerning (i) the revenues which are included within the categories of business enumerated in the "business mix" test, and (ii) procedures that should be implemented by exchanges and their members concerning the identification of members' orders.

A. Treatment of revenues derived from transactions exempted under Section 11(a)(1).

The "business mix" test contained in Subparagraph (G)(i) of Section 11(a)(1) is intended to limit the Section 11(a)(1)(G) exemption to members which are engaged in certain aspects of the securities business.[18] Specifically, that test limits the availability of the exemption to members which are "primarily engaged in the business of underwriting and distributing securities issued by other persons, selling securities to customers, and acting as broker, or any one or more of such activities, and whose gross income normally is derived principally from such business and related activities" (referred to as "eligible income").

The determination as to whether revenue derived from a particular transaction or series of transactions is eligible income turns solely on the Section 11(a)(1)(G)(i) test itself rather than on whether the transaction or series of transactions is exempted under Paragraphs (A) through (H) of Section 11(a)(1). For example, revenue from an arbitrage transaction exempt under Section 11(a)(1)(D) would not necessarily be eligible income, since the arbitrage transaction might not involve any of the activities enumerated in Section 11(a)(1)(G)(i).

The phrase "selling securities to customers" in Section 11(a)(1)(G)(i) refers to an exchange member's principal transactions with its own customers. While purchasing securities from customers should be considered a "related" activity,[19] an exchange member's purchase of securities from, or sale to, other broker-dealers is not a transaction with the member's own customers,[20] even though the broker-dealers with whom the transactions are effected may be acting as agent for their customers. For example, an exchange specialist would derive eligible brokerage income from his book, but would derive eligible dealer income only in transactions with the specialist's own non-broker-dealer "customers."[21] Similarly, an upstairs market maker would derive eligible income from effecting principal transactions with its own customers[22] but not from market-making transactions with other broker-dealers who are acting as principal or as agent for their customers.

While this result represents what the Commission believes to be a proper reading of the language of Section 11(a)(1)(G)(i), the "business mix" test in the Section 11(a)(1)(G) exemption, as so interpreted, is too restrictive. It fails to recognize a number of exchange member dealer activities which also have been considered part of a "traditional" securities business. Accordingly, the Commission is amending Paragraph (b) of the proprietary trading rule, pursuant to its authority under Section 11(a)(1)(H), to permit members to count revenues from market-making, odd-lot dealer, and arbitrage and hedge transactions towards the satisfaction of the Section 11(a)(1)(G)(i) "business mix" test. All of these activities are expressly exempted from the prohibitions of Section 11(a)(1), in part because the Congress determined that their impact on exchange markets was beneficial, or at least not deleterious.[23]

In assessing compliance with the "business mix" test under Paragraph

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[15]The Commission continues to believe that, for purposes of section 11(a), there should be no difference between transactions for the account of a member allowed under section 11(a)(1) and transactions for the account of a person associated with that member, provided that those transactions are effected in the same manner and are subject to the same conditions. March 1978 Release, at text following note 56.

[16]Such transactions may, of course, be effected pursuant to an available statutory or rule exemption under section 11(a)(1), such as the effect versus execute rule (Rule 11a2-2(T)). In that regard, a member (the "initiating member") entering transactions into the NYSE Automated Bond System for execution should be regarded as meeting the off-floor transmission requirement contained in paragraph (a)(2)(ii) of the effect versus execute rule regardless of the location of the terminal at which the order is entered. See also March 1978 Release, note 41. If the order is matched by that system with an order on the contra side also entered by the initiating member and the transaction is thereafter effected under the conditions and limitations built into that system, the transaction will nevertheless comply with paragraph (a)(2)(iii) of the effect versus execute rule even though the initiating member's orders were so effected as a cross transaction.

[17]15 U.S.C. 78k(a)(1)(G).

[18]The "business mix" test is derived from a comparable provision in Section 3(c)(2) of the Investment Company Act of 1940, 15 U.S.C. 80a-3(c)(2). See Securities Acts Amendments of 1975, Report of the Committee on Conference to Accompany S. 249, H.R. Rep. 94-229, 94th Cong., 1st Sess. 105 (1975). The Commission's interpretations and actions with respect to Section 11(a)(1)(G)(i) should not, however, be viewed as implying any necessary interpretation or action with respect to that Section of the Investment Company Act of 1940.

[19]Income derived from activities "related" to such business would include income from activities which are directly incidental to one of the activities enumerated in Section 11(a)(1)(G)(i). For example, activities "related to" the sale of securities to customers or brokerage would include clearance and settlement, custodial services, and the extension of credit to customers.

[20]The term "customer" is generally used to refer to persons other than registered broker-dealers. See, e.g., Rule 15c1-1 under the Act, 17 CFR 240.15c1-1.

[21]NYSE Rule 113, for example, permits NYSE specialists to carry accounts for certain types of non-institutional customers. New York Stock Exchange Guide (CCH) ¶2113.

[22]Investment advisory activities would not, however, represent activities "related" to those set forth in Section 11(a)(1)(G)(i). March 1978 Release, note 65.

[23]Senate Report, at 68. Market-making transactions are exempted under Section 11(a)(1)(A), odd-lot dealer transactions under Section 11(a)(1)(B), and arbitrage and hedge transactions under Section 11(a)(1)(D).

(b) of the proprietary trading rule, an exchange may rely on a financial report prepared by independent accountants in accordance with generally accepted accounting principles. Certain classes of members, however, are not required to file such reports with exchanges under Rule 17a-5,[24] and, as a result, would not be able to supply such reports to exchanges without incurring additional costs. The Commission believes that, in the absence of a report of independent accountants under Rule 17a-5, an exchange may rely on a final report filed under rule 17a05(a)(4) unless the exchange knows or should know that the report is inaccurate.[25]

B. Pre-May 1, 1978 limit orders.

Under current practices on the exchanges, limit orders left with an exchange specialist or other person maintaining a limit order book may be designated as "good 'til cancelled" or otherwise designated as not expiring if unfilled at the end of the trading day on which they were entered.[26] In view of those practices, the Commission understands that limit orders entered before May 1, 1978 generally will not have been marked, for purposes of the proprietary trading rule, to indicate whether they must yield to non-members' orders if effected on or after May 1, 1978.[27]

In order to avoid undue burdens with respect to those orders, the Commission has adopted, effective May 1, 1978, a new Paragraph (c) to the proprietary trading rule. That Paragraph, adopted pursuant to Sections 11(a)(1)(G) and (H), provides that any limit order which was left with a specialist or any other person maintaining a limit order book on a national securities exchange before May 1, 1978, and not executed before that date, shall be deemed, if executed before January 1, 1979, to be an order for the account of a person who is not, and is not associated with, a member.

C. Identification of orders.

Subparagraph (G)(ii) of Section 11(a)(1) requires all members' proprietary orders effected thereunder to comply with Commission rules assuring that such orders yield priority, parity, and precedence in execution to orders for the accounts of persons which are not members or associated with members of the exchange (collectively referred to as "yielding orders"). Paragraph (a) of the proprietary trading rule implements that provision by requiring (i) that a member's proprietary order be identified at all steps in the process of effecting the order, and (ii) that, notwithstanding exchange yielding rules otherwise applicable, such order yields to any non-member order at the same price regardless of size or the time when entered. Members' yielding orders under the proprietary trading rule are not required to yield to other members' yielding orders, or to other members' or associated persons' proprietary orders otherwise exempt under Section 11(a)(1).

The proprietary trading rule sets forth an order identification requirement only with respect to yielding orders. In order for the yielding requirement of the proprietary trading rule to work properly, however, it would appear necessary for all members of the trading crowd to identify all orders, including those not required to yield, as to whether they are (i) non-member orders, (ii) members' or associated persons' yielding orders, or (iii) members' or associated persons' non-yielding orders.[28]

III. Interpretations Under the Look-Through Rule (Rule 11a1-2)

The look-through rule permits a member to effect a transaction for the account of its associated person or the public customers of its associated person if, assuming such account were carried on the same basis by a member, the member itself would have been permitted under Section 11(a) and the rules thereunder to effect the transaction. The look-through rule is based on the principle that there should be no difference between transactions for the account of a member allowed under Section 11(a)(1) and transactions for the account of a person associated with that member, provided that these transactions are effected in the same manner and are subject to the same conditions.[29]

The look-through rule provides that a member proposing to effect a transaction for the account and benefit of an associated person in reliance on Section 11(a)(1)(G) and the proprietary trading rule thereunder may do so if the associated person, during its preceding fiscal year, met the "business mix" text of Paragraph (G)(i). While the associated person's order must yield to public orders to satisfy the conditions of Section 11(a)(1)(G)(ii), the member effecting such a transaction for its associated person is not itself required to satisfy the "business mix" test.

IV. Amendment to, and Interpretations Under, the Effect Versus Execute Rule (Temporary Rule 11a2-2(T))

The effect versus execute rule was adopted by the Commission in the March 1978 Release. It provides an exemption for all member transactions for covered accounts that are referred to other members for execution and are executed in accordance with certain conditions. The effect versus execute rule was designed to put members and non-members on the same footing, to the extent practicable, in light of the purposes of Section 11(a).[30]

A. *Effective date.* The effect versus execute rule was adopted pursuant to the Commission's rulemaking authority under Sections 11(a)(1)(H) and 11(a)(2).[31] Pursuant to Section 11(a)(3), the provisions of Section

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[24] 17 CFR 240.17a-5.

[25] The proprietary trading rule does not define the procedures to be followed in the case of new members which have not been in business long enough to have financial statements for the preceding fiscal year. The Commission believes that it would be appropriate for exchanges to permit a new member to use the Section 11(a)(1)(G) exemption if the new member represents to the exchange its bona fide intention to conduct a business meeting the "business mix" test in Section 11(a)(1)(G)(i). Thereafter, the exchange should obtain unaudited quarterly statements from the member (until such time as its audited financial statement for the preceding fiscal year is available) and allow the new member to use the Section 11(a)(1)(G) exemption only if its revenues in each quarter meet the "business mix" test. See Nadell-Lodge, Inc. (1976-77 Transfer Binder) Fed. Sec. L. Rep. (CCH) ¶80,964 (Jan. 3, 1977).

[26] See, e.g., NYSE Rule 13, New York Stock Exchange Guide (CCH) ¶2013; Amex Rule 131, American Stock Exchange Guide (CCH) ¶9281.

[27] Response of the New York Stock Exchange, Inc. (April 20, 1978), File No. S7-613.

[28] For example, if upstairs member firm A transmits an order for the account and benefit of its associated person or its managed institutional account to floor member B pursuant to the effect versus execute rule, it would appear necessary for member B to identify the class of its order to the trading crowd immediately prior to execution in order to facilitate operation of the yielding requirement.

[29] March 1978 Release, at text following note 56.

[30] See March 1978 Release, at text accompanying notes 24-52. Three commentators on the March 1978 Release objected to the contractual modification and disclosure provisions of the effect versus execute rule on the ground that those provisions were inconsistent with the purposes of Section 11(a). Responses of the American Council of Life Insurance (April 14, 1978) and the American Insurance Association (April 13, 1978), File No. S7-613. One of those commentators suggested that compliance with those provisions would put exchange members at a competitive disadvantage with respect to non-member money managers. Response of Sanford C. Bernstein & Co., Inc. (April 13, 1978), File No. S7-613. But see Report of the House Comm. on Interstate and Foreign Commerce, Together With Additional Views, to Accompany H.R. 11567, H.R. Rept. No. 95-1010, 95th Cong., 2d Sess. 4 (1978); 121 Cong. Rec. H2431 (daily ed. April 4, 1978) (remarks of Congressman Moss).

[31] Under Section 11(a)(2) and other provisions of the Act, the Commission has general authority to extend, by rule, the Section 11(a) prohibition to nonmember, exempt, and over-the-counter transactions. See note 3 supra.

11(a)(1) will not become effective until May 1, 1978, with respect to persons who were exchange members on May 1, 1975. Section 11(a)(3), however, also provides that the Commission is not prohibited from exercising its Section 11(a)(2) rulemaking authority to adopt regulations prior to May 1, 1978, prohibiting or regulating the kinds of transactions subject to Section 11(a)(1). Consequently, the Commission is authorized under Sections 11(a)(2) and 11(a)(3) to apply the prohibition of Section 11(a)(1) to exchange members who were members on May 1, 1975, and otherwise not subject to Section 11(a)(1) until May 1, 1978.

The House of Representatives[32] and the Senate[33] recently passed legislation to extend the "grandfather" provision of Section 11(a)(3). The effect versus execute rule, because it was adopted in part under Section 11(a)(2), might be construed to become effective on May 1, 1978 as to all exchange members, notwithstanding any legislative extension of Section 11(a)(3). If the delay legislation is enacted into law, however, the Commission does not intend the effect versus execute rule to be effective with respect to those grandfathered members. Accordingly, the Commission today is amending the effect versus execute rule by the addition of a new Paragraph (f), to eliminate any uncertainty as to the Commission's intention in that regard.

B. Participation of member's floor employees.

Paragraph (a)(2)(iii) of the effect versus execute rule prohibits the initiating member or an associated person thereof from participating in the execution in the transaction at any time after the order for the transaction has been transmitted. The prohibition would thus extend to any order-handling function performed by the initiating broker (or one of its associated persons) after the order was transmitted. Accordingly, the Commission wishes to make it clear that the participation prohibition in Paragraph (a)(2)(iii) would not allow a member to transmit a covered account order from off the exchange floor to its employee on the floor for the purpose of having that employee refer the order to an unaffiliated member. That employee is an associated person of the member and is prohibited from participating in the execution of any transaction pursuant to the effect versus execute rule after transmission of the order by the member from its facilities off the exchange floor. That application of the prohibition on participation helps to ensure that members do not retain any special trading advantages not available to non-members in connection with effecting orders for covered accounts under the effect versus execute rule.

V. Application of the Natural Person Exemption Under Section 11(a)(1)(E) to Certain Accounts

Section 11(a)(1)(E)[34] exempts from the prohibition of section 11(a)(1) any transaction for the account of a "natural person, the estate of a natural person, or a trust (other than an investment company) created by a natural person for himself or another natural person." That exemption was discussed in earlier releases.[35] The application of that exemption as to certain kinds of customer accounts requires clarification.

One reading of section 11(a)(1)(E) might lead to the conclusion that accounts of two or more natural persons are excluded from its coverage, even though many such accounts are substantially similar to individual natural person accounts. The Commission believes that that exemption should be available to certain accounts which, in light of the purposes of section 11(a), may be considered "natural person accounts," provided that such accounts are not established for the purpose of avoiding section 11(a) or the rules thereunder: (i) husband and wife joint accounts and other joint tenancies where the tenants are related by blood or marriage or are members of the same household; (ii) accounts of family trusts with one or more beneficiaries who are related to the settlor by blood or marriage, or who are members of the settlor's household; and (iii) an individual retirement account established by a natural person.[36]

An account established by an entity with a separate legal existence (e.g., an unincorporated business association, a general or limited partnership, a joint venture, a professional association, a personal holding company, or a corporation) would not qualify for the natural person exemption. A personal holding company established under the laws of another country, however, may be a "natural person" for purposes of section 11(a)(1)(E) if the company is able to demonstrate that: (i) it is established under the laws of a country which does not recognize or permit the equivalent of a common law joint tenancy or trust; (ii) the company is established for the benefit of persons who are related by blood or marriage, or who are members of the same household; and (iii) the company is not established for the purpose of avoiding section 11(a) or the rules thereunder.

VI. Relationship of Exemptions Under Section 11(a) To One Another

Section 11(a)(1) prohibits a member of a national securities exchange from effecting a transaction for any covered account in the absence of a statutory exemption or one created by rule. In many cases, a member may be able to effect a transaction pursuant to more than one statutory or rule exemption. As the Commission observed in the March 1978 Release,[37] each exemption under section 11(a), whether provided by the section or by rule, is independent of each other exemption under that provision.[38] The number of questions, however, received by the Commission's staff with respect to the interaction of exemptions under section 11(a) suggests that further explanation of this matter would be appropriate.

A member effecting a transaction that could fall within more than one statutory or rule exemptions is only required to satisfy the terms of one exemption. For example, a member which qualifies for the exemption for members' proprietary transactions under section 11(a)(1)(G) or one of the other statutory exemptions may properly decide to rely instead upon the provisions of the effect versus execute rule to effect a proprietary transaction. If the member chooses to rely upon the provisions of the effect versus execute rule, it need comply only with the conditions of that rule and need not comply with the conditions of any other available statutory or rule exemption.

VII. Statutory Basis

The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934, and particularly sections 2, 3, 6, 10, 11, 11A, 15, and 23 thereof (15 U.S.C. 78b, 78c, 78f, 78j, 78k, 78k-1, 78o, and 78w), hereby adopts Temporary Rule 11a1-4(T), amendments to Temporary Rule 11a1-1(T), and an amendment to Temporary Rule 11a2-2(T). The Commission has determined that Temporary Rule 11a1-4(T), the amendments to Temporary Rule 11a1-1(T), and the amendment to Temporary Rule 11a2-

[32] H.R. 11567, 95th Cong., 2d Sess., Section 2(a) (1978).

[33] S. 8331, 95th Cong., 2d Sess., Section 19 (1978).

[34] 15 U.S.C. 78k(a)(1)(E).

[35] See January 1976 Release, at text accompanying notes 26-27 and note 27; March 1977 Release, at text accompanying notes 86-123; March 1978 Release, at text following note 67.

[36] Group retirement accounts, such as group Keogh plans and so-called "master IRA" accounts maintained by a member or its associated person, would not be included within the ambit of the natural person exemption.

[37] March 1978 Release, note 10.

[38] The look-through rule, however, does not provide any exemption that would not separately be available to a member trading for its own account, one which it managed, or the account of an unaffiliated public customer.

2(T) are consistent with the purposes of section 11(a), the protection of investors, and the maintenance of fair and orderly markets.

With respect to the adoption of Temporary Rule 11a1-4(T), the Commission believes that failure to adopt this rule prior to May 1, 1978 would be likely to disrupt exchange trading in bonds and other forms of indebtedness without furtherance of the purposes of section 11(a). Such a disruption could interfere with the execution of transactions for retail customer orders in exchange-listed bonds and other forms of indebtedness.[39] In view of the foregoing discussion and the May 1, 1978 effective date of section 11(a), the Commission finds that notice and public procedures in accordance with Section 4(b) of the Administrative Procedure Act ("APA")[40] would be impracticable and contrary to the public interest. Accordingly, the Commission finds, pursuant to 5 U.S.C. 553(b)(B), that good cause exists to adopt Temporary Rule 11a1-4(T) without notice and public procedures in connection therewith. For the same reasons, the Commission finds good cause to make Temporary Rule 11a1-4(T) effective less than 30 days after its adoption, in accordance with Section 4(d) of the APA.[41] In addition, publication of notice is not required because Temporary Rule 11a1-4(T) grants an exemption under section 11(a).[42]

With respect to the amendments to Temporary Rule 11a1-1(T), the Commission believes that the amendment should eliminate unjustifiable distinctions between classes of securities transactions, will avoid anticompetitive discrimination in various aspects of the securities business, and will avoid unnecessary disruptions of exchange markets. In view of the May 1, 1978 effective date of section 11(a), the Commission finds that notice and public procedures in accordance with section 4(b) of the APA would be impracticable and contrary to the public interest and that good cause exists to adopt the amendments to Temporary Rule 11a1-1(T) without notice and public procedure in connection therewith. In addition, the Commission finds good cause to make the amendments to Temporary Rule 11a1-1(T) effective less than 30 days after its adoption in accordance with section 4(d) of the APA,[43] in view of the foregoing and the fact that the amendment broadens an existing exemption under section 11(a).

With respect to the amendment to Temporary Rule 11a2-2(T), the Commission finds that the amendment is interpretive in nature, and that notice and public procedure under Section 4 of the APA[44] are unnecessary in connection therewith, and that 30 days' notice of its effective date is likewise unnecessary.

The Commission finds that the rule and rule amendments being adopted today will not impose any burdens on competition that are not necessary or appropriate in furtherance of the purposes of the Act. The adoption of Temporary Rule 11a1-4(T) will establish an exemption for members' exchange proprietary transactions in listed bonds and other forms of indebtednesss, and may increase competition on exchanges. The amendment to Temporary Rule 11a1-1(T) which concerns the "business mix" test may increase competition by broadening the availability of the exemptions under Section 11(a)(1)(G). The second amendment to Temporary Rule 11a1-1(T) relieves problems with respect to the handling of certain limited price orders and will not impose any unnecessary or inappropriate burdens on competition. The amendment to Rule 11a2-2(T) is interpretive in nature and does not impose any burden on competition.

Part 241 of Chapter II of Title 17 of the Code of Federal Regulations is amended, effective immediately, by the inclusion of this release therein. Part 240 of Chapter II of Title 17 of the Code of Federal Regulations is amended, effective May 1, 1978, as follows:

§ 240.11a1-4(T) Bond transactions on national securities exchanges.

A transaction in a bond, note, debenture, or other form of indebtedness effected on a national securities exchange by a member for its own account or the account of an associated person thereof shall be deemed to be of a kind which is consistent with the purposes of section 11(a)(1) of the Act, the protection of investors, and the maintenance of fair and orderly markets.

§ 240.11a1-1(T) Transactions yielding priority, parity and precedence.

* * * * *

(b) A member shall be deemed to meet the requirements of section 11(a)(1)(G)(i) of the Act if during its preceding fiscal year more than 50 percent of its gross revenues was derived from one or more of the sources specified in that section. In addition to any revenue which independently meets the requirements of section 11(a)(1)(G)(i), revenue derived from any transaction specified in paragraph (A), (B), or (D) of section 11(a)(1) of the Act shall be deemed to be revenue derived from one or more of the sources specified in section 11(a)(1)(G)(i). A member may rely on a list of members which are stated to meet the requirements of section 11(a)(1)(G)(i) if such list is prepared, and updated at least annually, by the exchange. In preparing any such list, an exchange may rely on a report which sets forth a statement of gross revenues of a member if covered by a report of independent accountants for such members to the effect that such report has been prepared in accordance with generally accepted accounting principles.

(c) Any limited price order which was left with a specialist or any other person maintaining a limit order book on a national securities exchange before May 1, 1978, and not executed before that date, shall be deemed, if executed before January 1, 1979, to be an order for the account of a person who is not, and is not associated with, a member.

§ 240.11a2-2(T) Transactions effected by exchange members through other members.

* * * * *

(f) The provisions of this section shall not apply to transactions by exchange members to which, by operation of section 11(a)(3) of the Act, section 11(a)(1) of the Act is not effective.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 27, 1978.

[FR Doc. 78-11979 Filed 4-28-78; 9:35 am]

[39] See, e.g., NYSE Rule 396, New York Stock Exchange Guide (CCH) ¶2396.
[40] 5 U.S.C. 553(b).
[41] 5 U.S.C. 553(d).
[42] Id.
[43] 5 U.S.C. 553(d).
[44] 5 U.S.C. 553.

proposed rules

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-4102]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Hooksett, Merrimack County, N.H.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Hooksett, Merrimack County, N.H. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Office, 16 Main Street, Hooksett, N.H. Send comments to: Mr. Raymond Langer, Chairman, Board of Selectmen, Town Office, 16 Main Street, Hooksett, N.H. 03106.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Hooksett, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Merrimack River...	At southern corporate limit.	185
	4100 ft upstream of confluence of Peters Brook.	190
	Just downstream of Main St.	191
	Just upstream of Hooksett Dam.	194
	At northern corporate limit.	198
Dalton Brook.....	At confluence with Merrimack River.	187
	500 ft upstream of Boston & Maine RR.	188
	1050 ft upstream of Boston & Maine RR.	218
	2300 ft upstream of Boston & Maine RR.	236
	3700 ft upstream of Boston & Maine RR.	249
	1950 ft downstream of Benton Rd.	264
	300 ft downstream of Benton Rd.	273
	Just upstream of Benton Rd.	295
	Upstream end of U.S. Route 3 Culvert.	298
	Downstream end of State Route 28 Bypass.	299
	Just upstream of Route 28 Bypass Culvert.	302
Messer Brook.....	At confluence with Merrimack River.	186
	285 ft downstream of Martins Ferry Rd.	186
	85 ft downstream of Martins Ferry Rd.	189
	50 ft upstream of Martins Ferry Rd.	197
	2600 ft upstream of Martins Ferry Rd.	221
	850 ft downstream of Trailor Park Rd.	225
	85 ft downstream of Trailor Park Rd.	234
	Just upstream of Trailor Park Rd.	239
	1225 ft upstream of Trailor Park Rd.	244
	At downstream end of State Route 28 Culvert.	265
Peters Brook.....	At confluence with Merrimack River.	189
	Just upstream of Boston & Maine RR.	195
	260 ft upstream of Boston & Maine RR.	195
	Just upstream of Gravel Pit Dam.	212
	80 ft downstream of Construction Products Rd.	214
	80 ft upstream of Construction Products Rd.	223
	1050 ft upstream of Construction Products Rd.	230
	1815 ft upstream of Construction products Rd.	241
	140 ft downstream of Industrial Park Rd (southernmost crossing).	255
	Just upstream of Industrial Park Rd (southernmost crossing).	278
	Just upstream of Industrial Park Rd (northernmost crossing).	282
	60 ft downstream of U.S. Route 3.	289
	Just upstream of U.S. Route 3.	294
	Just upstream of Gravel Pit Culvert C (3350 ft upstream of Industrial Park North Crossing).	304

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-11672 Filed 4-28-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4103]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Eastchester, Westchester County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Eastchester, Westchester County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Department of Planning and Community Development, 40 Mill Road, Eastchester, N.Y. Send comments to: Mr. Anthony J. Colavita, Town Supervisor, town of Eastchester, Town Hall, 40 Mill Road, Eastchester, N.Y. 10709.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of Eastchester, N.Y., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures reuired by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bronx River	Bronx River Parkway approximately 1,890 ft upstream of Harney Rd [1].	123
	Harney Rd [1]	120
	Bronx River Parkway approximately 240 ft downstream of Harney Rd [2].	117
	Bronx River Parkway approximately 4,040 ft downstream of Harney Rd [1].	113
	Bronx River Parkway approximately 4,720 ft downstream of Harney Rd [2].	111
Hutchinson River	Hutchinson Blvd [1]	212
	Wilmot Rd [2]	192
	Dam holding reservior No. 1 [1].	186
	Exit ramp—upstream Hutchinson River Parkway [1].	150
	Entrance/exit ramp downstream of Hutchinson River Parkway [2].	137
	Dam holding reservior No. 3 [1].	124
	Hutchinson River Parkway ramp [1].	103
	Dam holding reservior No. 2 [1].	103
	Driveway bridge [2]	69
	New Rochelle Rd [1]	66

[1] Upstream.
[2] Downstream.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 12, 1978.

GLORIA M. JIMINEZ,
Federal Insurance Administrator.

[FR Doc. 78-11673 Filed 4-28-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3418]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Oneonta, N.Y.; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 42 FR 53765 of the FEDERAL REGISTER of October 3, 1977.

EFFECTIVE DATE: October 3, 1977.

FOR FUTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Oneonta Creek	625 ft upstream of Spruce St.	1,143
	Upstream of High School Dr.	1,191
Mill Race	Downstream of Gas Ave.	1,084
	150 ft upstream of Gas Ave.	1,085
Silver Creek	500 ft upstream of Center St.	1,175
Glenwood Creek	50 ft upstream from private dam located 900 ft upstream of Main St.	1,224
	City limit (1,650 ft upstream of Main St.).	1,270

Should be corrected to read:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Oneonta Creek	675 ft upstream of Spruce St.	1,143
	60 ft upstream of High School Dr.	1,191
Mill Race	50 ft upstream of Gas Ave.	1,084
	325 ft upstream of Gas Ave.	1,085
Silver Creek	550 ft upstream of Center St.	1,175
Glenwood Creek	70 ft upstream from private dam located 900 ft upstream of Main St.	1,224
	City limit (1670 ft upstream of Main St.).	1,270

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968, as amended

(42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27,1969, as amended (39 FR 2787, January 24,1979).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR DOC. 78-11674 Filed 4-28-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-2273]

NATIONAL FLOOD INSURANCE PROGRAM

Revision of Proposed Flood Elevation Determinations for the Borough of West Easton, Northampton County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the borough of West Easton, Northampton County, Pa. Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 41 FR 42208 on September 27, 1976, and in The Easton Express published on August 30, 1976, and August 31, 1976, and hence supersedes those previously published rules.

DATE: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review in the front window of Borough Hall, 6th and Center Streets, West Easton, Pa. Send comments to: Mayor James R. Kelly, Borough Hall, 6th and Center Streets, West Easton, Pa. 18042.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the borough of West Easton, Northampton County, Pa., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing building and their contents.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	Elevation in feet, above mean sea level
Lehigh River.....	Main St.....	192
	Closed highway bridge...	196
	Corporate limit, upstream.	197

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-11675 Filed 4-28-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4104]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of West Columbia, Lexington County, S.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevation listed below for selected locations in the city of West Columbia, Lexington County, S.C. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 1053 Center Street, West Columbia, S.C. 29169. Send comments to: Mayor Paul Waites or Mr. Jack Carraway, 1053 Center Street, P.O. Box 44, West Columbia, S.C. 29169.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of West Columbia, Lexington County, S.C., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on it own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on exisiting buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Congaree River	Intersection of Gervais St. and corporate limits.	157
Saluda River.....	Natchez Ter. (extended)	162

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delega-

tion of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-11676 Filed 4-28-78: 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4105]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Village of Lakeway, Travis County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the village of Lakeway, Travis County, Tex. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 1204 Lakeway Drive, Austin, Tex. 78734. Send comments to: Mayor J. T. Gribble, 1204 Lakeway Drive, Austin, Tex.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the village of Lakeway, Travis County, Tex., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or purusant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Travis	Entire shoreline	725
Hurst Creek	Upstream of Lohmann Crossing Rd.	750
	Upstream of Lakeway Dr.	765
	Downstream of World of Tennis Blvd.	778

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-11677 Filed 4-28-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4106]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Lorena, McLennan County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) Flood elevations listed below for selected locations in the city of Lorena, McLennan County, Tex. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Lorena, Tex. Send comments to: Mayor William Woody, P.O. Box 6, Lorena, Tex.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Lorena, McLennan County, Tex., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected location are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North Cow Bayou, tributary 1.	Just downstream County Road 22 bridge.	521
	Approximately 100 ft upstream of FM 2837 bridge.	570
North Cow Bayou, tributary 2.	County Road 133	581
North Cow Bayou.	Approximately 150 ft upstream of the eastern corporate limits.	516

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-11678 Filed 4-28-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4107]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of McGregor, McLennan County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of McGregor, McLennan County, Tex. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 409 West Forrest Street, McGregor, Tex. 76657. Send comments to: Mayor F. A. Morris, 409 West Forrest Street, McGregor, Tex.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of McGregor, McLennan County, Tex., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Harris Creek	Just upstream of Atchison, Topeka, & Santa Fe RR.	685
	Just downstream of North Main St. (State Highway 317).	891
Tributary to Harris Creek.	Just upstream of U.S. Highway 84.	721
Willow Creek	Eastern corporate limits	702

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-11679 Filed 4-28-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4108]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Robinson, McLennan County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Robinson, McLennan County, Tex. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 104 West Glendale Street, Waco, Tex. 76706. Send comments to: Mayor Doyle F. Hunton, 104 West Glendale Street Waco, Tex. 76706

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410. 202–755–5581 or toll free line 800–424–8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Robinson, McLennan County, Tex., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National geodetic vertical datum
Flat Creek	Just upstream of 12th St. (County Rd. 102).	427
	Just upstream of U.S. 77	461

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-11680 Filed 4-28-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4109]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Chatham, Pittsylvania County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Chatham, Pittsylvania County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Bulletin Board at the Town Hall, Chatham, Va. Send comments to: Mr. Paul J. Harold, Town Manager of Chatham, 24 Depot Street, Chatham, Va. 24531.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of Chatham, Pittsylvania County, Va., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-488)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevation, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community much change any existing ordinances that are more stringent in their flood plan management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cherrystone Creek.	City boundary (downstream).	586
	Davis Rd.	587
	U.S. 29	592
	South Ry.	600
	VA-57	610
	City boundary (upstream).	613

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-11681 Filed 4-28-78; 8:45 am]

[4210-01]

[24CFR Part 1917]

[Docket No. FI-4110]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed flood Elevation Determinations for the Town of Hurt, Pittsylvania County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Hurt, Pittsylvania County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Council Chambers, Hurt, Va. Send comments to: Hon. Robert T. Payne, Mayor of Hurt, P.O. box 160, Hurt, Va. 24563.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of Hurt, Pittsylvania County, Va. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management menasures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter require-

ments on its own, or pursuant to policies established by the other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Roanoke River.....	Confluence with Reed Creek.	535
	U.S. Route 29	537
	Western Corporate Limit.	538
Reed Creek.....	Confluence with Roanoke River.	535
	Upstream Corporate Limit.	535
Sycamore Creek	Confluence with Roanoke River.	537
	Western Corporate Limit.	537

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of atuhority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-11682 Filed 4-28-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4111]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Ilwaco, Pacific County, Wash.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Ilwaco, Pacific County, Wash. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the bulletin board at the City Hall, Ilwaco, Wash. Send comments to: Hon. Leslie E. Peterson, Mayor of Ilwaco, P.O. Box 548, Ilwaco, Wash. 98624.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872. Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of Ilwaco, Pacific County, Wash., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National geodetic vertical datum
Baker Bay	Ilwaco Marine	9
	Coastline at town of Ilwaco.	11

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 Fr 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-11683 Filed 4-28-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4112]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Spooner, Washburn County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Spooner, Washburn County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Spooner, Wis. Send comments to: Hon. Thomas F. Donovan, Mayor, City of Spooner, City Hall, Spooner, Wis. 54801.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Spooner, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures re-

quired by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Yellow River	Western corporate limit.	1,049
	1200 ft upstream from western corporate limit.	1,051
	Just downstream from Fish Hatchery Bridge.	1,053
	50 ft upstream of dam	1,066
	50 ft upstream of South River Street Bridge.	1,067
	East corporate limit	1,067

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968, as amended (42 U.S.C. 4001–4128); and the Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-11684 Filed 4-28-78; 8:45 am]

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

[LR-2-78]

INCOME TAX

Requirements Relating to Certain Exchanges Involving a Foreign Corporation.

AGENCY: Internal Revenue Service, Treasury.

ACTION: Extension of Time for Comments and Requests for a Public Hearing.

SUMMARY: This document provides notice of an extension of time for submitting comments and requests for a public hearing concerning the notice of proposed rulemaking with respect to Requirements Relating to Certain Exchanges Involving a Foreign Corporation. The extended deadline for submission of comments and requests for a public hearing is August 1, 1978.

DATES: Written comments and requests for a public hearing must be delivered or mailed by August 1, 1978.

ADDRESS: Send comments and request for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-2-78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

Katherine A. Newell of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, CC:LR:T, 202-566-3740, not a toll-free call.

SUPPLEMENTARY INFORMATION: By a notice of proposed rulemaking published in the FEDERAL REGISTER for Friday, December 30, 1977 (42 FR 65152 and 65204), comments and requests for a public hearing with respect to the proposed rules were to be delivered or mailed to the Commissioner of Internal Revenue, Attention: CC:LR:T (LR-2-78), Washington, D.C. 20224, by February 28, 1978. By a notice published in the FEDERAL REGISTER for Tuesday, February 21, 1978, (42 FR 7245), this date was extended to May 1, 1978. The date by which such comments or requests must be delivered or mailed is hereby further extended to August 1, 1978.

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

FR Doc. 78-11795 Filed 4-27-78; 8:45 am]

[4510-27]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 575]

WAIVER OF CHILD LABOR PROVISIONS FOR AGRICULTURAL EMPLOYMENT OF 10- AND 11-YEAR-OLD MINORS IN HAND-HARVESTING OF SHORT SEASON CROPS

Hearing Concerning Provisions Governing Application for an Issuance of a Waiver

AGENCY: Wage and Hour Division.

ACTION: Notice of hearing concerning proposed rule.

SUMMARY: The Administrator of the Wage and Hour Division has proposed regulations to implement section 13(c)(4) of the Fair Labor Standards Amendments of 1977. This proposed regulation would provide a waiver from the child labor provisions of the Act for the agricultural employment of 10- and 11-year-old minors in the hand-harvesting of short season crops under certain conditions as provided in the proposal published in the FEDERAL REGISTER on April 4, 1978, at page 14068. This hearing will provide an additional forum for comment.

DATES: All comments are due on or before the close of the hearing. The hearing will commence on May 11, 1978, at 9:30 a.m., e.d.t.

ADDRESS: The hearing will be held in Room S-5215 A, B and C, New Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Lucille C. Pinkett, Wage and Hour Division, Room S-3022, New Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C., 20210, telephone 202-523-8412.

SUPPLEMENTARY INFORMATION: In order to give all interested parties an opportunity to present supporting and contrary views and to assist the Administrator in reaching a decision in this matter the Administrator of the Wage and Hour Division, has determined that an informal hearing is desirable.

Beginning at 9:30 a.m., e.d.t., on May 11, 1978, the presiding officer will hold a prehearing conference in order to establish the order and time for the presentations and in order to settle any other matters relating to the proceedings. All persons intending to make presentations should attend the prehearing conference, which is open to the public. The public hearing will immediately follow the prehearing conference.

The oral proceedings shall be reported verbatim. The use of prepared statements by witnesses is encouraged. An original and two copies of all documents to be used should be submitted at the hearing.

Comments submitted in accordance with the notice of April 4, 1978, need not be resubmitted as they will be incorporated in and made a part of this record.

The presiding officer shall have all the powers necessary or appropriate to conduct a full and fair informal hearing, including the powers:

(a) To regulate the course of the hearing;

(b) To dispose of procedural requests, objections, and comparable matters;

(c) To confine the presentations to matters pertinent to the requested information;

(d) To regulate the conduct of those present at the hearing by appropriate means;

(e) To permit and to limit cross examination; and

(f) In his discretion, to keep the record open for a short, stated period

of time to receive written data from any person who has participated in the oral proceeding.

Following the close of the hearing, the presiding officer shall certify the record thereof to the Administrator of the Wage and Hour Division. The Administrator of the Wage and Hour Division shall, after consideration of the record and other pertinent information, take such action as he deems appropriate.

A copy of the record or portions thereof as it becomes available will be open for public inspection and examination at the office of Xavier M. Vela, Administrator, Room S-3502, Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C. 20210. The entire record or any part thereof may be purchased as provided in 29 CFR 70.62(c) at the actual cost of duplication as computed pursuant to the fee schedule in 29 CFR 70.62(b).

The harvest season during which the 10- and 11-year-old minors will be employed commences about June 1. In order that appropriate action may be promptly taken it is necessary that less than 15 days notice of the hearing be given.

Signed at Washington, D.C., on this 27th day of April 1978.

HERBERT J. COHEN,
Assistant Administrator,
Wage and Hour Division.

[FR Doc. 78-11963 Filed 4-28-78; 8:45 am]

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 100]

[CGD5-78-04R]

SAFETY OF LIFE ON NAVIGABLE WATERS

Establishment of Special Local Regulations for the President's Cup Regatta, Washington, D.C.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: This proposed rule details the special local regulations which are intended to be established for the President's Cup Regatta. The special local regulations will be established to ensure the safety of life on the Potomac River at Washington, D.C., immediately before, during, and immediately after the regatta.

DATES: All comments received before May 31, 1978, will be considered. Proposed effective dates: From 10 a.m. EDST until 6 p.m. EDST on June 15, 16, 17 and 18, 1978.

FOR FURTHER INFORMATION CONTACT:

LCDR C. C. Atkins, Commander(b), Fifth Coast Guard District, Portsmouth, Va. 23705, 804-393-9611.

SUPPLEMENTARY INFORMATION: The establishment of special local regulations to ensure the safety of life on the navigable waters of the United States immediately before, during and immediately after a regatta is authorized by the Act of April 28, 1908 (35 Stat. 69) as amended, and 33 CFR 100.35, as amended.

Accordingly, the following local regulations are proposed:

§ 100.35 Special local regulations.

(a) Location. The area subject to these regulations is those waters enclosed by a line drawn from the southern tip of Haines Point northwards along the eastern seawall to a point 1,000 feet from the southern tip of Haines Point; thence easterly to a point 400 feet from the seawall; thence in a southerly direction to a point 1,400 feet distant; thence along a line of bearing 240° T. to the Virginia shore; thence upstream along the Virginia shoreline to the Penn Central Railroad bridge between Washington, D.C., and Arlington, Va.; thence 034° T. to the Potomac Park-Potomac River shoreline; thence along the Potomac Park-Potomac River shoreline to the southern tip of Haines Point.

(b) Regulations. (1) Except for participants in the President's Cup Regatta or persons or vessels authorized by the Coast Guard patrol officer, no person or vessel may enter or remain in the area specified in paragraph (a) of these regulations.

(2) The operator of any vessel in the immediate vicinity of the area specified in paragraph (a) above of these regulations shall:

(i) Stop his vessel immediately upon hearing five or more short blasts of a horn or whistle from any vessel displaying a Coast Guard emblem; and

(ii) Proceed as directed by any Coast Guard officer or petty officer.

(3) Any spectator vessel may anchor outside of the area specified in paragraph (a) of these regulations.

(4) The Coast Guard patrol officer is a commissioned officer of the Coast Guard who has been designated by the Commander, Fifth Coast Guard District.

(5) These regulations and other applicable laws and regulations shall be enforced by Coast Guard officers and petty officers on board Coast Guard, public, and private vessels displaying the Coast Guard emblem.

(Sec. 1, 35 Stat. 69 as amended, sec. 6(b)(1) 80 Stat. 937; 46 U.S.C. sec. 454, 49 U.S.C. sec. 1655(b)(1); 33 CFR 100.35, 49 CFR 1.46(b).)

Dated: April 19, 1978.

J. E. JOHANSEN,
Rear Admiral, U.S. Coast Guard,
Commander, Fifth Coast Guard District.

[FR Doc. 78-11793 Filed 4-28-78; 8:45 am]

[4910-14]

[33 CFR Parts 126, 154, 156]

[CGD 77-128]

WATERFRONT FACILITIES

Public Meeting

AGENCY: Coast Guard, DOT.

ACTION: Supplemental notice—Public meeting.

SUMMARY: In the FEDERAL REGISTER of Monday, April 10, 1978 (43 FR 15108), the Coast Guard invited public participation in the development of new waterfront facilities regulations. This advance notice announced a public meeting to be held on May 25, 1978, in Houston, Tex. Because of scheduling problems, it has become necessary to change the location of the meeting in Houston. The new location of the meeting is set out below.

DATES: The public meeting will be held on May 25, 1978, beginning at 9:30 a.m., in the Ballroom, Whitehall Hotel, 1700 Smith Street, Houston, Tex.

FOR FURTHER INFORMATION CONTACT:

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

Dated: April 26, 1978.

G.H. PATRICK BURSLEY,
RADM, USCG, Chairman,
Marine Safety Council.

[FR Doc. 78-11791 Filed 4-28-78; 8:45 am]

[4910-14]

[33 CFR Part 161]

[CGD 77-213]

NOTIFICATION OF TANK VESSEL OWNERSHIP INFORMATION, NAMES AND COUNTRY OF REGISTRY

Public Hearing

AGENCY: Coast Guard, DOT.

ACTION: Supplemental notice—Public hearing.

SUMMARY: In the FEDERAL REGISTER of Thursday, April 13, 1978 (43 FR 15586), the Coast Guard proposed amending the rules for protection of the marine environment relating to tank vessels carrying oil in bulk to require all oil tankers of 20,000 tons deadweight (dwt) or more, United States and foreign vessels, that call at U.S. ports, places or deepwater ports to engage in commercial service to report certain ownership information,

all registered names the vessel has had since it began operation, and the country of current registry. This proposal announced a public hearing to be held on May 26, 1978, in Houston, Tex. Because of scheduling problems, it has become necessary to change the location of the hearing in Houston. The new location of the hearing is set out below.

DATES: The public hearing will be held on May 26, 1978, beginning at 9:30 a.m., in the Ballroom, Whitehall Hotel, 1700 Smith Street, Houston, Tex.

FOR FURTHER INFORMATION CONTACT:

Capt. 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.

Dated: April 26, 1978.

G. H. PATRICK BURSLEY,
RADM, USCG, Chairman,
Marine Safety Council.

[FR Doc. 78-11790 Filed 4-28-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

[46 CFR Part 502]

[Docket No. 78-12]

RULES OF PRACTICE AND PROCEDURE

Simplification of Rules Governing Special Docket Applications for Permission To Refund or Waive Portions of Freight Charges in Foreign Commerce

AGENCY: Federal Maritime Commission.

ACTION: Proposed Rule Changes.

SUMMARY: The Federal Maritime Commission proposes to amend its rules of practice and procedure to simplify the process by which common carriers by water in the foreign commerce of the United States or conferences of such carriers seek permission to refund or waive a portion of freight charges because of tariff errors. The amendments are necessary to eliminate unnecessary technicalities and uncertainties which interfere with the prompt processing of applications. The effect of the amendments will be to eliminate participation of unnecessary parties, clarify requirements as to the time required to file, and simplify the standard form used to submit relevant information.

DATES: Comments on or before: May 26, 1978.

ADDRESSES: Comments to: Secretary, Federal Maritime Commission, Room 11101, 1100 L Street NW., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT:

Francis C. Hurney, Secretary, Federal Maritime Commission, Room 11101, 1100 L Street NW., Washington, D.C. 20573, 202-523-5725.

SUPPLEMENTARY INFORMATION: In 1968, section 18(b)(3) of the Shipping Act, 1916, 46 U.S.C. 817(b)(3), was amended by Pub. L. 90-298 to authorize the Commission to grant permission to common carriers by waters in the foreign commerce of the United States or conferences of such carriers to refund or waive portions of freight charges under certain conditions. The amending legislation was enacted because of rigid application of tariff law requiring strict adherence to rates published at time of shipment often resulted in inequitable financial injury to shippers when carriers or conferences committed certain types of errors in tariff publication. For example, if the carriers or conferences had no intention of charging a particular higher rate but through bona fide mistake on the part of the carrier or conference, a tariff reflecting a lower intended rate had not been timely filed, the shipper would nevertheless be compelled to pay the higher rate even though such shipper might have been promised the lower rate. To correct such inequities and others specified, section 18(b)(3) was amended to permit the Commission to eliminate the harmful effects flowing from the carriers' or conferences' errors and give relief to shippers.

Although the Commission must exercise care to insure that mistakes committed by carriers or conferences are bona fide and that the various procedural requirements of Pub. L. 90-298 are met, the basic thrust of the amending legislation is remedial. However, the Commission has observed that under the present regulation which implements the amending legislation confusion and uncertainty has arisen which causes unnecessary delay and frustrates the remedial pruposes of the law. The particular areas of uncertainty and confusion concern the status of shippers as parties to proceedings commenced by the filing of applications and the methods used to determine the period of time within which such applications must be filed.

Pub. L. 90-298 gives carriers or conferences the right to file applications to correct the results of their own mistakes for the benefit of shippers. Proceedings arising under that law are therefore not truly adversary in nature. However, the Commission's present regulation, Rule 92(a), 46 CFR 502.92(a), establishes any proceeding begun under law in question as "the equivalent of a complaint and answer thereto admitting the facts complained of." Furthermore, the standard form prescribed by the present regulation requires the notarized concurrence of the shipper as "complainant." As a result of this situation, the processing of applications has been delayed. In some instances, it has been necessary to obtain the concurrence of shippers located overseas, or assignments of their rights to persons located in the United States, or affidavits from nominal complainants whose only function is to promise to pass the refund or the benefit of the waiver through to the real party in interest, i.e., the shipper or consignee who was responsible for payment of the freight and did make payment in whole or in part.

The Commission believes that the primary objective of the law in question was to remedy obvious inequites and give relief when the conditions set forth in that law are met and that relief, when deserved, should not be impeded by unnecessary technicalites. The proposed amendments to Rule 92(a) will eliminate such technicalities while at the same time providing the Commission with sufficient information upon which to base a proper decision. This will be done by restructuring the proceedings arising under the law into non-adversary applications and removing the requirement that shippers submit concurrences with the applications. To insure that the the proper person receives the benefit of the refund or waiver, however, the applicant will be required to furnish specific information regarding payment of the freight and the person responsible for payment. The standard form prescribed by the regulation will also be restructured to eliminate unnecessary information and simplify the format for easier utilization.

The second major problem concerns the method used to determine whether the application has met the statutory requirement that it be "filed with the Commission within one hundred and eighty days from the date of shipment." Although the Commission has determined in special-docket cases that the term "filing" may be construed to mean date of placing the application in the mail,[1] there is as yet no clear definition of the term "date of shipment." In most cases applications are filed early enough in time so that is has been unnecessary to fix a particular point in time as the "date of shipment." Usually, the date shown on the bill of lading issued by the carrier, whether rated or not, has been used as a convenient standard. However, in some instances the date of the on-board bill of lading has been used.[2] Furthermore, it has not been settled as to whether some other point of ref-

[1] *Ghiselli Bros. v. Micronesia Interocean Line, Inc.*, 13 F.M.C. 179, 182 (1970).

[2] *Id.*, at pp. 182, 186.

erence could be used such as date of payment of the feight or date of delivery. The problem stems from the fact that the legislative history to Pub. L. 90-298 is not illuminating because the term "date of shipment" found its way into the statute without discussion of definition.

The Commission believes that it is necessary to define these statutory terms so that prospective applicants will not have to function in a state of uncertainty and to insure that applications which qualify in other respects are treated equally. Accordingly, the Commission proposes to define the term "filing" to mean date the application is received by the Commission or the date the application is deposited in the mail, as duly certified by the applicant, whichever occurs sooner. This difinition codifies the Commission's ruling in the *Ghiselli* case and permits an alternative date of the application is filed by hand. The Commission proposes to define the term "date of shipment" to mean the date of issuance of the rated bill of lading, a point of reference which has often been employed in previous cases. However, the Commission realizes that an argument can be made in favor of date of payment, since such date may have more meaning to the shipper and has been recognized as having significance in determining when causes of action accrue in compliant cases filed under section 22 of the Shipping Act. 1916.[3] The Commission therefores invites comments addressed to the question of which standard should be used.

In addition to the major changes discussed above, certain other changes have been made to the regulation and the standard form. This, the proposed regulation will codify the present practice of the Commission in ordering applicants to take action to collect undercharges if applications for waiver are denied and will require that the new tariff filed to conform to the carrier's or conference's original intent actually be received by the Commission. The Commission has observed that in at least one instance a conforming tariff was not actually received by the Commission although the applicant published such tariff.[4]

The standard form has been modified to require conferences, when appropriate, to join in applications of individual carriers by verified concurrence. It has also been Modified to insure against the possibility of discrimination among shippers by requiring more definite information concerning carriage of the same or similar commodities on the same voyage or at relevant time periods based on bill of lading and conforming tariff dates. The present form merely requests such information about similar shipments during "approximately the same period of time." Furthermore, the form has been reworded and physically restructured to make it easier to prepare.

The regulation has been further amended to advise applicants that the requirements of the regulation must be met and that legible information and documentation must be furnished. Failure to meet these requirements may result in summary rejection of the application. The Commission has observed that inadequately prepared applications have caused undue delay in the decisional process. Although Pub. L. 90-298 is remedial in nature, as mentioned, the Commission must take care that the relief requested is fully qualified and that the rights conferred by Congress are not abused. The regulation is also consistent with the Commission's Rule 11(a), 46 CFR 502.11(a), which authorized rejection of any pleding, document, writing, etc., not in conformity with the Commission's rules.

Paragraph (c) of the rule is also being clarified to remove possible confusion resulting from the current use of the word "filed" in this paragraph.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553), and sections 18(b)(3), 21, and 43 of the Shipping Act, 1916 (46 U.S.C. 817(b)(3), 820, and 841(a), Part 502 of Title 46, Code of Federal Regulations, is proposed to be amended as set forth below:

1. Paragraph (a) of § 502.92 is proposed to be revised and the first sentence of (c) is revised as follows:

§ 502.92 Special docket applications.

(a)(1) Application for permission to refund a portion of freight charges collected from a shipper or to waive collection of a portion of freight charges from a shipper where it appears that there is an error in a tariff of a clerical or administrative nature or an error due to inadvertence in failing to file a new tariff and that such refund or waiver will not result in discrimination among shippers may be filed by a common carrier by water in foreign commerce which publishes its own tariff or by such carrier and conference of such carriers if the error involves a tariff published by a conference.

(2) Prior to filing the application, the applicant must file and the Commission must have received an effective tariff setting forth the rate on which such refund or waiver would be based.

(3) The application for refund or waiver must be filed with the Commission within one hundred and eighty days from the date of shipment. For the purposes of this paragraph filing shall be construed to mean the date the application is received by the Commission or the date the application is deposited in the mail, as duly certified by the applicant, whichever occurs sooner. For the purposes of this paragraph date of shipment shall mean the date of issuance of the rated bill of lading.

(4) By filing the application the applicant(s) agrees that if permission is granted by the Commission, an appropriate notice will be published in the tariff, or such other steps will be taken as the Commission may require, which give notice of the rate on which such refund or waiver would be based, and additional refunds or waivers as appropriate shall be made with respect to other shipments in the manner prescribed by the Commission in its order approving the application and also agrees that if the application is denied by the Commission, other steps will be taken as the Commission may require in its order denying the application.

(5) Application for refund or waiver shall be made in accordance with the form set forth below. Any application which does not furnish the information required by the prescribed form or otherwise comply with this rule may be returned to the applicant by the Secretary without prejudice to resubmission within the 180-day limitation period.

FEDERAL MARITIME COMMISSION

SPECIAL DOCKET NO.

Application of ———— for (Applicant(s)) the benefit of ———————— (Name of person who paid or is responsible for payment of freight charges).
(1) Shipment(s)
Commodity (according to tariff description) ——
Number of shipments ——
(a) weight or measurement of individual shipment ——
(b) aggregate weight or measurement of all shipments ——
Shipper and place of origin ——
Consignee and place of destination ——
Name of carrier and date shown on bill of lading (furnish legible copies of rated bill(s) of lading) ——
Names of participating ocean carriers and routing ——
Name(s) of vessel(s) involved in carriage ——
Amount of freight charges collected (a) per shipment ——
(b) in the aggregate ——
(c) by whom paid ——
(d) who responsible for payment if different ——
Date of payment (collection) (furnish supporting evidence) ——
Was shipment prepaid or collect? ——
Rate applicable at time of shipment (furnish legible copies of tariff page(s)) ——

[3] See *CSC Intercontinental Inc.* v. *Orient Overseas Container Line, Inc., Order on Remand*, 16 SRR 1239, 1240 (1976); *United States of America* v. *Hellenic Lines Limited*, 14 F.M.C. 255, 260 (1971); *Aleutian Homes Inc.* v. *Coastwise Line, et al.*, 5 F.M.B. 602, 611 (1959); *U.S. ex rel Louisville Cement Company* v. *ICC*, 246 U.D. 638, 644 (1918).

[4] See *A. E. Staley Mfg. Co.* v. *Mamenic Line*, Special Docket No. 541, 17 SRR 1522 (1978).

Rate sought to be applied (furnish legible copies of tariff page(s)). Note.—Must be on file with Commission prior to application.

Amount of freight charge at rate sought to be applied (a) per shipment ——
(b) in the aggregate ——
Amount of freight charges sought to be (refunded) (waived) (a) per shipment ——
(b) in the aggregate ——

(2) Furnish docket numbers of other special docket applications or decided or pending formal proceedings involving the same rate situations.

(3) State whether there are shipments of other shippers of the same or similar commodity which (a) moved via applicant(s) during the period of time beginning on the day the bill(s) of lading was issued and ending on the day before the effective date of the conforming tariff and (b) moved on the same voyage of the vessel(s) carrying the shipment(s) described in (1) above.

(4) Fully explain the clerical or administrative error or error due to inadvertence showing why the application should be granted. Furnish legible copies of all supporting documents (in addition to those documents required by (1) above).

—— (Applicant) (Carrier).
By: —— (Signature).
—— (Typed or printed name of person signing).
—— (Title).
——Date.

State of ——, County of ——, ss:

I, ——, on oath depose and say that I am —— of the above-named carrier-applicant, that I have read the foregoing application and know the contents thereof; and that the same is true.

Subscribed and sworn to before me, a notary public in and for the State of ——, County of ——, this —— day of ——, A.D. 19 —.

[SEAL]

—— (Notary Public).

The —— joins in the (Applicant) (Conference) application.

By: —— (Signature)
—— (Typed or printed name of person signing)
—— (Title)
——Date

State of ——, County of ——, ss:

I, ——, on oath depose and say that I am —— of the above-named conference-applicant; that I have read the foregoing application and know the contents thereof; and that the same is true.

Subscribed and sworn to before me, a notary public in and for the State of ——, County of ——, this —— day of ——, A.D. 19 —.

[SEAL]

—— (Notary Public).

I hereby certify that I have this day filed the foregoing application by mailing (or by delivering in person) an original and three copies to the Office of the Secretary, Federal Maritime Commission, Washington, D.C. 20573.

Dated at —— this —— day of ——, 19 —.

(Signature) ——
(For) ——

* * * * *

(c) Applications under paragraphs (a) and (b) of this section shall be submitted in an original and three (3) copies to the Office of the Secretary, Federal Maritime Commission, Washington, D.C. 20573. * * *

Since the proposals set forth in this rulemaking proceeding concern procedural matters limited to the conduct of formal proceedings before the Commission, their adoption could in no way be considered to result in major federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Consequently no environmental impact statement will be issued in this proceeding.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-11785 Filed 4-28-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[BC Docket No. 78-140; Rm-3019]

FM BROADCAST STATION IN FAIRBANKS, ALASKA

Proposed changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Action taken herein proposes the assignment of a fourth FM channel to Fairbanks, Alaska, in response to a petition filed by the Interior Broadcasting Corp. Petitioner claims that the additional station is needed to provide service to the rapidly increasing population of Fairbanks.

DATES: Comments must be filed on or before June 20, 1978, reply comments on or before July 10, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: April 21, 1978.

Released: May 2, 1978.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Fairbanks, Alaska), BC Docket No. 78-140, RM-3019.

1. *Petitioner, Proposal and Comments.* (a) Petition for rulemaking[1] filed November 29, 1977, by the Interior Broadcasting Corp. ("petitioner"), proposing the assignment of Class C FM Channel 273 as a fourth assignment to Fairbanks, Alaska. No responses where make to the petition.

(b) The channel could be assigned without affecting any existing FM assignments.

(c) Petitioner states that it will apply for authority to construct an FM station on the channel, if assigned.

2. *Demographic Data*—(a) *Location.* Fairbanks, in Fairbanks North Star Borough, is located in central Alaska, approximately 400 kilometers (250 miles) north of Anchorage.

(b) *Population.* Fairbanks—14,771; Fairbanks North Star Borough—30,618.[2]

(c) *Local Aural Service.* Noncommercial educational FM Station KUAC-FM (Channel 284); Station KJNP-FM (Channel 262, used at North Pole); full-time AM Stations KFAR, KFRB and KIAK. There is a pending application on Channel 266 (BPH-9530).

3. *Economic Considerations.* Petitioner states that the population of Fairbanks, which is one of the two leading cities in the State of Alaska, has doubled since 1970. Petitioner claims that Fairbanks has experienced a 670 percent increase in gross business receipts between 1973 and 1975. It adds that the bank deposits in the Fairbanks area rose from $92 million to 218 million, an increase of 137 percent between 1973 and 1976. Petitioner details other economic and statistical data to demonstrate the need for a fourth broadcast voice in Fairbanks. it also asserts that the "Alcan" gas pipeline construction is expected to begin in 1978 and 1979, and continue for four or five years setting off another upward spiral in Fairbanks' population. It notes that Fairbanks has become the transporation and service center for the oil and gas industry and will serve in the same capacity for the mining industry which is exploiting the vast abundance of minerals in Alaska.

4. *Preclusion Studies.* Two unincorporated communities (Aurora, pop. 1,100 and College, pop. 3,000), which are adjacent to Fairbanks, would be precluded as a result of the proposed assignment. However, use of the channel could be proposed in an application for either place under the "10-mile" rule.

5. Petitioner states that although there are presently three Class C channels assigned to Fairbanks, one is

[1] Public Notice of the petition was given on December 19, 1977, Report No. 1094.

[2] Population figures are taken from the 1970 U.S. Census.

an educational station and another is used at North Pole, Alaska, rather than Fairbanks, and broadcasts religious programs exclusively. It contends that the remaining channel (266) has a pending application on it (BPH-9530), and assuming it is granted, would be the only one of the three assignments which would be used as a commercial channel in Fairbanks. Petitioner asserts that there is a serious need for an additional Class C channel assignment to serve the growing Fairbanks area.[3]

6. The request for a fourth FM assignment to a community of 14,771 persons exceeds the FM population guidelines. However, one of the channels is used by an educational institution, From petitioner's showing, it appears that the population of Fairbanks has had a significant increase and, from all indications, will continue to do so. For this reason and because of the minimal preclusionary effect, we are willing to consider the proposal even though it is in excess of the population criteria.

7. Since Fairbanks is located within 420 kilometers (250 miles) of the U.S.-Canada border, the proposed Channel 273 assignment to Fairbanks, Alaska, requires coordination with the Canadian Government.

8. Comments are invited on the following proposal to amend the FM Table of Assignments with regard to the community of Fairbanks, Alaska, as follows:

City	Channel No.	
	Present	Proposed
Fairbanks, Alaska.	262, 266, 284.	262, 266, 273, 284

9. The Commission's authority to institute rulemaking proceedings; showings required; cut-off procedures; 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.

10. Interested parties may file comments on or before June 20, 1978, and reply comments on or before July 10, 1978.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

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 Section 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. *Showing 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 resubmits 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. *Cut-off 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. 78-11722 Filed 4-28-78; 8:45 am]

[3] We also note that in all likelihood, no significant first or second FM or first or second aural service would be provided because of the operating stations in Fairbanks and the sparse population in the potential service area.

[4910-59]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 531]

[Docket No. LVM 77-01; Notice 2]

PASSENGER AUTOMOBILE AVERAGE FUEL ECONOMY STANDARDS

Decision to Grant Exemption

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

ACTION: Proposed decision to grant exemption from average fuel economy standards.

SUMMARY: This notice is being issued in response to a petition by Avanti Motor Corp. (Avanti) requesting that it be exempted from the generally applicable average fuel economy standard of 18.0 miles per gallon (mpg) for 1978 model year passenger automobiles and that a lower, alternative standard be established for it. This notice proposes that the requested exemption be granted and that an alternative standard of 16.1 mpg be established for Avanti.

COMMENT CLOSING DATE: May 31, 1978.

ADDRESS: Comments on this notice must refer to Docket LVM 77-01 and should be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Douglas Pritchard, Office of Automotive Fuel Economy Standards, National Highway Traffic Safety Administration, Washington, D.C. 20590, 202-755-9384.

SUPPLEMENTARY INFORMATION: Section 502(c) of the Motor Vehicle Information and Cost Savings Act, as amended (the Act), provides that a low volume manufacturer of passenger automobiles may be exempted from the generally applicable average fuel economy standards for passenger automobiles if those standards are more stringent than the maximum feasible average fuel economy for that manufacturer and if the National Highway Traffic Safety Administration (NHTSA) establishes an alternative standard for the manufacturer at its maximum feasible level. Under the Act, a low volume manufacturer is one which manufactured less than 10,000 passenger automobiles worldwide in the model year for which the exemption is sought ("the affected model year") and which manufactured less than 10,000 passenger automobiles

worldwide in the second model year before the affected model year. In determining maximum feasible average fuel economy, the agency is required by section 502(e) of the Act to consider:

(1) Technological feasibility;

(2) Economic practicability;

(3) The effect of other Federal motor vehicle standards on fuel economy; and

(4) The need of the Nation to conserve energy.

To implement section 502(c), NHTSA issued Part 525, Exemptions from average fuel economy standards (42 FR 38374; July 28, 1977). Part 525 prescribes the contents of exemption petitions and sets forth the procedures for processing those petitions. After receipt of a complete petition, the agency publishes a notice of receipt which summarizes the petition and invites comments on it. Subsequently, the agency publishes a proposed decision to grant or deny the petition and provides a further opportunity for comment. Finally, the agency publishes a final decision to grant or deny the petition.

Avanti originally filed a petition in June 1977 for exemption from the generally applicable standards for 1978–1980 model year passenger automobiles. By letter of August 16, 1977, the agency informed Avanti that its petition was incomplete and identified the additional information needed by the agency. Avanti submitted further information in a letter dated September 12, 1977. This letter essentially completed Avanti's petition for exemption from the 1978 model year standard but left still incomplete the portion of the petition relating to model years 1979 and 1980.

Accordingly, NHTSA issued a notice announcing the receipt of a petition for exemption from the model year 1978 standard (42 FR 64168; December 22, 1977). That notice summarized the portion of the Avanti petition relating to that model year and invited public comment on it.

Only one comment on the notice of receipt was submitted. The commenter urged that Avanti be exempted "in the name of common sense."

Requested Alternative Standard

Avanti requested that its alternative standard for model year 1978 be set at the same level of average fuel economy as it achieved in model year 1977. Avanti's request was premised on the assumption that it would have a single vehicle configuration for model year 1978 that would meet both Federal and California emissions standards and that the configuration would have the same fuel economy as the single Avanti configuration for model year 1977. The combined city-highway fuel economy for the model year 1977 configuration was 15.6 mpg. Avanti's assumption regarding fuel economy was based on the model year 1978 configuration being identical to the model year 1977 configuration.

Since the agency issued its notice of receipt, it has learned of several events that have invalidated Avanti's original premise. Since the Environmental Protection Agency (EPA) instituted, beginning in this model year, a new test procedure (known as the SHED test) for hydrocarbon emissions from sources other than the exhaust, that agency required that the model year 1977 configuration be retested and recertified. When the configuration was retested, higher fuel economy values were achieved. The new combined figure, as reported by the EPA, is 16.1 mpg. The 0.5 mpg increase is presumably due to vehicle to vehicle or test to test variability or both and is well within the expected range of variability.

Further, the single configuration planned for model year 1978 failed to pass the California emission certification test. In an attempt to achieve certification, Avanti decided to submit a running change and thus created a second model year 1978 configuration. Avanti had that second configuration tested and achieved a combined fuel economy of 14.9 mpg. However, the second configuration also failed the California emissions certification test.

Thus, there are some slight uncertainties about the average fuel economy that Avanti will achieve for model year 1978. It is uncertain whether Avanti will try to recertify its second configuration and whether those efforts will be successful. If further technical changes are necessary to meet the durability test, the 14.9 mpg figure may change. Finally, the number of second or California configuration Avantis for model year 1978 that might ultimately be sold is uncertain. Avanti informed this agency in early March that not more than 6 California configuration Avantis would be sold if certification were achieved.

Nevertheless, it appears from currently available information that barring any changes to the configuration sold in States other than California (49-State configuration), the final average fuel economy for Avanti in model year 1978 should be 16.1 mpg. In view of Avanti's plan to produce and sell 174 49-State configuration Avantis in model year 1978, the California configuration Avantis, if any, are not expected to affect that final average. If information received in response to this notice suggests otherwise, the agency will reexamine its assumption about the final average.

Technological Feasibility and Economic Practicability

In considering whether Avanti could improve its average fuel economy for model year 1978, the agency examined the same methods for improving average fuel economy that it examined in establishing average fuel economy standards for model year 1981–1984 passenger automobiles (42 FR 33534; June 30, 1977) and for model year 1980–1981 light trucks (43 FR 11995; March 23, 1978). These methods were weight reduction, aerodynamic improvements, engine efficiency improvements, engine accessory efficiency improvements, alternative engines, turbochargers, automatic transmission improvements, improved lubricants, reduced rolling resistance, engine displacement or drive ratio reductions, and mix shifts.

NHTSA's examination of these methods in this proceeding was significantly less detailed than in those earlier proceedings since there is almost no leadtime now for making running changes to the model year 1978 Avantis. There will be even less leadtime when the final decision on the exemption petition is issued.

To use most of these methods, Avanti would have to discard components that it has already made or purchased (Avanti purchases its engines, transmissions, and emission control systems from General Motors) and obtain new ones. NHTSA has no information regarding Avanti's ability to produce or purchase and incorporate the new components before the end of the model year. Even if these problems could be surmounted, Avanti would be potentially faced with probably having to write off completely the discarded components and raise the prices on its cars to recover the loss. The price increases could be of sufficient magnitude to place the Avanti at a significant disadvantage in the marketplace.

In addition to these substantial uncertainties and the very short leadtime, there is the possibility that changes to the Avanti's components to improve fuel economy could create a need to certify the Avantis for compliance with the model year 1978 emissions standards again. Depending on the type and magnitude of change, the recertification could entail rerunning the 50,000 mile durability test and the 4,000 mile test. Certification testing is ordinarily done for Avanti by General Motors as a part of selling Avanti its drivetrain. If Avanti were able to persuade General Motors to retest the Avanti, there could still be serious problems of time and cost for Avanti. It would take at least 60 days to complete the testing if both tests were necessary. Until the Avantis were recertified, Avanti would have to choose between (1) producing its automobiles with the changes and running the risk that the automobiles would not be certified and therefore could not be sold, (2) not producing any automobiles

until certification was granted, thus potentially causing serious financial problems for Avanti, or (3) continuing to produce Avanti's as currently certified. Regardless of which course was selected, only a small portion of the entire Avanti fleet would have the changes and thus have improved fuel economy. The first and second course would involve a high degree of financial risk for a small company like Avanti. Both could lead to serious disruptions of its cash flow. The third course would not involve that type of financial risk, but also would produce the least fuel economy benefit. Indeed, none of the courses would produce much of a fuel economy benefit since only a small portion of the entire Avanti fleet would have the changes and thus have improved fuel economy.

Finally, mix shifts were considered. At most, Avanti will have only two vehicle configurations for model year 1978. A mix shift could be achieved only by curtailing sales of its California configuration. As suggested above, even total abandonment of the California market would not increase Avanti's final average.

Based on the foregoing considerations, the NHTSA concludes that running changes to improve the fuel economy of Avanti's model year 1978 passenger automobiles are not technologically feasible and economically practicable.

The Effect of Other Federal Vehicle Standards

Avanti stated that other Federal motor vehicle standards (safety, emissions, and damageability) have not helped their 1978 average fuel economy. Avanti did not claim that the other Federal motor vehicle standards hurt their 1978 average fuel economy, either. Further, no manufacturer applied under section 502(d) of the Act for a reduction of the generally applicable standard for model year 1978 passenger automobiles due to the effect of other model year 1978 standards. In the absence of any showing to the contrary, this agency will assume that no fuel economy penalty has been caused by the other Federal standards.

The Need of the Nation to Conserve Energy

The daily extra U.S. demand for petroleum that will result from Avanti achieving an average fuel economy of 16.1 mpg rather than the generally applicable level of 18.0 mpg is estimated to average 0.77 barrel per day over the life of the model year 1978 Avantis. To give a perspective on this number, the fuel consumed by passenger automobiles in the United States is about 5 million barrels each day. The United States currently consumes about 17 million barrels of petroleum each day.

Selection of the Type of Alternative Standard

The Act permits NHTSA to establish an alternative average fuel economy standard applicable to exempted manufacturers in one of three ways: (1) A separate standard may be established for each exempted manufacturer; (2) classes, based on design, size, price, or other factors, may be established for the automobiles of exempted manufacturers, with a separate average fuel economy standard applicable to each class; or (3) a single standard may be established for all exempted manufacturers.

The NHTSA believes that it is appropriate to establish a separate standard for Avanti. The analyses of the petitions submitted by other low volume manufacturers has not been completed, so the agency cannot practicably use the second or third approaches described in the preceding paragraph.

Proposed Alternative Standards

Based on its tentative conclusions that it is not technologically feasible and economically practicable for Avanti to improve the fuel economy of the model year 1978 Avantis remaining to be produced, that other Federal vehicle standards have not adversely affected achievable fuel economy, that the national effort to conserve energy will be negligibly affected by the granting of requested exemption and alternative standard, the agency believes that the maximum feasible average fuel economy for Avanti for model year 1978 is 16.1 mpg. Therefore, the agency proposes to exempt Avanti from the generally applicable standard of 18.0 mpg and to establish an alternative standard of 16.1 mpg for Avanti for model year 1978.

In consideration of the foregoing, it is proposed that 49 CFR Chapter V be amended to read as set forth below:

PART 531—AVERAGE FUEL ECONOMY STANDARDS FOR PASSENGER AUTOMOBILES

1. By amending § 531.1 to read as follows:

§ 531.1 Scope.

This part establishes average fuel economy standards pursuant to section 502 (a) and (c) of the Motor Vehicle Information and Cost Savings Act, as amended, for passenger automobiles.

2. By amending § 531.5 to read as follows:

§ 531.5 Fuel economy standards.

(a) Except as provided in paragraph (b) of this section, each manufacturer of passenger automobiles shall comply with the following standards in the model years specified:

Model year:	*Average fuel economy standard (miles per gallon)*
1978	18.0
1979	19.0
1980	20.0
1981	22.0
1982	24.0
1983	26.0
1984	27.0
1985 and thereafter	27.5

(b) The following manufacturers shall comply with the standards indicated below for the specified model years:

(1) Avanti Motor Corp.:

Model year:	*Average fuel economy standard (miles per gallon)*
1978	16.1

Persons are invited to submit comments on this proposed decision. Comments must be limited so as not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a succinct and concise fashion.

All comments received before the close of business on the comment closing date indicated at the beginning of this proposal will be considered, and will be available for public inspection in the docket both before and after the comment closing date. To the extent possible, comments filed after the comment closing date will also be considered. The agency will continue to file relevant material in the docket as it becomes available after the comment closing date, and it is recommended that interested persons continue to examine the docket for new material.

(Sec. 9, Pub. L. 89-670, 80 Stat. 981 (49 U.S.C. 1657); sec. 301, Pub. L. 94-163, 89 Stat. 901 (15 U.S.C. 2002); delegation of authority at 41 FR 25015, June 22, 1976, and 43 FR 8525, March 2, 1978.)

The program official and attorney principally responsible for the development of this proposed regulation are Douglas Pritchard and Stephen Kratzke, respectively.

Issued on April 26, 1978.

MICHAEL M. FINKELSTEIN,
Acting Associate Administrator for Rulemaking.

[FR Doc. 78-11773 Filed 4-28-78; 8:45 am]

[4910-59]

[49 CFR Part 571]

[Docket No. 1-21; Notice 4]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Theft Protection

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

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes to amend Standard No. 114, Theft protection, to extend its applicability to additional types of vehicles, to upgrade its requirements, and to clarify certain of its provisions. The proposal is being issued to reduce vehicle theft because of the continuing disproportionately high accident rate of stolen vehicles.

DATES: Comments must be received on or before July 31, 1978. Proposed effective dates: September 1, 1980, for passenger cars and September 1, 1981, for trucks with a gross vehicle weight rating (GVWR) of 10,000 pounds or less and multipurpose passenger vehicles.

ADDRESSES: Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Mr. Kevin Cavey, Office of Crash Avoidance, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-2720.

SUPPLEMENTARY INFORMATION: On March 4, 1976, the National Highway Traffic Safety Administration (NHTSA) published an advance notice of proposed rulemaking (41 FR 9374) which stated that the agency was considering issuing a proposal to upgrade and extend the applicability of Federal Motor Vehicle Safety Standard No. 114 dealing with theft protection for passenger cars (49 CFR 571.114).

A total of 61 comments were received in response to the advance notice of proposed rulemaking (ANPRM). Those responding included automobile, truck, lock and motorcycle manufacturers. In addition, private citizens (a number of whom proposed their own inventions), manufacturer associations, States, consumer groups, and a university submitted comments to the docket. Of the commenters, 35 were in favor of upgrading the requirements and 26 were against. Most of the objections concerned specific portions of the proposal. All comments have been considered and the most significant are discussed below.

Summary of Comments

The automobile industry commented, in general, that the present standard has considerably reduced vehicle theft by joyriders and petty thieves, and that current thefts are by professional thieves (as contrasted with joyriders and petty thieves). This assertion was based on Federal Bureau of Investigation data which demonstrate that the recovery rate of stolen vehicles has decreased by 20 percent from 1966 to 1974. As unrecovered vehicles are generally assumed to have been stolen by professional thieves, these data would imply that less vehicles are being stolen by joyriders and petty thieves. The industry commented further that strict law enforcement and more accurate vehicle registration, identification and titling are necessary now to combat this problem since, the industry stated, a vehicle's security could not be upgraded on a cost effective basis to deal with professional thieves. Based on their assumption that the problem of theft by joyriders and petty thieves, who pose the threat to safety, had been solved, they also contended that the proposal is beyond the agency's authority. They argued that the several studies mentioned in their comments indicate that additional requirements will not yield sufficient safety benefits. They stated further that any changes should, as a matter of law and policy, be cost effective, and that the Federal Interagency Committee on Auto Theft Reduction should develop new approaches in the area of police enforcement and State administrative measures to the problem. Finally, they urged that the NHTSA cooperate with the Economic Commission for Europe (ECE) on Regulation 18, a European motor vehicle safety standard to improve vehicle security. That standard was published as an appendix to the ANPRM.

The trucking industry opposed extending the requirements to trucks, particularly heavy trucks. They concluded, based on the skills needed by the thief and the apparent theft of trucks for their cargo, that truck thefts are performed by professionals and that the additional requirements under consideration would be ineffective against this caliber of thief. The motorcycle industry was in favor of reducing motorcycle thefts through a motor vehicle safety standard, but proposed that a separate rulemaking be undertaken because of the different design characteristics of motorcycles. The lock industry favored lock improvement by manufacturers to deter vehicle theft. Consumer groups and associations approved the requirements being considered, but believed cost effectiveness and innovation should be stressed.

Vehicle Theft and Safety

The automobile industry raised the threshold question of the relation of safety and the requirements listed in the ANPRM. To summarize their argument, they concluded, based on stolen vehicle recovery data, that the current Standard No. 114 has been effective in limiting the number of vehicles stolen for joyriding or petty theft. Vehicle theft today, they further concluded, is being carried out primarily by highly professional thieves who are often organized into rings. Further, they suggested that the professional thief has sophisticated tools and expertise for which no cost-effective deterrents exist. Further, they believe professional thieves drive stolen vehicles safely to avoid being stopped by a law enforcement officer who might discover the vehicles are stolen.

To help determine the validity of this position, the NHTSA funded a study by Arthur D. Little, Inc., which addressed this question and considered, among other data, the data cited by the automobile manufacturers in the comments. (DOT-HS-7-01723). A copy of the Little study has been placed in the docket. After reviewing this study and other data, the NHTSA concludes:

(1) Stolen cars are involved in one out of every 350 accidents and account for approximately 5,100 disabling injuries and 130 fatalities annually.

(2) Stolen cars are from 47 to 200 times more likely than unstolen cars to be involved in accidents.

(3) Approximately 1 million vehicles were stolen during 1976, of which a conservative estimate of those stolen for joyriding purposes is 350,000.

The data used in reaching these conclusions are essentially the same as those used by the manufacturers, except that the manufacturers utilized 1974 data and the NHTSA 1976 data. There was no significant difference, however, between the data for these years.

In view of the association of theft by joyriders and petty thieves with highway accidents and the significant number of accidents, deaths and injuries involving stolen vehicles found in the study, NHTSA believes that a serious safety problem still exists with regard to stolen vehicles and that further rulemaking in this area is justified. It should be noted that the consumer impact of vehicle theft is substantial. Vehicle theft costs society from $1.8 billion to $2.9 billion annually, and represents 8.4 percent of all the crimes committed in this country, placing a substantial burden on law enforcement agencies and the courts.

Extending the Application of Standard No. 114

The ANPRM stated that the agency was considering the extension of the requirements of Standard No. 114 to all motor vehicles except trailers. Truck and bus manufacturers opposed this extension. They believed that the low number of thefts of these vehicles, particularly of heavy trucks and of buses, does not justify having their vehicles comply with the requirements. In their comments, truck manufacturers submitted data which indicated

that trucks are often stolen for their cargo and later abandoned. The Motorcycle Industry Council commented that the proposed requirements were not appropriate for motorcycles because of their design and said that theft of these vehicles should be addressed in a separate rulemaking action.

The contention that heavy trucks, buses and special trucks, such as fire and refuse vehicles should not be included in the standard on the basis of their low theft rates has merit. This position is supported by the report "Preliminary Study of Effectiveness of Auto Anti-Theft Devices" prepared for the Department of Justice. A copy of that report is in the docket. This report concludes that the theft rate for heavy trucks and buses is much lower than for passenger cars, and, when stolen, 67 percent of these vehicles are recovered.

Theft report data from the States, however, indicates that the theft rate for light trucks and multipurpose passenger vehicles is similar to that for passenger cars. It shows too that currently available devices to protect light trucks (those rated at 10,000 pounds or less GVWR) from theft are relatively unsophisticated. For example, the ignition locks in many light trucks and multipurpose vehicles are frequently of a type that proved unsatisfactory in pre-1970 automobiles because of their susceptibility to tampering. Due to the popularity and increasing use of these vehicles (sales of new light trucks and multipourpose passenger vehicles have more than doubled in the past 7 years to 3,000,000 sales per year) and a reported increase by the FBI and the State of California in the theft rate of these vehicles, especially vans, the NHTSA concludes that anti-theft deterrents are appropriate for trucks with a GVWR of 10,000 pounds or less and multipurpose vehicles.

The suggestion of separate rulemaking for motorcycles also has merit because of the construction and design differences between those vehicles and enclosed vehicles. The agency has decided that further consideration should be devoted to specific anti-theft measures for motorcycles.

Stronger Ignition Locking Systems

The ANPRM listed a number of requirements relating to greater protection for a vehicle's ignition system against tampering. Domestic manufacturers stated that the present ignition system lock requirements, implemented in January 1970, had reduced automobile thefts and that further requirements were unnecessary and related to design rather than performance characteristics.

Foreign manufacturers objected to changes in ignition locks stating that current locks were sufficiently effective, and recommended that the NHTSA cooperate with the ECE to revise Regulation No. 18, if necessary, rather than independently establish new requirements. Lock manufacturers and consumer groups recommended more intricate and stronger locking systems to deter motor vehicle thefts.

After a review of the state of the art in lock design and the difficulty of articulating performance standards for stronger locks, the NHTSA has tentatively concluded that it would be more effective to approach the problem of the susceptibility of locks to tampering by limiting the utility of removing the lock. Consequently, a new requirement is being proposed which requires the ignition systems to be inoperative if any part of the ignition lock is removed. To further protect the ignition system, the agency proposes also that the wires which activate this system shall be shielded so that they cannot be directly contacted from within the passenger compartment. The shielding could be provided by the vehicle structure or by other means. The agency is considering establishing a requirement that would necessitate the use of metal or other similar strong shielding materials which would have to be cut by special cutting tools before access to the ignition wires could be gained. Comments are invited on whether requirements should be specified for the type of material that may be used to provide the shielding or for the type of actions (e.g., cutting, bending) necessary to removing the shielding.

In deciding to make these proposals, the NHTSA took note of the significant progress already achieved by the industry in making locks stronger. The NHTSA does intend, however, to monitor closely the efforts of the industry in this area and, if appropriate, propose a further amendment to Standard No. 114 to ensure all manufacturers are taking advantage of improved lock technology.

Interior Latch Release for Hood

The ANPRM stated that the agency was considering a requirement that each vehicle have a trunk lock and a hood lock operable only from within the vehicle. Comments from automobile manufacturers were not in agreement on this requirement. Some manufacturers felt a hood release could delay motor vehicle theft by denying ready access to the ignition system, but questioned NHTSA's authority to issue this requirement on the basis of safety. Other manufacturers felt that since a thief would have to eventually enter the passenger compartment in order to steal the vehicle, there was no compelling reason for this requirement. Generally, the other comments did not address this requirement.

The NHTSA concludes that a hood release located inside the passenger compartment would delay the vehicle's theft since "hot wiring" of a vehicle would be made more difficult. Since time is of the essence in theft (5 to 10 minutes being the most time a thief would devote to a theft under optimal conditions), a hood release represents an effective deterent. The NHTSA also notes that many automobile manufacturers already provide an internal hood release, and it would not be a burden to require this for all vehicles. Consequently, it is proposed that Standard No. 114 be amended to require that the primary hood latch position or, if a vehicle has two hood latch systems, the primary hood latch system be operable only from within the passenger compartment.

The NHTSA also concludes that an interior release mechanism for the trunk, which was suggested in the ANPRM would serve primarily to protect valuables within the trunk, rather than deter theft of the vehicle. Therefore, the agency is not proposing a similar requirement for trunk locks.

Two Key System

The ANPRM listed a requirement that vehicles be designed so that different keys are necessary for the steering ignition lock and for door and trunk locks.

The automobile manufacturers and private sector generally opposed the two key system because they said it would be inconvenient and would not aid safety. The lock manufacturers stated their belief that two keys would delay the vehicle thief for the reasons described below.

Some police departments in high vehicle theft areas recommended the use of two keys as a delay to the theft because after a thief has entered the vehicle, he or she would then have to defeat the ignition system lock to start the vehicle. The one key system enables thieves to obtain an ignition system lock key by stealing a trunk or door lock and reproducing the key which fits it. General Motors uses a two key system which, according to the police comments, has helped in reducing thefts. The additional cost of a two key system is so small as to be unquantifiable, and the NHTSA concludes that it will be of benefit in slowing down the theft of a vehicle. A system requiring a separate key to operate the ignition lock system is therefore proposed.

Prevention of Accidental Locking of Steering System

As a result of a petition received from Mr. R. L. Beal, the NHTSA proposed that steering lock systems be incapable of activation with the vehicle in motion. Currently, S4.2 permits the driver of an automobile to turn off the

engine while the car is in motion without activating the steering column lock or impeding forward self-mobility. Automobile manufacturers stated that their vehicles already meet the intent of this requirement, and that the steering lock cannot be activated under these conditions. Nonetheless, the NHTSA has concluded that this danger should be guarded against with certainty, even if the key is actually removed from the ignition. Therefore, it is proposed that, when the vehicle is in motion and the key is either removed from the ignition lock or rotated to a different position in the lock, neither steering nor the ability of the vehicle to move forward under its own power shall be impeded.

Alarm To Prevent Leaving the Key in the Ignition

The ANPRM suggested improvements in current alarm systems for discouraging the driver from leaving the key in the ignition system. The majority of comments from the automobile industry felt that the current alarm system provision, which requires a warning to the driver when the key has been left in the ignition, and the door is open, has been effective in getting the driver to remove the key from the ignition and that any further requirements would not be cost effective. They based this conclusion on the decreasing number of vehicles reported as stolen because the driver has left the key in the ignition. They further opposed the requirement as they considered removal of the key to be the driver's responsibility. On the other hand, lock manufacturers and consumers felt that the system could be improved because vehicles were still being stolen by thieves using a key left in the vehicle's ignition system.

NHTSA agrees with the manufacturers that the present requirements have had a beneficial effect. Recovered stolen vehicles with owner's keys still in the ignition have dropped from a pre-Standard 114 rate of 47 percent to an estimated current rate of 13.5 percent. However, the actual rate may be higher since laws imposing liability for accidents involving vehicles which have had their keys left in them and have then been stolen may lead to underreporting of such thefts. Further, a thief may not wish to draw attention to himself or herself by leaving the key in the ignition and thus causing the alarm to be activated when he or she opens the door to abandon the vehicle.

The agency is proposing requirements for improvements to the warning system that would further discourage the driver from leaving the key in the ignition and could be effective at a minimal cost. Under the proposal, an audible warning to the driver, measuring 65 decibels A at a point outside the vehicle and 1 foot from the driver's door with all doors and windows closed, would be activated whenever the engine or other source of motive power has been turned off, the key has not been removed from the ignition lock, and the door has been opened. the warning would continue until the key was removed. Specific information is requested concerning the sound level within the passenger compartment of specific vehicles of a warning device which achieves that the proposed sound level outside the vehicle.

ECE Regulation No. 18

The ANPRM also requested comments on a proposed regulation of the ECE relating to vehicle security (Regulation No. 18). Consumers, lock manufacturers, truck industry, and motorcycle industry comments did not address this issue. The automobile industry recommended that the United States and Europe issue identical regulations concerning motor vehicle theft. The domestic manufacturers, however, stated that the ECE should be urged to amend Regulation No. 18 to conform to Standard No. 114 in the interests of international harmonization. ECE Regulation No. 18, which is considerably different from the NHTSA proposal, is more design oriented than appears to be necessary. Inasmuch as NHTSA regulations are required by statute to be written in as performance-oriented terms as possible, the NHTSA has decided to work closely with the International Standards Organization (ISO) ISO/TC22/SC20 Committee, which deals with vehicle security, to arrive at a standard consistent with that statutory requirement.

Door Locking System

The ANPRM also sought comments on stronger and more secure door locking systems. Comments on this subject generally followed the pattern of comments relating to other stronger locking systems. In essence, most commenters felt that the cost of substantially increasing the strength of door locks would not be justified in terms of benefits of overall vehicle security. The agency agrees and consequently is not proposing stronger door locks in this rulemaking, although the matter will be considered again in amending Federal Motor Vehicle Safety Standard No. 206, door locks and door retention components. Nonetheless, the NHTSA has concluded that simpler and more cost effective methods of protecting door locking systems have been developed by automobile manufacturers. Therefore, the notice proposes that door lock buttons shall be of uniform thickness or tapered with the thicker end at the bottom to prevent thieves from unlocking a car door by using a tool to hook the button and pull it upward. It is also proposed that the door lock mechanism within the door be shielded to prevent direct access to the mechanism by such manipulative devices as a "Slim Jim." Comments are requested on what sort of shielding should be required. It appears that less rigid shielding is needed then in the case of the shielding for the ignition wires.

Clarification of Current Requirements

Based upon the agency's experience with the current Standard No. 114, minor clarifying amendments have also been proposed to requirements currently in effect.

Cost of the Proposal

In determining the cost of the proposal, the NHTSA made the assumptions that all vehicles covered by the standard would require some upgrading, although a significant number already meet one or more of the proposed requirements. The NHTSA estimates that the proposal will add approximately $1.50 to the cost of manufacturing a passenger car, and $3.70 to the cost of manufacturing a truck or multipurpose passenger vehicle. The aggregate manufacturing cost of the proposal would be $20.92 million annually for passenger cars and $16.53 million annually for trucks and multipurpose passenger vehicles.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted. All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a succinct and concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. section 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition the commenter or, in the case of a corporation, a responsible corporate official authorized to speak

for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been released to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

In consideration of the foregoing, it is proposed to amend 49 CFR 571.114 to read as follows:

S.1 *Scope.* This standard specifies requirements for vehicle theft protection.

S.2 *Application.* This standard applies to passenger cars, trucks with a GVWR of 10,000 pounds or less, and multipurpose passenger vehicles.

S.3 *Definitions.*

"Combination" means one of a number of configurations of a lock which allows it to be operated by a specific key to permit activation of the locked system.

"Key" means a device designed to operate a specific lock.

"Lock" means a device designed to control the movement or activation of a vehicle system or component.

S4. *Requirements.*

S4.1 Each vehicle shall have an ignition system lock that, whenever the key is removed, will prevent—

(a) Normal activation of the vehicle's engine or other main source of motive power; and

(b) Either steering or forward self-mobility of the vehicle, or both.

S4.2 When the vehicle is in motion and the key is either removed from the ignition system lock or rotated to a different key position in the lock, neither steering nor forward self-mobility shall be impeded.

S4.3 Each manufacturer, in meeting the requirements of S4.1, shall employ a locking system with at least 1,000 different combinations or with a separate combination for each vehicle manufactured annually.

S4.4 The ignition system lock shall not be operable with a key which operates any exterior lock in the vehicle.

S4.5 An audible warning to the driver, measuring 65 decibels A at a point outside the vehicle and 1 foot from the driver's door with all doors and windows closed, shall be activated whenever the engine or other main source of motive power has been turned off, the key has not been removed from the ignition lock, and the door has been opened. The warning shall operate continuously, even if the door is subsequently closed, until the key is removed.

S4.6 The door lock mechanism contained within the door shall be shield so that it can not directly be contacted by external manipulative devices.

S4.7 Any vertical protrusion designed to move vertically and to operate the door lock within the passenger compartment shall be either of uniform thickness or tapered with the thicker end at the bottom.

S4.8 Wires which activate the ignition system shall be shielded so that they can not be directly contacted from within the passenger compartment.

S4.9 The removal of any part of the ignition lock shall cause the ignition system to be inoperative.

S4.10 The hood latch position, in the case of vehicles with one hood latch system, or primary hood latch system, in the case of vehicles with two hood latch systems, shall be operable only from within the passenger compartment.

The principal authors of this proposal are Kevin Cavey of the Office of Crash Avoidance and Frederic Schwartz, Jr., of the Office of Chief Counsel.

(Sec. 103, 112, 119, Pub. L. 89563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on April 26, 1978.

MICHAEL M. FINKELSTEIN,
Acting Associate Administrator for Rulemaking.

[FR Doc. 78-11770 Filed 4-26-78; 3:37 pm]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1065]

[Ex Parte No. 55 (Sub-No. 8B)]

GATEWAYS AND TACKING—IRREGULAR ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Motor Common Carriers of Property Routes and Service

AGENCY: Interstate Commerce Commission.

ACTION: Notice of filing of petition for modification of 49 CFR 1065.1

SUMMARY: The purpose of this document is to gather public comment concerning: (1) The petition filed by the Common Carrier Conference—Irregular Route, Steel Carriers Conference of the American Trucking Association and Heavy-Specialized Carrier Conference of the American Trucking Association seeking elimination of the requirement of filing of gateway elemination applications in acquisitions under section 5 and transfers under section 212(b) of the Interstate Commerce Act where the most direct highway distance between points to be served is not less than 80 percent of the highway distance over routing through the resulting gateway or where movements would be less than 300 miles; and (2) whether a vendee, which acquires two pieces of authority with which the vendor had been performing service by tacking onmovements of less than 300 miles, should be able to continue to perform that service.

SCHEDULE FOR SUBMISSION OF COMMENTS: Must be submitted on or before May 31, 1978.

FOR FURTHER INFORMATION CONTACT:

G. M. Bober, Assistant Deputy Director, Section of Finance, Room 5417, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7564.

SUPPLEMENTARY INFORMATION: This proceeding was instituted by a petition filed June 21, 1977, by the Common Carrier Conference—Irregular Route, Steel Carriers Conference of the American Trucking Association, and Heavy Specialized Carriers Conference of the American Trucking Association (petitioners) seeking modification of the application of the gateway elimination rules, 49 CFR 1065, as they relate to section 5 and 212(b) transactions.

The regulations in question were issued in *Gateway Elimination*, 119 MCC 530 (1974), and, as noted by petitioners, do not specifically consider their effect on acquisition proceedings.

It was found in *Gateway Elimination*, supra, that were the direct highway distance was more than 80 percent of the distance between two points by observing the gateway, carriers operating through the gateway were effective competitors with direct-line operators. Carriers meeting this so-called "20-percent rule" (the circuity in utilizing the gateway is less than 20 percent), which demonstrated that such a service was offered by an appropriate tariff being on file, could eliminate the gateway. The new direct services would not, the Commission believed, materially affect the existing competitive balance. This applied only to certificated authorities issued pursuant to an application pending on or before November 23, 1973.

As a corollary, where the circuity would be more than 20 percent, tack-

ing would be prohibited, unless the carrier could demonstrate a public need for the service, in conformity with *Childress—Elimination Sanford Gateway*, 61 MCC 421 (1952), cf. 119 MCC at 549-50. Carriers which did not follow one of these paths, except for movements of 300 miles or less, were prohibited from tacking irregular routes.

The Commission has stated that this 300-mile exemptiojn was applicable only to authorities issued pursuant to applications pending on or before November 23, 1973.

The Commission in its report did briefly consider the effect of the new regulation on acquisitions. It stated that if two irregular routes are to be joined, the applicant carriers would be required to file an application demonstrating that public convenience and necessity required joinder, and if a need was shown, direct service would be authorized. If no such showing was made, a "no-tacking" restriction would be imposed. 119 MCC at p. 552-3.

On December 3, 1974, the Commission issued a policy statement concerning ex parte 55 (Sub-No. 8) and Applications under sections 5(2) and 212(b) of the Interstate Commerce Act. In that policy statement the Commission instructed carriers with pending section 5 or 212 (b) applications filed after November 23, 1973, to file applications to eliminate any gateways, the failure to do so resulting in the imposition of a "no-tacking" restriction. The Commission, further, asserted that in future section 5 proceedings, parties would be required to file a directly related application to avoid imposition of a "no-tacking" restriction. The Commission determined that the criteria in *Childress, supra*, would be applicable to such gateway elimination applications, i.e., a showing of public convenience and necessity would be required.

Petitioners' Request

Petitioners seek to modifications in the Commission's application of the regulations to acquisitions and mergers under section 5 and transfers under section 212(b). Petitioners would permit the elimination of gateways resulting from an acquisition, i.e., the point of joinder of the vendee's existing authority and the authority being acquired without requiring a showing of public convenience and necessity where circuity through the gateway point would not exceed 20 percent. An applicant would only have to demonstrate the existence of a tariff for interline service through the joinder point. Secondly, petitioners want the Commission to apply the "300-mile exemption" to gateways resulting from section 5 and 212(b) acquisitions.

Pettioners suggest that the 20-percent rule was promulgated on the rationale that where the direct service route is 80 percent or more of the distance utilizing the gateway, a persumption arises that existing carriers providing service have felt the competitive impact of the service through the gateway. Since this presumption was valid in section 5 applications filed before November 23, 1973, petitioners believe it should have equal validity on applications filed after that date.

Petitioners refer to the findings of the Commission's Bureau of Economics, that the elimination of gateways resulted in significant savings in fuel, and man-hours. It is argued that granting of the requested relief would add to the savings because the present policy constitutes a major deterrent to applicants entering into acquisition transactions.

Rater than enter into such transactions, it is urged that carriers continue to interline, thereby wasting fuel, dollars and manpower. Petitioners also assert that the relief sought would lessen the disparity in treatment between irregular route carriers and regular route carriers with regard to joinder. A regular route carrier which acquires another regular route under section 5, can perform a through service without a showing of public convenience and necessity, as well as join an irregular route with a regular route. Petitioners plead that imposing the requirement of demonstrating public convenience and necessity on irregular rount carriers, even if no circuity is involved results in discrimination in favor of the regular route carrier.

Petitioners, also, reiterate the Commission's rationale for the "300-mile exemption", that on such shipments the added cost and fuel use from tacking would be more than made up through increased efficiencies and operational savings. The same reasoning, it is urged, applies to hauls of 300 miles or less resulting from a joinder of two irregular routes by an acquisition, and accordingly the 300-mile exemption should be broadened to include such traffic.

If, after considering all the comments submitted, the Commission deems a rulemaking proceeding appropriate, one will be instituted.

We also wish to consider the situation of a vendee acquiring two certificates presently utilized by a vendor under the "300-mile exemption."(e.g.,X, a vendor holds irregular route authority from A to B, and also from B to C. The distance from A to C (through B) is less than 300 miles, and X has been tacking the two authorities pursuant to the exemption. X proposes to sell both certificates to Y.)

The issue for consideration is whether the vendee should be permitted to continue the service previously performed by the vendor pursuant to the "300-mile exemption."

We seek comments on five questions related to the issues discussed above:

(1) Should the "20-percent rule" be applied to future acquisitions of irregular route authority authorized under sections 5(2) or 212(b), to permit elimination of the gateway resulting from joinder of vendee's irregular route authority with the authority authorized to be acquired by filing an E letter notice rather than filing a gateway elimination application?

(2) Should the "300-mile exemption" be applied to future acquisitions authorized under sections 5(2) or 212(b) of irregular route authority to permit the tacking of vendee's existing irregular route authority with the authority authorized to be acquired on movements of less than 300 miles?

(3) Should the "20-percent rule" and the "300-mile exemption" be applied to applications under section 5(2) and 212(b) filed after November 23, 1973, and disposed of prior to the Commission's action on the request presented by petitioners; and, if so, should a distinction be made between those applications that have been consummated and those that have not?

(4) If the relief sought by petitioners is granted, should a similar rule be applied if the new authority is acquired by an extension application pursuant to section 207, rather than by an application pursuant to sections 5 or 212(b); i.e., if the applicant can show that it had a tariff on file for interline service through the joinder point, should it be permitted to utilize the "20-percent rule" through filing of an E letter notice?

(5) Should a vendee who acquires two portions of irregular route authority, which the vendor has been tacking pursuant to the "300-mile exemption", be permitted to continue to tack the operating rights in this manner; and, if so, should the vendee provide information in its application of its intention to so use the authority?

Any interested person may participate in this proceeding by submitting a statement of views, arguments, or other comments regarding petitioners' proposals, and the questions we have set forth. We also will entertain comments on the environmental impact of the proposals. Any person intending to participate in this proceeding shall on or before 30 days from publication in the Federal Register of this notice file with the Office of Proceedings, Room 5349, Interstate Commerce Commission, Washington, D.C. 20423, an original and 12 copies of each statement.

All written submissions will be available for public inspection during regular business hours at the Office of the Interstate Commerce Commission, 12th Street and Constitution Avenue, Washington, D.C. 20423.

It is ordered: Notice of the institution of this proceeding be given to the

general public by depositing a copy of this notice in the Office of the Secretary, Interstate Commerce Commission, Washington, for public inspection and by delivering a copy of the attached notice to the Director of Federal Register for publication in the FEDERAL REGISTER as notice to interested persons.

Decided: April 17, 1978.

By the Commission, Commissioners Murphy, Brown, and Stafford dissenting.

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

COMMISSIONER BROWN DISSENTING

In this instance, we would save much time and effort by following a two-step procedure proposing some rules for all parties to consider now, rather than simply requesting comments on the question of whether we should propose rules.

[FR Doc. 78-11789 Filed 4-28-78; 8:45 am]

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 23]

REVIEW OF STATUS OF THE LECHWE, AND LEOPARD UNDER THE ENDANGERED SPECIES CONVENTION

Advance Notice of Potential Rulemaking

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Advance notice of potential rulemaking.

SUMMARY: On January 3, 1978, Safari Club International (4615 North Camino Nuestro, Tucson, Ariz. 85705) petitioned the Department of the Interior to propose reclassifying the leopard (*Panthera pardus*) from Appendix I to Appendix II and to propose deleting the lechwe (*Kobus leche*), an African antelope from Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. The Department has determined that substantial evidence has been presented by the petitions, and that such evidence warrants a review of the status of these species to learn whether changes in their Appendix listings should be proposed for consideration by other countries that are Parties to the Convention.

DATE: Submit information in writing by June 30, 1978.

ADDRESS: Please send information to the Director, U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Dr. Richard L. Jachowski, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, phone 202-632-8796.

SUPPLEMENTARY INFORMATION: The Fish and Wildlife Service is seeking the views of the governments of other countries in which these species occur. All interested persons are hereby invited to submit any factual information, including publications and written reports, that pertains to this review. This information, together with that provided in the petition from Safari Club International and that obtained from other sources, will be reviewed to determine whether the leopard and lechwe should be proposed for reclassification or deletion from appendices to the Convention.

All information used in this review will be available for public inspection during normal business hours in Room 546, 1717 H Street NW., Washington, D.C.

This document was prepared by Dr. Richard L. Jachowski, Federal Wildlife Permit Office.

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

Dated: April 24, 1978.

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

[FR Doc. 78-11775 Filed 4-28-78; 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.

[3410-16]

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

BIG SANDY CREEK WATERSHED, TEXAS

Intent to 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, give notice that an environmental impact statement is being prepared for the Big Sandy Creek Watershed, Clay, Jack, Montague, Tarrant, and Wise Counties, Tex.

The environmental assessment of this Federal action indicates that the project will cause significant, local, regional, or national impacts on the environment. As a result of these findings, Mr. George C. Marks, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is needed for installing the remaining measures in this project.

The project concerns a plan for watershed protection, flood prevention, improved water quality and quantity, and improved quality of life for the area. The planned action for the remaining project provides for the installation of 43 floodwater retarding structures, one multiple-purpose structure with recreational facilities, 31 grade stabilization structures, land stabilization measures on 825 acres of critically eroding lands, land treatment measures for stabilization of critical sediment source areas on 2,100 acres of privately owned land and 1,455 acres of federally owned land in the L. B. J. National Grasslands, and technical assistance for application of land treatment measures on watershed lands. Accelerated technical assistance for land treatment has been provided for approximately 75 percent of the land treatment goals for the watershed, and 13 floodwater retarding structures have been installed.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement is being developed by Mr. George C. Marks, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main Street, Temple, Tex. 76501, 817-774-1255.

(Catalog of Federal domestic Assistance Program No. 10.904, Flood Control Act, Public Law 78-534, 58 Stat. 905.)

Dated: April 20, 1978.

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service, U.S. Department of Agriculture.

[FR Doc. 78-11699 Filed 4-28-78; 8:45 am]

[3410-16]

LITTLE WYACONDA-SUGAR CREEK WATERSHED, MISSOURI

Intent To 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 being prepared for the Little Wyaconda-Sugar Creek Watershed, Clark, Lewis, and Scotland Counties, Mo.

The environmental assessment of this federally-assisted action indicates that the project may cause local, regional, or national impacts on the environment. As a result of these findings, Mr. Kenneth G. McManus, State Conservationist, has determined that the preparation and review of an environmental impact statement is needed for this project.

The project concerns a plan for flood prevention and watershed protection. The planned works of improvement include accelerated land treatment and a system of flood prevention structures.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The SCS invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. Kenneth G. McManus, State Conservationist, Soil Conservation Service, 555 Vandiver Drive, Columbia, Mo. 65201, 314-442-2271, extension 3155.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83-566, 16 USC 1001-1008.)

Dated: April 20, 1978.

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service, U.S. Department of Agriculture.

[FR Doc. 78-11700 Filed 4-28-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket No. 32470; Order 78-4-110]

ALLEGHENY AIRLINES, INC.

Order To Show Cause Regarding Amendment of Certificate of Public Convenience and Necessity for Route 97

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of April 1978.

By Order 78-4-109, issued concurrently with this Order, the Board has proposed to realign the domestic route system of Delta Air Lines in a manner which would, among other things, give Delta unrestricted authority in 22 minor markets[1] where Allegheny Airlines also holds restricted authority.[2] As discussed in Orders 78-4-109, 77-11-74, and 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on Allegheny as well as the other carriers certificated to serve these minor markets

[1] I.e., markets which generate fewer than 20 true O. & D. plus interline connecting passengers a day.

[2] The minor markets where both Allegheny and Delta currently hold restricted authority are set forth in Appendix A to this order.

will give these carriers greater flexibility to establish more logical aircraft routings, and may enable the carriers to offer new or additional service in these small markets, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Upon consideration of the above matters, and consistent with our tentative findings and conclusions set forth in Orders 78-4-109, and 76-5-101, we tentatively find and conclude that the elimination of restrictions on Allegheny's operations in the 22 markets listed in Appendix A is required by the public convenience and necessity and is consistent with the Board's policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.

Interested persons will be given 60 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If a full-blown evidentiary hearing complete with the opportunity for oral cross examination is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.[3]

Accordingly it is ordered, That:

1. All interested persons be directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending Allegheny's certificate for route 97 so as to remove operating restrictions in the markets listed in Appendix A.

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth here shall, within 60 days after the date of service of this order, file with the Board and serve upon all persons listed in Appendix K of Order 78-4-109, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers to objections shall be filed 20 days thereafter;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;[4]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon all persons listed in Appendix K of Order 78-4-109.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[5]
Secretary.

APPENDIX A.—*Minor markets where Allegheny will receive unrestricted authority*

Market	Fiscal year 1975 traffic[1]	Present authority
Boston to Lexington	6,650	1-stop.
Burlington to—		
Cincinnati	880	Do.[2]
Columbus	840	Do.[2]
Dayton	1,460	Do.[2]
Evansville	60	Do.[2]
Indianapolis	980	Do.[2]
Lexington	180	Do.[2]
Louisville	510	Do.[2]
Memphis	310	Do.[2]
Nashville	210	Do.[2]
St. Louis	1,880	Do.[2]
Toledo	80	Do.[2]
Cleveland to Evansville	5,170	Do.
Columbus to Nashville	6,810	Do.
Dayton to Nashville	7,170	Do.
Evansville to—		
Lexington	350	Do.
Nashville	120	Do.
Philadelphia	5,140	Do.
Hartford to—		
Lexington	2,930	Do.
Toledo	5,000	Do.
Indianapolis to Nashville	6,660	Do.
Lexington to St. Louis	4,200	Do.

[1]True O. & D. plus interline connecting passengers.
[2]Via New York.

[FR Doc. 78-11615 Filed 4-28-78; 8:45 am]

[6320-01]

[Docket No. 32471; Order 78-4-111]

AMERICAN AIRLINES, INC.

Order To Show Cause Regarding Amendment of Certificate of Public Convenience and Necessity for Route 4

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of April 1978.

By Order 78-4-109, issued concurrently with this Order, the Board has proposed to realign the domestic route system of Delta Air Lines in a manner which would, among other things, give Delta unrestricted authority in 2 minor markets[1] where American also holds restricted authority.[2] As discussed in Orders 78-4-109, 77-11-74, and 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on American as well as the other carriers certificated to serve these minor markets will give these carriers greater flexibility to establish more logical aircraft routings, and may enable the carriers to offer new or additional service in these small markets, thereby benefiting the traveling public without any significant adverse impace on other carriers.

Upon consideration of the above matters, and consistent with our tentative findings and conclusions set forth in Orders 78-4-109, and 76-5-101, we tentatively find and conclude that the elimination of restrictions on American operations in the 2 markets listed in Appendix A is required by the public convenience and necessity, and is consistent with the Board's policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.

Interested persons will be given 60 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If a full-blown evidentiary hearing complete with the opportunity for oral cross examination is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.[3]

According, it is ordered, that:

1. All interested persons be directed to show cause why the Board should

[1]I.e., markets which generate fewer than 20 true O. & D. plus interline connecting passengers a day.

[2]The minor markets were both American and Delta currently hold restricted authority are set forth in Appendix A to this order.

[3]We further find and conclude that American is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

[3]We further find and conclude that Allegheny is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

[4]All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[5]All Members concurred.

not issue an order making final the tentative findings and conclusions stated here and amending American's certificate for Route 4 so as to remove operating restrictions in the markets listed in Appendix A.

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth here shall, within 60 days after the date of service of this order, file with the Board and serve upon all persons listed in Appendix K of Order 78-4-109, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers to objections shall be filed 20 days thereafter;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issued raised by the objections before further action is taken by the Board; [4]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon all persons listed in Appendix K of Order 78-4-109.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR, [5]
Secretary.

APPENDIX A.—*Minor markets where American will receive unrestricted authority*

Market	Fiscal year 1975 traffic [1]	Present authority
Cleveland to Knoxville	7,290	1-stop via Nashville.
Indianapolis to Nashville	6,660	1-stop via Cincinnati.

[1] True O. & D. plus interline connecting passengers.

[FR Doc. 78-11616 Filed 4-28-78; 8:45 am]

[4] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[5] All Members concurred.

[6320-01]

[Docket No. 32472; Order 78-4-112]

BRANIFF AIRWAYS, INC.

Order to show Cause Regarding Amendment of Certificate of Public Convenience and Necessity for Route 9

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of April 1978.

By Order 78-4-109, issued concurrently with this Order, the Board has proposed to realign the domestic route system of Delta Air Lines in manner which would, among other things, give Delta unrestricted authority in 3 minor markets [1] where Braniff Airways also holds restricted authority. [2] As discussed in Orders 78-4-109, 77-11-74, and 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on Braniff as well as the other carriers certificated to serve these minor markets will give these carriers greater flexibility to establish more logical aircraft routings, and may enable the carriers to offer new or additional service in these small markets, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Upon consideration of the above matters, and consistent with our tentative findings and conclusions set forth in Orders 78-4-109 and 76-5-101, we tentatively find and conclude that the elimination of restrictions on Braniff's operations in the 3 markets listed in appendix A is required by the public convenience and necessity, and is consistent with the Board's policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.

Interested persons will be given 60 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If a full-blown evidentiary hearing complete with the opportunity for oral cross examination is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained. [3]

Accordingly, in is ordered, That:

1. All interested persons be directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending Braniff's certificate for Route 9 so as to remove operating restrictions in the markets listed in appendix A.

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth here shall, within 60 days after the date of service of this order, file with the Board and serve upon all persons listed in appendix K of Order 78-4-109, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers to objections shall be filed 20 days thereafter;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issued raised by the objections before further action is taken by the Board; [4]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will deemed to have been waived, and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon all persons listed in appendix K of Order 78-4-109.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR, [5]
Secretary.

APPENDIX A.—*Minor markets where Braniff will receive unrestricted authority*

Market	Fiscal year 1975 traffic [1]	Present authority
Little Rock to Tampa.	4,840	2-stop via Fort Smith, New Orleans.
Nashville to Shreveport.	4,390	1-stop via Tulsa.
Shreveport to Tampa.	4,740	1-stop via New Orleans.

[1] True O&D plus interline connecting passengers.

[FR Doc. 78-11617 Filed 4-28-78; 8:45 am]

[1] I.e., markets which generate fewer than 20 true O&D plus interline connecting passengers a day.

[2] The minor markets where both Braniff and Delta currently hold restricted authority are set forth in appendix A to this order.

[3] We further find and conclude that Braniff is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

[4] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[5] All Members concurred.

[6320-01]

[Docket 32473; Order 78-4-113]

EASTERN AIR LINES, INC.

Order to Show Cause Regarding Amendment of Certificates of Public Convenience and Necessity for Routes 5, 6, and 10

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of April 1978.

By Order 78-4-109, issued concurrently with this Order, the Board has proposed to realign the domestic route system of Delta Air Lines in a manner which would, among other things, give Delta unrestricted authority in 70 minor markets[1] where Eastern Air Lines also holds restricted authority.[2] As discussed in Orders 78-4-109, 77-11-74, and 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on Eastern as well as the other carriers certificated to serve these minor markets will give these carriers greater flexibility to establish more logical aircraft routings, and may enable the carriers to offer new or additional service in these small markets, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Upon consideration of the above matters, and consistent with our tentative findings and conclusions set forth in Orders 78-4-109 and 76-5-101, we tentatively find and conclude that the elimination of restrictions on Eastern's operations in the 70 markets listed in appendix A is required by the public convenience and necessity, and is consistent with the Board's policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.

Interested persons will be given 60 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If a full-blown evidentiary hearing complete with the opportunity for oral cross examination is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.[3]

Accordingly, *it is ordered*, That:

1. All interested persons be directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending Eastern's certificates for Routes 5, 6, and 10 so as to remove operating restrictions in the markets listed in appendix A.

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth here shall, within 60 days after the date of service of this order, file with the Board and serve upon all persons listed in appendix K of Order 78-4-109, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers to objections shall be filed 20 days thereafter;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;[4]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon all persons listed in appendix K of Order 78-4-109.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.[5]

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[1] I.e., markets which generate fewer than 20 true O&D plus interline connecting passengers a day.

[2] The minor markets where both Eastern and Delta currently hold restricted authority are set forth in appendix A to this order.

[3] We further find and conclude that Eastern is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

[4] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests or petitions for reconsideration of this order will be entertained.

APPENDIX A.—*Minor markets where Eastern will receive unrestricted authority*

Market	Fiscal year 1975 traffic[1]	Present authority
Augusta to—		
Evansville	320	2-stop via Charlotte, Chattanooga.
Houston	4,820	1-stop via Charlotte.
Macon	150	1-stop via Jacksonville.
Nashville	3,310	2-stop via Charlotte, Chattanooga.
St. Louis	4,100	1-stop via Charlotte.
Birmingham to—		
Columbus, Ohio	5,610	Do.
Lexington	3,130	1-stop via Louisville.
Toledo	1,590	1-stop via Charlotte.
Boston to Macon	2,900	1-stop via Atlanta.
Charleston to—		
Evansville	650	2-stop via Charlotte, Chattanooga.
Macon	1,120	1-stop via Jacksonville.
Nashville	5,350	2-stop via Charlotte, Chattanooga.
St. Louis	7,240	1-stop via Charlotte.
Charlotte to—		
Evansville	920	Do.
Lexington	3,430	2-stop via Atlanta, Louisville.
Macon	2,000	1-stop via Atlanta.
Chattanooga to Cleveland	5,390	1-stop via Charlotte.
Cincinnati to—		
Columbus, Ga	2,380	1-stop via Jacksonville.
Evansville	2,990	No Single-plane service.
Macon	1,450	1-stop via Jacksonville.
Montgomery	2,650	1-stop via Chicago.
Toledo	5,970	No single-plane service.
Cleveland to—		
Columbus, Ga	2,400	2-stop via Pittsburgh, Atlanta.
Evansville	5,170	2-stop via Charlotte, Chattanooga.
Lexington	2,830	2-stop via Greensboro, Washington.
Macon	1,740	2-stop via Pittsburgh, Atlanta.
Montgomery	4,070	1-stop via Charlotte.
Columbia to—		
Evansville	510	2-stop via Charlotte, Chattanooga.
Macon	610	1-stop via Jacksonville.
Nashville	7,090	2-stop via Charlotte, Chattanooga.
Columbus, Ga to—		
Columbus, Ohio	1,510	1-stop via Charlotte.
Detroit	7,230	Do.
Lexington	710	1-stop via Louisville.
Los Angeles	6,530	1-stop via Atlanta.
Toledo	550	1-stop via Charlotte.
Columbus, Ohio to—		
Evansville	3,350	2-stop via Charlotte, Chattanooga.
Greensboro	5,090	1-stop via Charlotte.
Macon	1,340	2-stop via Charlotte, Atlanta.

APPENDIX A.—*Minor markets where Eastern will receive unrestricted authority*—Continued

Market	Fiscal year 1975 traffic[1]	Present authority
Columbus, Ohio to—		
Montgomery	2,550	1-stop via Charlotte.
Nashville	6,810	2-stop via Charlotte, Chattanooga.
Raleigh	7,180	1-stop via Charlotte.
Dallas to—		
Evansville	4,660	1-stop via Atlanta.
Toledo	4,490	2-stop via Atlanta, Charlotte.
Detroit to Macon	5,360	2-stop via Charlotte, Atlanta.
Evansville to—		
Greensboro	590	1-stop via Chattanooga.
Raleigh	1,070	Do.
Greensboro to—		
Indianapolis	4,050	Do.
Lexington	2,440	1-stop via Washington.
Macon	1,170	1-stop via Atlanta.
Toledo	610	1-stop via Detroit.
Raleigh	4,010	No single-plane service.
Hartford to—		
Macon	1,360	1-stop via Atlanta.
Toledo	5,000	1-stop via Charlotte.
Houston to—		
Lexington	6,910	2-stop via Birmingham, Louisville.
Macon	1,910	1-stop via Birmingham.
Indianapolis to Raleigh	6,820	1-stop via Chattanooga.
Jacksonville to Montgomery	3,930	2-stop via Columbus, Ga.
Lexington to—		
Los Angeles	6,790	2-stop via Louisville, Atlanta.
Macon	460	1-stop via Louisville.
Memphis	3,000	2-stop via Louisville, Birmingham.
Montgomery	1,470	1-stop via Louisville.
Nashville	750	Do.
New Orleans	6,760	2-stop via Louisville, Huntsville.
Los Angeles to Macon	5,050	1-stop via Atlanta.
Macon to—		
Philadelphia	5,600	Do.
Raleigh	1,400	Do.
Toledo	360	2-stop via Atlanta, Charlotte.
Montgomery to Toledo	450	1-stop via Charlotte.
Nashville to Toledo	1,430	1-stop via Jacksonville.
Raleigh to Toledo	920	1-stop via Detroit.
St. Louis to Toledo	5,160	1-stop via Charlotte.

[1]True O&D plus interline connecting passengers.

[FR Doc. 78-11619 Filed 4-28-78; 8:45 am]

[6320-01]

FRONTIER AIRLINES, INC.

[Docket No. 32474; Order 78-4-114]

Order To Show Cause Regarding Amendment of Certificate of Public Convenience and Necessary for Route 73

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of April 1978.

By Order 78-4-109, issued concurrently with this Order, the Board has proposed to realign the domestic route system of Delta Air Lines in a manner which would, among other things, give Delta unrestricted authority in Las Vegas-Little Rock minor market[1] where Frontier Airlines also holds restricted authority.[2] As discussed in Orders 78-4-109, 77-11-74 and 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on Frontier as well as the other carriers certificated to serve the Las Vegas-Little Rock minor market will give these carriers greater flexibility to establish more logical aircraft routings, and may enable the carriers to offer new or additional service in the market, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Upon consideration of the above matters, and consistent with our tentative findings and conclusions set forth in Orders 78-4-109, and 76-5-101, we tentatively find and conclude that the elimination of restrictions on Frontier's operations in the Las Vegas-Little Rock market is required by the public convenience and necessity, and is consistent with the Board's policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.

Interested persons will be given 60 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If a full-blown evidentiary hearing complete with the opportunity for oral cross examination is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.[3]

Accordingly, it is ordered, That:

1. All interested persons be directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending Frontier's certificate for Route 73 so as to remove its operating restriction in the Las Vegas-Little Rock market.

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth here shall, within 60 days after the date of service of this order, file with the Board and serve upon all persons listed in Appendix K of Order 78-4-109, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers to ob-

[1]*I.e.*, markets which generate fewer than 20 true O&D plus interline connecting passengers a day.

[2]The Las Vegas-Little Rock market consisted of 4,390 ture O&D plus interline connecting passengers in the year ended June 30, 1976. Frontier's current authority in the market requires 3 intermediate stops with specific stops required at Albuquerque and Dallas-Fort Worth.

[3]We further find and conclude that Frontier is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

jections shall be filed 20 days thereafter;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;[4]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon all persons listed in Appendix K of Order 78-4-109.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[5]
Secretary.

[FR Doc. 78-11620 Filed 4-28-78; 8:45 am]

[6320-01]

[Docket No. 32475; Order 78-4-115]

NATIONAL AIRLINES, INC.

Order To Show Cause Regarding Amendment of Certificates of Public Convenience and Necessity for Routes 31 and 39

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of April 1978.

By Order 78-4-109, issued concurrently with this Order, the Board has proposed to realign the domestic route system of Delta Air Lines in a manner which would, among other things, give Delta unrestricted authority in 5 minor markets[1] where National Airlines also holds restricted authority.[2] As discussed in Orders 78-4-109, 77-11-74 and 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on National as well as the other carriers certificated to serve these minor markets will give these carriers greater flexibility to establish more logical aircraft routings, and may enable the carriers to offer new or additional service in these small markets, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Upon consideration of the above matters, and consistent with our tentative findings and conclusions set forth in Orders 78-4-109, and 76-5-101, we tentatively find and conclude that the elimination of restrictions on National's operations in the 5 markets listed in Appendix A is required by the public convenience and necessity, and is consistent with the Board's policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.

Interested persons will be given 60 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If a full-blown evidentiary hearing complete with the opportunity for oral cross examination is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.[3]

Accordingly, it is ordered, That:

1. All interested persons be directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending National's certificates for Routes 31 and 39 so as to remove operating restrictions in the markets listed in Appendix A.

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth here shall, within 60 days after the date of service of this order, file with the Board and serve upon all persons listed in Appendix K of Order 78-4-109, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers to objections shall be filed 20 days thereafter;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;[4]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon all persons listed in Appendix K of Order 78-4-109.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[5]
Secretary.

APPENDIX A.—*Minor markets where National will receive unrestricted authority*

Market	Fiscal year 1975 traffic[1]	Present authority
Charleston to—		
Las Vegas	1,260	1-stop via Jacksonville.
San Diego	2,880	Do.
Las Vegas to Savannah	1,140	Do.
San Diego to Savannah	1,280	Do.
San Francisco to Savannah	5,350	Do.

[1]True O&D plus interline connecting passengers.

[FR Doc. 78-11621 Filed 4-28-78; 8:45 am]

[6320-01]

[Docket No. 32476; Order 78-4-116]

OZARK AIR LINES, INC.

Order to Show Cause Regarding Amendment of Certificate of Public Convenience and Necessity for Route 107

Adopted by the Civil Aeronautics Board, at its office in Washinton, D.C., on the 19th day of April 1978.

By Order 78-4-109, issued concurrently with this Order, the Board has proposed to realign the domestic route system of Delta Air Lines in a manner

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[4]All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[5]All Members concurred.

[1]I.e., markets which generate fewer than 20 true O&D plus interline connecting passengers a day.

[2]The minor markets where both Piedmont and Delta currently hold restricted authority are set forth in Appendix A to this order.

[3]We further find and conclude that National is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

[4]All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[5]All Members concurred.

which would, among other things, give Delta unrestricted authority in 4 minor markets[1] where Ozark also holds restricted authority.[2] As discussed in Orders 78-4-109, 77-11-74 and 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on Ozark as well as the other carriers certificated to serve on these minor markets will give these carriers greater flexibility to establish more logical aircraft routings, and may enable the carriers to offer new or additional service in these small markets, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Upon consideration of the above matters, and consistent with our tentative findings and conclusions set forth in Orders 78-4-109, and 76-5-101, we tentatively find and conclude that the elimination of restrictions on Ozark's operations in the 4 markets listed in Appendix A is required by the the public convenience and necessity, and is consistent with the Board's policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.

Interested persons will be given 60 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If a full-blown evidentiary hearing complete with the opportunity for oral cross examination is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.[3]

Accordingly, it is ordered, That:

1. All interested persons be directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending Ozark's certificate for Route 107 so as to remove operating restrictions in the markets listed in Appendix A.

2. Any interested person having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth here shall, within 60 days after the date of service of this order, file with the Board and serve upon all persons listed in Appendix K of Order 78-4-109, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers to objections shall be filed 20 days thereafter;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;[4]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon all persons listed in Appendix K of Order 78-4-109.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[5]
Secretary.

[1] I.e., markets which generate fewer than 20 true O. & D. plus interline connecting passengers a day.

[2] The minor markets where both Ozark and Delta currently hold restricted authority are set forth in Appendix A to this order.

[3] We further find and conclude that Ozark is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

[4] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[5] All Members concurred.

APPENDIX A.—*Minor markets where Ozark will receive unrestricted authority*

Market	Fiscal year 1975 traffic[1]	Present authority
Dallas to Paducah	1,820	1-stop via St. Louis.
Indianapolis to Nashville	6,660	1-stop.
New York to Paducah	4,420	1-stop via Champaign.
Paducah to Washington	2,040	Do.
Springfield, Mo. to Washington	4,570	Do.

[1] True O&D plus interline connecting passengers.

[FR Doc. 78-11622 Files 4-28-78; 8:45 am]

[6320-01]

[Docket No. 32477; Order 78-4-117]

PIEDMONT AVIATION, INC.

Order To Show Cause Regarding Amendment of Certificate of Public Convenience and Necessity for Route 87

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of April 1978.

By Order 78-4-109, issued concurrently with this Order, the Board has proposed to realign the domestic route system of Delta Air Lines in a manner which would, among other things, give Delta unrestricted authority in 6 minor markets[1] where Piedmont also holds restricted authority.[2] As discussed in orders 78-4-109, 77-11-74 and 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on Piedmont as well as the other carriers certificated to serve these minor markets will give these carriers greater flexibility to establish more logical aircraft routings, and may enable the carriers to offer new or additional service in these small markets, thereby benefiting the traveling public without any significant adverse impact on other carriers.

[1] I.e., markets which generate fewer than 20 true O&D plus interline connecting passengers a day.

[2] The minor markets where both Piedmont and Delta currently hold restricted authority are set forth in Appendix A to this order.

Upon consideration of the above matters, and consistent with our tentative findings and conclusions set forth in Orders 78-4-109, and 76-5-101, we tentatively find and conclude that the elimination of restrictions on Piedmont's operations in the 6 markets listed in Appendix A is required by the public convenience and necessity, and is consistent with the Board's policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.

Interested persons will be given 60 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If a full-blown evidentiary hearing complete with the opportunity for oral cross examination is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.[3]

Accordingly, it is ordered, That:

1. All interested persons be directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending Piedmont's certificate for Route 87 so as to remove operating restrictions in the markets listed in Appendix A.

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth here shall, within 60 days after the date of service of this order, file with the Board and serve upon all persons listed in Appendix K of Order 78-4-109, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers to objections shall be filed 20 days thereafter;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;[4]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon all persons listed in Appendix K of Order 78-4-109.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[5]
Secretary.

APPENDIX A.—*Minor markets where Piedmont will receive unrestricted authority.*

Market	Fiscal year 1975 traffic[1]	Present authority
Augusta to Nashville	3,310	1-stop.
Charleston, S.C. to Nashville	5,350	2-stop.
Columbia to Nashville	7,090	1-stop.
Columbus to Nashville	6,810	Do.
Lexington to—		
Memphis	3,000	Do.
Nashville	750	Do.

[1]True O. & D. plus interline connecting passengers.

[FR Doc. 78-11623 Filed 4-28-78; 8:45 am]

[3]We further find and conclude that Piedmont is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

[4]All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[6320-01]

[Docket No. 32478; Order 78-4-118]

SOUTHERN AIRWAYS, INC.

Order To Show Cause Regarding Amendment of Certificate of Public Convenience and Necessity for Route 98

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of April 1978.

By Order 78-4-109, issued concurrently with this Order, the Board has proposed to realign the domestic route system of Delta Air Lines in a manner which would, among other things, give Delta unrestricted authority in 46 minor markets[1] where Southern Airways also holds restricted authority.[2] As discussed in Orders 78-4-109, 77-11-74 and 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on Southern as well as the other carriers certificated to serve these minor markets will give these carriers greater flexibility to establish more logical aircraft routings, and may enable the carriers to offer new or additional service in these small markets, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Upon consideration of the above matters, and consistent with our tentative findings and conclusions set forth in Orders 78-4-109, and 76-5-101, we tentatively find and conclude that the elimination of restrictions on Southern's operations in the 46 markets listed in Appendix A is required by the public convenience and necessity, and is consistent with the Board's policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.

Interested persons will be given 60 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If a full blown evidentiary hearing complete with the opportunity for oral cross examination is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleandings. General, vague, or unsupported objections will not be entertained.[3]

Accordingly, it is ordered, That:

1. All interested persons be directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending Southern's certificate for Route 98 so as to remove operating restrictions in the markets listed in Appendix A.

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth here shall, within 60 days after the date of service of this order, file with the Board and serve upon all persons listed in Appendix K of Order 78-4-109, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers to objections shall be filed 20 days thereafter;

[5]All Members concurred.

[1]I.e., markets which generate fewer than 20 true O&D plus interline connecting passengers a day.

[2]The minor markets where both Southern and Delta currently hold restricted authority are set forth in Appendix A to this order.

[3]We further find and conclude that Southern is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;[4]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon all persons listed in Appendix K of Order 78-4-109.

This order shall be published in the Federal Register.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[5]
Secretary.

[4]All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[5]All Members concurred.

APPENDIX A.—*Minor markets where Southern will receive unrestricted authority*

Market	Fiscal year 1975 traffic[1]	Present authority
Baton Rouge to—		
Charlotte	1,720	1-stop via Meridian.
Chattanooga	1,690	2-stop via Meridan, Atlanta.
Detroit	3,390	2-stop via Jackson, Nashville.
Fort Lauderdale	760	2-stop via New Orleans, Panama City.
Jacksonville	1,610	Do.
Knoxville	2,070	2-stop via Jackson, Nashville.
Miami	2,670	2-stop via New Orleans, Panama City.
Nashville	3,150	1-stop via Jackson.
Orlando	1,850	2-stop via New Orleans, Panama City.
Birmingham to Chattanooga	1,340	1-stop via Huntsville.
Charleston to—		
Orlando	6,460	2-stop via Athens, Atlanta.
St. Louis	7,240	1-stop via Memphis.
Charlotte to—		
Columbus, Ga	3,020	2-stop via Athens, Atlanta.
Monroe	820	1-stop via Columbus.
Montgomery	3,730	1-stop via Birmingham.
Chattanooga to—		
Columbus, Ga	1,340	1-stop via Huntsville.
Jackson	2,130	Do.
Meridian	260	1-stop via Atlanta.
Monroe	410	2-stop via Atlanta, Columbus, Miss.
Montgomery	1,370	1-stop via Huntsville.
Chicago to Meridian	5,100	1-stop via Memphis.
Columbus, Ga. to—		
Detroit	7,230	2-stop via Atlanta, Nashville.
Knoxville	1,690	Do.
Miami	6,490	1-stop via Panama City.
Nashville	2,780	1-stop via Atlanta.
Orlando	3,860	1-stop via Panama City.
St. Louis	2,800	2-stop via Atlanta, Memphis.
Fort Lauderdale	2,100	1-stop via Panama City.
Detroit to—		
Meridian	2,180	2-stop via Nashville, Birmingham.
Monroe	2,920	2-stop via Nashville, Jackson.
Fort Lauderdale to—		
Meridian	570	2-stop via Panama City, New Orleans.
Monroe	630	Do.
Jackson to Knoxville	3,010	1-stop via Nashville.
Knoxville to—		
Meridian	510	2-stop via Nashville, Birmingham.
Monroe	500	2-stop via Nashville, Jackson.
Montgomery	1,990	2-stop via Nashville, Birmingham.
Meridian to—		
Miami	880	2-stop via New Orleans, Panama City.
Nashville	580	1-stop via Birmingham.
New York	4,730	2-stop via Birmingham, Columbus, Ga.
St. Louis	1,260	1-stop via Memphis.
Washington	1,940	2-stop via Birmingham, Columbus, Ga.
Miami to Monroe	2,380	2-stop via Panama City, New Orleans.
Monroe to—		
Nashville	1,750	1-stop via Jackson.
New York	7,040	3-stop via Jackson, Birmingham, Columbus, Ga.
Washington	3,780	Do.
Montgomery to—		
Nashville	3,320	1-stop via Huntsville.
St. Louis	6,490	1-stop via Memphis.

[1]True O&D plus interline connecting passengers.

[FR Doc. 78-11624 Filed 4-28-78; 8:45 am]

[6320-01]

[Docket No. 32479; Order 78-4-119]

TEXAS INTERNATIONAL AIRWAYS, INC.

Order To Show Cause Regarging Amendment of Certificate of Public Convenience and Necessity for Route 82

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of April 1978.

By Order 78-4-109, issued concurrently with this Order, the Board has proposed to realign the domestic route system of Delta Air Lines in a manner which would, among other things, give Delta unrestricted authority in 2 minor markets[1] where Texas International Airways also holds restricted authority.[2] As discussed in Orders 78-4-109, 77-11-74 and 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on Texas International as well as the other carriers certificated to serve these minor markets will give these carriers greater flexibility to establish more logical aircraft routings, and may enable the carriers to offer new or additional service in these small markets, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Upon consideration of the above matters, and consistent with our tentative findings and conclusions set forth in Orders 78-4-109, and 76-5-101, we tentatively find and conclude that the elimination of restrictions on Texas International's operations in the 2 markets listed in Appendix A is required by the public convenience and necessity, and is consistent with the Board's policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.

Interested persons will be given 60 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their

[1]*I.e.*, markets which generate fewer than 20 true O&D plus interline connecting passengers a day.

[2]The minor markets where both Texas International and Delta currently hold restricted authority are set forth in Appendix A to this order.

[3]We further find and conclude that Texas International is a citizen of the United States within the meaning of the Act, and is

Footnotes continued on next page

objections, if any, to specific markets, and to support such objections with detailed economic analysis. If a full-blown evidentiary hearing complete with the opportunity for oral cross examination is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.[3]

Accordingly, it is ordered, That:

1. All interested persons be directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending Texas International's certificate for Route 82 so as to remove operating restrictions in the markets listed in Appendix A.

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth here shall, within 60 days after the date of service of this order, file with the Board and serve upon all persons listed in Appendix K of Order 78-4-109, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers to objections shall be filed 20 days thereafter;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;[4]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon all persons listed in Appendix K of Order 78-4-109.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[5]
Secretary.

APPENDIX A.—*Minor markets where Texas international will receive unrestricted authority*

Market	Fiscal year 1975 traffic[1]	Present authority
Alexandria to Los Angeles	5,060	2-stop.
Los Angeles to Monroe	7,240	Do.

[1] True O. & D. plus interline connecting passengers.

[FR Doc. 78-11625 Filed 4-28-78; 8:45 am]

[6320-01]

Docket No. 32480; Order 78-4-120]

UNITED AIR LINES, INC.

Order to Show Cause Regarding Amendment of Certificates of Public Convenience and Necessity for Routes 1 and 51

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of April 1978.

By Order 78-4-109, issued concurrently with this Order, the Board has proposed to realign the domestic route system of Delta Air Lines in a manner which would, among other things, give Delta unrestricted authority in 66 minor markets[1] where United Air Lines also holds restricted authority.[2] As discussed in orders 78-4-109, 77-11-74, and 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on United as well as the other carriers certificated to serve these minor markets will give these carriers greater flexibility to establish more logical aircraft routings, and may enable the carriers to offer new or additional service in these small markets, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Upon consideration of the above matters, and consistent with our tentative findings and conclusions set forth in Order 78-4-109, and 76-5-101, we tentatively find and conclude that the elimination of restrictions on United's operations in the 66 markets listed in Appendix A is required by the public convenience and necessity, and is consistent with the Board's policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.

Interested persons will be given 60 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If a full-blown evidentiary hearing complete with the opportunity for oral cross examination is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.[3]

Accordingly, it is ordered, That:

1. All interested persons be directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending United's

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Footnotes continued from last page

fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

[4] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[5] All members concurred.

[1] I.e., markets which generate fewer than 20 true O&D plus interline connecting passengers a day.

[2] The minor markets where both United and Delta currently hold restricted authority are set forth in Appendix A to this order.

[3] We further find and conclude that United is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

certificates for Routes 1 and 51 so as to remove operating restrictions in the markets listed in Appendix A.

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth here shall, within 60 days after the date of service of this order, file with the Board and serve upon all persons listed in Appendix K of Order 78-4-109, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers to objections shall be filed 20 days thereafter;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issued raised by the objections before further action is taken by the Board;[4]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon all persons listed in Appendix K of Order 78-4-109.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[5]
Secretary.

[4]All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[5]All Members concurred.

APPENDIX A.—*Minor markets where United will receive unrestricted authority*

Market	Fiscal year 1975 traffic[1]	Present authority[4]
Asheville to—		
Boston	4,010	1-stop via New York.
Fort Wayne	190	1-stop via Akron.
Hartford	1,980	1-stop via New York.
Kansas City	1,170	1-stop via Akron.
Las Vegas	710	Do.
Los Angeles	4,000	1-stop via Memphis.
Philadelphia	4,700	Long-haul restricted.
San Diego	930	1-stop via Cleveland.
San Francisco	3,160	1-stop via Akron.
Birmingham to—		
Columbus, O.	5,610	1-stop via Washington.
Dayton	4,100	Do.
Fort Wayne	1,030	1-stop via Pittsburgh.
Greensboro	5,540	Long-haul restricted.
Hartford	4,350	1-stop via New York.
Raleigh	7,090	Long-haul restricted.
San Diego	3,670	1-stop via Los Angeles.
Toledo	1,590	1-stop via Pittsburgh.
West Palm Beach	4,090	1-stop via Atlanta.
Boston to Chattanooga	5,170	1-stop via New York.
Charlotte to—		
Dayton	3,660	1-stop via Washington.
Fort Wayne	1,500	Do.
Kansas City	6,570	Do.
Las Vegas	5,000	Do.
San Diego	3,820	Do.
Toledo	5,600	Do.
West Palm Beach	6,230	1-stop via Asheville.
Chattanooga to—		
Fort Wayne	770	1-stop via Akron.
Hartford	4,290	1-stop via New York.
Kansas City	3,490	1-stop via Akron.
Las Vegas	2,300	2-stop via Memphis, Los Angeles.
San Diego	1,390	Do.
San Francisco	6,240	Do.
Columbus to—		
Fort Wayne	340	1-stop via Chicago.
Greensboro	5,090	1-stop via Washington.
Raleigh	7,180	Do.
Dayton to—		
Fort Wayne	30	1-stop via Chicago.
Greensboro	1,790	1-stop via Washington.
Raleigh	2,500	Do.
Toledo	3,280	1-stop via Chicago.
Fort Wayne to—		
Greensboro	660	1-stop via Washington.
Jacksonville	1,460	1-stop via Akron.
Knoxville	860	Do.
Raleigh	1,230	1-stop via Washington.
San Diego	3,190	1-stop via Chicago.
West Palm Beach	2,280	1-stop via Akron.
Greensboro to—		
Hartford	5,590	1-stop via New York.
Jacksonville	7,250	
Kansas City	4,810	1-stop via Washington.
Knoxville	2,930	Nonstop long-haul restricted.
Las Vegas	2,460	1-stop via Washington.
San Diego	1,870	Do.
Toledo	610	Do.
West Palm Beach	5,180	No single-plane service.
Raleigh	4,010	Nonstop long-haul restricted.
Hartford to Knoxville	3,280	1-stop via New York.
Kansas City to—		
Knoxville	4,630	1-stop via Akron.
Raleigh	6,030	1-stop via Washington.
West Palm Beach	5,520	1-stop via Akron.
Knoxville to—		
Las Vegas	2,280	Do.
San Diego	2,440	1-stop via Cleveland.
Las Vegas to—		
Raleigh	3,340	1-stop via Washington.
West Palm Beach	2,570	1-stop via Akron.
Memphis to West Palm Beach	5,970	1-stop via Asheville.
Raleigh to—		
San Diego	3,260	1-stop via Washington.
Toledo	920	Do.
West Palm Beach	5,060	No single-plane service.
San Diego to—		
Toledo	3,170	1-stop via Kansas City.
West Palm Beach	2,110	1-stop via Cleveland.

[1]True O&D plus interline connecting passengers.

[FR Doc. 78-11626 Filed 4-28-78; 8:45 am]

[6320-01]

AEROLINEAS DOMINICANAS, S.A.,

[Docket 31654]

PREHEARING CONFERENCE AND HEARING

Notice is hereby given that a prehearing conference in this preceeding is assigned to be held on May 18, 1978, at 10 a.m. (local time), in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before May 11, 1978.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., April 25, 1978.

RICHARD V. BACKLEY,
Administrative Law Judge.

[FR Doc. 78-11766 Filed 4-28-78; 8:45 am]

[6320-01]

[Docket 30332, Agreement C.A.B. 26701, R-5, R-6 and R-7, Agreement C.A.B. 26707, R-19; Order 78-4-78]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreements Relating to Cargo Matters; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 14th day of April, 1978.

By Order 77-8-114, August 23, 1977, the Board acted on numerous resolutions of the International Air Transport Association (IATA) dealing with air cargo matters such as rate construction rules and procedures, and charges for ancillary services. The resolutions were adopted either at the Composite Cargo Conference held in Vancouver during May 1977, or at the 9th Meeting of the Cargo Traffic Procedures Committee held in Geneva, February 28-March 4, 1977. The Board stated that it would not act on resolutions governing live animal regulations, or the resolution proposing a $2.50 charge for preparation of air waybills, until we had received carrier justification and comments from interested persons. These resolutions are the subject of this order.

LIVE ANIMAL REGULATIONS

Resolution 511a (IATA Live Animal Regulations) establishes as binding on IATA members the standards for acceptance and carriage of live animals set forth in the 6th Edition of a separately published manual entitled "IATA Live Animals Regulations." [1] A proposed amendment to Resolution 511a, as well as to Resolution 512a (c.o.d. Procedures), would prohbiit the acceptance of live animals collect on delivery (c.o.d.), and is based on Recommendation No. 7 of the April 1977 meeting of the International Conference on Transportation of Live Animals.[2] Justification for the Live Animals Regulations and c.o.d. prohibition has been filed by Pan American World Airways, Inc. (Pan American), and by Trans World Airlines, Inc. (TWA). Objections, and a reply to TWA's justification, have been submitted by the Animal Shipper Parties (ASP).[3]

In its justification, Pan American states that: shippers often offer animals on a c.o.d. or charges collect basis on speculation, without advance notice to consignee, and in some instances the animals are not picked up at the destination airport; and the proposed c.o.d. ban seeks to prevent possible injury, distress and unnecessary suffering of live animals. TWA submits that under the Board's domestic rules,[4] when live animal c.o.d. shipments are not accepted, and the carrier returns the shipment to the shipper, the shipper must pay for the return transportation, which results in disputes between carriers and shippers; the longer distances and higher charges, as well as strict country-by-country rules on transport of animals in international transportation, exacerbate this problem; c.o.d. services are discretionary in any event and many carriers do not accept c.o.d. shipments; and, of the major European countries, only Greece accepts c.o.d. shipments without restrictions.

In its comments, ASP alleges that: the Board should not approve Resolution 511a and thus give sanction to the separately published "Live Animal Regulations" manual until all interested parties have had an opportunity to comment on it, and in the meantime the Board should require IATA to distribute warning stickers to all recipients of the latest edition of the manual stating that the regulations are not effective to/from the United States until the Board has approved them; the proposed c.o.d. ban, which is traceable to the International Conference on Transportation of Live Animals sponsored by IATA and which had no shipper participation, is unwaranted and conflicts with the U.S. Animal Welfare Act, and there is not reason not to apply the U.S. domestic c.o.d. rule to international shipments.[5] ASP also objects to the Board's approval in Order 77-8-114 of the revalidation of IATA Resolution 511b (IATA Live Animals Board), and seeks procedures such as opportunity for direct shipper comments and appearances before the Live Animals Board to safeguard shipper interests in the preparation of the Live Animals Regulations.[6]

In reply to TWA's justification ASP contends that: TWA has not offered any justification whatsoever for the revalidation of Resolution 511a; the outside (non-IATA) groups included at the International Conference on transporation of Live Animals were primarily preservation and conservation organizations with no expertise in the production, breeding and shipping of live animals; shippers have tendered live animals c.o.d. for years without encountering the problems alleged by TWA; the domestic tariff rule, which contains the consignor guarantee, is now federal law and should be applied to international shipments; the higher costs and more complex rules in international transportation are not unique to live animal shipments and do not warrant a c.o.d. ban on this one class of traffic; responsible shippers should not be penalized for the unsubstantiated misdeeds of a few abusers; and TWA's justification contains factual errors.[7]

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[1] The IATA live animals manual is produced by the IATA Live Animals Board which operates under procedures set forth in Resolution 511b (IATA Live Animals Board).

[2] The conference was attended by representatives of governments, carriers, the IATA Secretariat, the Air Transport Association, the International Committee on Laboratory Animals, the International Society for the Protection of Animals, the International Union for Conservation of Nature and Nature Resources, and the World Wildlife Fund.

[3] These parties are named in the Attachment.

[4] See Order 77-8-72, August 16, 1977, in Docket 23610, *Rules and Practices Relating to the Acceptance and Carriage of Live Animals in Domestic Air Freight Transportation.*

[5] The standard domestic tariff rule requires a written guarantee from consignor to pay all transportation and other charges associated with the live animal c.o.d. shipments, including return to sender, in the event of nonpayment at destination.

[6] Finally, ASP requests that the Board direct the carriers to submit full economic justification before September 30, 1978, for the 110-percent rate premium on warmblooded animals, which ASP contends should not be universally applicable to all categories of animal shipments, citing the Board's decisions in Docket 22859, Domestic Air Freight Rate Investigation (DAFRI). The initial decision in DAFRI states that the per-shipment charge for live animals should be reduced to eliminate the customer service element, which would be covered by separate accessorial charges on those shipments where the carrier assisted the shipper in preparing documentation, or rented him a kennel.

[7] For example, TWA states that the United Kingdom requires a 6-month quaratine for all live animal shipments destined to or transiting the United Kingdom, but ASP states that this regulation applies only to canine and feline species.

Charge for Preparation of Air Waybill

In support of the proposed $2.50 charge for preparing the air waybill Pan American and TWA assert that: in international air transportation, most air waybills are prepared by agents or consolidators, and the charge would not be or substantial benefit to the air carriers; and the $2,50 level is fully justified by costs, which Pan American estimates at $2.54 and TWA at $2.84.[8] Eastern Airlines, Inc., and Compagnie Nationale Air France have submitted letters stating that they support the air waybill charge.

Comments in support of the proposed charge have also been submitted by the International Airfreight Agents Association (IAAA), which alleges that: when the cargo agent prepares the air waybill, it would retain the fee, an arrangement which has long been in effect worldwide except in the United States; the proposed charge would be an important means of redressing agent grievances in terms of their overall compensation, which has been inadequate because of IATA's fixed-commission agreement and resultant monopsony, as well as the Board's policies which have disallowed commissions on consolidations and charges for air waybill preparation;[9] the Board is reviewing cargo agents' compensation in Docket 28672 and 28776, IATA Commissions Rate Agreements investigation, and Docket 30362, EDR-330, Advance Notice of Proposed Rulemaking Concerning Commissions or Other Payments for International Air Freight Shipments, thus indicating a desire to alter the status quo; and as a form of "conscience money," the air waybill fee requires no further justification, but in any event is fully warranted by costs[10] and by the agents' needs, since IAAA has produced solid evidence in Dockets 28672 and 28776 that U.S. cargo agents are losing money on their operations and require a revenue increase, although most agents enter the business for reasons totally unrelated to its profitability.[11]

[8]The estimates are based on data developed in DAFRI, where the Parsons study showed an average of 3.5 man-minutes for preparation of each air waybill, with domestic terminal labor and support costs estimated at 72.51 cents per man-minute. Both carriers use the 3.5 man-minute averge, and Pan American uses the domestic cost figure while TWA uses its Atlantic division freight handling cost estimate of 81.22 cents per man-minute.

[9]In Order 72-3-106, March 30, 1972, the Board disapproved an IATA air waybill fee on grounds that there was no specific cost justification or response from the agents. IAAA cntends that those grounds no longer exist.

[10]IAAA cites the findings and data in DAFRI in a manner similar to Pan American and TWA.

[11]IAAA states that cargo agents generally enter the business because their customers in a previously established line of operations, such as the trucking or cartage business or customs brokerage business, also have need of air cargo service and seek their services as a matter of convenience.

Findings

The Board has decided to disapprove Resolution 511a (IATA Live Animals Regulations); to disapprove the proposed ban on C.O.D. shipment of live animals; to apply certain conditions on our outstanding approval of Resolution 511b (Live Animals Board); and to disapprove the proposed air waybill charge in Resolution 512c.

Live Animals

In Order 75-7-43, July 10, 1975, the Board declined to approve the revalidation of Resolution 511a (IATA Live Animals Regulations), which sets forth the IATA Live Animals Manual, due to adverse shipper comment and our own reservations. Although we also had reservations about the nonpuplic procedures of the IATA Live Animals Board at that time, we approved the revalidation of Resolution 511b through September 30, 1977, since, even without shipper participation, it continued to perform a useful function in the exchange of information and furthered the welfare of live animals transported by air. Similarly, in Order 77-8-114 we did not approve Resolution 511a, but approved the extension of Resolution 511b.

The Board addressed the various complaints against the two resolutions, which have again been highlighted by ASP in this proceeding, in Order 75-9-27, September 11, 1975, where we directed the IATA carriers and all interested persons to show cause:

(a) Why the Board's earlier approval of Resolution 511a should not be withdrawn until the Live Animals Regulations are filed with and accepted by the Board as a tariff;

(b) Why Resolution 511b should not be disapproved in the absence of public (shipper, consignee, or other interested person) input and participation relating to amendment of the Live Animals Regulations by the IATA Live Animals Board;

(c) Why the Board's earlier approval of Resolution 607, insofar as it relates to standard labels for live animals shipments, should not be withdrawn in view of the fact that certain standard labels are at variance with those contained in the Live Animals Regulations;

(d) Why all current tariff rules of the IATA and non-IATA carriers participating in the Live Animals Regulations (except liability and rate provisions) should not be canceled when the Live Animals Regulations are filed in tariff forms;

(e) Why the Live Animals Regulations should not reflect the participation of all IATA member carriers for all local and interline traffic from and to the United States; and

(f) Why all non-IATA carriers serving the United States, and which elect to participate in the IATA Live Animals Regulations for interline traffic from and to the United States, should not be required to adopt the IATA Regulations for local traffic from and to the United States.

The parties were also directed to comment upon various technical aspects of the Live Animals Manual cited in Order 75-9-27. Comments and responses to that order were received, but the Board has delayed final resolution of the issues pending decision of Rules and Practices Relating to the Acceptance and Carriage of Live Animals in Domestic Air Freight Transportation, Docket 26310, as well as recent amendments of the Animal Welfare Act of 1970.

The domestic investigation has been completed, the Animal Welfare Act has been amended, and it is now time to resolve the outstanding issues pertaining to international live animal shipment rules.

In Order 75-9-27, the Board tentatively found that the provisions of the IATA Live Animals Regulations, which are made binding on all IATA members by agreement of the carriers, should be filed by the carriers in their tariffs. The Board has ruled many times that any provisions by which carriers seek to bind shippers must be filed in tariffs.[12] We continue to believe that a single document containing all the usual tariff material as to the acceptance, nonacceptance, packaging, documentation, etc., of live animal shipments as well as any relevant informational or advisory (nontariff) material would be a useful publication for both shippers and carriers.[13] Without such a single document, carriers would very likely continue to apply the IATA Regulations as they now exist, as an IATA agreement binding on all carrier participants, and on shippers, without notice to shippers of all the mandatory requirements for animal shipments or opportunity for them to participate in establishment of the rules. Thus duplication and perhaps conflicts could exist between the present regulations and present tariff rules and shippers would be denied the advantages of a single reference. A variety of local and interline tariff provi-

[12]See, for instance, Order 73-6-103, June 26, 1973, and Order 76-3-139, March 22, 1976.

[13]By nontariff material we mean such good sense advice that is included in the Live Animals Manual, such as that bovine and ungulate species should receive their normal ration prior to departure and should not be overfed in order to avoid internal injury through movement of the stomach during transportation; or that female animals shipped during estrus should be stowed in the aircraft as far apart from males as possible.

sions could result as the carriers separately decide which portions, if any, of the IATA Regulations warrant publication in their tariffs. Certain carriers have tariff rules which conflict with the regulations and thus their use would mislead shippers as to the acceptability and transportation of various live animals;[14] in addition, the IATA regulations contain a statement that they "are approved by the appropriate governmental authorities," which is patently false and misleading as far as this Government is concerned.

As noted above, the IATA Live Animals Regulations as now constituted are not an appropriate document for filing as a tariff in their present form since they contain much ambiguous language and certain specific provisions which appear to us of questionable validity. In fact, the unsuitability of the IATA manual for tariff publication in its potential conflicts with the tariff conditions of contract were raised by carriers which filed comments in opposition to the Board's tentative findings in its 1975 show cause order.[15]

For these reasons, we have decided that we will not restrict the carriers to a particular publication procedure or require them to file such a document, since under the Act only provisions binding shippers and carriers are required to be filed in tariff form. We do, however, put the carriers on notice that all requirements they seek to impose on shippers as to acceptance, nonacceptance, packaging, documentation, etc., of live animal shipments must be fully supported and based on their lawfully filed tariff rules; and that the Board will not view lightly the imposition of extra-tariff requirements.[16] Moreover, we specifically invite shippers to bring to our attention any requirements imposed by carriers which appear to deviate from lawfully filed tariffs.

Although we are disapproving Resolution 511a and the IATA Live Animals Regulations manual, we believe the manual might be revised in an acceptable manner, and for this reason we will continue our approval of Resolution 511b governing the IATA Live Animals Board, which has the responsibility for amending the manual. The Board is also sympathetic to the views of specialized shippers of this particular class of traffic on liaison with the IATA Live Animals Board, considering their unique interests and expertise. Resolution 511b now contains no provision for regular contributions and input from shippers, and we will therefore condition our approval to insure that shippers have an opportunity to submit their views and recommendations.

We will also disapprove the proposed ban on c.o.d. shipment of live animals. The carriers have provided no evidence that the potential problems in international air transportation are so much more significant than in U.S. domestic transportation that they cannot be adequately dealt with by the guarantee provisions of the standard domestic tariff rules and the amended Animal Welfare Act.[17]

Air Waybill Charge

We are not persuaded that the proposed $2.50 charge for preparation of the air waybill is justified in international air transportation. While it is true that the Board, in its decision in *DAFRI*, endorsed a customer service charge of up to $3.33 for assisting the customer to prepare freight documentation and for collecting payment for transportation from the consignee in U.S. domestic transportation, such charge was to be applied in addition to cost-based rates for transportation developed through an extensive formal investigation.[18] No such investigation has been conducted covering international cargo transportation rates, and all costs including the cost to the carrier when it is required to prepare air waybills are already included in the rate base as a cost of doing business.[19] In these circumstances, charging the shipper for preparation of the air waybill, when the cost of that service is already covered by the basic cargo rate, would be analogous to exacting a surcharge from the passenger for writing his ticket, regardless of whether he booked directly with the carrier or through a travel agent and in spite of the fact that passenger rates already reflect the cost of ticketing. One of the primary functions of both passenger and cargo agents is to prepare documentation such as tickets and air waybills for their customers. They are compensated for these services by commission payments. While it may be desirable to segregate charges so that the customer pays only for services actually used, the proposed air waybill fee is not an attempt at "unbundling," since as proposed it is a surcharge on top of rates which are already intended to cover the cost of providing this particular service.

A more general question which the Board is considering in a formal investigation is presented by this agreement. IAAA argues forcefully that the standard five percent commission to freight agents is inadequate and that approving the IATA-agreed air waybill charge, which the agent would retain when he performs the service, would be a means to partially redress the agents' longstanding grievances. The broad question of whether compensation to intermediaries should be established by inter-carrier agreement within IATA is before the Board in the *IATA Commission Rate Agreements Investigation*. The IATA agreement presented here on the air waybill charge, which would directly affect cargo agents' overall compensation, presents the same general public interest issue involving antitrust considerations as does the investigation, and the Board believes it is far better to resolve that broad question in the context of the major case. Therefore, until we issue a decision in the *IATA Commission* case we are not prepared to approve any new inter-carrier agreements fixing the compensation

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[14] For example, many carriers have tariff provisions limiting the acceptability of certain animals, which are not in the IATA Live Animals Regulations; conversely, there are limitations in the IATA manual which do not appear in tariffs.

[15] Comments were filed by Pan American, TWA, Delta Airlines, Inc., Seaboard World Airlines, Inc., United Air Lines, Inc., and the Flying Tiger Line, Inc. Responses were also submitted by IAAA, the American Association of Zoological Parks and Aquariums, and the Zoological Action Committee.

[16] Section 403(a) of the Federal Aviation Act and Part 221.3 of the Board's regulations require carriers to file tariffs containing, in addition to rates, fares and charges, "*all* classifications, rules, regulations, practices, and services" governing air transportation [emphasis supplied].

[17] Finally, we will not limit our approval of the 110-percent premium for warm-blooded animals to September 30, 1978, as ASP requests, or require the carriers to rejustify the premium. The Board's decision in DAFRI, on which ASP relies, is now subject to petitions for reconsideration, and reevaluation in light of the recent deregulation of U.S. domestic cargo rates. Moreover, the IATA-agreed 110-percent premium for warm-blooded animals is consistently with current U.S. domestic cargo tariffs which show the same 110-percent level.

[18] In domestic transportation, regular shippers normally prepare their own air waybills and usually only unsophisticated shippers require assistance by carrier personnel at the customer service counter.

[19] In fact, a tariff format consisting of rates based on weightbreaks can result in including a shipment-related cost, such as that of preparing an air waybill, more than once for a given weight. For example, a shipper tendering a shipment of 200 kilograms (kg.) to a carrier with weight breaks of 100, 300, 500, etc., kg. would pay twice the 100 kg. rate. Presumably, the 100 kg. weightbreak already contains the total costs for 100 kg., including the fixed cost for one shipment. Thus, the 200 kg. shipment is, in effect, being assessed two shipment charges.

for intermediaries in the sale of international air transportation.

The Board, acting pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a), and 412 thereof, makes the following findings:

1. It is found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest and in violation of the Act insofar as they would apply in air transportation as defined by the Act;

Agreement CAB	IATA No.	Title	Application
26701:			
R-5	511a	IATA Live Animals Regulations (Revalidating and Amending).	1;2;3
R-7	512a	C.O.D. Procedures (Amending)	1;2;3;1/2;2/3;3/1;1/2/3
26707:			
R-19	512c	Charge for Preparation of Air Waybill (Revalidating and Amending).	1;2;3

2. It is found that approval of the following resolution, incorporated in Agreement CAB 26701 as indicated, should be subject to the conditions stated below:

Agreement CAB	IATA No.	Title	Application
26701:			
R-6	511b	IATA Live Animals Board (Revalidating and Amending).	1;2;3

(a) The carriers shall keep complete and accurate minutes of each meeting of the IATA Live Animals Board and all other bodies dealing with live animals matters, and a true copy of each minutes and all documentation shall be filed in Docket 30332 not later than two weeks after close of each meeting;

(b) Any interested person may advise the International Air Transport Association or a direct air carrier participant of his interest in these discussions and upon request all meeting notices and agendas shall be mailed to such interested persons with such notice to include an invitation to submit comments upon the agenda matters and to request appointments for personal appearance; and

(c) Any agreement or agreements reached as a result of such discussions shall be filed with the Board in accordance with section 412 of the Federal Aviation Act of 1958 and approved by the Board prior to being incorporated in a tariff filing or otherwise placed in effect.

Accordingly, *It is ordered*, That:

1. Those portions of Agreements CAB 26701 and 26707 set forth in finding paragraph 1 above are disapproved;

2. The Board's approval of Resolution 511b is subject to the conditions of finding paragraph 2 above; and

3. Copies of this order shall be served upon the International Air Transport Association, Pan American World Airways, Inc., Trans World Airlines, Inc., Eastern Airlines, Inc., Compagnie Nationale Air France, counsel for the Animal Shipper Parties, and counsel for the International Airfreight Agents Association.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[20]

PHYLLIS T. KAYLOR,
Secretary.

ANIMAL SHIPPER PARTIES

American Pet Products Manufacturers Association, Inc.
American Association for Laboratory Animal Science
Animals for Research
Association of Animal and Fish Distributors, Inc.
Bay Area Pet Dealers Association
Blue Ribbon Pet Farm, Inc.
Charles P. Chase Co., Inc.
Delta International Bird Co., Inc.
Engle Laboratory Animals, Inc.
Florida Tropical Fish Farmers Association
Gators of Miami, Inc.
Hartz Mountain Corp.
International Bird Institute
Maryland Association Pet Industries, Inc.
Michigan Pet Retail Association
Millbrook Farms, Inc.
National Association for Live Science Industries, Inc.
National Association of the Pet Industry
National Association Multiple Pet Retail Outlets
National Pet Dealers and Breeders Association
National Turtle Farmers and Shippers Association
New England Council of Retail Pet Shops
Pacific Bird & Supply Co.
Pet Farm, Inc.
Pet Industry Distributors Association
Pet Industry Joint Advisory Council
Pet Producers of America
Poly Imports, Inc.
Primate Imports, Corp.
Red Sea Resources, Ltd.
Retail Pet Supply Association, Inc.
SPF Bird Imports
Tri-State Pet Dealers Association
United Pet Dealers Association
Universal Bird Imports
Western Wholesale Pet Supply Association, Inc.

[20] All Members concurred.

[FR Doc. 78-11767 Filed 4-28-78; 8:45 am]

[3510-07]

DEPARTMENT OF COMMERCE

Bureau of the Census

SPECIAL CENSUSES

The Bureau of the Census conducts a program whereby a local or State government can contract with the Bureau to conduct a special census of population. The content of a special census is ordinarily limited to questions on household relationship, age, race, and sex, although additional items may be included at the request and expense of the sponsor. The enumeration in a special census is conducted under the same concepts which govern the decennial census.

Summary results of special censuses are published semiannually in the Current Population Reports—Series P-28, prepared by the Bureau of the Census. For each area which has a special censes population of 50,000 or more, a separate publication showing data for that area by age, race, and sex is prepared. If the area has census tracts, these data are shown by tracts.

The data shown in the following table are the results of special censuses conducted since June 30, 1977, for which tabulations were completed between April 1, 1978 and April 30, 1978.

Dated: April 26, 1978.

MANUEL D. PLOTKIN,
Director,
Bureau of the Census.

State/place or special area	County	Date of census	Population
Arkansas: Little Flock City	Benton	Feb. 22, 1978	622
Illinois to—			
Bloomingdale Village	Du Page	Feb. 16, 1978	11,276
De Kalb City	De Kalb	Oct. 19, 1977	32,840
Elmhurst City	Du Page	Oct. 10, 1977	44,657
Mississippi to—			
Bolton Town	Hinds	Sept. 16, 1977	692
Falcon Town	Quitman	Sept. 14, 1977	255
Jonestown Town	Coahoma	do	1,055
Mayersville Town	Issaquena	Sept. 19, 1977	407
Mound Bayou Town	Bolivar	do	2,392
Pace Town	do	do	560
Shelby Town	do	Sept. 14, 1977	2,704
Winstonville Town	do	do	471
North Dakota to Wilton City	Burleigh and McLean	Mar. 7, 1978	930
Oklahoma to Roland City	Sequoyah	Feb. 7, 1978	1,296
Texas to Marshall City	Harrison	Feb. 10, 1978	25,109
Wisconsin to—			
Hull Town	Portage	Feb. 20, 1978	4,712
Oconomowoc Town	Waukesha	Jan. 17, 1978	6,668

[FR Doc. 78-11762 Filed 4-28-78; 8:45 am]

[3510-24]

Economic Development Administration

RONSON CORP. AND RAINBOW GIRL COAT CO., INC.

Petitions for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions were accepted for filing on April 24, 1978, from two firms: (1) Ronson Corp., One Ronson Road, Bridgewater, N.J. 08807, a producer of lighters, gas and electric appliances, and aerospace products; and (2) Rainbow Girl Coat Co., Inc., 40 Congress Street, Springfield, Mass. 01104, a producer of outerwear for women, girls, and infants. The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

CHARLES L. SMITH,
Acting Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc. 78-11774 Filed 4-28-78; 8:45 am]

[3510-25]

Industry and Trade Administration

NATIONAL INSTITUTES OF HEALTH

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00066. Applicant: DHEW, National Institutes of Health, NIAID, Building 7, Lobby Bethesda, Md. 20014. Article: Ultramicrotome, Ultrotome III and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to section gastroenteritis, animal, and fungal tissues embedded in hardened epoxy resins. Investigations will include ultrastructural studies on normal and pathologic specimens and animal tissues, cyto and histochemical studies on enzyme and subcellular organelle localization in cells and tissues, membrane interactions at host-parasite interfaces, and subcellular changes in cell induced by changes in their biochemical and physical environments.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a cutting speed range of 0.1 to 60 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by the National Bureau of Standards in its memorandum dated March 30, 1978, that (1) the cutting speed range of the foreign article is pertinent to the applicant's research studies, and (2) the domestic instrument does not provide the pertinent feature. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs.

[FR Doc. 78-11713 Filed 4-28-78; 8:45 am]

[3510-25]

NATIONAL RADIO ASTRONOMY OBSERVATORY—TUCSON

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00101. Applicant: National Radio Astronomy Observatory Associated Universities, Inc., 2010 North Forbes Boulevard, Suite 100, Tucson, Ariz. 85705. Artice: Repair of Klystron, Model VRB2113A30 and SN0139A7. Manufacturer: Varian Associates of Canada, Ltd., Canada. Intended use of article: The article is intended to be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a frequency in the range between 80-110 gigahertz. The National Bureau of Standards (NBS) advises in

its memorandum dated April 11, 1978 that (1) the capability of the article described above is pertinent to the applicant's research purposes and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 78-11711 Filed 4-28-78; 8:45 am]

[3510-25]

UNIVERSITY OF CALIFORNIA—LOS ALAMOS

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 78-00049. Applicant: University of California—Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, N. Mex. 87545. Article: Laser, Multigas, Model TEA-203-2. Manufacturer: Lumonics Research Ltd., Canada. Intended use of article: In order to extend the capability of already ongoing efforts in the studies of polyatomic molecular multiphoton photodissociation, laser induced chemistry, isotopically selective photochemical processes and laser induced fluorence, the article will be used to excite specific infrared energy transmitions in molecules such as UF_6, SF_6, Cl_2, NOCl, CRO, CF_2Cl_2, BCl_3, SF_5CL, MOF_6, etc. As a result of these studies chemical reaction rates with reaction partners in known vibrational quantum states will be determined.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides continuous wave operation in either carbon monoxide or carbon dioxide wave lengths. The National Bureau of Standards (NBS) advises in its memorandum dated April 6, 1978 that (1) the capability of the article described above is pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 78-11714 Filed 4-28-78; 8:45 am]

[3510-25]

UNIVERSITY OF CALIFORNIA—LOS ALAMOS

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued therunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00048. Applicant: University of California—Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, N. Mex. 87545. Article: Laser, TEA CO_2, Type 103-2 and Accessories. Manufacturer: Lumonics Research Ltd., Canada. Intended use of article: The article is intended to be used to optically pump gas samples to investigate the scalable potential of a 15.9 micro system. Investigations will be conducted to demonstrate the scientific and economic feasibility of the separation of uranium isotopes by laser methods.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a high power level (>20 joule/pulse). The National Bureau of Standards (NBS) advises in its memorandum dated March 14, 1978 that the specification of the article described above is pertinent to the applicant's intended purposes. NBS also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 78-11715 Filed 4-28-78; 8:45 am]

[3510-25]

UNIVERSITY OF MIAMI, ROSENSTIEL SCHOOL

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 78-00105. Applicant: University of Miami, Rosentiel School of Marine and Atm Science, 4600 Rickenbacker Cswy, Miami, Fla. 33149. Article: Flow Vibrating Densimeter, Model O1D. Manufacturer: Sodev, Inc., Canada. Intended use of article: The article will be used to measure the denisty of as little as $2cm^3$ of a solution (relative to pure water or standard seawater) to a precision of ± 1 ppm and an accuracy of at least 10 ppm. Also, the article will be used to give densities on natural water that can be used to check the reliability of the equation ± 3 ppm and examine the excess densities in deep ocean water of 20 ppm due to the increase of dissolved nutrients. In addition, the article will be used as a salinometer, which is a device that measures a physical property of seawater (or any electrolyte solution) that is directly related to concentration.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket No. 77-00142 which was denied without prejudice to resubmission on October 18, 1977 for informational deficiencies. The foreign article has the capability of in situ shipboard operation in the flow mode in order to make measurements in the shortest possible time. The National Bureau of Standards (NBS) advises in its memorandum dated March 22, 1978 that the capability of the article described above is pertinent to the applicant's intended purposes. NBS also advises that it knows of no domestic instrument of equivalent scientific value to foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 78-11710 Filed 4-28-78; 8:45 am]

[3510-25]

THE UNIVERSITY OF TEXAS MEDICAL BRANCH

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 78-00079. Applicant: The University of Texas Medical Branch, Department of Pathology, Galveston, Tex. 77550. Article: LKB 14800-1 Cryokit Complete and with Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is an accessory to an existing ultramicrotome which allows it to be used to section frozen tissues at ultra low temperatures so that sites of sodium, potassium, calcium and phosphorus accummulation in tissues are not disturbed. The materials to be studied are mammalian—liver, heart, kidney and parts of cells derived therefrom. The article is intended to be used to train graduate and medical students in biomedical research in the courses Pathology 6 x 97—Research and Pathology 6 x 98—Thesis.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 23, 1978 that it knows of no domestic instrument of equivalent scientific value to the article for its intended uses.

The Department of Commerce knows of no other similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 78-11712 Filed 4-28-78; 8:45 am]

[1505-01]

CARNEGIE-MELLON UNIVERSITY ET AL.

Consolidated Decision on Application for Duty-Free Entry of Ultramicrotomes

Correction

In FR Doc. 78-11162 appearing at page 17521 in the issue of Tuesday, April 25, 1978, on page 17522, second column, the paragraph beginning "Docket No. 78-0018 * * *" should begin "Docket No. 78-00118 * * *".

[3510-17]

Office of the Secretary

ADVISORY PANEL FOR THE PACIFIC FISHERY MANAGEMENT COUNCIL

Establishment

In accordance with the provisions of the Federal Advisory Committee Act, as amended, (5 U.S.C. App. (1976)); and Office of Management and Budget Circular A-63 of March 1974, and after consultation with the General Services Administration, the Department of Commerce has determined that the establishment of the Advisory Panel for the Pacific Fishery Management Council is in the public interest in connection with the performance of duties imposed on the Department by the Fishery Conservation and Management Act of 1976, Pub. L. 94-265 (16 U.S.C. 1852).

The Panel will provide the Council with advice and counsel with respect to the Council's activities on matters of fishery management policy, the preparation and review of fishery management plans, and the effectiveness of plans which have been implemented.

The Panel shall be composed of Council-appointed individuals who are knowledgeable or experienced with regard to the management, conservation, or recreational or commercial harvest of the fishery resources of the Council's geographical area of concern. The Panel will operate through sub-panels, each concerned with carrying out the objectives and duties of the Panel with respect to a particular fishery management unit. Eight subpanels will be initially established.

The Panel will function solely as an advisory body in compliance with the Federal Advisory Committee Act. Its charter will be filed 15 days from the publication date of this notice. On that filing date, the following five existing advisory panels for the Pacific Fishery Management Council will be terminated:

Anchovy Advisory Panel for the Pacific Fishery Management Council (FMC)
Groundfish Advisory Panel for the Pacific (FMC)
Jack Mackerel Advisory Panel for the Pacific (FMC)
Sablefish Advisory Panel for the Pacific (FMC)
Salmon Advisory Panel for the Pacific (FMC)

Interested persons are invited to submit comments regarding the establishment of the Advisory Panel for the Gulf of Mexico Fishery Management Council. Such comments, as well as inquiries, may be addressed to the Committee Liaison Officer, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Rockville, Md. 20852, telephone 443-8731.

Dated: April 24, 1978.

GUY W. CHAMBERLIN, Jr.,
Deputy Assistant Secretary for Administration.

[FR Doc. 78-11695 Filed 4-28-78; 8:45 am]

[6330-01]

COMMISSION OF FINE ARTS

MEETING

The Commission of Fine Arts will meet in open session on Tuesday, May 23, 1978, at 10 a.m. in the Commission offices at 708 Jackson Place NW., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington, D.C.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

This notice confirms notice published December 27, 1977, 42 FR 64651.

Dated in Washington, D.C., April 25, 1978.

CHARLES H. ATHERTON,
Secretary.

[FR Doc. 78-11753 Filed 4-28-78; 8:45 am]

[3710-08]

DEPARTMENT OF DEFENSE

Department of the Army

CHANGE OF MISSION AT FORT STEWARD, GA.

Filing of Environmental Impact Statement

In compliance with the National Environmental Policy Act of 1969, the Army, on 21 April 1978, provided the Environmental Protection Agency, as required by the Council on Environmental Quality, a Final Environmental Impact Statement (FEIS) concerning the permanent stationing of the 24th Infantry Division (—) at Fort Stewart and Hunter Army Airfield, Ga., and the conversion of this unit from an infantry to a mechanized infantry division.

Copies of the statement have been forwarded to concerned Federal, State and local agencies. Interested organizations or individuals may obtain copies from Commander, 24th Infantry Division (—) and Fort Stewart, Attention: AFZP-FEC, Fort Stewart, Ga. 31313, telephone 912-767-4798.

In the Washington area, inspection copies may be seen during normal duty hours in the Environmental Office, Office of Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, D.C. 20310, telephone 202-694-3434.

BRUCE A. HILDEBRAND,
Deputy for Environmental Affairs, Office of the Assistant Secretary of the Army (Civil Works).

[FR Doc. 78-11754 Filed 4-28-78; 8:45 am]

[3710-08]

MILITARY TRAFFIC MANAGEMENT COMMAND

Military Personal Property Symposium; Open Meeting

Announcement is made of a meeting of the Military Personal Property Symposium. This meeting will be held on May 25, 1978, at the Ramada Inn, Rosslyn, Va., and will convene at 0900 hours and adjourn at approximately 1500 hours.

Proposed agenda: The purpose of the symposium is to provide an open discussion and free exchange of ideas with the public on procedural changes to the personal property traffic management regulation (DOD 4500.34-R), and the handling of other matters of mutual interest relating to the movement and/or storage of household goods and unaccompanied baggage, as well as proposed changes and innovations in the Department of Defense personal property moving and storage program.

All interested persons desiring to submit topics to be discussed should submit them in writing to the Commander, Military Traffic Management Command, Attn.: MT-PPM, Washington, D.C. 20315. Topics to be discussed should be received on or before May 18, 1978.

Dated: April 21, 1978.

DONALD H. MENSCH,
Colonel, GS,
Director of Personal Property.

[FR Doc. 78-11755 Filed 4-28-78; 8:45 am]

[3810-71]

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet on May 30-31, 1978, at the U.S. Naval War College, Newport, R.I. Sessions of the meeting will commence at 8:30 a.m. and terminate at 5:30 p.m. on both days. All sessions of the meeting will be closed to the public.

The agenda will consist of matters required by Executive order to be kept secret in the interest of national defense and are in fact properly classified pursuant to such Executive order, including discussions of U.S. Navy-NATO plans, Navy advanced research studies, intelligence application to naval tactical developments, and related intelligence items. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of Title 5, United States Code.

For further information concerning this meeting, contact: Commander Robert B. Vosilus, U.S. Navy, Executive Secretary of the CNO Executive Panel Advisory Committee, 1401 Wilson Boulevard, Room 405, Arlington, Va. 22209, telephone No. 202-594-3191.

Dated: April 25, 1978.

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

[FR Doc. 78-11756 Filed 4-28-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

ISSUANCE OF PROPOSED DECISIONS AND ORDERS BY THE OFFICE OF HEARINGS AND APPEALS

Week of April 3, 1978 through April 7, 1978

Notice is hereby given that during the period April 3, 1978 through April 7, 1978, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Amendments to the DOE's procedural regulations, 10 CFR, Part 205, were issued in proposed form on September 14, 1977 (42 FR 47210 (September 20, 1977)), and are currently being implemented on an interim basis. Under the new procedures any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of the new procedures, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The new procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved

party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except Federal holidays.

MELVIN GOLDSTEIN,
Director,
Office of Hearings and Appeals.

APRIL 19, 1978.

Proposed Decisions and Orders

M. J. Mitchell, Dallas, Tex., FXE-0534, Crude oil

M. J. Mitchell filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in the extension of exception relief previously granted and would permit Mitchell to continue to sell certain of the crude oil which he produces from the Pickrel Ranch Minnelusa Sand Unit, Pickrel Ranch Field, Campbell County, Wyoming at market prices. On April 7, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

A. T. Skaer, Denver, Colo., DEE-0408, Crude oil

A. T. Skaer filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Skaer to sell crude oil which he produces from the Wiant lease at upper tier ceiling prices as specified in the Mandatory Petroleum Price Regulations. On April 3, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Texas Gas Exploration Corp., Washington, D.C., FEE-4460, Propane

Texas Gas Exploration Corp., filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart K. The exception request, if granted, would permit the firm to increase its banks of unrecovered product costs which it is permitted to reflect in price increases for propane in future months in recognition of the fact that it charged prices below its base price in previous periods. On April 4, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request should be granted.

Requests for Exception Received From Natural Gas Processors

The Office of Hearings and Appeals of the Department of Energy has issued Proposed Decisions and Orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The proposed exception relief permits the firms involved to increase the prices of the production of the gas plants listed below to reflect certain non-product cost increases:

Company	Case No.	Plant	Location	Amount of price increase (per gallon)
Atlantic Richfield Co	DXE-0668	Bayou Sale	St. Mary Parish, La	$0.0116
	DXE-0669	Covington	Garfield, Okla	.0231
	DXE-0670	Crane	Crane, Tex	.0285
	DXE-0671	Dayton	Liberty, Tex	.0597
	DXE-0672	Drumright	Creek, Okla	.0302
	DXE-0673	Eldorado	Schleicher, Tex	.0213
	DXE-0674	Fairway	Henderson, Tex	(1)
	DXE-0675	Grand Chenier	Cameron Parish, La	.0120
	DXE-0676	Indian Basin	Eddy, N. Mex	.0084
	DXE-0677	Longview	Gregg, Tex	.0454
	DXE-0678	Midland	Midland, Tex	.0852
	DXE-0679	North Cowden	Ector, Tex	.0120
	DXE-0680	Nueces River	Live Oak, Tex	.0190
	DXE-0681	Price	Rusk, Tex	.0468
	DXE-0682	Refugio	Refugio, Tex	.0100
	DXE-0683	Seminole	Seminole, Okla	.0432
	DXE-0684	Spivey	Kingman, Kans	.0278
	DXE-0685	Swanson River	Kenai District, Alaska	.0266
Cities Service Co	DXE-0780	Ambrose	Kay, Okla	.0134
	DXE-0781	Bryans Mill	Cass, Tex	.0227
	DXE-0782	Camrick	Beaver, Okla	.0086
	DXE-0783	Chico	Wise, Tex	.0141
	DXE-0784	Crowley	Acadia Parish, La	.0249
	DXE-0785	Dollarhide	Andrews, Tex	.0154
	DXE-0786	East Texas	Gregg, Tex	.0165
	DXE-0787	Elmwood	Beaver, Okla	.0204
	DXE-0788	Indian Basin	Eddy, N. Mex	.0073
	DXE-0789	Lapeyrouse	Terrebone Parish, La	.0195
	DXE-0790	Lefors	Gray, Tex	.0159
	DXE-0791	Maysville	Garvin, Okla	.0135
	DXE-0792	Murdock	Texas, Okla	(1)
	DXE-0793	North Cowden	Ector, Tex	.0156
	DXE-0794	Pampa	Gray, Tex	.0715
	DXE-0795	Price	Rusk, Tex	.0717
	DXE-0796	Roberts Ranch	Midland, Tex	.0101
	DXE-0797	Rodman	Garfield	.0173
	DXE-0798	San Antonio Bay	Calhoun, Tex	.0607
	DXE-0799	Stonewall	Stonewall, Tex	.0226
	DXE-0800	Waco	McLennan, Tex	.0267
	DXE-0801	West Seminole	Gaines, Tex	.0225
	DXE-0802	Wichita	Sedgwick, Kans	.0063
Getty Oil Co	DXE-0688	Bastian Bay	Plaquemines Parish, La	.0429
	DXE-0689	Eunice	Lea, N. Mex	.0108
	DXE-0690	Fuller	Scurry, Tex	.0055
	DXE-0691	Hollywood	Terrebone Parish, La	.0175
	DXE-0692	Houma	....do	.0056
	DXE-0693	Schafer	Gray-Carson, Tex	.0241
	DXE-0694	Spearman	Ochiltree, Tex	.0051
	DXE-0695	Velma	Stephens, Okla	.0127
	DXE-0696	Venice	Plaquemines Parish, La	.0138
	DXE-0697	Vermilion	Vermilion Parish, La	.1317
	DXE-0803	Dollarhide	Andrews, Tex	(1)
	DXE-0804	Stevens-Calidon	Kern, Calif	.0058

Company	Case No.	Plant	Location	Amount of price increase (per gallon)
Gulf Oil Corp	DXE-0560	Adena	Morgan, Col	.0803
	DXE-0561	Bluebell	Duchesne, Utah	.0405
	DXE-0562	Breckenridge	Stephens, Tex	.0348
	DXE-0563	Camrick	Beaver, Okla	.0090
	DXE-0564	Chesterville	Colorado, Tex	.0282
	DXE-0565	Como	Hopkins, Tex	.0455
	DXE-0566	Delhi	Richland Parish, La	.0135
	DXE-0567	Encinal	San Patricia, Tex	.0343
	DXE-0568	Enville	Love, Okla	.0116
	DXE-0569	Eunice	Lea, N. Mex	.0087
	DXE-0570	Fannett	Jefferson, Tex	.0282
	DXE-0571	Fashing	Atoscosa, Tex	.0148
	DXE-0572	Glade-Water	Gregg, Tex	.0204
	DXE-0573	Headlee	Andrews, Tex	.0123
	DXE-0574	Kalkaska	Kalkaska, Mich	.0310
	DXE-0575	Krotz Springs	St. Landry Parish, La	.0102
	DXE-0576	Lake Washington	Plaquemines Parish, La	.0135
	DXE-0577	Maysville	Garvin, Okla	.0170
	DXE-0578	Mermentau	Acadia Parish, La	.0347
	DXE-0579	Monahans	Ward, Tex	.0139
	DXE-0580	Monument	Lea, N. Mex	.0134
	DXE-0581	Moores Orchard	Fort Bend, Tex	.0112
	DXE-0582	North Port Neches	Orange, Tex	.0113
	DXE-0583	Saunders	Lea, N. Mex	.0141
	DXE-0584	Shackelford	Shackelford, Tex	.0414
	DXE-0585	South Fullerton	Andrews, Tex	.0131
	DXE-0586	Spear	Gregg, Tex	.0272
	DXE-0587	Vada	Lea, N. Mex	.0266
	DXE-0588	Waddell	Crane, Tex	.0123
	DXE-0589	Worsham	Ward, Tex	.0109
	DXE-0590	Yates	Pecos, Tex	.0225
Mobil Oil Corp	DXE-0701	Phillips-Bradley	Garvin, Okla	.0262
	DXE-0702	Burnell-North Pettus	Bee, Tex	.0555
	DXE-0703	Cameron	Cameron Parish, La	.0074
	DXE-0704	Chitwood	Grady, Okla	.0201
	DXE-0705	Delhi	Richland Parish, La	(1)
	DXE-0706	Desdemona	Eastland, Tex	.0434
	DXE-0707	Dollarhide	Andrews, Tex	.0148
	DXE-0708	Electra	Wilbarger, Tex	.0153
	DXE-0709	Hickok	Grant, Kans	.0299
	DXE-0710	Indian Basin	Eddy, N. Mex	.0073
	DXE-0711	Iowa	Jefferson Davis Parish, La	.0057
	DXE-0712	Kermit	Winkler, Tex	.0154
	DXE-0713	Kettleman-North Dome	Kings, Calif	.0418
	DXE-0714	La Gloria	Jim Wells, Tex	(1)
	DXE-0715	Levelland	Hockley, Tex	.0058
	DXE-0716	Lisbon	San Juan, Utah	.0071
	DXE-0717	Nueces River	Live Oak, Tex	.0146
	DXE-0718	Pegasus	Midland, Tex	.0113
	DXE-0719	Rio Bravo	Kern, Calif	.0872
	DXE-0720	Seeligson	Jim Wells, Tex	(1)
	DXE-0721	Sholem Alechem	Stephens, Okla	.0184
	DXE-0722	Slaughter	Hockley, Tex	.0104
	DXE-0723	South Serepta	Bossier Parish, La	.0102
	DXE-0724	Spivey	Hayer, Kans	.0308
	DXE-0725	West Seminole	Gaines, Tex	.0137
Phillips Petroleum Co	DXE-0811	Andrews	Andrews, Tex	.0275
	DXE-0812	Benedum	Upton, Tex	.0334
	DXE-0813	Bradley	Garvin, Okla	.0363
	DXE-0814	Crane	Crane, Tex	.0159
	DXE-0815	Dumas	Moore, Tex	.0240
	DXE-0816	Edmond	Oklahoma, Okla	.0583
	DXE-0817	Gray	Gray, Tex	.0297
	DXE-0818	Hobbs	Lea, Tex	.0101
	DXE-0819	Lee	....do	.0110
	DXE-0820	Lovington	....do	.0394
	DXE-0821	North	Gray, Tex	.0276
	DXE-0822	Oklahoma	Oklahoma, Okla	.0493
	DXE-0823	Sprayberry	Midland, Tex	.0090
	DXE-0824	Tunstill	Reeves, Tex	.0458
	DXE-0825	Vermilion	Vermilion Parish, La	.0264
	DXE-0826	Henderson	Rusk, Tex	.0248
Standard Oil Co. of California	DXE-0459	Gaviots	Santa Barbara, Calif	.3746
	DXE-0460	Cymric	Kern, Calif	.0496
	DXE-0461	Greeley	....do	.0597
	DXE-0462	Huntinging Beach	Orange, Calif	.0823
	DXE-0464	Inglewood	Los Angeles, Calif	.0071
	DXE-0465	Kermit	Winkler, Tex	.0140
	DXE-0466	Lapeyrouse	Terrebone Parish, La	.0504
	DXE-0467	Lisbon Valley	San Juan, Utah	.0124
	DXE-0468	Marathon SCLU	Kern, Calif	.0264
	DXE-0469	McKittrick	....do	.0110
	DXE-0470	Murphy Coyote	Los Angeles, Calif	.0097
	DXE-0472	Red Wash	Unitah, Utah	.0431
	DXE-0473	Reserve-North Tejon	Kern, Calif	.0653
	DXE-0475	Swanson River	Kenai Bor, Ark	.0274
	DXE-0477	Wilson Creek	Rio Blanco, Colo	(1)
	DXE-0478	32-Z	Kern, Calif	.1497

Company	Case No.	Plant	Location	Amount of price increase (per gallon)
Sun Co. Inc	DXE-0896	Elmwood	Beaver, Okla	.0180
	DXE-0850	Bayou Sale	St. Mary Parish, La	.0317
	DXE-0851	Luby	Nueces, Tex	(1)
	DXE-0852	Mermentau	Acadia Parish, La	.0375
	DXE-0853	Red Fish Bay	San Patricio, Tex	.0144
	DXE-0914	Belle Isle	St. Mary Parish, La	.0169
	DXE-0915	Canales	Nueces, Tex	.0191
	DXE-0916	Fordoche	Point Coupe Parish, La	.0227
	DXE-0917	Newhall	Los Angeles, Calif	.0237
	DXE-0918	Spivey	Harper, Kans	.0377
	DXE-0919	Tonkawa	Kay, Okla	.1102
	DXE-0920	Wakita	Grant, Okla	.0312
	DXE-0941	Peoria	Arapahoe, Colo	.0175
	DXE-0942	Sun	Starr, Tex	.0153
	DXE-0943	Victoria	Victoria, Tex	.0293
Tenneco Oil Co	DXE-0874	Chesterville	Colorado, Tex	.0344
	DXE-0875	La Porte	Harris, Tex	.0087
	DXE-0876	Lake Bouef	La Fourche Parish, La	.0094
	DXE-0877	Leabo	Matagorda, Tex	.0724
	DXE-0878	Mayfield	Kleberg, Tex	.1026
	DXE-0879	Mermentau	Acadia Parish, La	.0075
	DXE-0880	Normanna	Bee, Tex	.0227
	DXE-0881	Pearce	Aranasas, Tex	.0216
	DXE-0882	Prentice	Yoakum, Tex	.0210
	DXE-0883	South Fullerton	Andrews, Tex	.0181
	DXE-0884	Stephens	Claiborne Parish, La	.0219
	DXE-0885	Ward	Hidalgo, Tex	.0185
Texaco, Inc.	DXE-0736	Como	Hopkins, Tex	(1)
	DXE-0737	Enville	Love, Okla	.0071
	DXE-0738	Garvin County	Garvin, Okla	.0085
	DXE-0739	Handy	Grayson, Tex	.0382
	DXE-0740	Luby	Nueces, Tex	.0262
	DXE-0741	New Hope	Franklin, Tex	.0700
	DXE-0742	Roos South Campana	McMullen Tex	.2540
	DXE-0743	South Lake Arthur	Jefferson Davis Parish, La	.0110
	DXE-0744	South Kermit	Winkler, Tex	.0270
	DXE-0745	Tijerina	Jim Wells, Tex	.0268
	DXE-0746	TXL	Ector, Tex	.0225
	DXE-0747	Van	Van Zandt, Tex	.0237
	DXE-0897	Indian Basin	Eddy, N. Mex	(1)
	DXE-0898	Kettleman Hills	Kings, Calif	.0496
	DXE-0899	Shells Canyon	Ventura, Calif	.0393
Union Oil Co. of California	DXE-0759	Bakke	Andrews, Tex	.0097
	DXE-0760	Bell	Los Angeles, Calif	.1240
	DXE-0761	Bryans Mill	Cass, Tex	.0779
	DXE-0762	Caddo	Carter, Okla	.0142
	DXE-0763	Camrick	Beaver, Okla	.0218
	DXE-0764	Coalinga	Fresno, Calif	.0115
	DXE-0765	Como	Hopkins, Tex	.1098
	DXE-0766	Cotton Valley	Webster Parish, La	.0137
	DXE-0767	Dollarhide	Andrews, Tex	.0194
	DXE-0768	Gillette	Campbell, Wyo	.0384
	DXE-0769	Houma	Terrebone Parish, La	.0088
	DXE-0770	Kettleman Hills	Kings, Calif	.0510
	DXE-0771	Lisbon	San Juan, Utah	.0155
	DXE-0772	Mermentau	Acadia Parish, La	.0224
	DXE-0773	North Okarche	Kingfisher, Okla	.0238
	DXE-0774	Putnam Oswego	Dewey, Okla	.0264
	DXE-0775	Santa Maria Valley	Santa Barbara, Calif	.0526
	DXE-0776	Stearns	Orange, Calif	.0284
	DXE-0777	Timbalier Bay	Terrebone Parish, La	.0134
	DXE-0778	Van	Van Zandt, Tex	.0211
	DXE-0779	Worland	Washakie, Wyo	.0349

[1]Denied.

[FR Doc. 78-11565 Filed 4-28-78; 8:45 am]

[3128-01]

CASES FILED WITH THE OFFICE OF ADMINISTRATIVE REVIEW

Week of March 17 Through March 24, 1978

Notice is hereby given that during the week of March 17 through March 24, 1978, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of ser-

vice of notice, as prescribed in the precedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

APRIL 24, 1978.

RICHARD T. TEDROW,
DIRECTOR,
Office of Hearings and Appeals.

APPENDIX.—*List of cases received by the Office of Administrative Review*

[Week of Mar. 17 through Mar. 24, 1978]

Date	Name and location of applicant	Case No.	Type of submission
Mar. 17, 1978	Basin Petroleum, Inc., Los Angeles, Calif. If granted: Basin Petroleum, Inc., would receive an exception from 10 CFR 211.67 with respect to its entitlement obligations.	DEE-0933	Exception from the entitlement program (sec. 211.67).
Do	Bassett Oil & Equipment Co., Bassett, Va. If granted: The appeal which Bassett Oil & Equipment Co. filed from a revised remedial order which was issued to the firm would not be considered under the procedural regulations applicable to the original remedial order issued to the firm.	DRX-0052	Supplemental order.
Do	Buck's Butane & Propane Service, San Jose, Calif. If granted: The provisions of DOE's Nov. 15, 1977, decision and order covering the issuance of a revised remedial order to Buck's Butane & Propane Service would be modified.	DRX-0051	Supplemental order in *Buck's Butane & Propane Service*, 1 DOE's par. 80,119 (Nov. 15, 1977).
Do	Northland Oil & Refining Co., Tulsa, Okla. If granted: Northland Oil & Refining Co. would be granted retroactive and prospective exception relief from the provision of 10 CFR 211.67.	DEE-0934 and DES-0934	Exception from the entitlement program (sec. 211.67). stay request.
Do	Tenneco Oil Co., Houston, Tex. If granted: The Feb. 15, 1978, revised remedial order issued to Tenneco by region VI would be rescinded and the firm would not be required to refund overcharges made in its sales of motor gasoline during the period November 1973 through January 1976.	DRA-0156	Appeal of the DOE's Feb. 15, 1978, revised remedial order.
Mar. 20, 1978	Raye Benham, Rico, Colo. If granted: Raye Benham would not be required to file form EIA-8 (retail motor fuels service station survey).	DEE-0935	Exception to reporting requirements.
Do	Energy Action Educational Foundation, Washington, D.C. If granted: The Energy Action Educational Foundation would receive access to deleted portions of the transcript of an Aug. 31, 1976, meeting of subcommittee A of the Industry Advisory Board of the International Energy Agency.	DFA-0157	Appeal of an information request denial.
Do	Hines Standard Service, Morgantown, Ky. If granted: Hines Standard Service would not be required to file form EIA-8 (retail motor fuels service station survey).	DEE-0936	Exception to reporting requirements.
Do	Hunt Petroleum Co., Dallas, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Kinder plant.	DXE-0940	Extension of the relief granted in *Hunt Petroleum Corporation*, case No. FEE-4473 (decided Jan. 10, 1978) (unreported decision).
Do	Osage Tribe of Indians, Pawhuska, Okla. If granted: The Osage Tribe of Indians would receive an exception from the provisions of 10 CFR 212.52 which govern the maximum price that may be charged in first sales of crude oil.	DEE-0939	Price exception (sec. 212.52).
Do	Pennzoil Producing Co., Houston, Tex. If granted: Pennzoil Producing Co. would be permitted to sell the crude oil produced from the Perry Sand Waterflood unit located in Yazoo County, Miss., at upper tier ceiling prices.	DXE-0938	Extension of the relief proposed in the DOE's Jan. 19, 1978, proposed decision and order.
Do	Red Triangle Oil Co., Fresno, Calif. If granted: A Mar. 1, 1978, order issued by region IX, with respect to the withdrawal by Gulf from a market area, would be rescinded.	DEA-0158	Appeal of region IX's Mar. 1, 1978, order issued to Gulf.
Do	Sun Co., Inc., Dallas, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Peoria, Sun, and Victoria plants.	DXE-0941 through DXE-0943	Extension of the relief proposed in the DOE's Sept. 30, 1977, proposed decison and order.
Do	W. E. Allford, Inc., McAlester, Okla. If granted: W. E. Allford, Inc., would be assigned a new, lower priced supplier of propane to replace its base period supplier, Mobil Oil Corp.	DEE-0937	Exception to change suppliers.
Mar. 21, 1978	Crest Resources & Exploration Corp., Houston, Tex. If granted: Crest Resources & Exploration Corp. would be permitted to sell the crude oil produced from the Cecile Williams lease located in Brazoria County, Tex., at upper tier ceiling prices.	DEE-0944	Price exception (sec. 212.73).
Do	Gas Engine & Compressor Service Inc., Longview, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products.	DXE-0945	Extension of the relief granted in *Gas Engine & Compressor Service*, case No. DEE-0087 (decided Dec. 7, 1977) (unreported decision).

APPENDIX.—*List of cases received by the Office of Administrative Review*—Continued

[Week of Mar. 17 through Mar. 24, 1978]

Date	Name and location of applicant	Case No.	Type of submission
Do	Knowles Oil Co., Seymour, Ind. If granted: Knowles Oil Co. would receive a stay of the denial by DOE region V of the firm's application to quash subpena pending a final determination on a request for special redress filed by the Knowles Oil Co.	DES-0048	Stay request.
Do	Laketon Asphalt Refining, Inc., Laketon, Ind. If granted: DOE would review the entitlements exception relief granted to Laketon Asphalt Refining, Inc., during its 1977 fiscal year in order to determine whether the level of relief approved was appropriate.	DEX-0053	Supplemental order.
Do	Leonard E. Belcher, Inc., Alexandria, Va. If granted: The DOE's Feb. 15, 1978, information request denial would be rescinded and Leonard E. Belcher, Inc., would receive access to additional DOE data concerning the procedures of the Office of Administrative Review and of its predecesser, the Office of Exceptions and Appeals.	DFA-0159	Appeal of DOE's information request denial.
Do	Marathon Oil Co., Washington, D.C. If granted: The DOE's Feb. 9, 1978, information request denial would be rescinded and Marathon Oil Co. would receive access to additional DOE data regarding the issuance of notices of proposed disallowance.	DFA-0160	Do.
Do	Meason Operating Co., Natchez, Miss. If granted: Meason Operating Co. would be permitted to sell the crude oil produced from the Arnold Perry unit, well No. 1, located in Wilkinson County, Miss., at upper tier ceiling prices.	DXE-0946	Extension of the relief granted in *Meason Operating Company*, 1 DOE par. 81,038 (Dec. 14, 1977).
Do	Murphy Oil Corp., Washington, D.C. If granted: The DOE's Feb. 9, 1978, information request denial would be rescinded and Murphy Oil Corp. would receive access to additional DOE data regarding the issuance of notices of proposed disallowance.	DFA-0160	Appeal of DOE's information request denial.
Do	Texaco, Inc., White Plains, N.Y. If granted: The DOE's Feb. 21, 1978, information request denial would be rescinded and Texaco, Inc., would receive access to additional DOE data regarding the clarification and/or revision of the property definition as contained within 10 CFR 212.72.	DFA-0162	Do.
Do	Texaco, Inc., Los Angeles, Calif. If granted: Texaco, Inc., would be permitted to sell the crude oil produced from platform A located in the Cook Inlet, Alaska, at exempt price levels.	DEE-0947	Price exception (sec. 212.73).
Do	Texaco, Inc., Houston, Tex. If granted: Texaco, Inc., would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the Dover Hennessey gas plant.	DEE-0948	Price exception (sec. 212.165).
Mar. 23, 1978	Adams Oil Co., Inc., Charlotesville, Va. If granted: A Mar. 7, 1978, modified remedial order issued to Adams Oil Co., Inc., would be rescinded and the firm would not be required to refund overcharges made in its sales of motor gasoline and diesel fuel.	DRA-0163	Appeal of the modified remedial order.
Do	Commonwealth Oil Refining Co., Inc., San Antonio, Tex. If granted: Commonwealth Oil Refining Co., Inc., would receive a stay of the operation of the provisions of 10 CFR 211.67 pending a final determination on its application for exception.	DES-0611	Stay request.
Do	Doric Petroleum, Inc., Washington, D.C. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Hennessey and Newcastle plants.	DXE-0953 and DXE-0954	Extension of the relief granted in *Doric Petroleum, Inc.* case Nos. DXE-0047 and DXE-0048 (decided Dec. 6, 1977) (unreported decision).
Do	FS Service, Inc., and Affiliated Cos., Alexandria, Va. If granted: FS Services, Inc., and Affiliated Cos., would receive an exception from the pricing regulations as they apply to sales of Gasahol.	DEE-0950	Price exception (sec. 212.129).
Do	Illinois Petroleum Marketers Association, Alexandria, Va. If granted: Illinois Petroleum Marketers Association would receive an exception from the pricing regulations as they apply to sales of Gasohol.	DEE-0949	Do.
Do	IU International Oil & Gas Co., Inc., Washington, D.C. If granted: IU International Oil & Gas Co., Inc., would receive a stay pending judicial review of the refund requirements of an Aug. 31, 1977, remedial order issued to the firm.	DRS-0049	Stay request.

APPENDIX.—*List of cases received by the Office of Administrative Review*—Continued

[Week of Mar. 17 through Mar. 24, 1978]

Date	Name and location of applicant	Case No.	Type of submission
Do	Sun Co., Inc., Dallas, Tex. If granted: Sun Co., Inc., would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the Gohlke plant.	DEE-0955	Price exception (sec. 212.165).
Do	Thrifty Oil Co., Downey, Calif. If granted: Thrifty Oil Co. would not be required to file form EIA-8 (retail motor fuels service station survey).	DEE-0951	Exception to the reporting requirements.
Do	TOSCO Corp., Washington, D.C. If granted: DOE would review the entitlements exception relief granted to TOSCO Corp. during its 1977 fiscal year in order to determine whether the level of relief approved was appropriate.	DEX-0054	Supplemental order.
Do	Wimps Garage, Northampton, Mass. If granted: Wimps Garage would not be required to file form EIA-8 (retail motor fuels service station survey).	DEE-0952	Exception to the reporting requirements.
Mar. 17, 1978	Basin Petroleum, Inc., Los Angeles, Calif. If granted: Basin Petroleum, Inc., would receive an exception from 10 CFR 211.67 with respect to its entitlement obligations.	DEE-0933	Exception from the entitlement program (sec. 211.67).

NOTICES OF OBJECTION RECEIVED.—*Week of Mar. 17 through Mar. 24, 1978*

Date	Name and location of applicant	Case No.
Mar. 23, 1978	Valley Oil Corp., Staunton, Va	DEE-0119
Mar. 21, 1978	Amax Petroleum Corp., Houston, Tex. Proposed remedial order: Mar. 6, 1978	DRO-0011
Do	Greene's Transport Co., Inc., Thomaston, Ga	DRO-0012
Do	Herrington L. P. Gas Co., Olive Branch, Miss	DRO-0013
Do	W. W. Lindsey and W. E. Elliott, Pikeville, Ky. Proposed remedial order: Mar. 6, 1978	DRO-0014
Do	Lovelace Gas Service, Inc., Orlando, Fla. Proposed remedial order: Mar. 6, 1978	DRO-0015

[FR Doc. 78-11549 Filed 4-28-78; 8:45 am]

[3128-01]

ISSUANCE OF PROPOSED DECISIONS AND ORDERS BY THE OFFICE OF ADMINISTRATIVE REVIEW

March 20 through March 24, 1978

Notice is hereby given that during the period March 20 through March 24, 1978, the Proposed Decisions and Orders which are summarized below were issued by the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Amendments to the DOE's procedural regulations, 10 CFR, Part 205, were issued in proposed form on September 14, 1977 (42 FR 47210 (September 20, 1977)), and are currently being implemented on an interim basis. Under the new procedures any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of the new procedures, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The new procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any futher proceeding involving the exception matter.

Copies of the full text of these proposed Decision and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except federal holidays.

Dated: April 24, 1978.

RICHARD T. TEDROW,
Acting Director,
Office of Hearings and Appeals.

APPENDIX

Proposed Decisions and Orders

Adams Oil Co., Inc., Dillwyn, Va., Fee-4816, Petroleum Products

Adams Oil Co., Inc. filed an Application for Exception from the provisions of 10 CFR 212.93. The exception request, if granted, would permit Adams to retain the revenues which it received as a result of charging unlawful price levels for petroleum products. On March 20, 1978 the DOE issued a Proposed Decision and Order which determined that the exception request be granted in part.

Charter Oil Co., Jacksonville, Fla., DXE-0491, Crude oil

Charter Oil Co., filed an Application for Exception from the provisions of 10 CFR 211.67 (the old Oil Entitlements Program). The exception request, if granted, would relieve charter of its obligations to purchase entitlements for a six month period. On March 20, 1978 the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Cologne Production Co., San Antonio, Tx., DXE-0857, Crude oil

Cologne Production Co., filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The request, if granted, would result in the extension of exception relief previously granted and would permit the firm to continue to sell certain quantities of the crude oil at upper tier prices which it produces from two Units on the Algoa Field Located in Galveston County, Tex. On March 24, 1978, the DOE issued a Proposed Decision and Order which determined that Cologne be permitted to sell 100 percent of the crude oil produced from Algoa Unit 4-2 and 54.07 percent of the crude oil produced from Algoa Unit 6 at upper tier ceiling prices.

Crystal Oil Co., Shreveport La., FPI-0128, Crude and Unfinished oils

Crystal Oil Co., filed an Application for Exception from the provisions of 10 CFR 213.12. The exception request, if granted, would result in an increase in the amount of crude oil and unfinished oils which the firm may import on a license fee-exempt basis. On March 20, 1978, the DOE issued a Proposed Decision and Order which determined that exception relief should be granted.

Getty Oil., Oklahoma City, Okla., DEE-0479, Crude oil

Getty Oil Co., filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Getty to sell the crude oil produced from the Ed Dillon No. 2 Well located in Oklahoma County, Okla., at upper tier ceiling prices. On March 20, 1978, the DOE issued a Proposed Decision and Order which determined that the request be granted in part.

Golden Eagle Refining Co., Inc., Washington, D.C., DEE-0513, Crude oil

Golden Eagle Refining Co., Inc. filed an Application for Exception from the provisions of 10 CFR 211.67(a)(4). The exception request, if granted, would increase the number of entitlements which the firm is permitted to sell in every month. On March 22, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be denied.

Little America Refining Co., Washington, D.C., DXE-0495, Crude oil

Little America Refining Co. filed an Application for Exception from the provisions of 10 CFR 211.67 (the old Oil Entitlements Program). The exception request, if granted, would relieve LARCO of its obligations to purchase entitlements for a six month period. On March 20, 1978 the DOE issued a Proposed Decision and Order which determined that the exception request be granted in part.

Martin Exploration Co., Metairie, La., FEE-4789, Crude oil

On September 6, 1977, Martin Exploration Co., (Martin) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Martin to sell at market price levels all of the condensate which the firm produces in connection with a gas cycling process at the Wilcox B Sand Unit located in the Fields Field, Beaureguard Parish, La. On March 22, 1978 the DOE issued a Proposed Decision and Order which determined that the request be granted in part.

Natrogas, Inc., Minneapolis, Minn., DMR-0013, Propane

Natrogas, Inc. filed an Application for Exception from the provisions of 10 CFR 211.9. The exception request, if granted, would result in an extension of the exception relief previously granted to Natrogas and the assignment of a new, lower-priced supplier(s) of propane to supply a portion of the firm's base period use. On March 24, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Allen K. Trobaugh, Midland, Tex., DXE-0908, Crude oil

Allen K. Trobaugh filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in the extension of exception relief previously granted and would permit Trobaugh to continue to sell certain of the crude oil produced from the No. 1 well on the Bailey Lease at upper tier ceiling prices. On March 24, 1978, the DOE issued a Proposed Decision and Order which determined that exception request be granted.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Administrative Review of the Department of Energy has issued decisions and orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The exception relief permits the firms involved to increase the prices of the production of the gas plants listed below to reflect certain nonproduct costs increases:

Company	Case No.	Plant	Location (county/State)	Amount of price increase(per gallon)
Aminoil, USA	DXE-0623	Aline	Alfalfa, Okla	$0.0473
	DXE-0624	Fox	Carter, Okla	.0116
	DXE-0625	Huntington Beach	Orange, Calif	.0726
	DXE-0626	Inglewood	Los Angeles, Calif	.0814
	DXE-0627	Taloga	Dewey, Okla	.0415
	DXE-0628	Tioga	Williams, N. D	.0254
Champlin Petroleum Co	DXE-0629	Witcher	Oklahoma, Okla	.0354
Continental Oil Co	DXE-0630	Acadia	Acadia Parish, La	.0849
	DXE-0631	Burnell-North Pettus	Kornes, Tex	.0759
	DXE-0632	Edmond	Edmond, Okla	.0173
	DXE-0633	Hamlin	Jones, Tex	.0125
	DXE-0634	Maljamar	Lea, N. Mex	.0182
	DXE-0635	North Cowden	Ector, Tex	.0197
	DXE-0636	North Okarche	Kingfisher, Okla	.0155
	DXE-0637	Rincon	Starr, Tex	.0456
	DXE-0638	Susses	Johnson, Wyo	.0772
	DXE-0639	West Seminole	Gaines, Tex	.0269
	DXE-0640	West World	Reagan, Tex	.0645
El Paso Natural Gas Co	DXE-0557	Jal	Lea, N. Mex	.0154
	DXE-0558	San Juan	San Juan, N. Mex	.0143
Estates of Inez and Loyce Phillips	DXE-0545	Nan-su-Gail	Freestone, Tex	.21705
Hewit & Dougherty	DXE-0546	Roche	Refugio, Tex	.04067
Hunt Industries	DXE-0642	Zoller	....do	.04334
McCulloch Gas Processing Corp	DXE-0537	Belle Fourche	Butte, S. Dak	.0988
	DXE-0538	Gillette	Campbell, Wyo	.0505
	DXE-0539	Oedekoven	....do	.0927
Ozona Gas Processing Plant	DXE-0396	Ozona	Crockett, Tex	.0164
Shell Oil Co	DXE-0591	Bayou Goula	Iberville Parish, La	.0533
	DXE-0592	Camargo	Dewey, Okla	.0186
	DXE-0593	Chalkley	Cameron Parish, La	.0578
	DXE-0594	Enville	Love, Okla	.0128
	DXE-0595	Fashing	Atascosa, Tex	.0111
	DXE-0596	Halley	Winkler, Tex	(1)
	DXE-0597	KNDU	Kings, Calif	.0331
	DXE-0598	Lirette	Terrebonne Parish, La	.0418
	DXE-0599	Mermentau	Acadia Parish, La	.0228
	DXE-0600	O'Keene	Blaine, Okla	.0337
	DXE-0601	Person	Karnes, Tex	(1)
	DXE-0602	Prentice	Yoakum, Tex	.0157
	DXE-0603	Red Fish Bay	Nueces, Tex	.0302
	DXE-0604	Sea Robin	Vermillion Parish, La	.0068
	DXE-0605	Seiling	Dewey, Okla	.0366
	DXE-0606	Timbalier Bay	Terrebonne Parish, La	(1)
	DXE-0607	TXL	Ector, Tex	.0120
	DXE-0608	Van	Van Zandt, Tex	.0229
	DXE-0609	Weeks Island	Iberia Parish, La	.0081
	DXE-0610	West Seminole	Gaines, Tex	.0349
The Superior Oil Co	DEE-0397	Big Wells	Dimmit, Tex	(1)
	DEE-0398	Lowry	Cameron Parish, La	.0070
	DEE-0409	Coalinga Nose	Fresno, Calif	.0069
	DXE-0414	Thomas	Dewey, Tex	.0127
Wel-Gas, Inc., of Texas	DXE-0555	Possum Kingdom	Stephens, Tex	.09785

[1]Denied.

[FR Doc. 78-11567 Filed 4-28-78; 8:45 am]

[3128-01]

ADMINISTRATOR, SOUTHWESTERN POWER ADMINISTRATION

Adjustment of Salary

Pursuant to section 5364 of title 5 of the U.S. Code, the salary of the Administrator, Southwestern Power Administration is adjusted to $42,423 per annum effective on the first day of the first pay period which begins after date of this publication in the FEDERAL REGISTER.

Dated: April 27, 1978.

WILLIAM S. HEFFELFINGER,
Director of Administration.

[FR Doc. 78-11905 Filed 4-28-78; 9:35 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 889-7]

NEW HAMPSHIRE DRINKING WATER

Approval of State Application for Primary Enforcement Responsibility

APRIL 25, 1978.

In accordance with the provisions of Section 1413 of the Safe Drinking Water Act (SDWA), (88 Stat. 1661; 42 U.S.C. 300f et seq.) and 40 CFR 142 (41 FR 2918, January 20, 1976), Mr. William A. Healy, Executive Director of the New Hampshire Water Supply and Pollution Control Commission, has submitted an application to assume primary enforcement responsibility under the Safe Drinking Water Act to the Environmental Protection Agency (EPA) for approval.

Notice is hereby given that the Regional Administrator, EPA, Region I, has approved this application for primary enforcement authority, to become effective on May 31, 1978. This action is based on a thorough evaluation of the State's water supply supervision program in relation to the requirements of 40 CFR 142.10, including the adoption and implementation of:

(1) State primary drinking water regulations; (2) an inventory of public water systems; (3) a systematic program of sanitary surveys; (4) a State program for certification of laboratories; (5) State laboratory facilities certified by EPA; (6) a plan review program; (7) adequate statutory or regulatory enforcement authority; (8) record-keeping and reporting procedures; (9) a program for issuing variances and exemptions; (10) a plan for providing safe drinking water under emergency circumstances.

This evaluation has shown that the program which will be carried out by the Water Supply and Pollution Control Commission's Division of Water Supply fulfills all requirements for obtaining primary enforcement authority.

Any interested person may request a public hearing to consider the Regional Administrator's determination on or before May 31, 1978. If a public hearing is requested and granted, this determination shall not become effective until such time, following the hearing, as the Regional Administrator issues an order affirming or rescinding the determination. Requests for hearing shall be addressed to:

William R. Adams, Regional Administrator, U.S. Environmental Protection Agency, Room 2203, John F. Kennedy Federal Building, Boston, Mass. 02203.

and shall include the following information:

(1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing.

(2) A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing.

(3) The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

A complete copy of the Water Supply and Pollution Control Commission's application for primary enforcement responsibility is available for public inspection during normal business hours at the Office of the Regional Administrator and at the following location in New Hampshire.

State of New Hampshire, Water Supply and Pollution Control Commission, Division of Water Supply, Prescott Park, 105 Loudon Road, Concord, N.H. 03301.

Dated: April 25, 1978.

WILLIAM R. ADAMS, Jr.,
Regional Administrator,
Region I.

[FR Doc. 78-11696 Filed 4-28-78; 8:45 am]

[6560-01]

[FRL 889-8]

RHODE ISLAND DRINKING WATER

Approval of State Application for Primary Enforcement Responsibility

APRIL 25, 1978.

In accordance with the provisions of Section 1413 of the Safe Drinking Water Act (SDWA), (88 Stat. 1661; 42 U.S.C. 300f et seq.) and 40 CFR 142 (41 FR 2918, January 20, 1976), Dr. Joseph E. Cannon, Director of the Rhode Island Department of Health has submitted an application to assume primary enforcement responsibility under the SDWA to the Environmental Protection Agency (EPA) for approval.

Notice is hereby given that the Regional Administrator, EPA, Region I, has approved this application for primary enforcement authority, to become on May 31, 1978. This action is based on a thorough evaluation of the State's water supply supervision program in relation to the requirements of 40 CFR 142.10, including the adoption and implementation of:

(1) State primary drinking water regulations; (2) an inventory of public water systems; (3) a systematic program of sanitary surveys; (4) a State program for certification of laboratories; (5) State laboratory facilities certified by EPA; (6) a plan review program; (7) adequate statutory or regulatory enforcement authority; (8) record-keeping and reporting procedures; (9) a program for issuing variances and exemptions; (10) a plan for providing safe drinking water under emergency circumstances.

This evaluation has shown that the program which will be carried out by the Health Department's Division of Water Supply fulfills all requirements for obtaining primary enforcement authority.

Any interested person may request a public hearing to consider the Regional Administrator's determination within 30 days of the publication of this notice. If a public hearing is requested and granted, this determination shall not become effective until such time, following the hearing, as the Regional Administrator issues an order affirming or rescinding the determination. Requests for hearing shall be addressed to:

William R. Adams, Regional Administrator, U.S. Environmental Protection Agency, Room 2203, John F. Kennedy Federal Building, Boston, Mass. 02203.

and shall include the following information:

(1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing.

(2) A brief statement of the requesting person's interest in the Regional

Dated: April 21, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-11730 Filed 4-28-78; 8:45 am]

Administrator's determination and of information that the requesting person intends to submit at such hearing.

(3) The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

A complete copy of the Health Department's application for primary enforcement responsibility is available for public inspection during normal business hours at the Office of the Regional Administrator and at the following location in Rhode Island:

State of Rhode Island, Department of Health, Division of Water Supply, Cannon Building, Davis Street, Providence, R.I. 02908.

Dated: April 25, 1978.

WILLIAM R. ADAMS, JR.,
Regional Administrator,
Region I.

[FR Doc. 78-11697 Filed 4-28-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

AGREEMENTS FILED

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10218, or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, La., San Francisco, Calif., Chicago, Ill., and San Juan, P.R. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by May 22, 1978. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: T-3283-2.

Filing party: Dwight Green, Traffic Consultant, Port of Palm Beach, P.O. Box 9935, Riviera Beach, Fla. 33404.

Summary: Agreement No. T-3283-2, between the Port of Palm Beach District (Port) and Palm Beach Steamship Agency (PBSA), modifies the parties' basic agreement providing for PBSA's lease of certain premises at the Port of Palm Beach Terminal, Palm Beach, Fla., for use as office space, together with the nonexclusive right to use the Port's lands and dock facilities for the loading and unloading of vessels for which PSBA acts as agent. The purpose of Agreement No. T-3283-2 is to provide for the renewal of the basic agreement's lease term for an additional one-year period and to increase the monthly rental from $349.73 to $372.04.

Agreement No.: T-3627.

Filing party: Ronaldo Rodriguez Ossorio, Esq., General Counsel, Puerto Rico Ports Authority, G.P.O. Box 2829, San Juan, P.R. 00936.

Summary: Agreement No. T-3627, is between the Puerto Rico Ports Authority (Port) and Sea-Land Service, Inc. (Sea-Land), and provides for Sea-Land's month lease to 3.5455 cuerdas of land located at Piers J and K, Puerto Nuevo, San Juan, P.R., for the parking of container vans. As compensation, the Port is to receive a monthly rental of $5,500.

Agreement No.: T-3635.

Filing party: Betty I. Crofoot, House Counsel, Port of Portland, Box 3529, Portland, Oreg. 97208.

Summary: Agreement No. T-3635, between Port of Portland (Port) and Fred F. Noonan Co., Inc. (Noonan), consists of a terminal services contract between the parties. Under this agreement, Noonan will perform services relating to the receipt, inventory, and delivery of import vehicles at Terminal 6, Portland, Oreg. As compensation for its services, Noonan will be paid $2.62 per vehicle by Port. The agreement's term will be for a period of 10 years.

Agreement No.: T-3637.

Filing party: John H. Schulte, Esq., Smathers & Thompson, Alfred I. DuPont Building, Miami, Fla. 33131.

Summary: Agreement No. T-3637, between Lavino Shipping Co. (Lavino) and S.E.L. Maduro (Florida), Inc., (Maduro), is a covenant not to compete for a period of five years. Subsequent to Maduro's purchase of Lavino's assets and properties within the Southern Division, Lavino, in consideration of $25,000, agrees as follows: (1) not to compete with Maduro within the State of Florida or any other territories in which the Southern Division operates, except for Lavino's subsidiary, Shipside Packing Co. or car preparation activities in Jacksonville, Fla., as presently being conducted or contemplated by Hobelman, Inc.; (2) not to solicit or otherwise do business with any of its present or future accounts of the Southern Division; and (3) not to solicit or pirate any present or future employees of the Southern Division.

Agreement No.: T-3638.

Filing party: Ronaldo Rodriquez Ossorio, Esq., General Counsel, Puerto Rico Ports Authority, Apartado 2829, San Juan, P.R. 00936.

Summary: Agreement No. T-3638, between the Puerto Rico Ports Authority (Port) and the Puerto Rico Maritime Shipping Authority (PRMSA), is a preferential use agreement whereby the Port grants PRMSA the right of preference for the use of certain marine facilities at Puerto Nuevo, San Juan, P.R., for the docking and mooring of vessels which are engaged in the loading and unloading of cargo or supplies transported or to be transported by such vessels. As compensation, PRMSA shall pay the Port an annual fee of $8,188.94 subject to a minimum annual dockage and wharfage guarantee of $140,000, plus all applicable Port tariff charges. The amount of dockage and wharfage collected annually on cargo moving through the pier from or to vessels not operated by or for PRMSA shall be credited to PRMSA's minimum guarantee only when and to the extent that the dockage and wharfage charges paid by PRMSA are less than the minimum annual guarantee.

Agreement No.: T-3638-A.

Filing party: Ronaldo Rodriquez Ossorio, Esq., General Counsel, Puerto Rico Ports Authority, Apartado 2829, San Juan, P.R. 00936.

Summary: Agreement No. T-3638-A, between the Puerto Rico Ports Authority (Port) and the Puerto Rico Maritime Shipping Authority (PRMSA), provides for the Port's 25-year lease to PRMSA of certain premises at Puerto Nuevo, San Juan, P.R., to be used for the purpose of conducting shoreside operations pertaining to PRMSA's oceanborne common carrier service. PRMSA shall have the exclusive use of approximately 617,461.2638 square feet, plus an office consisting of approximately 1,152 square feet. As compensation, PRMSA shall pay the Port an annual ground rental of $151,736 for the exclusive use areas and $2,592 per year for the office space rental.

Agreement No.: 9973-4.

Filing party: John R. Mahoney, Esq., Burlingham, Underwood & Lord, One Battery Park Plaza, New York, N.Y. 10004.

Summary: Agreement No. 9973-4 modifies the basic agreement to provide that Johnson ScanStar May serve ports within its scope either by direct all-water service or by transshipment and, in the event of a strike, canal closure or other situation preventing all-water service through the Panama Canal, by overland movements from and to Pacific Coast ports via U.S. Atlantic, Gulf, and Great Lakes ports.

Agreement No.: 9981-6.

Filing party: Charles F. Warren, Attorney, Warren & Associates, P. C., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

Summary: Agreement No. 9981-6 would extend the term of the Far East Discussion Agreement for one year from the date of approval by the Federal Maritime Commission. Agreement No. 9981, as amended, is presently set to expire with June 20, 1978.

Agreement No.: 10331.

Filing party: Mr. Enrique Landa, General Delegate, Empresa Lineas Maritimas Argentinas S.A., Five World Trade Center, Suite 6167, New York, N.Y. 10048.

Summary: Agreement No. 10331, between Empresa Lineas Maritimas Argentinas S.A. and A. Bottacchi Sociedad Anonima De Navegacion Comercial Industrial E Inmobiliaria, is an association agreement which sets forth the percentage share and the sailing requirements for each carrier under the Argentine flag share and obligations in Agreement No. 10039, a cargo revenue pooling agreement in the U.S. Gulf/Argentine trades. The agreement further spells out each carrier's rights and obligations with respect to their joint participation in Agreement No. 10039.

Dated: April 26, 1978.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-11784 Filed 4-28-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

COMMUNITY BANCORPORATION

Formation of Bank Holding Company

Community Bancorporation, Clear Lake, Iowa, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1), to become a bank holding company by acquiring 100 per cent of the voting shares of Community State Bank of Clear Lake, Clear Lake, Iowa. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than May 26, 1978.

Board of Governors of the Federal Reserve System, April 21, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-11739 Filed 4-28-78; 8:45 am]

[6210-01]

REPUBLIC OF TEXAS CORP.

Acquisition of Bank

Republic of Texas Corp., Dallas, Tex., has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of Greenville Avenue Bank & Trust, Dallas, Tex. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 21, 1978.

Board of Governors of the Federal Reserve System, April 21, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-11740 Filed 4-28-78; 8:45 am]

[6210-01]

WEATHERFORD BANCSHARES, INC.

Formation of Bank Holding Company

Weatherford Bancshares, Inc., Weatherford, Tex., has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares (less directors' qualifying shares) of the First National Bank of Weatherford, Weatherford, Tex. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than May 30, 1978.

Board of Governors of the Federal Reserve System, April 25, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-11741 Filed 4-28-78; 8:45 am]

[4110-02]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

SCHOOL CONSTRUCTION IN AREAS AFFECTED BY FEDERAL ACTIVITIES

Cutoff Date for Receipt of Applications for Fiscal Year 1978

Under the authority contained in section 3 of Pub. L. 81-815 (school construction in areas affected by Federal activities; 72 Stat. 548, 20 U.S.C. 633) notice is hereby given that the U.S. Commissioner of Education has established a cutoff date for the receipt of applications for increase periods ending June 1978 or June 1979, for assistance under sections 5, 8, 9, and 14 of Pub. L. 81-815. Approval of these applications will be subject to the availability of funds. Applications must be received by the U.S. Commissioner of Education from the State educational agencies on or before the cutoff date.

Cutoff date: June 30, 1978.

A. *Application forms and information.* Information and application forms may be obtained from the appropriate State educational agency which serves the applicant local educational agency.

B. *Applications sent by mail.* An application sent by mail should be addressed to the Commissioner of Education, U.S. Office of Education, 400 Maryland Avenue SW., Room 2107A, Washington, D.C. 20202. An application sent by mail will be considered to be received on time if:

(1) The application was sent by registered or certified mail not later than June 26, 1978, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the cutoff date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms. 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 Office of Education, 400 Maryland Avenue SW., Room 2107A, Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Applications will not be accepted after 4 p.m. on the cutoff date.

D. *Applicable regulations.* The regulations applicable to this program include: (1) The Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a) published in the FEDERAL REGISTER on November 6, 1973, at 38 FR 30661 and as amended at 41 FR 1395, January 7, 1976, and (2) Part 114 of 45 CFR published in the FEDERAL REGISTER on April 8, 1975, at 40 FR 16019.

(20 U.S.C. 633.)

(Catalog of Federal Domestic Assistance No. 13.477, School Assistance in Federally Affected Areas—Construction.)

Dated: April 26, 1978.

ERNEST L. BOYER,
U.S. Commissioner of Education.

[FR Doc. 78-11746 Filed 4-28-78; 8:45 am]

[4110-12]

Office of Human Development Services

REORGANIZATION ORDER

Notice of Amendments

The Reorganization Order of July 26, 1977, redesignated the Office of Human Development as the Office of Human Development Services and made certain organizational changes in that Office. The purpose of this

Amendment to the Reorganization Order of July 26, 1977, is to order further organizational changes in the Office of Human Development Services and to set forth the organizational structure of each of the principal program elements, headquarters staff units, and regional offices of the Office of Human Development Services.

The Reorganization Order dated July 26, 1977, is hereby amended as follows:

1. Paragraph C of Section *I. Organization* is deleted and the following is substituted therefor:

. The Office of Human Development Services will consist of the following principal program elements and headquarters staff units, the heads of which report directly to the Assistant Secretary for Human Development Services:

IMMEDIATE OFFICE STAFF

Office of Public Affairs.
Office of Legislative Affairs.
Office of Regional and Intergovernmental Relations.

PRINCIPAL PROGRAM ELEMENTS

Administration on Aging.
Administration for Children, Youth, and Families.
Administration for Public Services.
Administration for Native Americans.
Rehabilitation Services Administration.

HEADQUARTERS STAFF UNITS

Office of Planning, Research, and Development.
Office of Administration and Management.
Office of Policy and Management Control.

2. Paragraph D of Section *I. Reorganization* is amended as follows:

The Office of Human Development Services will have ten Regional Offices headed by Regional Administrators for Human Development Services, who report directly to the Assistant Secretary for Human Development Services. The Regional Program Directors on Aging will report directly to the Commissioner, Administration on Aging. The Regional Program Directors for Children, Youth, and Families will report directly to the Commissioner, Administration for Children, Youth, and Families. The Regional Directors for Rehabilitation Services will report directly to the Commissioner, Rehabilitation Services Administration. The Regional Program Directors for Public Services and the Native American staff (in regions with full-time positions) will report directly to the Regional Administrators.

3. *Section I. Organization* is amended by adding the following paragraph E thereto:

E. The principal program elements, headquarters staff units, and regional offices of the Office of Human Development Services shall consist of the following organizational units:

(a) Administration on Aging: (1) Federal Council on Aging Staff; (2) Office of Policy, Planning, and Management Control; (3) Office of Field Operations; (4) Public Information Office; (5) Office of Education and Training; (6) Office of Development, Evaluation, and Research; (7) Nation Clearinghouse on Aging; (8) Office of State and Community Programs; and (9) Office of Special Programs.

(b) Administration for Children, Youth, and Families: (1) Office of Public Information/Education; (2) Office of Regional/State and Community Affairs; (3) Office of Planning, Research, and Evaluation; (4) Office of Services for Children and Youth, (a) Children's Bureau, (b) Youth Development Bureau; (5) Office of Developmental Services, (a) Head Start Bureau, and (b) Day Care Division.

(c) Administration for Native Americans: (1) Intra-Departmental Council on Indian Affairs; (2) Office of Program Operations; and (3) Office of Planning and Program Development.

(d) Administration for Public Services: (1) Regional Liaison Staff; (2) Office of Administration and Management; (3) Executive Secretariat; (4) Office of Public Information; (5) Office of Policy Coordination; (6) Office of Program Operations; and (7) Office of Program Development.

(e) Rehabilitation Services Administration: (1) President's Committee on Mental Retardation Staff; (2) National Disability Advisory Council; (3) Public Affairs Staff; (4) Agency Monitoring Staff; (5) Regional Liaison Staff; (6) Executive Office; (7) Office for Handicapped Individuals; (8) Architectural and Transportation Barriers Compliance Board; (9) Office of Advocacy and Coordination; (10) Office of Policy, Planning, and Legislation; (11) Office of Administration and Management; (12) Bureau of Program Operations, (*a*) Office of Blind and Visually Handicapped, (*b*) Office of Vocational Rehabilitation, Operations, (c) Office of Developmental Disabilities; (13) Bureau of Program Development—The Office for Handicapped Individuals will continue to report directly to the Assistant Secretary, but for organizational purposes will be placed in the RSA. The ATBC Board will also be placed in the RSA for organizational purposes, although this Board is an interagency body headed by the Assistant Secretary.

(f) Office of Policy and Management Control: (1) Division of Management Analysis and Review; (2) Executive Secretariat; (3) Division of Policy Coordination; and (4) Division of Equal Opportunity and Civil Rights.

(g) Office of Planning, Research, and Evaluation: (1) Administration and Management Staff; (2) Office of Planning and Evaluation; and (3) Office of Program Systems Development.

(h) Office of Administration and Management: (1) Division of Budget and Financial Management; (2) Division of Grants and Contracts Administration; (3) Division of Administrative Services; and (4) Division of Personnel Administration.

(i) Regional Office (Typical organization in each of ten regions): (1) Office of the Regional Administrator; (2) Regional Office for Public Services; (3) Regional Office on Aging; (4) Regional Office for Children, Youth, and Families; and (5) Regional Office for Rehabilitation Services.

The functional statements for the organizational units described in this paragraph will be published in approximately 60 days.

4. All organizational transfers ordered by the Reorganization Order of July 26, 1977, inconsistent with the terms of this Amendment to the Reorganization Order are hereby repealed.

5. Section III, Continuation of Regulations, Section IV, Continuation of Delegations of Authority and Section V, Funds, Personnel, and Equipment of the Reorganization Order of July 26, 1977, shall continue in full force and effect except that all references therein to the Reorganization Order shall be deemed to include this Amendment to the Reorganization Order, and all references therein to the Office of Human Development, Assistant Secretary of Human Development, and the Office of the Assistant Regional Directors for Human Development shall be deemed to include the Office of Human Development Services, the Assistant Secretary for Human Development Services, and the Office of the Regional Administrators for Human Development Services, respectively.

Effective date: This Amendment to the Reorganization Order shall be effective April 18, 1978.

Dated: April 18, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 78-11738 Filed 4-28-78; 8:45 am]

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Dr. William A. Dunson, Dept. of Biology, 208 Life Science, Pennsylvania State University, University Park, Pa. 16802.

The applicant requests a permit to capture not more than 100 hatchings and 20 adult American crocodiles (*Crocodylus acutus*) per year in Monroe and Collier Counties, Florida in order to mark, measure, take blood and urine samples and immediately release same and to buy in interstate commerce not more than 60 hatchlings and 20 subadult crocodiles for scientific purposes described in his application. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2349. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by May 31, 1978. Please refer to the file number when submitting comments.

Dated: April 26, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-11772 Filed 4-28-78; 8:45 am]

THREATENED SPECIES PERMIT

Receipt of Application

The applicants listed below wish to apply for Captive Self-Sustaining Population permits authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those species of pheasants listed in 50 CFR 17.11 as [T(C/P)]. Humane shipment and care in transit is assured.

These applications and supporting documents are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C. or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240. Interested persons may comment on these applications by May 31, 1978 by submitting written data, views, or arguments to the Director at the above address.

Applicant: Mr. B. S. Jolley, Route 1, Box 72, Roaring River, NC. 28669; PRT 2-2359.

Applicant: Mr. Winston Sessions, P.O. Box 353 Route 2, Monroeville, Ala. 36460; PRT 2-2382.

Applicant: Mr. Mark S. Bierbower, R.D. No. 1, Box 47 F 11, Hopwood, Pa. 15445; PRT 2-2405.

Applicant: Mr. Oswald A. Pung, 3424 18th Street, Lewiston, Idaho 83501; PRT 2-2373.

Applicant: Frederick S. Rose, 43 Cornwall Avenue, Cornwall-on-Hudson, N.Y. 12520; PRT 2-2397.

Please refer to the individual applicant and the appropriately assigned PRT 2- file number when submitting comments.

Dated: April 26, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-11771 Filed 4-28-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-313]

ARKANSAS POWER & LIGHT CO.

Granting of Relief From ASME Section XI Inservice Inspection (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to Arkansas Power & Light Co. The relief relates to the inservice inspection (testing) program for the Arkansas Nuclear One, Unit No. 1 (the facility) located in Pope County, Ark. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The relief is granted on an interim basis, pending completion of our detailed review from those inservice inspection and testing requirements of the ASME Code that the licensee has determined to be impractical within the limitations of design, geometry and materials of construction of components, because compliance would result in hardships or unusual difficulties without a compensating increase in the level of quality or safety.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of this relief will not result in any significant invironmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the request for relief dated October 19, 1977, and (2) the Commission's letter to the licensee dated April 20, 1978.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Arkansas Polytechnic College, Russellville, Ark. 72801. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 20th day of April, 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4 Division of Operating Reactors.

[FR Doc. 78-11749 Filed 4-28-78; 8:45 am]

[7590-01]

[Docket No. 50-471A]

BOSTON EDISON CO. ET AL.

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

In the matter of Boston Edison Co. and Massachusetts Municipal Wholesale Electric Co., Taunton Municipal Lighting Plant, Vermont Electric Cooperative, Inc.

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated April 20, 1978:

You have requested our advice pursuant to the provisions of Section 105 of the Atomic Energy Act, as amended, in regard to the above-cited application. [Pilgrim Nuclear Generating Station, Unit No. 2]

On June 26, 1974, we advised the Commission that review of the information submitted by the lead applicant, Boston Edison Co., as well as other information relating to electric utility competition in New England, did not indicate any need for an antitrust hearing on this nuclear facility. You have now provided us with antitrust information submitted by three other applicants, Massachusetts Municipal Wholesale Electric Co. (MMWEC), Taunton Municipal Lighting Plant, and Vermont Electric Cooperative, Inc.

The MMWEC, which will own a 13.240 percent share in the unit, it is a public corporation of the Commonwealth of Massachusetts. It is engaged in the acquisition, development and sale of bulk power to its 30 member municipal electric systems[1] and others. MMWEC has contracted for the sale of all of its ownership share of the output of this unit to 25 of its members through power sales agreements covering the life of the facility. These 25 members provide retail or wholesale electric service to 32 communities in Massachusetts. The non-coincident peak of all members of MMWEC was 671.3 MW in 1977. In that year the smallest member had a peak of 3.2 MW, the largest a peak of 74.6 MW.

Taunton, which supplies electric power in the Taunton, Mass. area, will own a 0.60 percent share of the unit. In 1976 Taunton experienced a peak load of 62 MW. Vermont Electric Cooperative serves rural areas primarily in northern Vermont, and had a peak load of 2.38 MW in 1975. Vermont's share of the unit will be 0.20 percent.

With the present changes in ownership the current ownership of the 1180 MW Pilgrim Unit No. 2 is as follows:

	Percent ownership
Boston Edison Co.	59.026
Burlington Electric Dept.	0.330

[1]The 30 Massachusetts Municipal electric systems which are members of the MMWEC are: Ashburnham, Baldwinville, Belmont, Boylston, East Braintree, Chicopee, Danvers, Georgetown, Groton, Hingham, Holden, Holyoke, Hudson, Hull, Ipswich, Littletown, Mansfield, Marblehead, Middleborough, Middletown, North Attleborough, Paxton, Peabody, Reading, Shrewsbury, South Hadley, Sterling, Wakefield, West Boylston and Westfield.

	Percent ownership
Central Maine Power Co.	2.850
Central Vermont Public Service Corp.	1.780
Fitchburg Gas & Electric Light Co.	0.190
Hudson Light & Power Dept.	0.174
Massachusetts Municipal Wholesale Electric Co.	13.240
Montaup Electric Co.	2.150
New Bedford Gas & Edison Light Co.	1.530
New England Power Co.	11.160
Public Service Co. of New Hampshire	3.470
Taunton Municipal Lighting Plant	0.600
The United Illuminating Co.	3.300
Vermont Electric Cooperative, Inc.	0.200

Our review three new applicants, as well as other relevant information, has disclosed no basis upon which to change our earlier conclusion that an antitrust hearing will not be necessary in this matter.

Any person whose interest may be affected by this proceeding may, pursuant to §2.714 of the Commission's "Rules of Practice", 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by May 31, 1978, either (1) by delivery to the NRC Docketing and Service Section at 1717 H Street NW., Washington, D.C. or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,.
Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulations.

[FR Doc. 78-11750 Files 4-28-78; 8:45 am]

[7590-01]

[Docket No. 50-219]

JERSEY CENTRAL POWER & LIGHT CO.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatoy Commission (the Commission) has issued Amendment No. 31 to Provisional Operating License No. DPR-16, issued to Jersey Central Power & Light Co. (the licensee), which revised Technical Specifications for operation of the Oyster Creek Nuclear Generating Station (the facility) located in Ocean County, N.J. The amendment is effective as of its date of issuance.

The amendment deleted the Respiratory Protection Program which was superseded by the amended § 20.103 of 10 CFR Part 20 of the Commission's regulations.

This amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the Commission's letter to Jersey Central Power & Light Co. dated July 29, 1977, (2) Amendment No. 31 to License No. DPR-16, and (3) the Commission's related evaluation that is included in the concurrently issued letter to the licensee. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Ocean County Library, Brick Township Branch, 401 Chambers Bridge Road, Brick Town, N.J. 08723. A copy of items (1), (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulaitory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 19th day of April, 1978.

For the Nuclear Regulatory Commission,

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-11751 Filed 4-28-78; 8:45 am]

[7590-01]

[Docket No. 50-336]

NORTHEAST NUCLEAR ENERGY CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 38 to Facility Operating License No. DPR-65 to Northeast Nuclear Energy Co., The Connecticut Light and Power Co., The Hartford Electric Light Co., and Western Massachusetts Electric Co., which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 2 located in the Town of Waterford, Conn. The amendment is effective as of its date of issuance.

The amendment authorizes operation with sleeved guide tubes for the Control Element Assemblies (CEAs), burnable poison pin perforations, modified containment electrical penetrations, and revises the Appendix A Technical Specifications by: (1) incorporating changes resulting from the analyses of Cycle 2 reload fuel; (2) authorizing the removal of all part length CEAs; (3) changes relating to a new water hole peaking factor; and (4) deleting the requirement for two reactor protection system trips.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with operation with sleeved guide tubes for the CEAs was published in the FEDERAL REGISTER on February 10, 1978 (43 FR 5908). No request for a hearing or petition for leave to intervene was filed following this notice of proposed action. Prior public notice of the other actions mentioned above was not required since these actions do not involve a significant hazards consideration. Steam generator tube support plate cracking problems were also the subject of the above Notice. This action is being handled separately.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated September 2, 1977, February 22 and 23, 1978, and March 20, 1978, as supplemented August 25, September 2 and 28, October 12, November 14, 17, and 23, December 15, 1977, January 12, 24, and 25, February 1, 10, 21, and 28, March 8, 15, and 16, April 6 and 13, 1978, (2) Amendment No. 38 to License No. DPR-65 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Conn. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of April 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4
Division of Operating Reactors.

[FR Doc. 78-11752 Filed 4-28-78; 8:45 am]

[7590-01]

[Docket No. 27-39]

NUCLEAR ENGINEERING CO., INC.

Withdrawal of Application

The Nuclear Regulatory Commission has previously issued a Notice of Opportunity for Hearing (43 FR 14781, April 7, 1978) on an application submitted by Nuclear Engineering Co., Inc. (NECO), 9200 Shelbyville Road, Suite 526, P.O. Box 7246, Louisville, Ky. 40207, for use of an additional compact and fill burial trench at the Sheffield, Ill. burial ground known as "Trench 15". By letter dated April 19, 1978, NECO informed the Commission that it was withdrawing the application for use of Trench 15. Therefore the previous Notice of Opportunity for Hearing on Trench 15 is no longer appropriate and should be disregarded.

Dated at Silver Spring, Md. this 27th day of April 1978.

For the Nuclear Regulatory Commission.

MICHAEL J. BELL,
Chief, Low-Level Waste Branch Division of Fuel Cycle and Material Safety.

[FR Doc. 78-11883 Filed 4-28-78; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 25, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; an indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration (Medicare), Request to Establish Eligibility in the Health Insurance for the Aged and Disabled Program to Provide Rural health clinic Services, HCFA-29, single time, 700 rural health clinic sites, Clearance Office, 395-3772.

National Institute of Education, Evaluation of Freestyle-Pilot Testing, NIE-187 A-I, other (see SF-83), 450 students/parents—teachers—elementary schools, Human Resources Division, Laverne V. Collins, 395-3532.

Food and Drug Administration, Relationship of Exposure to Radiofrequency Energy and Selected Reproductive and Health Factors, single time, 4,200 phy. therap.-study members of another prof. soc. cont., Office of Federal Statistical Policy and Standard, 673-7959.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development, Application for Federal Assistance; Community Development Program; Assurances, 7015, 7015.1, 7015.12, single time, 50 federally assisted new communities, Budget Review Division, 395-4775.

DEPARTMENT OF THE INTERIOR

Bureau of Mines, Detinners Recovery of Tin, 6-1118-A, annually, 14 domestic detinning plants, Office of Federal Statistical Policy and Standard, 673-7959.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration (Medicare), Provider Billing for Patient Services by Physicians, HCFA-1554, on occasion, services by physicians, 6,400,000 responses, 800,000 hours, Richard Eisinger, 395-3214.

Center for Disease Control, Immunization Assistance Project Grants, 2-5, 10.32 A-C, other (see SF-83), Immuni. Proj. Dir's., State/local health departments, 3,720 responses, 661 hours, Budget Review Division, 395-4775.

Office of Education, Financial and Performance Report for Indochina Refugee Assistance Program, OE-443-1, single time, State education agency, 3,000 responses, 3,000 hours, Budget Review Division, 395-4775.

DEPARTMENT OF LABOR

Employment and Training Administration, Monthly Youth Program Status Report, ETA-11, other (see SF-83), State and local agencies, 2,475 responses, 1,237 hours, Strasser, A., 395-6132.

Employment and Training Administration, CETA Monthly PSE Report, ETA-8, monthly, State and local agencies, 9,460 responses, 3,153 hours, Strasser, A., 395-6132.

Bureau of Labor Statistics, Producer Price Indexes, by industry, BLS-1810, A through F, BLS-473P, on occasion, mfg. estab. in selected SIC's in mining and mfg., 500 responses, 250 hours, Office of Federal Statistical Policy and Standard, 673-7959.

DEPARTMENT OF THE INTERIOR

Bureau of Mines, Lead, Secondary Smelter and Consumer Report, 6-1108-MA, monthly, consumer of lead, 3,195 responses, 1,598 hours, Office of Federal Statistical Policy and Standard, 673-7959.

Bureau of Mines, Nickel, 6-1106-MA, annually, nickel consumers, 2,780 responses, 1,390 hours, Office of Federal Statistical Policy and Standard, 673-7959.

Bureau of Mines, Zinc, 6-1150-A, annually, producers of zinc products, 29 responses, 156 hours, Office of Federal Statistical Policy and Standard, 673-7959.

EXTENSIONS

DEPARTMENT OF ENERGY

Solar Energy Manpower, single time, individuals and firms engaged in solar energy activities, Office of Federal Statistical Policy and Standard, 673-7959.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation, Preliminary Inspection Report and Consent To Make Other Use of Insured Acreage, FCI-62, on occasion, 56,000 responses, 14,000 hours, Clearance Office, 395-3772.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration, State Highway Expenditures, PR-532, annually, 52 responses, 2,080 hours, Strasser, A., 395-6132.

DAVID R. LEUTHOLD,
Budget and Management, Officer.

[FR Doc. 78-11815 Filed 4-28-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1459]

IDAHO

Declaration of Disaster Loan Area

Bonneville County and adjacent counties within the State of Idaho constitute a disaster area as a result of physical damage caused by a tornado and high winds which occurred April 7, 1978. Eligible persons, firms and organizations may file applications for physical damage until the close of business on June 22, 1978, and for economic injury until the close of business on January 22, 1979 at:

Small Business Administration, District Office, 1005 Main Street, Boise, Idaho 83702.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

[8025-01]

[Declaration of Disaster Loan Area No. 1378; Amdt. No. 6]

TENNESSEE

Declaration of Disaster Loan Area

The above numbered Declaration (see 42 FR 54897), Amendment No. 1 (see 42 FR 64753), Amendment No. 2 (see 43 FR 3784) Amendment No. 3 (see 43 FR 4892) Amendment No. 4 (see 43 FR 10455), and Amendment No. 5, (see 43 FR 16584) are amended further by adding Cumberland County and adjacent counties within the State of Tennessee, due to drought which started on June 10 and continued through September 5, 1977. The termination date for filing applications for physical damage is the close of business on October 20, 1978, and for economic injury on the close of business on January 22, 1979, and applies only to Cumberland County and adjacent counties. All other information remains the same.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: April 21, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-11731 Filed 4-28-78; 8:45 am]

[4910-22]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. 78-15T]

IN THE MATTER OF TOLL BRIDGES OWNED BY THE DELAWARE RIVER PORT AUTHORITY

Appointment of Investigation Team

AGENCY: Federal Highway Administration, DOT.

ACTION: Notice.

SUMMARY: Notice of appointment of investigation team.

EFFECTIVE DATE: March 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Gerald M. Tierney, Office of the Chief Counsel, 202-426-0346, Federal Highway Administration. Office hours are 7:45 a.m. to 4:15 p.m. e.t., Monday-Friday.

Discussion: On March 6, 1978, the Federal Highway Administrator, in response to complaints received concerning tolls charged on bridges owned by the Delaware River Port Authority, issued an order starting an investigation and appointing an investigation team. A copy of the order follows.

Issued on this 20th day of April 1978, in Washington, D.C.

(49 U.S.C. 526; 49 CFR Part 310.)

WILLIAM M. COX,
Federal Highway Administrator.

[Docket No. 78-15T]

ORDER APPOINTING AN INVESTIGATION TEAM

In the matter of bridges owned by the Delaware River Port Authority.

Complaints having been received about a recent toll increase on bridges owned by the Delaware River Port Authority, an investigation is hereby commenced. The investigation, which shall be performed in accordance with the bridge toll procedural rules, 49 CFR Part 310, is to be carried out by the following members of my staff: James J. Stapleton, Gerald M. Tierney, and Edward A. Gladstone. The investigation team shall send the complaints to the Delaware River Port Authority and commence the investigation immediately.

WILLIAM M. COX,
Federal Highway Administrator.

[FR Doc. 78-11757 Filed 4-28-78; 8:45 am]

National Highway Traffic Safety Administration

[Docket No. IP78-2; Notice 1]

GENERAL MOTORS CORP.

Receipt of Petition for Determination of Inconsequential Noncompliance

General Motors Corp. of Warren, Mich., has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.208, Motor Vehicle Safety Standard No. 208, *Occupant Restraint Systems.* The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S7.3.1 of Standard No. 208 requires motor vehicles to contain a seat belt warning system part of which consists of a light "displaying the words 'Fasten Seat Belts' or 'Fasten Belts' * * * ." General Motors manufactured 196,118 "full size" 1977 model Pontiac passenger cars that displayed only the words "Seat Belt". Further, the word "Belt" appeared in the singular rather than the plural in the display "Fasten Seat Belt" in 77,549 Oldsmobile intermediate size cars for 1977 and in 71,714 intermediate sized Buick cars in the model years 1974 through 1977.

With respect to the first noncompliance, the petitioner argues that its omission of the word "Fasten" does not degrade the information transmitted to the vehicle occupants, and that the words "Seat Belt" by implication instruct the operator to fasten his belt. "There is no other reasonable interpretation that the driver could be expected to give to this message". As for its omission of the plural "s", petitioner notes that the initial NHTSA proposal was "Fasten seat belt" and that there was no explanation in the preamble of the final rule to explain the change from the singular to the plural, which, in GM's view, indicates "that in this instance, there is a distinction without a real difference."

Interest persons are invited to submit written data, views and arguments on the petition of General Motors Corporation described above. Comments should refer to the docket number and be submitted: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: June 15, 1978.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on April 26, 1978.

MICHAEL M. FINKELSTEIN,
Acting Associate Administrator for Rulemaking.

[FR Doc. 78-11769 Filed 4-28-78; 8:45 am]

[4910-59]

[Docket No. IP77-6; Notice 2]

MACK TRUCKS, INC.

Grant of Petition for Determination of Inconsequential Noncompliance

This notice grants the petition by Mack Trucks, Inc. of Allentown, Pa. ("Mack" herein) to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.108 Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices, and Associated Equipment, on the basis that it is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on May 26, 1977 (42 FR 27082) and an

opportunity afforded for comment. Standard No. 108 requires each motor vehicle to be equipped with an amber reflex reflector as far to the front of the vehicle as practicable. These reflectors must be mounted on the vehicle not less than 15 inches or more than 60 inches above the road surface. Mack has determined that the front reflex reflectors on approximately 260 DMM Model construction-type truck chassis, manufactured between December 1973 and February 1977, may exceed the 60-inch maximum by up to 5 inches. The company stated that construction type vehicles are normally used only in daylight hours, and when not in use, are parked on the owner's premises. It argued that the noncompliance is inconsequential because of the limited number of vehicles involved, and the general limitations on their use.

One comment was received on the petition, from Grove Manufacturing Co., which supported it. In Grove's opinion a construction vehicle such as the Mack DDM functions primarily in an off-road environment and when in motion on the public highways more than likely operates with the hazard warning lights engaged, thereby reducing the chances that another motor vehicle will run into it.

The National Highway Traffic Safety Administration concurs with the opinion that operation of the DDM series vehicles appears normally limited to daylight hours and primarily in offroad locations. The primary function of a reflex reflector is to reduce accidents by permitting early detection of a motor vehicle which is unlighted, and approaching an intersection or parked by the side of a road. Construction sites where the DDMs would be parked overnight are generally not accessible to the public. The vehicles are equipped with front reflex reflectors, and the agency considers it unlikely that the noncomplying mounting height poses any consequential effect upon motor vehicle safety.

Accordingly petitioner has met its burden of persuasion and it has been determined that the noncompliance is inconsequential as it relates to motor vehicle safety. The petition by Mack Trucks is hereby granted.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417) delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on April 26, 1978.

MICHAEL M. FINKELSTEIN,
Acting Associate Administrator for Rulemaking.

[FR Doc. 78-11768 Filed 4-28-78; 8:45 am]

[4810-24]

TREASURY DEPARTMENT

Office of Foreign Assets Control

IMPORTATION FROM THE PHILIPPINES OF FERROCHROMIUM AND CHROMIUM-BEARING STEEL MILL PRODUCTS UNDER THE RHODESIAN SANCTIONS REGULATIONS

Availability of Special Certificates for Imports from The Republic of the Philippines

Special certificates of origin issued by the Bureau of Customs of the Government of the Republic of the Philippines are available as of April 1, 1978 for imports from that country of ferrochromium and chromium-bearing steel mill products. The certificates will be issued pursuant to a formal certification agreement between the Government of the Republic of the Philippines and the Government of the United States. They will serve to establish that Philippine materials exported to the United States do not contain any chromium of Rhodesian origin. Materials imported after April 1, 1978 may only be imported if a special certificate or origin is presented to Customs at the time of entry.

Importers are reminded that a special certificate must be procured and filed with Customs on or before May 31, 1978 to complete liquidation of entries covering certifiable materials imported between July 18, 1977 and September 18, 1977.

Dated: April 26, 1978.

STANLEY L. SOMMERFIELD,
Acting Director.

Approved:
RICHARD J. DAVIS,
Assistant Secretary.

[FR Doc. 78-11694 Filed 4-28-78; 8:45 am]

[4810-22]

Office of the Secretary

VISCOSE RAYON STAPLE FIBER FROM BELGIUM

Antidumping; Determination of Sales at Less Than Fair Value

AGENCY: U.S. Treasury Department.

ACTION: Determination of sales at less than fair value.

SUMMARY: This notice is to advise the public that an antidumping investigation has resulted in a determination that viscose rayon staple fiber from Belgium is being sold at less than fair value within the meaning of the Antidumping Act, 1921. Appraisement for the purpose of determining the proper duties applicable to entries of this merchandise was previously suspended for six months. Interested parties were invited to comment on that action. The case is being referred to the International Trade Commission for a determination of possible injury to a United States industry.

EFFECTIVE DATE: May 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Mary S. Clapp, Operations Officer, Office of Operations, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On June 17, 1977, information was received in proper from pursuant to sections 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel acting on behalf of Avtex Fibers, Inc., Valley Forge, Pa. alleging that viscose rayon staple fiber from belgium is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921 as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). An "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of July 22, 1977 (42 FR 37610-11). The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to, or likelihood of injury to, or prevention of establishment of an industry in the United States. A "Withholding of Appraisement" notice was published in the FEDERAL REGISTER of January 23, 1978, (43 FR 3233) for a 6-month period.

The merchandise covered by this determination is "viscose rayon staple fiber, except solution dyed, in non-continuous form, not carded, not combed, and not otherwise processed, wholly of filaments (except laminated filaments and plexiform filaments)."

DETERMINATION OF SALES AT LESS THAN FAIR VALUE:

On the basis of the information developed in the Customs investigation and for the reasons noted below, pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), I hereby determine that the purchase price of viscose rayon staple fiber from Belgium is less than the fair value, and thereby the foreign market value, of such or similar merchandise.

STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED:

a. *Scope of investigation.* It has been determined 100 percent of imports of the subject merchandise from Belgium were sold for export to the United States by S.A. Fabelta N.V. (Fabelta). The investigation was therefore limited to sales by Fabelta.

b. *Basis of comparison.* For the purposes of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the

proper basis of comparison has been determined to be between purchase price and home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162) was used since all export sales by Fabelta were made to a non-related importer in the United States. Home market price, as defined in §153.2, Customs Regulations (19 CFR 153.2), was used since such or similar merchandise was sold in the home market in sufficient quantities to provide a basis for comparison.

In accordance with §153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning sales to the United States and in the home market during the period February 1, through July 31, 1977.

c. *Purchase price.* For the purpose of this determination of sales at less than fair market value, purchase price has been calculated on the basis of the f.o.b. Antwerp price to the United States importer, adjusted for inland freight and loading costs.

d. *Home market price.* For purposes of this determination, the home market price has been calculated on the basis of the ex-factory price to an unrelated Belgian dealer who operates at the same level of trade as the U.S. importer. Purchases of the subject merchandise by the dealer constituted 19 percent of total home market sales by Fabelta in the investigatory period, and were determined to be an adequate basis for fair value comparisons.

Adjustments have been made for discounts granted on home market sales, differences in the merchandise sold to the United States and in the home market and differences in credit costs in the two markets. Claims for adjustments for expenditures on insurance and technical assistance in the home market have been rejected because it does not appear that these costs were incurred on the specific sales under investigation.

A claim was made by the petitioner that a discount in the home market should be disallowed since it was based in part upon "customer loyalty". It is Treasury policy to adjust for discounts granted on either home market sales or export sales to the United States if it is verified that such discounts were in fact granted in the alleged amounts. Having found that this discount was granted on the home market sales used for fair value comparisons, the claim made by petitioner has been rejected and an adjustment to home market price granted for this discount.

Following publication of the Tentative Determination in this case an additional claim was made that Fabelta's home market sales had been made at less than the cost of producing the merchandise, invoking section 205(b) of the Act (19 U.S.C. 164(b)). This allegation is currently being investigated. Should this investigation establish that some or all home market sales must be disregarded and that another basis (i.e., third country sales prices or constructed value) for determining fair value must be used, the new basis will be published and we will immediately advise the U.S. International Trade Commission of any revised LTFV margins for its consideration.

e. *Results of fair value comparisons.* Using the above criteria, comparisons were made on 100 percent of the sales of the subject merchandise to the United States during the period of investigation. Those comparisons indicated that the purchase price of viscose rayon staple fiber was less than the home market price of such or similar merchandise. A margin of 6.7 percent was found on all sales compared.

The Secretary has provided an opportunity to known interested persons to present written and oral views pursuant to § 153.46, Customs Regulations (19 CFR 153.46).

The U.S. International Trade Commission is being advised of this determination.

This determination is being published pursuant to section 201(d) of the Act (19 U.S.C. 160(d)).

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

APRIL 24, 1978.

[FR Doc. 78-11725 Filed 4-28-78; 8:45 am]

[4810-40]

[Dept. Circular, Public Debt Series—No. 10-78]

TREASURY NOTES OF MAY 15, 1988

Series A-1988

APRIL 27, 1978.

1. INVITATION FOR TENDERS

1.1. The Secretary of the Tresury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $2,500,000,000 of United States securities, designated Treasury Notes of May 15, 1988, Series A-1988 (CUSIP No. 912827 HS 4). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts may also be issued for cash to Federal Reserve Banks as agents of foreign and international monetary authorities.

2. DESCRIPTION OF SECURITIES

2.1. The securities will be dated May 15, 1978, and will bear interest from that date, payable on a semiannual basis on November 15, 1978, and each subsequent 6 months on May 15 and November 15, until the principal becomes payable. They will mature May 15, 1988, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. SALE PROCEDURES

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Tuesday, May 2, 1978. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, May 1, 1978.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11 percent. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make

any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5 percent of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a one-eight of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 97.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made or completed on or before Monday, May 15, 1978, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Wednesday, May 10, 1978, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Tuesday, May 9, 1978, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are au-

thorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

PAUL H. TAYLOR,
Acting Fiscal Assistant Secretary.

[FR Doc. 78-11972 Filed 4-28-78; 8:45 am]

[4810-40]

[Dept. Circular Public Debt Series—No. 11-78]

8¾ PERCENT TREASURY BONDS OF 1995-2000

APRIL 27, 1978.

1. INVITATION FOR TENDERS

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $1,500,000,000 of United States securities, designated 8¾ percent Treasury Bonds of 1995-2000 (CUSIP No. 912810 BV 9). The securities will be sold at auction, with bidding on the basis of price. Payment will be required at the bid price of each accepted tender in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts may also be issued for cash to Federal Reserve Banks, as agents of foreign and international monetary authorities.

2. DESCRIPTION OF SECURITIES

2.1. The securities offered will be identical to the 8¾ percent Treasury Bonds of 1995-2000 (CUSIP No. 912810 BV 9) issued under Department of the Treasury Circular, Public Debt Series—No. 25-75, dated July 24, 1975, except that interest will accrue from May 15, 1978, and payment for the securities will be calculated on the basis of the auction price determined in accordance with this circular, plus accrued interest from February 15, 1978. With this exception, the securities are as described in the following excerpt from the above circular:

"1. The bonds will be dated August 15, 1975, and will bear interest[1] from that date, payable semiannually on February 15 and August 15 in each year until the principal amount becomes payable. They will mature August 15, 2000, but may be redeemed at the option of the United States on and after August 15, 1995, in whole or in part, at par and accrued interest on any interest day or days, on 4 months' notice of redemption give in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption, the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

"2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

"3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

"4. Bearer bonds with interest coupons attached and bonds registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. Book-entry bonds will be available to eligible bidders in multiples of those amounts. Interchanges of bonds of different denominations and of coupon and registered bonds, and the transfer of registered bonds will be permitted.

"5. The bonds will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States bonds."

3. SALE PROCEDURES

3.1. Tenders will be received at Federal Reserve Banks and branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Wednesday, May 3, 1978. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, May 2, 1978.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the price offered, expressed on the basis of 100 with two decimals, e.g., 100.00. Common fractions may not be used. Only tenders at a price more than the original issue discount limit of 94.50 will be accepted. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified price. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5 percent of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and price range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the highest prices, through successively lower prices to the extent required to attain the amount offered. Tenders at the lowest accepted price will be prorated if necessary. Successful competitive bidders will be required to pay the price that they bid. Those submitting noncompetitive tenders will pay the weighted average price in two decimals of accepted competitive tenders. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the price. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the weighted average price of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be noti-

[1] On July 31, 1975, the Secretary of the Treasury announced that the interest rate on the bonds would be 8¾ percent per annum.

fied if the tender is not accepted in full or when the price is over par.

4. RESERVATIONS

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specifed in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. PAYMENT AND DELIVERY

5.1. Settlement for allotted securities must be made or completed on or before Monday, May 15, 1978, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted, and must include accrued interest from February 15 to May 15, 1978, in the amount of $20.59047 per $1,000 of securities allotted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Wednesday, May 10, 1978, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Tuesday, May 9, 1978, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. GENERAL PROVISIONS

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

PAUL H. TAYLOR,
Acting Fiscal Assistant Secretary.

[FR Doc. 78-11973 Filed 4-28-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 648]

ASSIGNMENT OF HEARINGS

APRIL 26, 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 139269 Sub 12, C.P. Craska, Inc., now assigned May 22, 1978 at New York, N.Y., will be held in Room F-2220, Federal Building, 26 Federal Plaza.

MC 141820 Sub 1, Roman Rurak, now assigned May 24, 1978 at New York, N.Y., will be held in Room F-2220, Federal Building, 26 Federal Plaza.

MC 56679 (Sub-No. 90), Brown Transport Corp., now assigned May 2, 1978, at Atlanta, Ga. and continued to June 20, 1978, at Chattanooga, Tenn. is postponed to June 20, 1978 (9 days), at the Holiday Inn-Downtown, I-124, 401 West 9th Street, Chatanooga, Tenn. and continued to September 26, 1978 (9 days), at the Holiday Inn-Downtown, 175 Piedmont Avenue NE., Atlanta, Ga.

MC 142059 Sub 13, Cardinal Transport, Inc., is now assigned for hearing June 28, 1978 (1 day) at St. Louis, Mo., at a location to be later designated.

MC 140768 Sub 13, American Trans-Freight, Inc., is now assigned for hearing June 1, 1978 at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 114273 Sub 309, CRST, Inc., is now assigned for hearing June 1, 1978 at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 109638 Sub 32, Everette Truck Line, Inc., is now assigned for hearing June 6, 1978 at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 143945 Sub 3, Artransport, Inc., is now assigned for hearing June 26, 1978 at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 124887 Sub 45, Shelton Trucking Service, Inc., now assigned May 2, 1978 at Atlanta, Ga., is cancelled, application dismissed.

MC 111231 Sub 214, Jones Truck Lines, Inc. now assigned May 9, 1978 at Little Rock, Ark., is postponed indefinitely.

MC 126574 Sub 3, M.L. Hatcher Pickup & Delivery Services, Inc., now being assigned July 11, 1978 (3 das) in Raleigh, N.C. in a hearing room to be later designated.

MC-F-13300, Stevens Van Lines, Inc.—Control and Merger—Airline Van, Inc. and MC 74681 Sub 6 and Sub 7, Stevens Van Lines, Inc., now assigned May 9, 1978 at Detroit, Mich., in the 13th Courtroom, Second Floor, Old Federal Building and

U.S. Courthouse, 231 West Liberty, is transferred to Room 1057, Old Federal Building and U.S. Courthouse, 231 West Lafayette Boulevard in Detroit, Mich.

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

[FR Doc. 78-11781 Filed 4-28-78; 8:45 am]

[7035-01]

[No. 36819; Ex Parte No. 343]

COLORADO INTRASTATE RATES

By joint petition filed January 26, 1978, petitioners, 10 common carriers by railroad[1] subject to Part I of the Interstate Commerce Act (Act) and also operating in intrastate commerce in Colorado, request that this Commission institute an investigation of their Colorado intrastate freight rates and charges, under section 13 of the Act. They seek an order authorizing them to increase such rates and charges in the same amounts approved for interstate application by this Commission in Ex Parte No. 343 effective November 30, 1977. Petitioners have stated grounds sufficient to warrant instituting an investigation.

It is ordered: The petition is granted. An investigation, under section 13 of the Act, is instituted to determine whether the Colorado state rail freight rates in any respect cause any unjust discrimination against or any undue burden on interstate of foreign commerce, or cause undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce and persons or localities in interstate or foreign commerce, or are otherwise unlawful, by reason of the failure of such rates and charges to include the full increases authorized for interstate application by this Commission in Ex Parte No. 343. The investigation shall also determine if any rates or charges, or maximum or minimum charges, or both, shall be prescribed to remove any unlawful advantage, preference, discrimination, undue burden, or other violation of law, found to exist.

All common carriers by railroad operating in Colorado subject to the jurisdiction of the Commission are made respondents in this proceeding.

All persons who wish to participate in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Office of Preceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20432, on or before May 16, 1978. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeaver to consolidate their presentations to the greatest extent possible. This Commission desires participation of only those who intend to take an active part in this proceeding.

As soon as practicable after the last day for indicating a desire to participate in the proceeding, this Commission will serve a list of names and addresses on all persons upon whom service of all pleadings must be made. Thereafter, this proceeding will be assigned for oral hearing or handling under modified procedure.

A copy of this order shall be served upon each of the petitioners and respondents herein. Colorado shall be notified of the proceeding by sending copies of this order by certified mail to the Governor of Colorado, and the Public Utilities Commission of the State of Colorado. Further notice of this proceeding shall be given to the public by depositing a copy of this order in the Office of the Secretary of the Interstate Commerce Commission at Washington, D.C., and by filing a copy with the Director, Office of the FEDERAL REGISTER, for publication in the FEDERAL REGISTER.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

Dated at Washington, D.C., this 20th day of April, 1978.

By the Commission, Robert J. Brooks, Director, Office of Proceedings.

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

[FR Doc. 78-11783 Filed 4-28-78; 8:45 am]

[7035-01]

[Notice No. 34]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before May 31, 1978. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protests contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77550, filed April 17, 1978. Transferee: BRUCE D. KING, d.b.a. BRUCE KING TRUCKING, 202 Cliff Street, Mohawk, MI 49950. Transferor: Alphie J. Bousley, Inc. Route 3, Armstrong Creek, WI 54103. Applicant's representative: Robert W. Hansley, 120 North 6th Street, Escanaba, MI 49829. Authority sought for purchase of a portion of the operating rights of transferor as set forth in Permit No. MC-139930 issued October 31, 1975: Unfinished lumber from Mohawk, MI to points in IL, MI, MN, and WI for the account of Louisiana-Pacific Seaway Division. Transferee presently is authorized to operate as a common carrier in MC-138892 (Sub-No. 2); temporary authority is not sought under section 210a(b).

No. MC-FC-77584, filed April 26, 1978. Transferee: LARMER TRANSFER CO., a corporation, P.O. Box 706, Eugene, OR 97401. Transferor: Williams Transfer Co., a corporation, Eugene, OR 97401. Applicant's representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. Authority sought for purchase of the operating rights set forth in Certificate No. MC-7156 (Sub-No. 3) issued December 6, 1967 as follows: *Lumber* from points in Lane County, OR to Portland, OR and points in Clarke and Cowlitz Counties, WA. Transferee holds Commission authority in Certificate No. MC-77061; it does not seek section 210a(b) authority.

No. MC-FC-77601, filed March 30, 1978. Transferee: MARGARET C. NIEHAUS, 2659 North Mascher St., Philadelphia, PA 19133. Transferor: Harry B. Niehaus, Jr., (Margaret C. Niehaus, Executrix), 2659 North

[1] The Atchison, Topeka & Santa Fe Railway Co., Burlington Northern, Inc., Chicago, Rock Island & Pacific Railroad Co., The Colorado & Southern Railway Co., The Colorado & Wyoming Railway Co., The Denver & Rio Grande Western Railroad Co., Missouri Pacific Railroad Co., San Luis Central Railroad Co., Southern San Luis Valley Railroad Co., and Union Pacific Railroad Co.

Mascher St., Philadelphia, PA 19133. Applicant's representative: Margaret C. Niehaus, 2659 North Mascher St., Philadelphia, PA 19133. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-693, issued May 20, 1941, as follows: *Machinery* and *tramrails* and *materials and supplies* used or useful in the erection of tramrails, between Philadelphia, PA, on the one hand, and, on the other, New York, NY, Wilmington and Worth, DE and points in NJ. *Metal sponges*, between Philadelphia, PA, on the one hand, and, on the other, New York, NY, and Atlantic City, NJ. *Rugs*, between Philadelphia, PA, and New York, NY. *Tanning materials*, between Wilmington, DE, Newark, NJ, New York, NY, and Philadelphia, PA. *Water softeners, filters* and *purifiers*, and *materials* and *supplies*, used or useful in the erection of these commodities, between Philadelphia, PA, New York, NY, Wilmington, DE, and points in NJ. *Refrigerators* and *refrigerated showcases*, from Philadelphia, PA, to Atlantic City, NJ, and Wilmington, DE, transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77617 filed April 7, 1978. Transferee: RICHARD A. JONES, d.b.a. JONES TRUCK LINE, 717 North 13th Street, Fort Dodge, IA 50501.Transferor: Wenger Truck Line, Inc., 3909 West rusholme, P.O. Box 3427, Davenport, IA 52808. Applicants' representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC 109818, issued May 15, 1964, as follows: *Malt beverages*, from Milwaukee, WI to Algona, IA; *Empty malt beverage containers*, from Algona, IA to Milwaukee, WI; *Beer*, from Milwaukee, WI to Fort Dodge, IA; and *Empty beer containers*, from Fort Dodge, IA to Milwaukee, WI. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77622 filed April 9, 1978. Transferee: J. P. NOONAN TRANSPORTATION, INC., 436 West Street, West Bridgewater, MA 02379. Transferor: Northern Trucking Co., 29 Andover Street, Danvers, MA 01923. Applicants' representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Permit No. MC 27474, issued May 13, 1946, as follows: *Petroleum products*, over irregular routes, from Providence, RI, and Revere and Chelsea, MA, to points in MA. Transferee is presently authorized to operate as a contract carrier under Permit No. MC-134677 and as a common carrier under Certificate No. MC-127610. Dual operations are involved. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77631 filed April 18, 1978. Transferee: ROBERT DAVIS, Pleasant Mount, PA 18453. Transferor: Edmund R. Owens, Uniondale, PA 18470. Applicant's representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Authority sought for purchase by transferee of the operating rights set forth in Permits No. MC 113408 and MC 113408 (Sub-No. 1) issued February 4, 1953 and November 25, 1958, as follows: *Livestock and poultry feed* over a specified regular route from Binghamton, NY to Pleasant Mount and Lakewood, PA. Transferee holds no Commission authority and does not seek Section s10a(b) temporary authority.

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

[FR Doc. 78-11782 Filed 4-28-78; 8:45 am]

[7035-01]

[Finance Docket No. 28731]

STANLEY E. HILLMAN, TRUSTEE OF THE PROPERTY OF CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO.

Trackage Rights Over Chicago & North Western Transportation Co. Between Cliff and Mankato, MN

Stanley E. G. Hillman, trustee of the property of Chicago, Milwaukee, St. Paul & Pacific Railroad Co. (Milwaukee Road), represented by Thomas H. Ploss, Rodger K. Johnson, William C. Sippel, and William L. Phillips, 516 West Jackson Boulevard, Chicago, IL 60606, has filed an application with the Interstate Commerce Commission for authorization to acquire trackage rights to operate its engines and trains over the tracks of the Chicago & North Western Transportation Co. (CNW) between Cliff (near St. Paul) and Mankato, MN.

The tracks of the CNW over which applicant proposes to operate extend from milepost No. 4.2 at Cliff, MN (near St. Paul) in a southwesterly direction to milepost No. 85.8 at Mankato, MN, for a distance of 81.6 miles. That line of trackage passes through Dakota, Scott, Le Sueur, and Blue Earth Counties, in the State of MN, and through the towns of Cliff, Mendota, Nicols, Savage, Shakopee, Jordan, Blakeley, Le Sueur, Ottawa, Kasota, Benning, and Mankato, in the State of MN.

The trackage rights arrangement with CNW is part of a plan of the Milwaukee Road to abandon branch lines

between Farmington and Benning, MN (Docket No. AB-7, (Sub-No. 56), and between Farmington and Shakopee, MN (Docket No. AB-7) (Sub-No. 57), and to operate over tracks which will permit service at faster speeds, and carrying heavier loads.

Interested persons may participate formally in a proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation Finance Docket No. 28731, and the original and two copies shall be filed with the Secretary, Interstate Commerce Commission, Washington, DC 20423, not later than 45 days after the date notice of the filing of the application is published in the FEDERAL REGISTER. Such written comments shall include the following: the person's position, e.g., party protestant or party in support, regarding the proposed transaction; specific reasons why approval would or would not be in the public interest; and a request for oral hearing if one is desired. Additionally, interested persons who do not intend to participate formally in a proceeding but who desire to comment on it, may file such statements and information as they may desire, subject to the filing and service requirements specified in this notice. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation and the Attorney General.

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

[FR Doc. 78-11951 Filed 4-28-78; 8:45 am]

[3510-24]

DEPARTMENT OF COMMERCE

Economic Development Administration

BUSINESS DEVELOPMENT PROGRAM

Applications for Assistance Under the Economic Development Administration (EDA) Special Program to Guarantee Loans to Firms in the Basic Steel Industry

Notice is hereby given that the following applications for assistance under the EDA special program to guarantee loans to firms in the basic steel industry have been received by EDA:

Firm	Amount	Percent guaranteed	Products
Korf Industries, Inc., Charlotte, N.C	$21,250,000	90	Wire rod
Midvale Co., Philadelphia, Pa	61,000,000	90	Open die forgings

Dated: APRIL 27, 1978.

ROBERT T. HALL,
Assistant Secretary
for Economic Development.

[FR Doc. 78-11847 Filed 4-28-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6740-02]

APRIL 26, 1978.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10 a.m., May 3, 1978.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda, however, all public documents may be examined in the Office of Public Information.

GAS AGENDA—88TH MEETING, MAY 3, 1978, REGULAR MEETING, 10 a.m.

I. PIPELINE RATE MATTERS

A. Pipeline rates

RP-1.—Docket Nos. RP72-127 and R. & D. 75-1, Northern Natural Gas Co.
RP-2.—Docket Nos. RP78-39 and RP78-40, Panhandle Eastern Pipe Line Co.
RP-3.—Docket No. RP77-31, Southern Natural Gas Co.

II. PRODUCER MATTERS

A. Producer certificates

CI-1.—Docket No. CI77-702, Pennzoil Louisiana & Texas Offshore Co., Inc. Docket No. CI77-703, Pennzoil Offshore Gas Operators, Inc. Docket No. CI78-96, Pennzoil Oil & Gas, Inc.
CI-2.—Reserved.
CI-3.—Reserved.

B. Producer rates

CI-4.—Docket No. AR64-2, et al., Area Rate Proceeding, et al. (Texas Gulf Coast area). Docket No. AR67-1, et al., Area Rate Proceeding, et al. (other southwest area). Docket No. AR61-2, et al., and AR69-1, et al., Area Rate Proceeding, et al., (southern Louisiana area).

III. PIPELINE CERTIFICATE MATTERS

A. Pipeline certificates

CP-1.—Docket No. CP78-1, Sea Robin Pipeline Co., Transcontinental Gas Pipe Line Corp.
CP-2.—Docket Nos. CP75-580, Sea Robin Pipeline Co.
CP-3.—Docket Nos. CP75-372 and CP75-373, Tennessee Gas Pipe Line Co., a division of Tenneco, Inc.
CP-4.—Docket Nos. CP78-123, et al., Northwest Alaskan Pipeline Co.
CP-5.—Reserved.
CP-6.—Reserved.

B. Storage.

CP-7.—Docket No. CP76-499, Natural Gas Pipeline Co. of America.
CP-8.—Reserved.
CP-9.—Reserved.

C.—LNG.

CP-10—(A) Transfer of proceedings to the Secretary of Energy and the Federal Energy Regulatory Commission. (B) Docket Nos. CP75-140, et al., Pacific Alaska LNG Co., et al. Docket Nos. CP74-160, et al., Pacific Indonesia LNG Co., et al. Docket Nos. CI78-453, Pacific Lighting Gas Development. Docket Nos. CI78-452, Pacific Simpco Partnership.
CP-11.—Docket No. CP66-43, Texas Eastern Transmission Corp.
CP-12.—Docket No. CP77-448, NPG-LNG, Inc. Docket No. CP77-449, Natural Gas Pipeline Co. of America.
CP-13.—Docket No. CP76, Tenneco LNG, Inc.

IV. OIL PIPELINE MATTERS

OR-1.—Docket No. OR78-1, Trans Alaska Pipeline System: Investigation and suspension.

GAS AGENDA—88TH MEETING, MAY 3, 1978, REGULAR MEETING

CAG-1.—Docket Nos. AR61-2, AR69-1, et al., RP67-23, RP71-6, et al., G-1980, et al., and RP73-114, Tennessee Gas Pipeline Co.
CAG-2.—Docket Nos. AR61-2, AR69-1, et al., and RP74-41, Texas Eastern Transmission Corp.
CAG-3.—Docket Nos. AR61-2, AR69-1, et al., and RP73-35, Trunkline Gas Co.
CAG-4.—Docket No. RP77-32, South Georgia Natural Gas Co.
CAG-5.—Docket No CP77-193, Northern Natural Gas Co.
CAG-6.—Docket Nos. CI62-1184, Atlantic Richfield Co. (operator), et al.
CAG-7.—Docket Nos. CI77-851, et al., Alminex U.S.A., Inc. et al.
CAG-8.—Docket No. CI77-839, Forest Oil Corp. Docket No. CI77-850, Columbia Gas Development Corp.
CAG-9.—Docket No. CP77-525, United Gas Pipe Line Co. Docket No. CP77-529, Delhi Gas Pipeline Corp.
CAG-10.—Docket No. CP78-76, Transcontinental Gas Pipe Line Corp.
CAG-11.—Docket No. CP78-104, Natural Gas Pipeline Co. of America.
CAG-12.—Docket No. CP78-217, Tennessee Gas Pipeline Co., a division of Tenneco Inc.
CAG-13.—Docket No. CP76-500, Cities Service Gas Co.
CAG-14.—Docket No. CP78-129, Texas Eastern Transmission Corp. Docket No. CP78-141, Consolidated Gas Supply Corp. Docket No. CP78-158, Columbia Gas Transmission Corp.

MISCELLANEOUS AGENDA—88TH MEETING, MAY 3, 1978, REGULAR MEETING

M-1.—Docket No. RM78- , risk distribution and profit policy for the Alaska Natural Gas Transportation System, including variable rate of return and risk premiums.
M-2.—Docket No. RM76-13, the need for site selection and facility operation criteria for liquefied natural gas importation and storage facilities.
M-3.—Docket No. RM78- , amendments to regulations under the Government in the Sunshine Act.

POWER AGENDA—88TH MEETING, MAY 3, 1978, REGULAR MEETING

I. ELECTRIC RATE MATTERS

ER-1.—Docket No. ER78-220, Central Hudson Gas & Electric Corp.
ER-2.—Docket No. ER78-291, Northern States Power Co. (Minnesota).
ER-3.—Docket No. ER76-716, Indiana & Michigan Electric Co.
ER-4.—Docket Nos. E-8586 and E-8587, Public Service Co. of Indiana, Inc.

II. LICENSED PROJECT MATTERS

P-1.—Project No. 553, City of Seattle, Wash.
P-2.—Project No. 176, Escondido Mutual Water Co.
P-3.—Project No. 372, Southern California Edison Co.

POWER AGENDA—88TH MEETING, MAY 3, 1978, REGULAR MEETING

CAP-1.—Docket No. ER78-154, Wisconsin Power & Light Co.
CAP-2.—Docket No. ER78-286, New Bedford Gas & Electric Light Co.
CAP-3.—Docket No. ER77-211, Mt. Carmel Public Utility District.
CAP-4.—State Director, Bureau of Land Management (2320) (943) (1785), Cheyenne, Wyo.
CAP-5.—Project No. 2716, Virginia Electric & Power Co.
CAP-6.—Project No. 2207, Mosinee Paper Corp.
CAP-7.—Project No. 2336, Georgia Power Co.
CAP-8.—Docket No. ER78-249, Appalachian Power Co., Ohio Power Company, and Wheeling Electric Co.

KENNETH F. PLUMB,
Secretary.

[S-898-78 Filed 4-27-78; 9:06 am]

[6720-01]

2

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., May 5, 1978.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Marshall, 202-377-6679.

MATTERS TO BE CONSIDERED:

Consideration of proposed amendments regarding maturities of certificate accounts.
Application for permission to organize a Federal association—E. L. Kittrell Smith, et al., Fort Oglethorpe, Ga.
Consideration of request to permit a commercial bank to operate ATM's located on the outside wall of a Federal association office—Hudson Valley Federal Savings & Loan Association, Kingston, N.Y.
Branch office application—Home Federal Savings & Loan Association of Lakewood, Lakewood, Ohio.
Branch office applications to be considered concurrently: (1) First Federal Savings & Loan Association of Chickasha, Chickasha, Okla. (2) Frontier Federal Savings & Loan Association, Ponca City, Okla.
Agency office application—Home Federal Savings & Loan Association of San Diego, San Diego, Calif.
Request for commitment for insurance of accounts—Farmington Valley Savings & Loan Association, Farmington, Conn.
Applications to be considered concurrently: (1) Branch office application—Clearwater Federal Savings & Loan Association, Clearwater, Fla. (2) Satellite office application—First Federal Savings & Loan Association of Tarpon Springs, Tarpon Springs, Fla.
Consideration of proposed amendments relating to State housing corporations.
No. 148, April 27, 1978.

[S-901-78 Filed 4-27-78; 3:32 pm]

[7020-02]

3

[USITC SE-78-21]

UNITED STATES INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, May 11, 1978.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints (if necessary): (a) Stainless steel pipe and tube (docket No. 509).
5. Pre-hearing briefing on copper (Inv. TA-201-32).
6. Equal Employment Opportunity (EEO) status report.
7. FOIA appeal from Mr. John Heise, Jr., regarding request No. 78-16.
8. FOIA appeal from Mr. Michael Sandler regarding request No. 78-11.
9. Motions M-307 and M-308 to change the schedule in Investigation 332-99 (Conversion of Specific and Compound Rates of Duty to Ad Valorem Rates).
10. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-900-78 Filed 4-27-78; 3:32 pm]

[4910-58]

4

NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 17628, April 25, 1978.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Thursday, April 27, 1978, 9:30 a.m. (NM-78-19).

CHANGE IN THE MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below.

STATUS: Open.

1. *Marine Accident Report.*—M/T *Elias* Explosion and fire at the Atlantic Richfield Co., Fort Mifflin Terminal, Delaware River, Pa., April 9, 1974.
2. *Discussion.*—Fiscal year 1970-1980 authorization revisions to provide for increase in highway programs.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-899-78 Filed 4-27-78; 3:32 pm]

federal register

MONDAY, MAY 1, 1978
PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

■

NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Policy Determinations

[4110-12]

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of the Secretary

NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Policy Determinations

INTRODUCTION

The Office for Civil Rights will hereafter publish all major policy determinations in the FEDERAL REGISTER and systematically provide copies to organizations representing beneficiaries and recipients of Federal financial assistance.

Policy determinations will fall into one of three categories:

1. *Policy Interpretations* will clarify and explain regulatory provisions.

2. *Procedural Announcements* will outline the specific procedures recipients must follow to comply with regulatory provisions or the procedures this office will follow to obtain compliance.

3. *Decision Announcements* will illustrate how this office has applied regulatory provisions to specific fact patterns developed through investigations.

Following are the first five policy determinations issued in accordance with this procedure. Three relate to Title IX of the Education Amendments of 1972 which prohibits discrimination on the basis of sex; two relate to Section 504 of the Rehabilitation Act of 1973 which prohibits discrimination on the basis of handicap.

Dated: April 26, 1978.

DAVID S. TATEL,
Director,
Office for Civil Rights.

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

Coverage: The following two policy interpretations apply to any public or private institution, person or other entity that operates an educational program or activity which receives or benefits from financial assistance authorized or extended under a law administered by the Department. This coverage includes educational institutions whose students participate in HEW funded or guaranteed student loan or assistance programs. For further information see definition of "recipient" in Section 86.2 of the Title IX regulation.

POLICY INTERPRETATION NO. 1

Subject: Requests for applicants' "marital status."

Policy Interpretation: Recipients may not ask prospective students or employees for their marital status including their maiden or former married name. However, applicants may be asked to state any names by which they may have been identified in relevant academic or employment records.

Discussion: the Title IX regulation prohibits discrimination on the basis of marital status and expressly prohibits inquiry into the marital status of prospective students and employees, including whether they are "Miss" or "Mrs." Recipients have asked whether requests for an applicant's "former married name" or "maiden name" would violate the regulation. The Department finds such requests indistinguishable from a request that an applicant state whether she is "Miss" or "Mrs."

The Department acknowledges that relevant employment or academic information may be filed under an applicant's former names. For the purpose of locating such relevant information all applicants, regardless of sex, may be asked to state other names under which such information can be found; but if the question is asked of persons of one sex it must be asked of persons of both sexes. This policy effectively reconciles the legitimate need to locate information about an applicant with the Title IX regulation's prohibition against discrimination on the basis of marital status.

Application forms must accommodate this policy. For example, the application form may include the following request: "If information necessary to process this application is located under a different name, please include such name(s) in the space provided."

Current supplies of forms which ask for maiden name or former married names may be exhausted if questions which would directly or indirectly reveal marital status are deleted or modified to conform to this policy interpretation.

Authority: Regulation issued under Title IX of the Education Amendments of 1972, 45 CFR 86.21(c)(4) and 86.60(a).

Section 86.21(c)(4): (c) *Prohibitions relating to marital or parental status.* In determining whether a person satisfies any policy or criterion for admission, or in making any offer of admission, a recipient to which this subpart applies:

(4) Shall not make pre-admission inquiry as to the marital status of an applicant for admission, including whether such applicant is "Miss" or "Mrs." * * *

Section 86.60(a): (a) *Marital status.* A recipient shall not make pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is "Miss or Mrs."

POLICY INTERPRETATION NO. 2

Subject: Religious objections to participation in coeducational classes.

Policy Interpretation: Students who demonstrate that their religion prohibits certain coeducational courses may be excused from such courses or offered them on a sex segregated basis.

Discussion: The Title IX regulation's requirement that recipients offer classes on a coeducational basis is subject to several exceptions. For example, students may be grouped by objective standards of ability within physical education classes, or separated by sex for those portions of physical education activities devoted to participation in contact sports, or for those portions of elementary and secondary school classes which deal exclusively with human sexuality. Students may also be separated on the basis of vocal range for participation in chorus.

Recipients have asked whether they may offer sex segregated classes for students who object to coeducational classes on religious grounds. Although the regulation does not expressly authorize such classes, recipients must accommodate religious beliefs protected by the First Amendment. Therefore, students who demonstrate that they belong to religions which prohibit certain activities on a coeducational basis (e.g. swimming) may, at the option of the recipient, either be excused from unitary classes or offered sex segregated classes.

Authority: First Amendment to the Constitution of the United States. Regulation issued under Title IX of the Education Amendments of 1972, 45 CFR 86.34.

Section 86.34: A recipient shall not provide any course or otherwise carry out any of its education program or activity separately on the basis of sex, or require or refuse participation therein by any of its students on such basis, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses * * *.

(b) This section does not prohibit grouping of students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex.

(c) This section does not prohibit separation of students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball and other sports the purpose of major activity of which involves bodily contact.

(d) Where use of a single standard of measuring skill or progess in a physical education class has an adverse effect on members of one sex, the recipient shall use appropriate standards which do not have such effect.

(e) Portions of classes in elementary and secondary schools which deal exclusively with human sexuality may be conducted in separate sessions for boys and girls.

(f) Recipients may make requirements based on vocal range or quality which may result in a chorus or choruses of one or predominantly one sex.

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

DECISION ANNOUNCEMENT NO. 1

Subject: Facts constituting adequate proof of unlawful sex discrimination.

Discussion: The complainant was a female elementary school principal who alleged that her employment contract was limited to 1 year because of her sex.

The recipient, a public school district, employed twelve principals, eleven of whom were men with 2-year contracts. The length of a contract offered by the recipient was determined entirely by "performance evaluation," under which the complainant was superior to at least six of the men. (See Exhibit "A") The school district's only response to these disparities was an unsubstantiated general denial of sex discrimination.

Decision: Sex discrimination barred by Title IX, like other forms of unlawful discrimination, may be proved by unrebutted statistical analyses. The school district failed to offer an adequate explanation for the statistical disparities and a "letter of findings" in favor of the complainant was issued.

The school district was required to lengthen the complainant's contract to 2 years and assure future compliance with Title IX. There was no claim or proof of a lower salary resulting from the 1-year contract and, accordingly, no back pay was required.

EXHIBIT A.—*Evaluation of principals*

Sex	Name	Number of 11 individual traits rated scale 1-5			Job performance summary scale of 1-5	Leadership objectives evaluation scale 1-5	2 yr. contract	1 yr. contract
		Strong	Good	Satisfactory				
F	Complaint	6	5	0	5	4		X
M	Principal No. 2	5	6	0	5	4	X	
M	Principal No. 3	5	6	0	5	4	X	
M	Principal No. 4	7	4	0	5	4	X	
M	Principal No. 5	4	7	0	5	4	X	
M	Principal No. 6	11	0	0	5	4	X	
M	Principal No. 7	7	4	0	5	4	X	
M	Principal No. 8	5	6	0	5	4	X	
M	Principal No. 9	5	6	0	4-5	4-5	X	
M	Principal No. 10	3	7	1	4-5	3	X	
M	Principal No. 11	7	2	2	4-5	4	X	
M	Principal No. 12	(*)	(*)	(*)	(*)	5	X	

*Evaluation sheet noted that the job performance evaluation did not apply to the 1975-76 year.

SECTION 504 OF THE REHABILITATION ACT OF 1973

Coverage: The following two policy interpretations apply to any public or private institution, person, or other entity that receives or benefits from HEW financial assistance. For further information see definition of "recipient" at 45 CFR 84.3(f).

POLICY INTERPRETATION NO. 1

Subject: Discrimination that occurred before the effective date of the regulation.

Policy interpretation: The Office for Civil Rights will investigate complaints of alleged discrimination that occurred after September 26, 1973, the date section 504 became law, and prior to June 3, 1977, the date the section 504 regulation became effective, if those complaints charge violations of the statute which do not require for their resolution the interpretative language of the regulation.

Discussion: Section 504 of the Rehabilitation Act of 1973 became law on September 26, 1973. The implementing regulation became effective on June 3, 1977. It would therefore be unreasonable for the Department to investigate the pending complaints alleging violations of section 504 occurring between September 26, 1973 and June 3, 1977 unless a clear violation of the statute is at issue.

The question, to be answered on a case-by-case basis is whether the language of the statute provides notice that the challenged policy or practice is unlawful. For example, the exclusion of qualified handicapped students from a college or university or the prohibition of tape recorders in classrooms by students whose handicap impairs their ability to take notes, will be considered violations of section 504. Discrimination against a qualified applicant for employment will be considered a violation of section 504 if adjustments would not have been needed to accommodate the applicant's handicap. However, failure to provide auxiliary aids in colleges and universities or to reasonably accommodate the needs of handicapped applicants for employment will not be considered unlawful unless it occurs after June 3, 1977.

This policy interpretation has no affect on obligations established by the Federal Architectural Barriers Act which predates Section 504.

Authority: Section 504, Rehabilitation Act of 1973, Pub. L. 93-112, 87 Stat. 394 (29 U.S.C. 794).

Section 504: No otherwise qualified handicapped individual in the United States . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

POLICY INTERPRETATION NO. 2

Subject: Application of the 180-day limitations period to discrimination occurring before the effective date of the regulation.

Policy interpretation: The 180-day limitations period for complaints of discrimination will not be applied to acts of discrimination occurring prior to the effective date of the regulation.

Discussion: The regulation requires that complaints of discrimination be filed within 180 days of the unlawful act. This requirement was not imposed until the effective date of the regulation (June 3, 1977), and it will therefore not apply to complaints alleging discrimination that occurred before the effective date of the regulation but after the effective date of the statute (September 26, 1973). For these complaints, the 180-day limitations period will begin to run from June 3, 1977. Such complaints, however, will

be investigated only if they allege clear violations of the statute. See Section 504 Policy Interpretation No. 1.

Authority: Regulation issued under Section 504 of the Rehabilitation Act of 1973 and Title VI of the Civil Rights Act of 1964, 45 CFR 84.61 and 80.7(b).

Section 84.61: The procedural provisions applicable to title VI of the Civil Rights Act of 1964 apply to this part. These procedures are found in §§ 80.6-80.10 and Part 81 of this Title.

Section 80.7(b): (b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may by himself or by a representative filed with the responsible Department official or his designee a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible Department official or his designee.

[FR Doc. 78-11742 Filed 4-28-78; 8:45 am]

MONDAY, MAY 1, 1978
PART III

federal register

DEPARTMENT OF ENERGY

■

IMPROVING GOVERNMENT REGULATIONS

Proposals for Implementing Executive Order 12044

[3128-01]

DEPARTMENT OF ENERGY

IMPROVING ENERGY REGULATIONS

Response to Executive Order No. 12044 Improving Government Regulations

AGENCY: Department of Energy.

ACTION: Request for public comment.

SUMMARY: The Department of Energy ("DOE") is issuing this notice to obtain comments on its proposals for implementing Executive Order No. 12044, Improving Government Regulations (43 FR 12661, March 24, 1978) ("the Executive Order"). The proposals include procedures for developing new regulations; analyzing their potential impacts; reforming existing, but outdated or excessively burdensome regulations; and increasing public participation in regulatory development.

DATE: Comments by June 30, 1978.

ADDRESS: Send comments to William A. Strauss, Director, Regulatory Programs Division, Office of Policy and Evaluation, Department of Energy, Room 4108, 1200 Pennsylvania Avenue NW., Washington, D.C. 20461. 202-566-9919.

FOR FURTHER INFORMATION CONTACT:

Deanna Williams (DOE Reading Room), 1200 Pennsylvania Avenue NW., Room 2107, Washington, D.C. 20461, 202-566-9161.

Ed Vilade (DOE Media Relations), 1200 Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461, 202-566-9833.

Joseph C. Vanzant (DOE Policy and Evaluation), 1200 Pennsylvania Avenue NW., Room 4121, Washington, D.C. 20461, 202-566-7438.

Thomas B. DePriest (DOE Office of General Counsel), 1200 Pennsylvania Avenue NW., Room 5134, Washington, D.C. 20461, 202-566-9565.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Comments Requested.
III. Comment Procedure.

I. Background

In his first State of the Union message and in the Executive Order, the President indicated his desire to reduce the regulatory burdens imposed by the Federal Government on the American people. The Secretary of Energy supports this objective, especially as it will increase public participation in DOE regulatory decisionmaking.

Regulatory reform is particularly important to the Department of Energy. First, one of the reasons the Department of Energy was created was to address the sometimes overlapping or conflicting regulations of the many energy-concerned agencies which existed before 1977. Second, the National Energy Plan calls upon this Department to move away from binding and costly regulatory strategies, while moving toward nonregulatory means of achieving energy objectives. Third, many of the laws administered by DOE give the Department substantial discretion in developing regulatory policies; when those policies become outmoded or are found to be excessively burdensome, changes can frequently be made without new legislation. Fourth, the energy legislation now pending before Congress may require this Department to develop many regulations which will directly and significantly affect the public (especially in the conservation area). Fifth, the Nation's long-term energy needs may not be met unless the public participates more actively in energy policymaking; increased conservation and development of renewable energy resources are important goals of the National Energy Plan, and they both require a substantial dialogue between this Department and the public.

For these reasons, the Department of Energy's proposals for improving regulations go well beyond the minimum requirements of the President's Executive Order.

II. Comments Requested

The DOE invites written comments on its proposals to implement Section II of the Executive Order. The complete proposal to reform the process for developing significant regulations is described in Section V of the appendix to this notice. The proposed procedures can be summarized as follows:

1. A proposed regulation will be considered significant if it may substantially affect important policy concerns (e.g., long-term energy supplies, the economy, or the environment), if it is expected to be a matter of major concern to the President, Congress, or the public, or if it would require substantial DOE resources to develop and enforce it.

2. If an Assistant Secretary, Office Director, or Administrator considers a proposed regulation to be significant, that regulation will be developed by a working group representing various DOE staffs, reviewed by the Deputy Secretary or Under Secretary, approved for final publication through a special clearance process, and published for comment for a minimum of 60 days. In addition, a plan will be developed for the subsequent evaluation of the impacts of the regulation.

3. The office developing the regulation and other working group members will work with the Office of Intergovernmental and Institutional Relations to develop means for including the public throughout the regulatory development process.

4. If public hearings are held, panels will be chaired by the office developing the regulation and will include the other members of the working group. When the period for public comment is completed, the office developing the regulation will summarize and, in coordination with the other working group members, analyze the public comment and revise the regulation accordingly.

5. Before a significant regulation is published in final form, it must be reviewed and approved by the Deputy Secretary or Under Secretary. The Office of Policy and Evaluation, Office of the General Counsel, and Energy Information Administration will assist in this review to ensure that the regulation is:

(a) Consistent with DOE policy and the goals of the National Energy Plan;

(b) Not unnecessarily burdensome;

(c) Preferable to other policy alternatives (especially nonregulatory alternatives) which might achieve the same objectives;

(d) Carefully drafted, legally sufficient, and enforceable; and

(e) Understandable; and

(f) Responsive to public comment.

6. Regulations not considered "significant" will be developed through other procedures, and will be published with a statement explaining why they are not "significant."

7. The Department will publish a semiannual agenda of regulations approved for development. This agenda will list the name and telephone number of the DOE point of contact for each regulation, and will be personally approved by the Secretary.

The DOE also invites written comments on its proposals to implement Section III of the Executive Order. The complete proposal to establish a systematic regulatory analysis scheme is described in Section VI of the appendix to this notice. The proposed procedures can be summarized as follows:

1. A significant regulation will be considered to have a major impact, thereby requiring analysis,

(a) If it is likely to have a substantial effect on any of the goals of the National Energy Plan;

(b) If it is likely to impose gross economic costs of $100 million per year, or cause a major increase in costs or prices for individual industries, levels of government, geographic regions, or demographic groups; or

(c) If the Secretary, Deputy Secretary, or Under Secretary considers a regulation to have a major impact for any other reason.

2. The office developing the regulation, in cooperation with the working group, will determine whether it has a major impact.

3. The office developing the regulation will be responsible for preparing a draft regulatory analysis, which will describe

(a) The mandate for government action and policy problem to be addressed;

(b) The policy objectives and their relationship to the goals of the National Energy Plan;

(c) Alternative means of achieving those objectives, analyzed in terms of their respective costs and benefits; and

(d) The preferred alternative, with an explanation of the reasons for selecting it.

4. The regulatory analysis will include a summary, which will be published in the FEDERAL REGISTER along with the draft of final regulation. The supporting documentation will also be made available to the public.

5. The public will be invited to comment on the findings of the regulatory analysis.

6. If a significant regulation is found not to have a major impact, the reasons justifying this decision will be published in the FEDERAL REGISTER.

To implement Section IV of the Executive Order and to review existing regulations, the DOE created a Regulatory Reform Task Force, chaired by the Deputy Secretary, and consisting of each Assistant Secretary, Administrator, and Office Director. This Task Force reviewed DOE's regulatory programs in search of reform initiatives which would accomplish the following objectives:

(1) Ensure that regulations are the best alternative means of achieving energy goals;

(2) Identify regulations which are conflicting, unnecessary, or otherwise contrary to DOE policy;

(3) Make regulatory reporting and compliance requirements less burdensome, without impairing the enforceability of regulations;

(4) Simplify the language of regulations, enabling nonlawyers to understand their purpose and effect;

(5) Minimize the burden on industry and the public caused by the need to collect energy data; and

(6) Enhance public participation and intra-agency and inter-agency cooperation in the development of regulations.

The 15 regulatory reform initiatives include regulations which will be amended or abolished and other internal reforms which will improve the regulatory development process. These initiatives should be substantially completed by the end of 1978 fiscal year and are just the start of what the Department of Energy expects will be a sustained effort to update, amend, or abolish regulations which are identified by sources inside or outside the Department as needing reform. By September 30, 1978, the Regulatory Reform Task Force will have identified a new reform agenda for the 1979 fiscal year.

The DOE invites comments regarding the 15 items on the Task Force's agenda. (Any proposed regulatory amendments resulting from these reform initiatives will be published in the FEDERAL REGISTER as notices of proposed rulemaking, and further comments will be solicited at that time). The DOE would also appreciate suggestions from the public for other regulatory reform initiatives. The 15 agenda items can be summarized as follows:

1. Economic Regulatory Administration:

(a) Options will be developed for the decontrol of kerosene jet aviation fuel, aviation gasoline, butane, and natural gasoline. Current efforts to decontrol motor gasoline will be continued. For further information, contact John P. Woods (aviation gasoline and kerojet aviation fuel decontrol), 202-254-3234; Robert A. Reinstein (butane and natural gasoline decontrol), 202-254-9766; or William E. Caldwell (motor gasoline decontrol), 202-254-8034.

(b) Crude oil pricing regulations will be reviewed, with consideration given to a possibly expanded use of market mechanisms throught the intitlements system, rather than the current schedules dictating the first-sale prices for crude oil. For further information, contact Douglas G. Robinson, 202-254-8675.

(c) Based upon this review of crude oil pricing regulations, the 1973 freeze on supplier/purchaser relationships will be examined to see if it inhibits competition or unnecessarily burdens producers and purchasers of domestic crude oil. For further information, contact Douglas G. Robinson, 202-254-8675.

(d) The current Mandatory Oil Import Program will be revised to reduce unnecessary reporting burdens, to support existing U.S. refinery capacity, and to provide incentives for increasing domestic capacity. For further information, contact Stephen W. Hall, 202-632-8494.

(e) Current procedures governing the import and export of natural gas and liquified natural gas will be reduced to help specify responsibilities of the Economic Regulatory Administration and the Federal Energy Regulatory Commission, to expedite import processing of those applications. For further information, contact Lynn Church, 202-632-4721.

(f) Current enforcement procedures will be reviewed to determine (a) whether the DOE should voluntarily restrict its enforcement audits (for nonwillful violations) to relatively recent violations), (b) whether the DOE should reduce enforcement efforts directed to very small firms, and (c) how the DOE might reduce the burden on small businesses imposed by recordkeeping and record-retention requirements. For further information, contact Phil White, 202-254-6990.

(g) The Transfer Pricing Regulations will be revised to establish a more realistic method of determining imported crude oil prices at the time of transfer between companies and components of companies. For further information, contact Daniel J. Thomas 202-254-7477.

(h) Proposed regulations involving the collection of information from 10 or more people will be published in the FEDERAL REGISTER along with a copy of the proposed form. This notice will include the need for information, the effect of the proposed form, an analysis of the burden to business which could result from the form, other alternatives considered, and a finding that the proposed form imposes no unnecessary regulatory burdens. For further information, contact Doug Robinson, 202-254-8675.

2. Procurement and Contracts Management:

(a) A procurement guide will be prepared, explaining the procedures through which small businesses and independent entrepreneurs can obtain DOE grants, contracts, and other financial support. For further information, contact Colonel C. Armstrong, 202-376-9215.

3. Resource Applications:

(a) Procedures will be developed for streamlining the geothermal leasing process, and the geothermal loan guarantee application forms, especially for small businesses and public bodies. For further information, contact Robert J. Kalter (leasing process), 202-566-9421; or Lawrence Falick (loan guarantee application forms) 202-376-1710.

(b) Procedures will be established for Federal power authorities to contact their customers and encourage participation in rate-setting procedures. Procedures for public hearings, conducted in consumers' communities, will be developed. For further information, contact David Ogden, 202-566-9615.

4. Energy Information Agency:

(a) Energy data systems and other existing reporting requirements will be examined to identify overlaps, duplications, and unnecessary demands on industry and others. These requirements will be eliminated or consolidated where possible. For further information, contact Rosalind Singleton, 202-254-5077.

(b) An element-by-element justification will be required of all newly-proposed reporting requirements. Criteria will be developed for maintaining these requirements, and those that do not meet these criteria will be eliminated. For further information, contact John Gross, 202-254-8600.

5. Office of the General Counsel:

(a) Preambles will be drafted for each proposed and final regulation, clearly and concisely describing the need for the regulation, its basic objectives, and the rights and responsibilities it bestows on industries, consumers, or other parties. For further information, contact J. Peter Luedtke, 202-566-9199.

6. Office of Intergovernmental and Institutional Relations:

(a) A number of outreach efforts will be conducted to bring the public into the regulatory development and reform processes. A pamphlet will be prepared to explain DOE regulatory procedures and opportunities for public participation. Inquiries will be sent to regulated industries, consumers, and state and local governments, asking for their suggestions, as to what regulatory programs need reform and how the DOE can expand public participation. Options will be developed to provide DOE funding to pay the fees and expenses of lawyers or other experts who participate in DOE regulatory and policy development on behalf of consumers or other public interests. For further information, contact Ed Vilade (pamphlet), 202-566-9833; Sandra L. Schneider (inquiries), 202-376-1673; or Jerry A. Penno (funding for public testimony), 202-566-9021.

III. Comment Procedure

The DOE invites the public to participate in the development of the procedures which will implement the Executive Order by submitting comments to William A. Strauss, Director, Regulatory Programs Division, Office of Policy and Evaluation, Room 4108, 1200 Pennsylvania Avenue NW., Washington, D.C. 20461. Identify the comments on the outside envelope and on the documents that are submitted. The DOE will consider all comments received by June 30, 1978, before taking further action on these matters.

Any information or data submitted pursuant to the above procedures and considered to be confidential must be so identified and submitted in one copy only. The DOE reserves the right to determine the confidential status of the information or data and to treat it accordingly.

Issued in Washington, D.C., April 25, 1978.

John F. O'Leary,
Deputy Secretary,
Department of Energy.

Interim Management Directive—United States Department of Energy

Subject: Procedures for the Development and Analysis of Regulations, Standards, and Guidelines

I. Summary

This directive establishes procedures for the development and anaylsis of regulations by the Department of Energy. It implements Sections 2 and 3 of Executive Order No. 12044 on "Improving Government Regulations."

A proposed regulation will be considered significant if it may substantially affect important policy concerns, if it is expected to be a matter of major concern to the President, Congress, or the public, or if it would require substantial DOE resources to develop and enforce it.

If an Assistant Secretary, Office Director, or Administrator considers a proposed regulation to be significant, that regulation will be developed by the lead office, in coordination with a working group representing various DOE staffs, reviewed by the Secretary, Deputy Secretary, or Under Secretary for final publication through a special clearance process, and published for comment for a minimum of 60 days.

In addition, if the lead office and working group determine that a significant regulation may have a major impact (e.g., imposing economic costs of $100 million or more), then a regulatory analysis will be prepared. This analysis will consist of a five-to-ten page summary that will be published in the Federal Register with the proposed regulation, plus supporting documentation.

A regulation not considered significant, or a significant regulation not expected to have a major impact, will be published in the Federal Register with a statement justifying that determination.

II. Objectives

This directive has been drafted, and should be implemented, to serve the following objectives:

(1) Regulations must be developed through an orderly process, with responsibilities clearly assigned, and with each interested Secretarial Officer having an opportunity to participate;

(2) Regulated industries, state and local governments, other Federal agencies, consumer groups, and interested members of the public must be encouraged to participate in the development of regulations as early in the process as possible;

(3) Regulations must be written clearly and concisely, in language understandable to those who may be affected by them.

III. Applicability

This directive applies to all regulations, except those developed by the Federal Energy Regulatory Commission. In extraordinary circumstances, the Secretary, Deputy Secretary, or Under Secretary may waive some or all of this directive's requirements for a particular regulation.

IV. Definitions

For the purposes of this directive:

"Lead office" means the Secretarial Office responsible for administering a proposed regulation.

"Working group" is the *ad hoc* group, representing interested Secretarial Officers, which works with the lead office in developing a regulation.

"Secretarial Officers" include the Administrators of the Economic Regulatory Administration and the Energy Information Administration; the Assistant Secretaries for Conservation and Solar Applications, Resource Applications, Energy Technology, Environment, Defense Programs, Intergovernmental and Institutional Relations, International Affairs, and Policy and Evaluation; the Directors of Procurement and Contracts Management, Administration, the Executive Secretariat, the Office of Energy Research, and the Office of Hearings and Appeals; the General Counsel; the Controller; and the Inspector General.

"Regulations" include notices of inquiry, advance notices of proposed rulemaking, proposed or final regulations, amendments, standards, and guidelines which are published in the Federal Register.

"Significant regulations" are those regulations which meet the criteria described in Section V (A)(3) of this directive.

"Regulatory analysis" means the examination of various policy alternatives and their impacts.

A "significant regulation" is deemed to have a "major impact" if it is likely to impose gross costs of $100 million or meets other criteria described in Section VI (C) of this directive.

V. Procedures for the Development of Regulations

A. Initiation

1. A lead office proposing to develop a regulation must first notify all Secretarial Officers and the Deputy Secretary or Under Secretary of its intent. This notification can be either oral or written, and can take place during the weekly meeting of the Action Coordination Tracking System ("ACTS"). In this notification, the lead office must indicate whether it considers the proposed regulation significant.

2. The Secretarial Officers will then notify the lead office whether they consider the regulation to be significant and whether they wish to participate in its development.

3. A regulation will be significant if the lead office or another Secretarial Officer determines that:

(1) It may substantially affect:

(a) The goals of the National Energy Plan or other energy objectives,

(b) Inflation, unemployment, economic growth, or the ability of all population groups to have adequate energy supplies at reasonable prices,

(c) The ability of individual entrepreneurs and small businesses to compete fairly in the marketplace,

(d) The quality of the environment, and the public health and safety,

(e) State and local government programs, or

(f) Existing regulatory programs of the Department of Energy or other Executive agencies;

(2) It may impose heavy compliance and reporting burdens, especially on small businesses;

(3) It is a matter of major concern to the President, Congress, or the public (especially if substantial public comments are anticipated); or

(4) It will require substantial Department of Energy resources to develop and enforce it.

B. DEVELOPMENT OF SIGNIFICANT REGULATIONS

1. If the regulation is significant, the lead office, with the assistance of the Assistant Secretary for Policy and Evaluation, will establish a working group to aid in its development. This working group will include representatives from Policy and Evaluation, the Office of the General Counsel, and other interested Secretarial offices. Working group members will assist the lead office in reviewing alternative means of solving the perceived problem and setting target dates for the completion of each phase of the regulatory development process. The working group members will also perform other duties, as assigned by the lead office.

2. In coordination with the Office of Policy and Evaluation, the lead office and other working group members will prepare a plan for the subsequent evaluation of the regulation's actual impact.

3. The lead office and other working group members will work with the Office of Intergovernmental and Institutional Relations to develop a plan for including the public in the regulatory development process.

4. If the lead office and working group members find that a significant regulation is likely to have a major impact, then a regulatory analysis will be prepared. (See Section VI.) If it is found that a significant regulation requires an Environmental Impact Statement under the National Environmental Policy Act, then that statement will be prepared in coordination with the regulatory analysis.

5. After a proposed significant regulation is drafted, the draft will be circulated for comment to the Special Assistant to the Secretary and the Secretarial Officers represented on the working group. Orally or in writing, in coordination with the working group members, the lead office will inform the Secretary, Deputy Secretary, or Under Secretary of the issues considered in the regulation, the alternative approaches that have been explored, and a tentative plan for obtaining public comment. The Secretary, Deputy Secretary, or Under Secretary must approve publication of proposed significant regulations in the FEDERAL REGISTER.

6. Upon the approval of the Secretary, Deputy Secretary, or Under Secretary, the Office of Administration will transmit the approved regulation to the FEDERAL REGISTER.

7. Regulations proposed to implement any function transferred to the Secretary under Section 301 or Section 306 of the Department of Energy Organization Act will be referred to the Federal Energy Regulatory Commission (FERC) in accordance with the Memorandum of Understanding between the Secretary and FERC.

8. Proposed significant regulations will be published in the FEDERAL REGISTER with a statement explaining why the regulation is considered significant. The notice will provide at least a 60-day public comment period, except that the Secretary, Deputy Secretary, or Under Secretary may approve a shorter comment period under extraordinary circumstances (see Section III). Notices of inquiry and advance notices of proposed rulemaking are not subject to this 60-day comment requirement. If public hearings are held, panels will be chaired by the lead office and will include the other members of the working group and such other persons as the lead office designates.

9. When the period for public comment is completed, the lead office will summarize all comments received. Then, together with the other working group members, the lead office will analyze the public comments and revise the regulation accordingly.

10. The proposed final regulation will be circulated for comment to the Special Assistant and Secretarial Officers represented on the working group. Orally or in writing, in coordination with the working group members, the lead office will then request approval from the Secretary, Deputy Secretary, or Under Secretary to publish the final regulation. Upon final approval, the Office of Administration will transmit the regulation to the FEDERAL REGISTER.

C. DEVELOPMENT OF NONSIGNIFICANT REGULATIONS

1. If the proposed regulation is not considered significant, the lead office will so inform the other Secretarial Officers and the Deputy Secretary or Under Secretary. The lead office, in coordination with representatives of other interested Secretarial Officers, will then develop and publish the regulation.

2. When a proposed nonsignificant regulation is published in the FEDERAL REGISTER, the notice will provide at least a 30-day public comment period and will include statements explaining the need for and probable effect of the regulation and why the regulation was not considered significant.

VI. PROCEDURES FOR THE ANALYSIS OF REGULATIONS

A. No formal regulatory analysis will be required if a regulation is not considered significant.

B. For every significant regulation, the lead office and other working group members will determine whether it is likely to have a major impact. If so, a regulatory analysis will be required.

C. A significant regulation will be considered likely to have a major impact:

(1) If the regulation is likely to have a substantial effect on any of the goals of the National Energy Plan;

(2) If the regulation is likely to impose

(a) Gross economic costs of $100 million per year, or

(b) A major increase in costs or prices for individual industries, levels of government, geographic regions, or demographic groups; or

(3) If the Secretary, Deputy Secretary or Under Secretary considers the regulation likely to have a major impact for any other reason.

In determining whether a regulatory proposal is likely to have a major impact, attention should be directed to the incremental effect of the proposal on the existing regulatory environment, not to the effect of the regulation on an unregulated environment.

D. The regulatory analysis will consist of a five-to-ten page summary and supporting documentation. The summary will be prepared by the lead office, in cooperation with the working group, and will include the following:

(1) A succinct statement of the problem and the mandate for government action;

(2) A statement of policy objectives and their relationship to the goals of the National Energy Plan;

(3) A description of the major alternatives, including nonregulatory alternatives, for dealing with the problem and achieving the policy objectives;

(4) A brief analysis of the economic consequences of each of these alternatives; and

(5) An explanation of the reasons for choosing the preferred alternative.

E. The supporting documentation will be provided by the lead office, the Energy Information Administration

(EIA) and other DOE offices that have been assigned tasks by the lead office, and will include the following:

(1) A more extensive statement of the problem;

(2) A description and analysis of each reasonable and feasible policy alternative, including:

(a) legislative authority,

(b) institutional, legal, or other impediments to implementation,

(c) enforceability, and

(d) sunset provisions;

(3) a comparative analysis of the impacts of these alternatives, including their effects on:

(a) the goals of the National Energy Plan and other energy objectives,

(b) the economic well-being of the Nation as a whole, individual industries, levels of government, geographic regions, and demographic groups,

(c) compliance and reporting requirements;

(d) other relevant costs and benefits, and

(e) the fairness of the distribution of the costs and benefits.

F. The regulatory analysis will be circulated to appropriate program offices, the Office of the General Counsel, the Office of Policy and Evaluation, the Energy Information Administration, and the Office of Intergovernmental and Institutional Relations for review. Concurrence by the Office of General Counsel, Policy and Evaluation, and the lead office will be obtained prior to release of the regulatory analyses.

G. When a proposed regulation is published in the FEDERAL REGISTER, the summary portion of the draft regulatory analysis will be included, and the public will be asked to comment on the findings of the analyses. The FEDERAL REGISTER notice will also indicate how members of the public can obtain the supporting documentation.

H. After the end of the public comment period, the draft regulatory analyses will be reviewed by the lead office in light of the comments received. If any changes are made, the revised analysis must be circulated and concurred in as indicated in (F) above.

I. When the final regulation is published in the FEDERAL REGISTER, the summary portion of the final regulatory analysis will be included. The FEDERAL REGISTER notice will also indicate how members of the public can obtain the supporting documentation.

J. If a significant regulation is determined not to have a major impact, the lead office, in cooperation with the working group, will prepare a statement justifying this determination and describing the anticipated effects of the regulation. This statement will be published in the FEDERAL REGISTER with the regulation. Information copies of the statement will be provided to the office of Policy and Evaluation, the Energy Information Administration, the Office of Intergovernmental and Institutional Relations, the Office of the General Counsel, and the National Energy Information Center.

VII. RESPONSIBILITIES

A. The *Secretary* will approve the publication of the semiannual regulation agenda.

B. The *Secretary, Deputy Secretary,* or *Under Secretary* will be informed of the development of all regulations and will approve the publication in the FEDERAL REGISTER of all proposed and final significant regulations.

C. The *lead office* is responsible for the development of a regulation and the preparation of any regulatory analysis. This includes assigning and coordinating working group tasks, notifying the Secretary, Deputy Secretary, or Under Secretary of the need for the regulation, obtaining their approval for publication of a proposed and final significant regulation, and assuring that the regulation undergoes proper coordination.

D. *Working group members* will perform tasks pertaining to regulation development and analysis assigned by the lead office. They are responsible for representing their Secretarial Officers' views and will keep their Secretarial Officers informed of the progress and content of the regulation under development.

E. *The Assistant Secretary for Policy and Evaluation* (AS/PE) is responsible for coordinating the policy aspects of the DOE's rulemaking activity; ensuring consistency with the Executive Order, the National Energy Plan, and other DOE policy; and acting as interagency liaison on matters concerning the Executive order. AS/PE will assist the lead office in organizing working groups and will participate in the development and analysis of all regulations. AS/PE will review all proposed and final regulations to ascertain whether they are understandable, not unnecessarily burdensome, preferable to nonregulatory alternatives, and consistent with DOE policy. AS/PE will also review draft and final regulatory analyses, and coordinate DOE responses to the interagency Regulatory Analyses Review Group.

F. The *General Counsel* will participate in the development and analysis of all regulations and will review all proposed and final regulations to ascertain whether they are carefully drafted, legally sufficient, and enforceable. The General Counsel is also responsible for maintaining a list of all significant regulations approved for development and preparing for publication in the FEDERAL REGISTER the semiannual regulation agenda.

G. The *Assistant Secretary for Intergovernmental and Institutional Relations* (AS/IR) will assist the working group in soliciting the views of outside persons and organizations, the Congress, and state and local governments, and other Executive agencies. AS/IR will assist the working groups in preparing and distributing press releases, answering press inquiries, coordinating press coverage of hearings, and answering Congressional correspondence.

H. The *Administrator of the Energy Information Administration* (EIA) is responsible for reviewing the data collection requirements of all regulations, ensuring that they are compatible with existing DOE data systems, are properly cleared with OMB, and do not impose unnecessary paperwork or reporting requirements on regulated industries. EIA will also help prepare documentation for regulated analyses at the request of the lead office.

I. All *Secretarial Officers* are responsible for having their representatives participate in the development of regulations in which they have an interest.

VIII. SEMIANNUAL REGULATIONS AGENDA

A. In March and October of each year, the DOE will publish a semiannual regulations agenda in the FEDERAL REGISTER, describing the status of significant regulatory actions approved for development. The General Counsel, in coordination with the Assistant Secretary for Policy and Evaluation, the Administrator of the ERA, and other lead offices will assist in drafting the regulatory agenda. This agenda will list the name and telephone number of the DOE point of contact for each regulation. The Secretary will approve the regulations agenda before publication.

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