AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Vol. 43—No. 87
5-4-78
PAGES
19193-19336

federal register

THURSDAY, MAY 4, 1978



highlights

"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Reservations for May are being accepted for the free Friday workshops on how to use the FEDERAL REGISTER. The sessions are held at 1100 L Street NW., Washington, D.C. in room 9409 from 9 to 11:30 a.m.

Each session includes a brief history of the FEDERAL REGISTER, the difference between legislation and regulations, the relationship of the FEDERAL REGISTER to the Code of Federal Regulations, the elements of a typical FEDERAL REGISTER document, and an introduction to the finding aids.

FOR RESERVATIONS call: Martin V. Franks, Workshop Coordinator, 202-523-3517.

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DISABILITY CLAIMS
HEW/SSA extends comment period on proposed rules for adjudicating disability claims in which vocational factors must be considered; comments by 6-8-78 19238

BROKERS AND DEALERS
SEC announces final extension of temporary exemption from the Investment Advisers Act; effective 4-27-78; comments on "special compensation" by 6-30-78 19224

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

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

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

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

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

federal register

Area Code 202 Phone 523-5240

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

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To amend title 28, United States Code, to move the place for holding court for the district court of the Eastern District of New York to Brooklyn and Hempstead, and for other purposes. (April 28, 1978; 92 Stat. 221) Price: $.50.

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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.

[3410-02]

Title 7—Agriculture

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

[Valencia Orange Reg. 587; Valencia Orange Reg. 586, Amdt. 1]

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

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period May 5-May 11, 1978, and increases the quantity of such oranges that may be so shipped during the period April 28-May 4, 1978. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: The regulation becomes effective May 5, 1978, and the amendment is effective for the period April 28-May 4, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

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

The committee met on May 1 and 2, 1978, to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of Valencia oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges continues strong.

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

1. Section 908.887 is added as follows:

§ 908.887 Valencia orange regulation 587.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period May 5, 1978, through May 11, 1978, are established as follows:

(1) District 1: 285,000 cartons;
(2) District 2: 456,000 cartons;
(3) District 3: 209,000 cartons.

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

2. Paragraphs (a) (1), (2), and (3) in § 908.886 Valencia Orange Regulation 586 (43 FR 17935), are hereby amended to read:

§ 908.886 Valencia orange regulation 586.

(a) * * *

(1) District 1: 266,000 cartons;
(2) District 2: 418,000 cartons;
(3) District 3: 266,000 cartons.

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

Dated: May 4, 1978.

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

[FR Doc. 78-12411 Filed 5-3-78; 11:34 am]

[3410-05]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Subpart—Seed Cotton Loan Program Regulations

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to change the eligibility requirements for upland seed cotton and provide that interest rates shall be set quarterly to conform to the regular cotton loan program. This rule is necessary to inform producers of these changes. This rule will permit cooperators to participate in the seed cotton loan program.

DATE: Effective May 4, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking concerning the detailed operation provisions to carry out the upland and extra long staple seed cotton loan program, was published in the FEDERAL REGISTER on December 22, 1977 (42 FR 644126). No comments were received. It has been determined that the program will be continued and that operating provisions will remain basically the same as under past programs. However, two changes have been made: (1) eligiblity requirement have been changed, and (2) interest rates are set quarterly. The regulations issued by Commodity Credit Corporation and published in 7 CFR part 1427—Cotton as "Subpart—Seed Cotton Loan Program Regulations" in the FEDERAL REGISTER (37 FR 14816 and 16631) are hereby revised to read as set forth below, effective for the 1978 and subsequent crops of cotton. The material previously appearing in this subpart remains in full force and

effect as to the crops to which this material was applicable.

Subpart—Seed Cotton Loan Program Regulations

Sec.
1427.160 General statement.
1427.161 Administration.
1427.162 Availability of loans.
1427.163 Disbursement of loans.
1427.164 Eligible producer.
1427.165 Eligible seed cotton.
1427.166 Insurance.
1427.167 Liens.
1427.168 Forms, authorizations, and other documents.
1427.169 Loan rate and quality.
1427.170 Quantity for loan.
1427.171 Approved storage.
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1427.173 Interest rate.
1427.174 Restrictions in use of agents.
1427.175 Setoffs.
1427.176 Loss or damage to the cotton.
1427.177 Maturity.
1427.178 Settlement.
1427.179 Fraud and unlawful disposition.
1427.180 Foreclosure.
1427.181 Definitions.

AUTHORITY: Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c).

Subpart—Seed Cotton Loan Program Regulations

§ 1427.160 General statement.

The regulations in this subpart, including any amendments hereto, set forth the requirements with respect to recourse loans on eligible upland and extra long staple seed cotton of the 1978 and subsequent crops of cotton for which a seed cotton loan program is authorized. Recourse loans will be made available by CCC through county offices to eligible cotton producers and approved cotton cooperative marketing associations at approved locations.

§ 1427.161 Administration.

(a) *Responsibility.* The Price Support and Loan Division, Agricultural Stabilization and Conservation Service, will administer the provisions of this subpart under the general supervision and direction of the Deputy Administrator, State and County Operations, Agriculture Stabilization and Conservation Service, in accordance with program provisions and policy determined by the CCC Board of Directors and the President or Executive Vice President, CCC. In the field, the program in this subpart will be administered by the Agricultural Stabilization and Conservation State and county committees and the Management Field Office.

(b) *Limitation of authority.* County executive directors, State and county committees, the Management Field Office, and employees thereof do not have authority to waive or modify any of the provisions of the regulations in this subpart.

(c) *State committee.* The State committee may take any action authorized or required by the regulations in this subpart to be taken by the county committee which has not been taken by such committee. The State committee may also: (1) correct or require a county committee to correct any action taken by such county committee which is not in accordance with the regulations in this subpart, or (2) require a county committee to withhold taking any action which is not in accordance with the applicable regulations in this subpart.

(d) *Executive Vice President, CCC.* No delegation herein to a State or county committee or the Management Field Office shall preclude the President or Executive Vice President, CCC, or the Executive Vice President's designee, from determining any question arising under the regulations in this subpart or from reversing or modifying any determination made by a State or county committee or the Mangement Field Office.

§ 1427.162 Availability of loans.

(a) *Locations.* Loans on eligible seed cotton shall be available only at locations where conditions make it feasible, subject to the approval of the County committee of the county in which the gin is located. Approval of such locations will be based upon the climatic conditions of the area, the type storage suitable for the area, and other conditions that are determined necessary in order to protect the interest of CCC and producers. A ginner who desires approval and desires to participate in the program shall submit an application for a determination of eligibility. An application form, related questionnaire, and copy of these regulations may be obtained from the State or county office. Such applications should be filed as soon as possible, before the ginning season starts.

(b) *Period of availability.* Loans will be available from the beginning of harvest through March 31 following the calendar year in which such crop is grown.

§ 1427.163 Disbursement of loans.

(a) *Where to request loans.* A producer or the producer's agent shall request a loan at the local county office for the county where the cotton is stored, which will assist the producer in completing the loan documents, except that approved cooperatives and approved financially responsible commercial ginning companies designated by producers to obtain loans in their behalf may obtain loans through a central county office.

(b) *Disbursement of loans.* Disbursement of each loan will be made by the county office of the county in which the cotton is stored by means of drafts drawn on CCC by the county office, except that approved cooperatives or commercial ginning companies designated by producers to obtain loans in their behalf may obtain disbursement of loans at a central county office. Service charges shall be deducted from the loan proceeds. The producer or the producer's agent shall not present the loan documents for disbursement unless the cotton is in existence and in good condition. If the cotton is not in existence and in good condition at the time of disbursement, the producer or the agent shall immediately return the draft issued in payment of the loan or, if the draft has been negotiated, shall promptly return the proceeds.

§ 1427.164 Eligible producer.

(a) *Producer.* An eligible producer is any individual, partnership, corporation, association, trust, estate, or other legal entity, a State or political subdivision thereof, or an agency of such State or political subdivision producing eligible upland or eligible extra long staple seed cotton in the capacity of landowner, landlord, tenant, or sharecropper. If eligible seed cotton is produced on a farm by a landlord and the share tenant or sharecropper, a loan may be obtained only as follows:

(1) If the seed cotton is divided among the producers entitled to share in such cotton, each landlord, tenant, or sharecropper may obtain a loan on their separate share.

(2) If the seed cotton is not divided, all producers having a share in the seed cotton may obtain a joint loan on such cotton.

(b) *Estates and trusts.* A receiver of an insolvent debtor's estate, an executor or an administrator of a deceased person's estate, a guardian of the estate of a ward or an incompetent person, and a trustee of a trust estate shall be considered to represent the insolvent debtor, the deceased person, the ward or incompetent person, and the beneficiaries of the trust, respectively, and the production of the receiver, executor, administrator, guardian, or trustee shall be considered to be the production of the person represented. Loan documents executed by any such person will be accepted by CCC only if they are legally valid and such person has the authority to sign the applicable documents.

(c) *Eligibility of minors.* A minor who is otherwise an eligible producer shall be eligible for a loan only if the minor meets one of the following requirements: (1) The right of majority has been conferred on the minor by court proceedings or by statute; (2) a guardian has been appointed to manage the minor's property and the applicable loan documents are signed by the guardian; (3) any note signed by the minor is cosigned by a financially responsible person; or (4) a bond is furnished under which a surety

guarantees to protect CCC from any loss incurred for which the minor would be liable had the minor been a adult.

(d) *Approved cooperative.* A cooperative marketing association which is approved by the Executive Vice President, CCC, pursuant to part 1425 of this chapter, to obtain loan(s) on a crop of cotton, may obtain loans on eligible production of such crop on behalf of its members provided the marketing agreement between the producer and the cooperative gives the cooperative such authority. The term "producer" as used in this subpart and on applicable forms shall refer both to an eligible producer as defined in paragraphs (a), (b), and (c) of this section and to an approved cooperative marketing association unless the content otherwise requires.

§ 1427.165 Eligible seed cotton.

Upland and extra long staple seed cotton produced by eligible producers is eligible cotton if it meets the following requirements:

(a) Such cotton must be tendered for a loan within the availability period of § 1427.162.

(b) Upland cotton must have been produced on a farm by a "cooperator" as defined in the Agricultural Act of 1949, as amended, who has complied with the set-aside and normal crop acreage requirements, if any as prescribed in Parts 718, 722, 728, 775, and 791 of this title and any amendment thereto. Extra long staple cotton must have been produced by a "cooperator" as defined in section 408(b) of the Agricultural Act of 1949, as amended, on a farm on which it has been determined that the acreage planted to such cotton does not exceed the established allotment as prescribed in Part 718, 722, and 791 of this title and any amendments thereto.

(c) Such cotton must be in existence and in good condition.

(d) The producer tendering the cotton for loan must have the legal right to pledge it as security for a loan.

(e) Such cotton must not have been produced on land owned by the Federal Government if such land is occupied without a lease, permit or other right of possession.

(f) The producer tendering such cotton must not have previously sold and repurchased such cotton or placed it under CCC loan and redeemed it.

(g) The beneficial interest in the cotton must be in the producer tendering the cotton for a loan and must have always been in the producer or in the producer and a former producer whom the producer succeeded before it was harvested. To meet the requirements of succession to a former producer, the right, responsibilities, and interest of the former producer with respect to the farming unit on which the cotton was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest without acquisition of any additional interest in the farming unit shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met. A producer shall not be considered to have divested himself of the beneficial interest in the cotton of the producer enters into a contract to sell, or gives an option to buy the cotton, if, under the contract or option, the producer retains control and risk of loss of and title to the cotton, and retains controls of its production. If a loan is made available through an approved cooperative marketing association, the beneficial interest in the cotton must always have been in the producer-members who delivered the cotton to the approved cooperative or its member cooperative or must always have been in them and former producers whom they succeeded before the cotton was harvested. Cotton so delivered to a cooperative marketing association shall not be eligible for a loan if the producer-members who delivered the cotton to the cooperative or its member cooperative do not retain the right to share in the proceeds from the cotton as provided in part 1425 of this chapter.

(h) If the person tendering the cotton for a loan is a landowner, landlord, tenant, or sharecropper, the cotton must be the landowner, landlord, tenant, or sharecropper's separate share of the crop and must not have been acquired by such person directly or indirectly from a landowner, landlord, tenant, or sharecropper, or have been received in payment of fixed or standing rent.

(1) The cotton must be stored in identity preserved lots in approved storage meeting requirements of 1427.171.

§ 1427.166 Insurance.

The cotton must be insured at the full loan value against loss or damage by fire.

§ 1427.167 Liens.

If there are any liens or encumbrances on the cotton, waivers that will fully protect the interest of CCC must be obtained even though the liens or encumbrances are to be satisfied from the loan proceeds, except in the case of approved cooperatives who agree to hold CCC harmless from liability to prior lienholders. In lieu of waiving his prior lien on the cotton tendered as security for a loan, a lienholder may execute a Lienholder's Subordination agreement (form CCC-864) with CCC in which the lienholder subordinates the security interest to the rights of CCC in the cotton. A fraudulent representation as to prior liens or otherwise will render the producer liable under the civil frauds statutes and subject the producer and any other person who causes the fraudulent representation to be made to criminal prosecution under the provisions of the Commodity Credit Corporation Charter Act.

§ 1427.168 Forms, authorizations, and other documents.

The documents to be delivered by producers in connection with each loan shall be as follows: A note, chattel mortgage, and security agreement, and required lien waiver or subordination agreement. and such other documents as may be required by CCC.

§ 1427.169 Loan rate and quality.

(a) *Loan rate.* The loan rate applicable to each quality of seed cotton placed under loan shall be the loan rate as specified in the applicable crop supplement to this Subpart 1427, "Cotton Loan Program Regulations", for that quality of cotton in the county where stored.

(b) *Quality.* The quality to be used in determining the loan rate shall be the estimated quality of lint cotton in each lot of seed cotton as determined by the county office, except that if a control sample of the lot of cotton is classed by a USDA Board of Cotton Examiners, the quality for the lot shall be the quality shown on the form 1 or form 3 classfication card issued for the control sample.

§ 1427.170 Quantity for loan.

(a) *Quantity.* The quantity of lint cotton in each lot of seed cotton tendered for loan shall be determined by the county office by multiplying the weight or estimated weight of seed cotton by the lint turnout factor determined in accordance with paragraph (b) of this section.

(b) *Lint turnout factor.* The lint turnout factor for any lot of seed cotton shall be the percentage determined by the county committee representative during the initial inspection of the lot. If a control portion of the lot is weighed and ginned, the turnout factor determined for the portion of cotton ginned will be used for the lot. If a control portion is not weighed and ginned, the lint turnout factor shall not exceed 32 percent for machine picked cotton and 22 percent for machine stripped cotton unless acceptable proof is furnished showing that the lint turnout factor is greater.

(c) *Maximum quantity for loan.* Loans shall not be made on more than a percentage established by the county committee of the quantity of lint cotton determined as provided in this section. If the seed cotton is weighed, the percentage to be used shall not be more than 95 percent. If

the quantity is determined by measurement, the percentage to be used shall not be more than 90 percent. The percentage to be used in determining the maximum quantity for any loan may be reduced below such percentages by the county committee when determined necessary to protect the interests of CCC on the basis of one or more of the following risk factors: (1) Condition or suitability of the storage site or structure, (2) condition of the cotton, (3) location of the storage site or structure, and (4) other factors peculiar to individual farms or producers which relate to the preservation or safety of the loan collateral. Loans may be made on a lower percentage basis at the producer's request.

§ 1427.171 Approved storage.

Approved storage shall consist of storage located on or off the producer's farm (excluding public warehouses) which is determined by a county committee representative to afford adequate protection against loss or damage and which is located within a reasonable distance, as determined by CCC, of an approved gin. If the cotton is stored off the producer's farm, the producer must furnish satisfactory evidence that the producer has the authority to store the cotton on such property and that the owner of such property has no lien for such storage against the cotton.

§ 1427.172 Loan service fee.

A producer shall pay a loan service fee of $10 per loan, plus $1 for each additional rick or other individual lot in storage over one, for each loan disbursed, except that in the case of loans to approved cooperatives or to producer through approved ginning companies acting in the producer's behalf, the fee shall be $7.25 per loan if the cooperative or approved ginning company prepares the loan documents. This fee is not refundable.

§ 1427.173 Interest rate.

Loans shall bear interest at the rate in effect on date of disbursement through maturity of the loan. Such rates will be determined quarterly and announced at the same time as rates are announced for warehouse stored cotton loans in a separate notice published in the FEDERAL REGISTER.

§ 1427.174 Restrictions in use of agents.

A producer who desires to appoint an attorney-in-fact to act in the producer's place and stead in obtaining and repaying loans may use Power of Attorney, Form ASCS 211 (referred to in this subpart as "Form 211"), except that a power of attorney on another form will be accepted if it is determined by CCC to be legally sufficient. The original or facsimile of the power of attorney or a copy certified by a notary public as a true and correct copy must be filed with the county office. An attorney-in-fact shall not make any purchase of the seed cotton redeemed from a loan or the producers' equity in such cotton for the attorney-in-fact's account or as agent for others, or sell any such cotton or equities therein to any person by whom the attorney-in-fact is employed or who has the right to control or direct the attorney-in-fact's sales of the seed cotton, the equity therein, or the lint cotton produced therefrom. Any delegation of authority given in violation of this paragraph shall be without force and effect and shall not be recognized by CCC.

§ 1427.175 Setoffs.

(a) *Facility and drying equipment loans.* If any installment or installments on any loan made by CCC on farm storage facilities or drying equipment are due and payable under the provisions of the note evidencing such loan out of any amount due the producer under the regulations in this subpart, the amount due the producer, after deduction of applicable fees and charges and amounts due prior lienholders, shall be applied to satisfy the amounts due and payable on such installment(s).

(b) *Producers listed on county claim control record.* If the producer is indebted to CCC or to any other agency of the United States and such indebtedness is listed on the county claim control record, amounts due and payable to the producer under the regulations in this subpart, after deduction of amounts due and payable on farm storage facilities or drying equipment and other amounts provided in paragraph (a) of this section, shall be applied as provided in the Secretary's "Setoff Regulations", part 13 of this title, to such indebtedness.

(c) *Producer's right.* Compliance with the provisions of this section shall not deprive the producer of any right that would otherwise have to contest the justness of the indebtedness involved in the setoff action, either by administrative appeal or by legal action.

§ 1427.176 Loss or damage to the cotton.

The producer is responsible for any loss in quantity or quality of the cotton under loan.

§ 1427.177 Maturity.

Loans on seed cotton are due and payable on May 31 following the calendar year in which such crop is grown, or upon such earlier date as CCC may make written demand for payment in order to be in a position to conform to State or local quarantine regulations or for other reasons.

§ 1425.178 Settlement.

(a) *Release of chattel mortgage.* The chattel mortgage shall not be released until the loan has been satisfied in full. After satisfaction of a loan, the county executive director shall release the chattel mortgage.

(b) *Repayment of loan.* A producer may, at any time prior to maturity of the loan, obtain release of all or any part of the loan cotton by paying the amount of the loan thereon, plus interest and charges to CCC.

(c) *Removal of loan cotton.* A producer or the producer's agent shall not remove from storage any cotton covered by a chattel mortgage until prior written approval has been received from the county committee for removal of such cotton. Any such approval shall be subject to the terms and conditions set out in the approval form. If a producer or the producer's agent obtains such approval, they may remove such cotton from storage, sell the seed cotton, have it ginned, and sell the lint cotton and cottonseed obtained therefrom. The ginner shall inform the county office in writing immediately after the cotton removed from storage has been ginned and furnish the county office the loan number, producer's name, and applicable gin bale numbers. If the seed cotton is removed from storage, the loan, interest, and charges thereon must be satisfied not later than (1) the date established by the county committee, (2) promptly after the producer received the class cards (and the warehouse receipts, if the cotton is delivered to a warehouse), representing such cotton, or (3) the loan maturity date, whichever is earliest. If the seed cotton or lint cotton is sold, the loan, interest, and charges must be satisfied immediately. A producer (except a cooperative) may obtain a warehouse storage loan on the lint cotton, but the loan, interest, and charges on the seed cotton must be satisfied out of the proceeds of the warehouse storage loan. An approved cooperative must repay the seed cotton loan, interest, and charges before pledging the cotton for a warehouse storage loan. If approved cooperatives and commercial ginning companies authorized by producers to obtain loans in their behalf remove seed cotton from storage prior to obtaining approval to move such cotton, such removal shall constitute conversion of such cotton unless the cooperative or commercial ginning company notifies the county office in writing the following morning by mail or otherwise that such cotton has been moved and is on the gin yard, furnished CCC an irrevocable letter of credit if requested, and repays the loan within the time specified by the county committee. Any removal from storage shall not be deemed to constitute a release of CCC's security inter-

est in the cotton or to release the producer or approved cooperative from liability for the loan, interest, and charges if full payment of such amount is not received by the county office.

(d) *Cotton going out of condition.* If, either before or after maturity, the producer discovers that the cotton is going out of condition or is in danger of going out of condition, the producer shall immediately so notify the county office and confirm such notice in writing. If the county committee determines that the cotton is going out of condition or is in danger of going out of condition, the county committee will call for repayment of the loan on or before a specified date. If the producer does not repay the loan or have the cotton ginned and obtain a warehouse storage loan on the lint cotton produced therefrom within the period as specified by the county committee, the cotton shall be considered abandoned.

(e) *Need for removal from storage.* If the producer has control of the storage site and if the producer subsequently loses control of the storage site or there is danger of flood or damage to the cotton or storage structure making continued storage of the cotton unsafe, the producer shall immediately either repay the loan or move the cotton to the nearest approved gin for ginning and shall, at the same time, inform the county office. If the producer does not do so, the cotton shall be considered abandoned.

§ 1427.179 Fraud and unlawful disposition.

The making of any fraudulent representation by a producer in the loan documents, in obtaining a loan, or in connection with settlement, or the unlawful disposition of any portion of the cotton by the producer, shall render the producer and any other person who causes such fraudulent representation to be made subject to criminal prosecution or action under civil frauds statutes under Federal law.

§ 1427.180 Foreclosure.

Any seed cotton pledged to CCC as security for loan which is abandoned or which has not been removed from storage by loan maturity may be removed from storage by CCC and ginned and the resulting lint cotton warehoused for the account of CCC. The lint cotton and cottonseed may be sold, at such time, in such manner, and upon terms as CCC may determine at public or private sale. CCC may become the purchaser of the whole or any part of such cotton and cottonseed. If the proceeds are less than the amount due on the loan (including interest, ginning charges, and any other charges incurred by CCC), the producer shall be liable for such difference. Any overplus remaining from the proceeds received therefrom, after deduction from such proceeds the amount of the loan, interest, ginning charges and any other charges, shall be paid to the producer or the producer's personal representative without right of assignment to or substitution of any other person.

§ 1427.181 Definitions.

As used in the regulations in this subpart, and in all instructions, forms, and documents in connection therewith, the words and phrases listed in this section shall have the meaning assigned to them herein unless the context or subject matter otherwise requires:

(a) *General.* The following words or phrases: "Person," "State committee," "State executive director," "county committee," "county executive director," and "farm," respectively, shall each have the same meaning as the definitions of such terms in the "Regulations Governing Reconstitution of Farm and Allotments," part 719 of this title, and any amendments thereto.

(b) *CCC.* The term "CCC" shall mean Commodity Credit Corporation.

(c) *Management Field Office.* The term "Management Field Office," shall mean Management Field Office, P.O. Box 205, Kansas City, Mo. 64141.

(d) *County committee.* The term "county committee" shall mean only the county committee and not its representative.

(e) *County office.* The term "county office" shall mean the Agricultural Stabilization and Conservation county office.

(f) *Chattel mortgage.* The term "chattel mortgage" means any security instrument which secures a loan under this subpart.

(g) *Charges.* The term "charges" means all fees, cost, and expenses incident to insuring, carrying, handling, storing, ginning, conditioning and marketing the cotton and cottonseed and otherwise protecting the interest in the loan collateral of CCC or the producer.

(h) *Representative of the county committee and county committee representative.* The terms "representative of the county committee" and "county committee representative" means a member of the county committee, the county executive director, or a person designated by the county executive director to act in the county executive director's behalf.

(i) *Seed cotton.* The term "seed cotton" shall mean cotton which has not passed through the ginning process.

(j) *Lint cotton.* The term "lint cotton" shall mean cotton which as passed through the ginning process.

Signed at Washington, D.C., on April 26, 1978.

RAY FITZGERALD,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 78-12130 Filed 5-3-78; 8:45 am]

[3410-05]

PART 1427—COTTON

Subpart—Specifications for Bale Packaging Materials

WRAPPING OF COTTON

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule provides the specifications governing cotton bale packaging materials used for 1978 and subsequent crops cotton pledged for price support loans. This rule is needed in order that producers and others will know what materials are acceptable to CCC. Bales of cotton will be acceptable for price support loans only if they conform to these specifications.

EFFECTIVE DATE: May 4, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: On October 7, 1977, Commodity Credit Corporation (CCC) published in the FEDERAL REGISTER (42 FR 54660) a notice that the Department proposed to make certain determinations concerning the 1978 crops of upland and extra long staple cotton. Such determinations included a determination of the specifications for bale packaging materials applicable to 1978 crop cotton pledged to CCC for price support loans. Five comments were received, all favoring bagging specifications. Three recommended amending specifications as recommended by the Cotton Industry Bale Packaging Committee, one recommended elimination of polypropylene material and adoption of a pound bagging for standard density bales and one recommended that only 100 percent cotton bagging be used. After consideration of all responses to the notice and recommendations made by the Cotton Industry Bale Packaging Committee at its meeting on September 11 and 12, 1977, and March 2, 1978, it has been determined that the specifications should be amended to provide that (1) each bundle of ties shall bear a certification by the manufacturer that the ties were manufactured according to the

specifications, (2) joints on 10 gauge square knot type and crosshead type wire ties used to wrap flat bales and bales compressed to standard density and universal density at a warehouse may be on sides of bales, (3) T2 type new jute bagging be permitted for use on flat and gin standard and universal density bales and, (4) eliminates polyethylene panels and half-bag and sheet combinations from the list of approved packaging materials except that carryover materials from the 1977 crop may be used in 1978.

Accordingly, the Specifications for Bale Packaging Materials Used in Wrapping Cotton published in 42 FR 29849 on June 10, 1977, as amended, are revised to read as set forth below, effective with the 1978 crop of cotton. The material previously appearing in these regulations remains in full force and effect as to the crop to which it was applicable.

Subpart—Specifications for Bale Packaging Materials

Sec.
1427.1901 Purpose.
1427.1902 Specifications for bale ties and buckles.
1427.1903 Specifications for bagging.
1427.1904 Test methods.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 (b) and (c); secs. 101, 103, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1444, 1421).)

Subpart—Specifications for Bale Packaging Materials

§ 1427.1901 Purpose.

This subpart is for the purpose of announcing the specifications applicable to bale packaging materials for packaging the 1978 and subsequent crops of cotton tendered to CCC for loans, unless otherwise approved by the Executive Vice President, CCC, or his designee: *Provided, however,* That all bales of cotton packaged and identified with the testing programs of the Cotton Industry Bale Packaging Committee sponsored by the National Cotton Council of America will be exempt from the provisions of this subpart, and any bale packaging materials carried over from 1977 which were eligible for packaging 1977 crop loan cotton also may be used to package 1978 crop cotton pledged for loans.

§ 1427.1902 Specifications for bale ties and buckles.

Any fixed length bale ties used on flat bales shall not exceed 10 feet 3 inches in length, exclusing overlap. All ties and buckles or fasteners must be coated or finished with a rust inhibitor.

(a) *General requirements—(1) Number of ties required.* (i) Flat bales (bales having densities of less than 20 pounds per cubic foot) must have not less than 6 ties.

(ii) Standard density bales (bales having densities of at least 20 pounds but less than 28 pounds per cubic foot) must have not less than 8 ties.

(iii) Universal density bales (bales having densities of 28 pounds or more per cubic foot) must have not less than 8 ties.

(2) *Flat bales packaged with nonreuseable ties.* Except for bales stored only in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, if the ties on a bale are not suitable for reuse when the bale is compressed, the ties will not be deemed to meet these specifications unless the producer has prepaid any warehouse charge for furnishing new bale ties. If the bale is stored at a warehouse not having compress facilities and bales shipped from the warehouse are normally compressed in transit, the warehouse receipt must show that the bale ties are not suitable for reuse when the bale is compressed and the charge assessed by the nearest compress in line of transit for furnishing new bale ties will be deducted from the loan proceeds.

(b) *Conventional hot rolled steel ties and buckles.* The total weight of bale ties and buckles to tie each bale of cotton shall not be less than 8½ pounds.

(c) *Cold rolled high tensile steel strapping.* The supplier's name or trademark must be printed or embossed on every 36 inches of strapping.

(1) *For use on flat bales and standard density and universal density bales compressed at a warehouse.* The strapping shall have a minimum width of three-fourths of an inch and minimum thickness of 0.025 inch with zero tolerance, minimum weight of 1 pound per 15.7 linear feet of strapping or 4 pounds per bale of cotton, minimum breaking strength of 2,400 pounds with a joint strength of not less than 2,040 pounds.

(2) *For use on gin standard density and gin universal density bales.* The strapping shall have a minimum width of three-fourths of an inch and minimum thickness of 0.031 inch with zero tolerance, minimum weight of 1 pound per 12.7 linear feet of straping or 5 pounds per bale of cotton and minimum breaking strength of 3,200 pounds with a joint strength of not less than 2,720 pounds for gin standard density bales or 4,000 pounds with a joint strength of not less than 3,400 pounds for gin universal density bales.

(3) *Keylock type fixed length tie for use on flat bales and universal density bales compressed at a warehouse.* The bale tie must have a minimum width of 0.74 inches and a minimum thickness of 0.025 inches, minimum weight of 4 pounds per bale of cotton, minimum breaking strength of 3,200 pounds with a joint strength of not less than 2,700 pounds. The tie shall be constructed so as not to disengage at the joint while tucking or while being handled with clamp trucks.

(d) *Wire Ties.* Ties must be manufactured from wire which conform to ASTM-A-510 issued by the American Society for Testing Materials (ASTM). Each bundle of wire shall bear a certification that the wire ties have been manufactured according to the specifications for Bale Packaging Materials as published in Part 1427, Chapter XIV, Title 7 of the Code of Federal Regulations. The certification shall also show the name and address of the wire tie manufacturer and contain a quality control code which will permit the ties to be identified to the 2,000 pound lot and/or wire carrier.

Wire tie manufacturers shall follow a regular procedure of testing and inspection which involves a minimum of one break test on a sample from each 2,000 pound lot and/or wire carrier. Wire ties shall be fabricated within the United States. The tare weight for 10-gauge wire shall be 3 pounds per bale and the tare weight for 9-gauge wire shall be 4 pounds per bale.

(1) *For use on flat bales and bales compressed to standard density and universal density at a warehouse.*

(i) *Square knot type wire.* The ties shall not be smaller than 10-gauge with a minimum joint strength of 1,850 pounds. Joints may be on side of bales.

(ii) *Crosshead type wire.* The ties shall not be smaller than 10-gauge with a minimum joint strength of 1,650 pounds. The minimum elongation of the wire shall be [one inch] per 10 inches. Joints may be on side of bales.

(2) *For use on gin standard density and gin universal density bales.* The ties shall be not smaller than 9-gauge. The breaking strength of the wire must not be less than 3,400 pounds with a joint strength of not less than 2,100 pounds with the joints placed on the tops of the bales. If the joints are placed on the sides of the bales, the breaking strength of the wire must not be less than 3,200 pounds with a joint strength of not less than 3,040 pounds.

§ 1427.1903 Specifications for bagging.

Except in cases where shrink-pack polyethylene bags, poly-propylene half-bag panel combinations, or spiral sewn bags of burlap and/or polypropylene are used, each bale must be wrapped with a pattern of bagging consisting of two pieces (panels) of bagging material. All bagging material must be clean, in sound condition, and of sufficient strength to adequately protect the cotton. The material must not have salt of other corrosive material added and must not contain sisal or other hard fiber or any other material which will contaminate or adversely affect cotton as determined by the President or Executive Vice President, Commodity Credit Corporation.

(a) *New jute bagging used to wrap flat bales (32 ounces per linear yard).*

Each one-half pattern (panel) of new jute bagging used to wrap flat bales must not be less than 108 inches or more than 115 inches in length and must not be less than 47 inches or more than 56 inches in width. The bagging must contain not less than 41 warp yarns per 12 inches of bagging of a size equal to or larger than the weft (filling) yarns and must contain not less than 25 weft (filling) yarns per 12 inches of bagging. The bagging must weigh not less than 11¼ and not more than 13¼ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain).

(b) *New jute bagging used to wrap gin standard density and gin universal density bales.* Each one-half pattern (panel) of new jute bagging used to wrap standard gin universal density bales must not be less than 96 inches or more than 100 inches in length for gin universal density bales and not less than 100 inches or more than 102 inches for gin standard density bales and must not be less than 40 inches or more than 150 warp yarns per 40 inches of bagging of a size equal to or larger than the weft (filling) yarns, must contain not less than 25 weft (filling) yarns per 12 inches of bagging and must weigh not less than 7½ and not more than 8½ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain). A marker warp yarn of the same size as the remaining warp yarns, made of jute of plied cotton, dyed dark green with a colorfast, nonbleeding dye of a type which will not be subject to permanent staining of cotton fiber under normal weathering conditions must be placed in the center of each panel to designate the 8-pound tare weight of the bagging. *Provided,* That new jute bagging material meeting the warp and weft requirements for jute bagging used on flat bales and weighing not less than 8¾ and not more than 11¼ pounds per pattern at 13.75 percent moisture content (not moisture regain) may be used to wrap gin standard density and gin universal density bales.

(c) *Compact center type new jute bagging*—(1) *Used to wrap flat bales (24 ounces per linear yard).* Each one-half pattern (panel) of compact center type new jute bagging used to wrap flat bales must not be less than 108 inches or more than 115 inches in length and must not be less than 46 inches in width. The bagging must contain a center panel not less than 32 inches wide and contain not less than 110 warp yarns and an outer edge not less than 7 inches wide containing not less than 13 warp yarns including salvage. The warp yarn must be a size equal to or larger than the weft (filling) yarns. The bagging must contain not less than 25 weft (filling) yarns per 12 inches of bagging with a minimum weft yarn weight of 40 pounds per spindle (14,400 yards). The bagging must weigh not less than 8½ and not more than 9½ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain). A marker warp yarn of the same size as the other warp yarns, made of jute or a plied cotton yarn, dyed dark blue with a colorfast, non-bleeding dye of a type which will not be subject to permanent staining of cotton fiber under normal weathering conditions must be palced in the center of each panel to designate the 9-pound tare weight.

(2) *Used to wrap gin standard and universal density bale.* Compact center type new jute bagging (24 ounces per linear yard) meeting the same width and fabric construction requirements for compact center type new jute bagging as used on flat bales cut to a length of not less than 98 inches or more than 101 inches in length, weighing not less than 7½ and not more than 8½ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain) and containing a dark green center market yarn to designate the 8 pounds tare weight of the bagging may be used to wrap gin standard and gin universal density bales.

(d) *T2 type new jute bagging*—(1) *Used to wrap flat and modified flat bales.* Each one-half pattern of T2 type new jute bagging used to wrap flat and modified flat bales must be not less than 108 inches in length and must not be less than 46 inches in width. The bagging must contain not less than 108 two-ply warp yarns per 12 inches of bagging and not less than 48 weft (filling) yarns per 12 inches of bagging with a minimum weft yarn weight of 14 pounds per spindle (14,400 yards). The bagging must weigh not less than 6.65 and not more than 7.75 pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain). A market warp yarn made of jute or cotton either plied or single of a size not less than the other warp yarn dyed red with a colorfast non-bleeding dye of a type which will not be subject to permanently staining of cotton fiber under normal weathering conditions, must be placed in the center of each panel to designate the 7 pound tare weight of the bagging. The average tensil breaking strength shall not be less than 295 kilograms (650 pounds) and 60 kilograms (132 pounds) in the weft way with a tolerance of minus 10 kilograms (22 pounds) (10 centimeters by 20 centimeters) ravel strip method.

(2) *Used to wrap gin standard and universal density bales.* T2 type new jute bagging meeting the same fabric construction requirements for T2 type new jute bagging as used on flat and modified flat bales cut to a length of not less than 98 inches or more than 101 inches and not less than 40 inches in width, weighing not less than 5.5 pounds and not more than 6.5 pounds per pattern (two panels) at 13.25 percent moisture content (not moisture regain), and containing a black center marker yarn to designate the 6 pound tare weight of the bagging may be used to wrap gin standard and gin universal density bales.

(e) *Salvage jute (burlap) bagging*—(1) *General requirements.* Salvage jute (burlap) bagging must be processed specifically for cotton bale coverings from once-used good quality closely woven heavy jute bags previously used for sugar, coffee, cocoa, or other products approved by the President or Executive Vice President, CCC. Each one-half pattern (panel) must be composed of not more than three pieces of used bag cloth of the same construction and weight. There must not be more than two crosswise sewn seams and no lengthwise sewn seams in any one-half pattern (seams, hems, and necessary patches in the original bags from which the bagging is made will not be considered sewn seams). Overlap at seams and patches must not be greater than 3½ inches. Overlaps, patches, and hems sewn into bagging to increase the weight of lightweight material will not be permitted. Sewn seams must be such that the edges of the joined pieces coincide to make a symmetrical one-half pattern without appreciable displacement of the edge of one piece of bagging relative to the edge of the adjoining piece in the seam. Sewing must be with strong thread with not larger than ⅝-inch stitching.

(2) *To wrap flat bales.* Each one-half pattern (panel) used to wrap flat bales must not be less than 108 inches or more than 115 inches in length and must be not less than 47 inches or more than 56 inches in width. The bagging must weigh not less than 11¼ and not more than 13¼ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain).

(3) *To wrap gin standard density and gin universal density bales.* Each one-half pattern (panel) used to wrap gin standard and gin universal density must not be less than 40 inches or more than 48 inches in width and must be not less than 96 inches or more than 102 inches in length. The bagging must weigh not less than 7½ and not more than 11¼ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain).

(f) *Spiral sewn burlap bags used to wrap gin standard and gin universal density bales and bales compressed to standard density and universal density at a warehouse.*—(1) *Material.* Spiral sewn burlap bags used to wrap

gin standard and gin universal density bales and bales compressed to standard density and universal density at a warehouse must be spiral sewn from new burlap which is not less than 60 inches wide before sewing and weighs not less than 13.25 ounces per linear yard (this corresponds to burlap weighing 8.9 ounces per 40-inch width). The material must have a true selvage on each side. Spiral sewn bags made from split burlap with raw edges will not be acceptable.

(2) *Bag size.* The bag size must be tailored to individual bale size at each location. Bags shall git bales tightly, but must be large enough to minimize bursting and long enough to completely cover and secure heads of bales.

(3) *Seams.* Seams must be sewn in accordance with standand government specifications for sewing flat burlap, which are as follows: Typed SSA-1 seam, type 401 stitch, minimum four stitches per inch, and 4/12 or 5/12 cotton thread, or 1,000 denier polypropylene thread meeting ultraviolet inhibitor concentration requirements of paragraph (i) (2) (iii) of this section, with breaking strength of 5 grams per denier. Sewing thread shall be white to designate the 3 pound tare weight of the bag.

(g) *Cotton bagging.*—(1) *General requirements.* Bagging made from 100 percent cotton may be used to wrap flat bales stored only in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, and on gin standard density and gin universal density bales stored in all States. The bagging must weigh not less than 7.7 ounces per square yard with a minimum weight of 4 pounds per pattern for flat bales, 3.1 pounds for gin standard density bales, and 3 pounds for gin universal density bales, at 8.5 percent moisture content (not moisture regain). Each panel of bagging must not be less than 48 inches in widths, and 112 inches in length for flat bales, 100 inches in length and 42 inches in width for gin standard density bales and 96 inches in length and 42 inches in width for gin universal density bales. Each panel must be constructed with true selvages on each side.

(2) *Woven.* The bagging must contain not less than 120 warp yarns (plied or single) per 12 inches of bagging of a size equal to or larger than the weft (filling) yarns and must contain not less than 78 weft (filling) yarns (plied or single) per 12 inches of bagging.

(3) *Warp knitted.* The bagging must be constructed with not less than two guide bars. The bagging must contain not less than 5 wales per inch and not less than six courses per inch. All yarns (plied or single) must be form connected with each other. The bagging must have stabilized construction with elongation or stretch not than 15 percent or more than 30 percent. Variation in tensile strength in wale and course direction must not exceed 20 percent. The bagging must have a minimum bursting strength of 75 pounds.

(h) *Polyethylene shrink-pack bags used to wrap gin standard density and gin universal density bales.* Polyethylene shrink-pack bags used to wrap gin standard and gin universal density bales must meet the following requirements:

(1) *Density.* The bag must be low density virgin polyethylene.

(2) *Color.* The bag must be clear.

(3) *Gauge.* The gauge shall be not less than 8 mil.

(4) *Gauge tolerance.* The average of any 20 evenly spaced points around the length and width of a bag must be within plus or minus 10 percent of 8 mil. Yield on any order of 2,000 pounds or more shall not vary more than plus or minus 3 percent from the nominal yield.

(5) *Tensile strength.* For machine (length) and transverse (cross) direction the tensile strength must be not less than 2,500 pounds per square inch, and for transverse (cross) direction, not less than 2,000 pounds per square inch.

(6) *Elongation.* For both machine (length) and transverse (cross) direction the elongation must be not less than 400 percent.

(7) *Impact resistance.* The impact resistance must be not less than 450 grams.

(8) *Slip characteristics.* Bags must be low slip (coefficient of friction not less than 0.50) with not anti-block or slip additive included.

(9) *Tagging.* A piece of woven yarn scrim not less than 5 inches by 7 inches and laminated on each side with polyethylene must be placed inside the bag on the head of bale and heat welded to the cover, or some other suitable reinforcing material must be bonded to the bag.

(10) *Tare weight.* Tare weight shall be not less than 2 pounds per shrink-pack bag.

(11) *Sealing head of bales.* Extra precaution must be taken in sealing heads of bales to provide maximum coverage and protection.

(12) *Shrink ratio.* The ratio of machine (length) direction shrink to the transverse (cross) direction shrink must not exceed 1.5:1.

(13) *Total tare weight.* The total tare weight (i.e. bag and ties) shall be printed on the bag. Printing shall read "total tare = —— lbs." and the bale tare weight shall be included in the appropriate space.

(14) *Bag size.* Each bag shall be not less than 87 inches in length when used on 54 inch by 20 inch presses and not less than 83 inches in length when used on 50 inch by 20 inch presses.

(i) *Polypropylene material*—(1) *General.* Polypropylene material used to wrap bales shall be new polypropylene fabric manufactured in the United States from yarn and resins produced in the United States and woven specifically for use on cotton bales. The bale covers shall be uniform in size and color, clean, unstained, and free of any extraneous material.

(2) *Yarns.* No scrap, reground, or reworked polymer shall be used, except that unoriented edge trim may be reground and directly recycled during operation of extruder.

(i) *Type.* The yarn shall be crystalline or isotatic polypropylene tape yarn.

(ii) *Dimension.* Yarn dimensions shall be 2.1 mils thick, plus or minus 0.2 mil and 95 mils wide, plus or minus 2 mils.

(iii) *Inhibitor concentration.* The yarn shall be stabilized by a system containing organo-nickel complex ultraviolet light inhibitor. The yarn shall contain organo-nickel complex at a concentration of not less than 0.1 percent nickel as metal from the inhibitor. The Cotton Industry Bale Packaging Committee will have samples checked periodically by a private laboratory at manufacturers; expense.

(3) *Fabric woven from stabilized yarns*—(i) *Minimum weight.* The fabric must weigh an average of not less than 3 ounces per square yard and no test sample shall weigh less than 2.8 ounces per square yard.

(ii) *Yarn count.* There must be 12 warp yarns, plus or minus 1, per inch; and 10 weft yarns, plus or minus 1, per inch.

(iii) *Color.* The color of the fabric shall be translucent light gold, unless otherwise approved by the Cotton Industry Bale Packaging Committee. A different colored warp yarn meeting ultraviolet inhibitor concentration must be inserted in the center of each panel by the fabric manufacturer. The center of each panel must be marked in the weft direction with a clearly visible line running across the entire width of the panel or with a series of three lines having a minimum of 12 inches on each edge and a minimum of 6 inches in the center. The lines must be within one inch of the true center of the length of the panel.

(iv) *Tensile strength.* Minimum tensile strength shall be 125 pounds per inch average in the warp direction and 100 pounds per inch average in the weft direction. Ten samples shall be tested in each direction for this determination and no single test shall be more than 10 pounds per inch below the specified average.

(v) *Elongation.* Fabric shall have an elongation to break of not less than 15 percent average in both warp and weft directions. Ten samples shall be tested in each direction for this determina-

tion and no single test value shall be below 12 percent.

(vi) *Selvage.* Each outer edge of the fabric shall be a tucked selvage or natural selvage containing not less than the number of warp ends prevalent in the body of the fabric. A heat cut selvage will not be acceptable. Ends of cut sheets and spiral sewn bags must be finished by heat cutting to give a pin test value of at least 40 pounds per inch.

(vii) *Air permeability.* The fabric in an unstressed state must permit not less than 5 cubic feet per minute per square foot, nor more than 50 cubic feet per minute per square foot of air flow.

(viii) *Weathering resistance.* The fabric shall retain not less than 70 percent of its original tensile breaking strength after 1,200 hours exposure to accelerated weathering.

(4) *Coatings.* Any coating added to the fabric to reduce gloss, fibrillation, slippage, or for other technical reasons, shall be as stable as the fabric to which it has been applied when exposed to accelerated weathering. Such coating must not adversely affect cotton which it is to contact.

(5) *Minimum panel size.* (i) Each panel of bagging must be not less than 52 inches in width and 112 inches in length for use on nonmodified flat presses (28 inch width bales).

(ii) Each panel of bagging must be not less than 48 inches in width and 112 inches in length for use on modified flat presses (25 inch width bales).

(iii) Each panel of bagging must be not less than 44 inches in width and 100 inches in length for use on gin standard density bales.

(iv) Each panel of bagging must be not less than 44 inches in width and 96 inches in length for use on gin universal density bales.

(6) *Additional specifications for spiral sewn bags.* Spiral sewn polypropylene bags must meet the following requirements:

(i) Fabric shall conform the specifications for woven polypropylene fabric specifications.

(ii) The fabric from which each bag is sewn shall be a minimum of 60 inches in width.

(iii) The bag size must be tailored to individual bale size at each location. Bags shall fit bales tightly, but must be large enough to minimize bursting and long enough to completely cover and secure heads of bales.

(iv) Seams must be sewn in accordance with the following: Type SSN-1 Seam, type 401 stitch, minimum four stitches per inch, and 4/12 or 5/12 cotton thread, or 1,000 denier polypropylene thread meeting ultraviolet inhibitor concentration requirements of paragraph (i)(2)(iii) of this section, with breaking strength of 5 grams per denier. Sewn seams at botton of bags must be a minimum of ¾ inch from heat cut edges and be of type SSA-1

(7) *Additional requirements for half-bag panel combinations.* Half-bag panel combinations must meet the following requirements:

(i) Fabric shall conform to specifications for woven polypropylene fabric specifications.

(ii) The half-bag size must be tailored to individual bale size at each gin location. (*a*) *Flat presses.* For flat presses each half-bag shall be not less than 36 inches in depth and each panel shall be not less than 48 inches in width and 112 inches in length. (*b*) *Gin universal presses.* For 54 inch by 20 inch gin universal presses, each half-bag shall be not less than 32 inches in depth and each panel shall be not less than 40 inches in width and 98 inches in length. For 50 inch by 20 inch presses, each half-bag shall be not less than 34 inches in depth and each panel shall be not less than 40 inches in width and 96 inches in length. (*c*) *Gin standard presses.* For gin standard presses, each half-bag shall not be less than 40 inches in width and 100 inches in length.

(iii) Seams must be sewn in accordance with the following: Type SSN-1 seam, type 401 stitch, minimum four stitches per inch, and 4/12 or 5/12 cotton thread or 1,000 denier polypropylene thread meeting ultraviolet inhibitor concentration requirements of paragraph (i)(2)(iii) Of this section, with breaking strength of 5 grams per denier. All cuts shall be heat cut or shall be rolled to prevent ravelling.

(8) *Identification markings.* Each panel and/or spiral sewn bag must have the name or trademark of the fabric manufacturer (that is, the company weaving the material) suitably printed no more than 36 inches apart and 8 to 12 inches from the panel selvage. Each identification mark shall be at least three-fourths inch in height but not more than one inch in height. The identification markings shall be placed on record with the Cotton Industry Bale Packaging Committee and CCC.

(9) *Inspection and certification requirements*—(i) *Responsibility for inspection.* The fabric manufacturer and the supplier are both responsible for performance of all inspection requirements as specified herein. They may use their own or any other facilities suitable for the performance of such inspection requirements, unless such facilities are disapproved by the Cotton Industry Bale Packaging Committee or CCC.

(ii) *Right to perform inspection or testing.* Reasonable inspection or tests deemed necessary may be performed by the Cotton Industry Bale Packaging Committee and/or CCC to assure that materials conform to prescribed specifications.

(iii) *Inspection or testing expense.* Expense for such inspection or testing shall be borne by the fabric manufacturer or supplier.

(iv) *Certification required by the Cotton Industry Bale Packaging Committee*—(*a*) *Submission of samples.* All manufacturers of polypropylene must submit samples to a private testing laboratory selected by the Cotton Industry Bale Packaging Committee or CCC for certification that materials meet all prescribed specifications.

(*b*) *Approved list.* Upon receipt of testing results, the Cotton Industry Bale Packaging Committee will publicize throughout the cotton industry a list of approved manufacturers and their trademarks.

(*c*) *Responsibility for components and materials.* The supplier and fabric manufacturer are responsible for insuring that components and materials used are manufactured, examined, and tested in accordance with approved specifications and standards.

(*d*) *Certification of fabric furnished.* Fabric manufacturers shall certify to customers that the fabric furnished has been manufactured in the United States from yarn and resins produced in the United States for use as cotton bale covers, and which meet the material specifications herein, and that the manufacturer is on the Cotton Industry Bale Packaging Committee's approved list.

§ 1427.1904 Test methods.

The following testing methods will be used by CCC in determining whether bagging and bale ties and buckles or fasteners used to package cotton tendered for CCC loans beginning with the 1978 crop of cotton meets the above specifications. Except for polyethylene shrink-pack bags, spiral sewn burlap bags and bagging manufactured from polypropylene material, each sample of bagging selected for testing will consist of one-half pattern. (Each sample of polyethylene shrink-pack bag and spiral sewn burlap bags will consist of one bag. Polypropylene material selected for testing will consist of a minimum of ten randomly selected panels or spiral sewn bags or an equivalent amount of flat goods in cases where the material is tested before it is in panel or spiral sewn bag form.)

(a) *Weight and strength of bale ties and buckles.* The bale ties and buckles will be weighed on suitable accurate scales and the weight determined to the nearest one-half pound. A bundle or package of ties and buckles may be weighed and averaged to determine the weight of ties and buckles necessary to package a bale of cotton. For high tensile steel strapping, a given number of feet of strapping will be weighed to determine the number of feet of strapping per pound. Breaking

strength and joint strength tests will be made only when determined to be necessary.

(b) *Length.* The length of the sample will be measured directly using a measuring stick, steel tape, or other suitably graduated device. The sample will be laid out flat on a smooth horizontal surface and the length measured. Both selvages for jute and cotton panels will be measured and the length of each side of polyethylene shrink pack bags will be measured. The length of the sample will be the average of the two measurements rounded to the nearest inch. Jute and cotton measurements will be made on the sample in equilibrium with standard atmospheric conditions as specified in A.S.T.M. D 1776 62-T.

(c) *Width.* The width of the sample will be measured directly using a measuring stick, steel tape, or other suitably graduated device and will include the selvages. The sample will be laid out flat on a smooth horizontal surface and the measurements made perpendicular to the lengths (selvages in the case of jute and cotton). Three width measurements will be taken on each sample. One measurement will be made at the center of the sample and two other measurements will be made approximately 12 inches in from each end of the sample. The average of the three measurements rounded to the nearest inch, will be the width. For compact center type new jute, the compact center shall be measured between the outer edges of the outermost yarns in the more compact area. The loosely woven edges shall be measured from the outer edge of the outer-most warp yarn of the compact area to the outside edge including selvage. Three width measurements will be taken at locations described above for other width measurements and averaged. Jute and cotton measurements will be made on the sample in equilibrium with standard atmospheric conditions as specified in A.S.T.M. D 1776 62-T.

(d) *Warp yarn count.* For new jute (except for the compact center type new jute) and woven cotton bagging, the number of warp ends in the width of the sample including the selvages will be counted at each end of the sample. The average of the two counts will be divided by the width, as determined above. This figure will be multiplied by 12 to determine warp yarns per 12 inches of bagging or by 40 to determine warp yarns per 40 inches of bagging. For compact center type new jute bagging, the number of warp ends in the denser center area will be counted at each end of the sample and averaged. The average of the two counts will be the warp yarn count for the compact center section. The number of warp ends in the outer edges will be counted at each end and at each edge including selvages and averaged. The average of the two counts will be the warp yarn count for the outer edges. For T2 type new jute bagging, the number of 2 ply warp yarns will be counted in width of the sample including the selvages. The average of the two counts will be divided by the width in inches and multiplied by 12 to determine warp yarn per 12 inches. For polypropylene bagging, the number of warp ends in a 12 inch width of the sample will be counted. This figure will be divided by 12 to determine the warp yarns per inch of bagging.

(e) *Weft yarn count.* The number of weft (filling) yarns over a measured length of 36 inches on each sample of new jute, including T2 new jute, and woven cotton bagging will be counted. The number counted divided by 3 will be the weft yarn count per 12 inches. For polypropylene bagging, the number of weft ends in a 12 inch length of the sample will be counted. This figure will be divided by 12 to determine the weft yarns per inch of bagging.

(f) *Weight of bagging.* The weight of bagging, except for polypropylene material, will be determined by weighing on suitable accurate scales, and the weight per pattern will be determined to the nearest one-tenth pound. Several patterns (or bales of bagging patterns) may be weighed simultaneously and the weight averaged. The weight for jute bagging will be calculated on the basis of 13.75 percent moisture content (not moisture regain) and for cotton bagging on the basis of 8.5 percent moisture content (not moisture regain). (Polypropylene fabric weight will be determined as prescribed in subparagraph (k)(3) of this section.)

(g) *Wale count of warp knitted cotton bagging.* The number of wales or ribs running lengthwise of the sample from wrap knitted cotton bagging will be counted over a measured width (relaxed state) of 12 inches on each sample. The number counted divided by 12 will be the wale count per inch.

(h) *Course count of warp knitted cotton bagging.* The number of courses or loops which form a line horizontal to the wales or ribs will be counted over a measured length (relaxed state) of 12 inches on each sample of warp knitted cotton bagging. The number counted divided by 12 will be the course count per inch.

(i) *Additional tests on warp knitted cotton bagging.* Elongation or stretch properties of warp knitted cotton bagging will be tested at one pound per inch static load using methods as specified in A.S.T.M. D 2594. Bursting strength will be tested on an approved type of constant rate of traverse machine equipped with a bursting attachment (ball burst) as specified in A.S.T.M. D 231.

(j) *Additional tests for polyethylene material.* The gauge and gauge tolerance of polyethylene material shall be tested in accordance with A.S.T.M. D 374. The tensile strength and elongation shall be tested in accordance with A.S.T.M. D 882-67. Impact resistance shall be tested in accordance with A.S.T.M. method B 1709-67. Slip characteristics shall be tested in accordance with A.S.T.M. D 1894. The ratio of machine direction shrink to transverse direction shrink will be calculated in accordance with A.S.T.M. D 2732.

(k) *Additional test procedures for polypropylene material*—(1) *Yarn dimensions.* Polypropylene material shall also be tested as follows: Yarn dimensions will be tested as specified in A.S.T.M. D 3218-73T.

(2) *Inhibitor concentration.* Yarn shall be removed from the warp direction of each test sample and analyzed for ultraviolet inhibitor concentration by following applicable analytical test procedure as specified in method Military—B 52472B (ME) paragraph 4.4.2.7.2.2. atomic absorption method. Specimen yarns shall likewise be removed from the weft or fill direction and tested for inhibitor concentration. Values obtained less than 0.1 percent nickel as metal for the inhibitor in either warp or weft direction of the fabric shall be deemed nonconformance and constitute failure of this test.

(3) *Fabric weight.* The fabric weight per square yard shall be determined as specified in Federal Test Method Standard No. 191, method 5041.

(4) *Tensile strength and elongation.* A minimum of ten randomly selected samples will be tested for tensile strength and elongation to break at standard conditions and in accordance with Federal Test Method Standard No. 191.

(5) *Accelerated weathering*—(i) *Preparation of specimens.* The sample unit will be one finished panel or spiral sewn bag or an equivalent amount of flat goods. Three swatches 4 inches by 12 inches shall be cut from each principal direction (warp and weft) of the fabric. Each swatch shall be cut into two 4 inch by 6 inch test specimens: One specimen to be used for initial break strength and the other specimen to be used for break strength after accelerated weathering. The specimens shall be marked to indicate which are cut with the long dimension in the warp direction and which have the long dimension in the weft direction.

(ii) *Initial tensile breaking strength.* The marked control specimens shall be conditioned for 24 hours at the standard condition specified in Federal Test Method Standard No. 191 and shall be tested for breaking strength in accordance with Federal Test

Method Standard No. 191, method 5100.1. The result shall be averaged for specimens in warp direction and averaged for specimens in weft direction and the averages shall be recorded as the initial breaking strength in warp and weft directions. An average in warp of less than 125 pounds or less than 100 pounds in the weft direction shall constitute failure of this test.

(iii) *Breaking tensile strength after accelerated weathering.* The balance of the specimens shall be tested in accordance with Federal Test Method Standard No. 191, method 5804 for not less than 1,200 hours, except that the black panel temperature shall be maintained at 155° F, plus or minus 3° F. The black panel temperature shall be read during the final 10 minutes of a cycle just before the water spray period starts. At the completion of 1,200 hours exposure to accelerated weathering, the specimens shall again be conditioned for 24 hours at the standard conditions specified in Federal Test Method Standard No. 191. After conditioning, the exposed specimens shall be tested for breaking strength in accordance with Federal Test Method Standard No. 191, method 5100.1. An average breaking strength of less than 70 percent of the initial average breaking strength recorded for its respective warp or fill yarn direction shall constitute failure of this test.

(6) *Ends of heat cut sheets and/or spiral sewn bags.* Heat cut ends of cotton bale cover sheets and spiral tubing shall be evaluated for heat cut strength as specified in ASTM Method D 751. Pin test values of less than 40 pounds, as per this method, shall constitute failure of this test.

(7) *Air permeability.* The fabric shall be tested for air permeability as specified in ASTM D 737-46. Air permeability values of less than 5 or more than 50 cubic feet per minute per square foot will constitute failure of this test.

(l) *Additional test procedures for T2 type new jute bagging.* Tensile strength, breaking loan shall be determined for T2 type new jute bagging by a ravel strip method. Strip tests shall be performed on a pendulum type strength tester (or equivalent) having a constant rate of traverse operated at 46 cm (18 inches) per minute, with test specimen dimensions between the grips of the tester being 20 cm by 10 cm.

This subpart is effective for all loans made on the 1978 and subsequent crops of cotton.

Signed at Washington, D.C., on April 26, 1978.

RAY FITZGERALD,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 78-12131 Filed 5-3-78; 8:45 am]

[3410-05]

PART 1430—DAIRY PRODUCTS

Subpart—Price Support Program For Milk

1977-1978 PRICE SUPPORT

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: Pursuant to the Food and Agriculture Act of 1977 and based on an estimated 4.8 percent increase in the parity index from October 1, 1977, to April 1, 1978, the support price was increased from $9 per hundredweight to $9.43, effective April 1, 1978. The announced price is for milk with the national average milkfat content of 3.67 percent. The equivalent support price for milk with 3.5 percent milkfat is $9.21.

The manufacturing margins used in calculating CCC purchase prices for butter-nonfat dry milk and cheese also were increased by 10 cents per hundredweight to reflect increases in manufacturing costs since the margins were last changed on October 1, 1976.

EFFECTIVE DATE: April 1, 1978.

ADDRESS: Procurement and Sales Division, ASCS, USDA, 5741 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Donald E. Friedly, Agricultural Economist, Dairy Branch, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, 5741 South Building, P.O. Box 2415, Washington, D.C. 20013, 202-447-3571.

SUPPLEMENTARY INFORMATION: Section 201 of the Agricultural Act of 1949, as amended by the Food and Agriculture Act of 1977, requires that the price of milk be adjusted at midyear to reflect any estimated change in the parity index during the first six months of the marketing year. In that regard, it was estimated that the parity index would increase 4.8 percent between October 1, 1977, the beginning of the marketing year, and April 1, 1978.

On January 31, 1978, a notice was published in the FEDERAL REGISTER (43 FR 4049) inviting comments concerning the semiannual adjustment in the support price for milk and the prices and terms of purchase by CCC of butter, cheese, and nonfat dry milk. A similar notice was also issued in a USDA press release.

DISCUSSION OF COMMENTS

The Department received 49 written comments from dairy farmers, dairy cooperatives and associations, farm organizations, dairy product dealers, consumers, other farm-interested persons and organizations. Thirty-three comments included recommendations to increase the support price. Of these, two commenters recommended an increase to 80 percent of parity, six to 90 percent of parity, and ten to 100 percent of parity (one comment had 24 signatures). Fifteen commenters recommended an increase without specifying the amount. In addition, three commenters recommended continuing the $9 support price, four commenters were against a support price increase, and three commenters recommended lowering the support price. Of the 14 dairy farmer cooperatives and associations responding, their recommendations are summarized as follows: Eight recommended announcing the support price on a 3.5 percent butterfat basis (the announced price is for milk with the national average butterfat content of 3.67 percent), eight recommended increasing the manufacturing margins used in calculating Commodity Credit Corporation's (CCC's) purchase prices, eight recommended increasing CCC's prices for unrestricted use sales of dairy products to 115 percent of their current purchase prices, seven recommended purchasing process cheese at an announced price, five recommended dividing the support increase equally between the purchase prices for butter and nonfat dry milk, and two recommended establishing a purchase price for butter at the West Coast equal to that announced for Chicago. Recommendations were received from three consumers concerning the level of support, one recommended lowering the support price, and two were against increasing support.

SUPPORT PRICE ADJUSTMENT

The parity index was 685 on October 1, 1977, and 716 on February 1, 1978. In March, the parity index was estimated to be 718 on April 1, 1978, a 4.8 percent increase over the index during the first six months of the marketing year. Thus, a 4.8 percent increase in the $9 support price resulted in a $9.43 per hundredweight support price for milk effective April 1, 1978.

The results of the semiannual support price adjustment were described in a USDA press release. The latest available statistics of the Federal Government were used in making determinations under this rule.

MANUFACTURING MARGINS

A USDA multi-agency report, "Dairy Product Manufacturing Margins," was submitted to the CCC Board of Directors on March 1, 1978. The report indicated that the costs to manufacturers had increased about 10 cents per hundredweight since October 1, 1976, the last time the margins were changed.

Therefore, the manufacturing margins were increased 10 cents for butter-nonfat dry milk and 10 cents for cheese in order to provide greater assurance that the U.S. average price received by farmers will equal the announced support price.

CCC PURCHASE PRICE FOR BUTTER ON THE WEST COAST

The CCC purchase price for butter in the West was decreased 2 cents per pound in 1974. Butter purchases in the Pacific Coast States increased substantially in the early 1970's, and such purchases in the 1973-74 marketing year represented about two-thirds of the total CCC butter purchases in the U.S. The purpose of the 2-cent reduction was as an incentive to keep the butter in commercial channels. Since April 1, 1974, CCC purchases of butter on the West Coast have averaged only about 15 percent of U.S. purchases.

The maximum freight rate deduction subtracted from the CCC purchase price for butter at New York City was reduced from 3 cents to 2.5 cents per pound, effective April 1, 1978. As a result, CCC purchase prices of butter in the South and West are now approximately the same as CCC's purchase prices in the heart of the midwestern butter production area.

RELATIVE INCREASES IN THE CCC PURCHASE PRICES FOR BUTTER AND NONFAT DRY MILK

Since nonfat dry milk and butter are made from the same whole milk, manufacturers must receive enough revenue from the sale of both products to pay a given price for milk to producers. Since 1970, the relative support increases have been divided between the two products based on the relative demand and supply for the two products. The support increase on April 1, 1977, was divided equally between the two products and in the year ending September 30, 1977, CCC purchased quantities of fat and nonfat solids roughly in proportion to their respective production. This indicates that the purchase prices were in about the proper relationship to each other. Therefore, effective April 1, 1978, the increases in the support price and the manufacturing margins were divided about equally per hundredweight of milk between the purchase prices of butter and nonfat dry milk.

FINAL RULE

Based on the $9.43 support price, subparagraphs (a)(1), (b)(1), and (b)(2) of 7 CFR § 1430.282 are revised to read as follows:

§ 1430.282 Price support program for milk.

(a) (1) The general level of prices to producers for milk will be supported from April 1 through September 30, 1978, at $9.43 per hundredweight for manufacturing milk, subject to adjustment as provided for by law.

* * * * *

(b) (1) Commodity Credit Corporation will consider offers of butter, Cheddar cheese, and nonfat dry milk in bulk containers meeting specifications in the announcements at the following prices:

[Dollars per pound]

Commodity and location	Produced before Apr. 1, 1978	Produced on or after Apr. 1, 1978
Cheddar cheese—Standard moisture 37.8 to 39.0 percent: [1]		
40-lb blocks, U.S. grade A or higher	0.9800	1.0325
500 lb in fiber barrels, U.S. extra grade [2]	.9500	1.0025
Nonfat dry milk, spray process, U.S. extra grade: [3]		
Unfortified	.6800	.7100
Fortified (vitamins A and D)	.6950	.7250
Butter—U.S. grade A or higher: New York, N.Y., and Jersey City, Newark, and Secaucus, N.J.	1.0275	1.0875

[1] The price per pound for cheese which contains less than 37.8 pct moisture shall be as specified in form ASCS-150. Copies are available in offices listed in (a)(4).

[2] Also includes granular cheese.

[3] If upon inspection bags do not fully comply with specifications, the price paid will be subject to a discount of 0.50 ct (½ cent) per pound of nonfat dry milk.

(2) Offers to sell butter at any location for which a price is not specifically provided for in this section will be considered at the price set forth in this section for New York City, less 80 percent of the lowest published domestic railroad through freight rate for frozen butter per pound gross weight for a 60,000 pound carlot, in effect at the beginning of the 1977-78 marketing year (October 1), from such other point to New York City. The minimum price at any location shall be the price at New York City minus 3.0 cents per pound before April 1, 1978, and minus 2.5 cents per pound on or after that date. Bulk butter offered in the area consisting of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia, must have been produced in such States. Butter produced elsewhere is ineligible for offering to CCC in such States.

(Sec. 201, 401, Pub. L. 439, 81st Cong., 63 Stat. 1052, 1054, as amended (7 U.S.C. 1446, 1421) Secs.4,5, Pub. L. 806, 80th Cong., 62 Stat. 1070, 1072, as amended (15 U.S.C. 714b, (c)).)

Signed at Washington, D.C., on April 26, 1978.

RAY FITZGERALD,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 78-12129 Filed 5-3-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 78-ASW-15, Amdt. 39-3203]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 212 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) requiring modification of Bell Model 212 helicopters, equipped with emergency float kits, prior to further flight under conditions that require ditching capability or aircraft flotation devices. The modification must assure that the passenger emergency exists may be opened in the event of ditching and deployment of the emergency floats. After ditching of two Bell Model 212 helicopters, it was reportedly found that the passenger emergency exits were partially obstructed and could not be opened by the occupants. It is essential to passenger safety that the required passenger exits be operable and usable after ditching.

EFFECTIVE DATE: May 9, 1978. Modification of the forward and aft passenger emergency exits is required before further operation in situations that require ditching capability.

ADDRESSES: Design information and data for modification of the exits to comply with the AD may be submitted to Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southwest Region, P.O.

Box 1689, Fort Worth, Tex. 76101. Bell Helicopter Textron service information may be obtained from Service Manager, Bell Helicopter Textron, P.O. Box 482, Fort Worth, Tex. 76101.

FOR FURTHER INFORMATION CONTACT:

J. H. Major, Airframe Section, ASW-212, Engineering and Manufacturing Branch, FAA, 4400 Blue Mound Road, Fort Worth, Tex. 76101, telephone No. 817-624-4911, extension 515.

SUPPLEMENTARY INFORMATION: As a result of two ditchings, reports were received of alleged partial obstruction of the passenger emergency exits on Bell Model 212 helicopters equipped with Bell emergency floats. This partial obstruction allegedly prevented prompt opening of the required emergency exits. A recent demonstration confirmed that the present Bell design passenger emergency exits are partially obstructed by the float bags and cannot be opened. It is essential to passenger safety that the required passenger exits be readily usable after a ditching for prompt evacuation of the helicopter.

Since the passenger emergency exits are likely to be obstructed and cannot be opened after ditching the Bell Model 212 equipped with emergency float kits 212-706-021 or 212-706-042, an airworthiness directive (AD) is being issued which precludes further operation of the Model 212 helicopters in situations that require ditching capability unless the forward and aft passenger exits are modified to assure their usefulness after a ditching. The exit modifications must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Southwest Region.

The FAA has approved design changes to the passenger emergency exits, including STC No. SH2746SW issued April 4, 1978, which move the present Bell exit fixed pins from the top to the bottom edge of the exit and the retractable pins and their mechanism from the bottom to the top part of the exits. This design change assures the exits may be promptly opened and are usable after a ditching even though the exit may be partially obstructed.

Since a situation exists that requires immediate adoption of the amendment, 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. The Helicopter Association of America verbally concurs with the agency's action.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

BELL. Applies to Bell Model 212 helicopters, certificated in all categories, that are equipped with emergency float kits 212-706-021 or 212-706-042 and that are operated under conditions that require ditching capability or aircraft flotation devices.

Compliance required as indicated.

To permit opening of the passenger emergency exits in the event of a ditching and deployment of the emergency float bags, accomplish the following, unless already accomplished in accordance with data previously approved by the FAA (including STC No. SH2746SW issued April 4, 1978):

Prior to further flight, after the effective date of this AD, modify the forward and aft passenger emergency exit on each side of the helicopter in accordance with information and/or data approved by the Chief, Engineering and Manufacturing Branch, FAA, Southwest Region, except that the helicopter may be flown in accordance with FAR 21.197 to a base where the work may be performed.

This amendment becomes effective May 9, 1978.

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

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

Issued in Fort Worth, Tex., on April 24, 1978.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc. 78-12125 Filed 5-3-78; 8:45 am]

[4910-13]

[Docket No. 78-GL-2; Amdt. 39-3207]

PART 39—AIRWORTHINESS DIRECTIVES

Detroit Diesel Allison, Model 501-D13/D13A/D13D/D13E/D13H Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires that third stage turbine wheels Part Number (P/N) 6788833, 6842143, 6841223, and 6846553 and fourth stage turbine wheels P/N 6738424 and 6843014 installed in Detroit Diesel Allison 501-D13 series engines be inspected and replaced as necessary in accordance with maximum cyclic life limits specified herein. This AD is being adopted in response to two instances of third stage turbine wheel failure in 501-D13 series engines. Compliance with this AD will significantly reduce the probability of turbine wheel failure due to low cycle fatigue which may result in non-containment of turbine wheel fragments.

DATE: Effective May 12, 1978. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: Copies of Detroit Diesel Allison service information referenced herein may be obtained by contacting: Detroit Diesel Allison, Division of General Motors Corp., P.O. Box 894, Indianapolis, Ind. 46206. Copies of the service information incorporated in this AD are contained in the Rules Docket, Office of the Regional Counsel, 2300 East Devon Avenue, Des Plaines, Ill. 60018, and at FAA Headquarters, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: There recently have been two instances of third stage turbine wheel failure on 501-D13 series turboprop engines. In each instance non-containment of turbine wheel fragments was experienced.

In at least one of these instances the cause of failure was determined to be the existence of a carbide precipitation network in the microstructure of the wheel which has been linked to accelerated fatigue crack propagation. Since stop/start cyclic stresses are directly related to this failure mode and because it has been determined that this condition is likely to exist in third and fourth stage turbine wheels on other engines of this type design, an airworthiness directive is being issued which imposes new cyclic life limits on third and fourth stage turbine wheels with certain carbide precipitation classifications.

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

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

DRAFTING INFORMATION

The principal authors of this document are W. Ashworth, Flight Stand-

ards Division, Great Lakes Region, and J. McLaughlin, Office of the Regional Counsel, Great Lakes Region.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

DETROIT DIESEL ALLISON. Applies to 501-D13/501-D13A/501-D13D/501-D13E, and 501-D13H engines equipped with third stage turbine wheel P/N's 6788833, 6842143, 6841223, and 6846553 or fourth stage turbine wheel P/N's 6738424 and 6843014 installed in aircraft certificated in all categories.

Compliance required as follows unless previously accomplished: To preclude possible engine failure resulting from third or fourth stage turbine wheel failure: Remove and classify all third and fourth stage turbine wheels with unknown carbide precipitation classifications in accordance with the compliance times specified in (a) and (b) below, and the procedures specified in Detroit Diesel Allison Commercial Overhaul Information Letter No. 349 Rev. 1 or later FAA approved revision. Wheels both newly and previously classified with carbide precipitation classifications of "Heavy" must be removed from service in accordance with the maximum life limits specified in (a) and (b) below. Wheels both newly and previously classified with carbide precipitation classifications of "Medium Heavy" must be removed from service in accordance with the maximum life limits specified in (c) through (h) below. Wheels of all other classifications may be returned to service and operated in accordance with the existing hourly life limits.

(a) For wheels of "Heavy" and unknown carbide precipitation classification which exceed 8000 total cycles upon the effective date of this AD, compliance is required within 300 cycles.

(b) For wheels of "Heavy" and unknown carbide precipitation classification which do not exceed 8000 total cycles upon the effective date of this AD, compliance is required prior to reaching 8300 total cycles.

(c) For wheels of "Medium Heavy" carbide precipitation classification which exceed 16,000 total cycles upon effective date of this AD, compliance is required within 200 cycles.

(d) For wheels of "Medium Heavy" carbide precipitation classification which have from 14,000 to 16,000 total cycles upon the effective date of this AD, compliance is required within the next 400 cycles or prior to exceeding 16,200 cycles whichever occurs first.

(e) For wheels of "Medium Heavy" carbide precipitation classification which have from 10,500 to 14,000 total cycles upon the effective date of this AD, compliance is required within the next 1000 cycles or prior to exceeding 14, 400 total cycles whichever occurs first.

(f) For wheels of "Medium Heavy" carbide precipitation classification which have from 8000 to 10,500 total cycles on the effective date of this AD, compliance is required within the next 2000 cycles or prior to exceeding 11,500 total cycles whichever occurs first.

(g) For wheels of "Medium Heavy" carbide precipitation classification which have from 7000 to 8000 total cycles on the effective date of this AD, compliance is required prior to exceeding 10,000 cycles.

(h) For wheels of "Medium Heavy" carbide precipitation classification which do not exceed 7000 total cycles upon the effective date of this AD, compliance is required prior to exceeding 8000 cycles.

NOTE.—For purposes of this airworthiness directive a cycle is defined as one takeoff.

The Detroit Diesel Allison Commercial Overhaul Information Letter identified in this directive is incorporated herein and made part hereof pursuant to 5 U.S.C. 552(a)(1). The Detroit Diesel Allison Commercial Overhaul Information Letter incorporated herein may be obtained upon request to Detroit Diesel Allison, Division of General Motors Corp., P.O. Box 894, Indianapolis, Ind. 46206. This document may also be examined at the FAA Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Ill. 60018 and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20591. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and the Great Lakes Region. (Detroit Diesel Allison Commercial Service Letter 501-D13 CSL-253 also pertains to this subject.)

This amendment becomes effective: May 12, 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 14 CFR 11.89.)

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

Issued in Des Plaines, Ill., on April 24, 1978.

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

JOHN M. CYROCKI,
Director,
Great Lakes Region.

[FR Doc. 78-12127 Filed 5-3-78; 8:45 am]

[4910-13]

[Docket No. 77-GL-13; Amdt. 39-3208]

PART 39—AIRWORTHINESS DIRECTIVES

Champion Spark Plug Company Part Numbers CH48108 and CH48109 Oil Filters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment modifies an existing airworthiness directive (AD) by allowing affected filters which have been inspected and reidentified to be utilized in service. This notice amends airworthiness directive 77-12-05 which required the inspection and removal from service of certain oil filters identified by manufacturing codes. The FAA has determined that the manufacturer's inspection procedures, which was developed for this purpose, would provide an acceptable verification of the integrity of the affected oil filters.

DATES: Effective May 12, 1978. Compliance schedule—Not applicable.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: This notice amends Amendment 39-2923, 42 FR 31151, AD 77-12-05 which required the inspection and removal from service to two models of oil filters identified by a specific manufacturing code. After issuing Amendment 39-2923, 42 FR 31151, AD 77-12-05 the FAA determined that the manufacturer's inspection procedure, which was developed for this purpose, would provide an acceptable verification of the integrity of the affected oil filters. Therefore, the FAA is amending Amendment 39-2923 by changing the applicability to exclude affected filters which have been reidentified in accordance with this amendment.

Since this amendment relieves a restriction and imposes no additional burden on the public, notice and public procedure hereon are unnecessary and this amendment may be made effective in less than 30 days.

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

DRAFTING INFORMATION

The principal authors of this document are Kevin Mullin, Flight Standards Division, Great Lakes Region, and Joe McLaughlin, Office of the Regional Counsel, Great Lakes Region.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-2923, 42 FR 31151, AD 77-12-05 by

revising its applicability statement to read:

CHAMPION SPARK PLUG COMPANY. Applies to Part Numbers CH48108 and CH48109 oil filters as installed in aircraft certified in all categories, identified by the following manufacturing date codes, 1A7E and 2A7C for the Part Number CH48108 filters, and 1A7G and 1A7I for the Part Number CH48109 oil filters, except for those affected filters which are identified with the symbol "Insp OK 5G7A" stamped adjacent to the manufacturing date code. The manufacturing date code is located on the outside of the filter housing adjacent to the filter installation instructions. Champion Spark Plug Company Aviation Sales Bulletin No. 77-13 also pertains to this subject.

This amendment becomes effective: May 12, 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 14 CFR 11.89).

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

Issued in Des Plaines, Ill., on April 26, 1978.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.78-12186 Filed 5-3-78; 8:45 am]

[4910-13]

[Docket No. 77-WE-11-AD; Amdt. 39-3197]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-8-62, -62F, -63 and -63F Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes a currently affective airworthiness directive (AD) which requires inspection and repair of the wing structural components on certain McDonnell Douglas Model DC-8 airplanes. This amendment requires additional inspections and is needed because experience has revealed that inspection procedures specified in the original AD were not adequate to detect cracks in a critical area.

DATE: Effective Date: May 1, 1978. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: Persons affected by this AD may obtain copies of applicable McDonnell Douglas service information cited in this AD by writing to: McDonnell Douglas Corp., 3855 Lakewood Boulevard, Long Beach, Calif. 90846, Attention: L. A. Eisenberg, CI-750-60. Also, a copy of the service information may be reviewed at, or a copy obtained from: Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591, or Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, Calif. 90261.

FOR FURTHER INFORMATION CONTACT:

Jerry J. Presba, Executive Secretary, Airworthiness Directives Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009, telephone 213-536-6351.

SUPPLEMENTARY INFORMATION: Amendment 39-2979 (42 FR 24751), AD 77-15-11 as amended by Amendment 39-3029 requires inspection and repair of cracks in the wing lower skin, tee doubler and lower front spar cap at the pylons attach points on McDonnell Douglas Model DC-8-62, -62F, -63 and -63F airplanes.

After issuing Amendment 39-3029 the FAA has concluded, based on service experience that the X-ray inspections presently specified do not adequately detect cracks in a critical area of the lower spar cap forward tang. Therefore the FAA is superseding AD 77-15-11 with a new AD which requires additional ultrasonic inspection procedures and expands X-ray inspection procedures of the wing structure on McDonnell Douglas Model DC-8-62 and -63 series airplanes.

Since a situation exists requiring immediate adoption of this regulation, notice and public procedure thereon are impracticable and good cause exists for making the airworthiness directive effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are Everett W. Pittman, Aircraft Engineering Division, and Richard G. Wittry, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) Amendment 39-2979 (42 FR 24751) AD 77-15-11 as amended by Amendment 39-3029, (42 FR 44981) is superseded by adding the following new airworthiness directive:

MCDONNELL DOUGLAS: Applies to Model DC-8-62, -62F, -63, and -63F airplanes, certificated in all categories.

Compliance required as indicated.

To detect cracks and prevent failure of the wing lower forward spar cap, tee doubler, and wing skin, comply with the following:

(a) For airplanes with 35,000 or more hours time in service on the effective date of this AD, within the next 800 hours time in service, unless already accomplished within the last 2,400 hours, and thereafter at intervals not to exceed 3,200 hours time in service, accomplish paragraph (d).

(b) For airplanes with 25,000 to 34,999 hours time in service on the effective date of this AD, within the next 2,000 hours time in service, unless already accomplished within the last 1,200 hours, and thereafter at intervals not to exceed 3,200 hours time in service, accomplish paragraph (d).

(c) For airplanes with 15,000 to 24,999 hours time in service on the effective date of this AD, within the next 3,200 hours time in service, and thereafter at intervals not to exceed 3,200 hours time in service, accomplish paragraph (d).

(d) Perform an X-ray and ultrasonic inspection of lower wing structure at all four pylon areas for cracks as specified in Phase I of McDonnell Douglas DC-8 Service Bulletin 57-83, Revision 2 dated March 30, 1978, or later FAA approved revision; (hereinafter referred to as SB 57-83.)

(e) Within the next 3,200 hours time in service after July 28, 1977, (the effective date of superseded AD 77-15-11), unless already accomplished within the last 3,200 hours, and thereafter at intervals not to exceed 6,400 hours time in service, perform an X-ray inspection of the lower wing structure at all four pylon areas for cracks as outlined in Phase II of McDonnell Douglas DC-8 SB 57-83.

(f) If cracks are found in the wing spar cap and/or wing skin as a result of the inspections of paragraph (d) and (e), repair before further flight in accordance with the provisions of either McDonnell Douglas DC-8 Service Bulletin 57-83, or Option I of Service Bulletin 57-84, dated August 12, 1977, or later FAA approved revision. Cracked pylon tee doublers shall be replaced before further flight if the cracks exceed the limits in McDonnell Douglas DC-8 Service Bulletin 54-58, dated May 15, 1970, or later FAA approved revision.

(g) Airplanes modified in accordance with Option I of McDonnell Douglas DC-8 Service Bulletin 57-84 dated August 12, 1977, or later FAA approved revision are no longer subject to the repetitive inspection requirements of this AD.

(h) If no cracks are found as a result of the inspections of paragraph (d) and (e), operators may rework the airplane in accordance with Option II of McDonnell Douglas Service Bulletin 57-84 dated August 12, 1977, or later FAA approved revision, and may then discontinue the repetitive inspection requirements of this AD for a period not to exceed 15,000 hours time in service after rework. Before accumulating, 15,000 hours time in service after the rework and thereafter at intervals not to exceed 4,000 hours time in service, accomplish the inspection requirements of paragraph (e).

(i) Equivalent inspections and repairs may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(j) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections required by this AD.

This supersedes Amendment 39-2979 (42 FR 24751), AD 77-15-11 as amended by Amendment 39-3029.

This amendment becomes effective May 1, 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 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 Los Angeles, California on April 17, 1978.

ROBERT H. STANTON,
Director,
FAA Western Region.

[FR Doc. 78-11849 Filed 5-3-78; 8:45 am]

[4910-13]

[Docket No. 77-WE-27-AD; Amdt. 39-3198]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-8 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to McDonnell Douglas Model DC-8 series airplanes by requiring that a specific pre-takeoff operational procedure be used to detect and prevent takeoff with a jammed elevator, pending incorportion of an elevator position indicator system.

DATE: Effective date: June 1, 1978. Compliance schedule—As prescribed in body of AD.

ADDRESSES: Persons affected by this AD may obtain copies of applicable McDonnell Service information by writing to: McDonnell Douglas Aircraft Co., 3855 Lakewood Boulevard, Long Beach, Calif. 90846, Attention: L. A. Eisenberg, C1-750, 54-60. Also, a copy of the service information may be reviewed at, or a copy obtained from: Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591; or Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, Calif. 90261.

FOR FURTHER INFORMATION CONTACT:

Jerry J. Presba, Executive Secretary, Airworthiness Directives Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009, telephone 213-536-6351.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-3118 (43 FR 1299), AD 78-01-15; which currently requires the installation of an elevator position indicator system and modifications to improve clearances on McDonnell Douglas Model DC-8 series airplanes. After issuing Amendment 39-3118, the FAA has determined that a preflight elevator operational check procedure should be instituted as an interim safeguard to detect jamming until such time as an elevator position indicator system is installed. Based on this, a notice was issued in the FEDERAL REGISTER at 43 FR 6807 which proposed to amend the existing AD by requiring a specific preflight elevator operational check procedure on McDonnell Douglas Model DC-8 series airplanes.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Several of the comments received suggested that a pre-takeoff check was already standard procedure as covered in the operating manual and that many operators currently utilize adequate procedures. The AD as adopted includes recognition of operations manual instructions in conjunction with a pre-flight check list as a satisfactory alternate means of compliance with the intent of the AD as regards a placard.

One commenter suggested the placard be reworded to reflect permanent advisory information to the crew in the event the elevator position indicator, even though installed, should become inoperative. The FAA does not believe such information is necessary, as the present AD contains provisions to be followed to allow the flight to continue with an inoperative elevator position indicator until a base is reached where the repair can be accomplished.

Two commenters felt the control check during the takeoff roll would degrade safety. The FAA disagrees. The freedom-of-movement check is to be accomplished during the takeoff roll only if it is impossible to turn the airplane into the wind to do the check while taxiing. Additionally, the FAA believes that the takeoff roll check can be done safely if the procedures and restrictions in Alert Service Bulletin A27-264 are followed.

Several commenters thought the placard was confusing and that the wording was not acceptable, primarily because the pilot wouldn't have Service Bulletin A27-264 available in the cockpit. They suggested that the operations manual was a better place to call out such a procedure. The FAA expects that each operator will develop his own method for advising the crew of the requirements of Service Bulletin A27-264. The AD as adopted includes a provision allowing the operator to use an operations manual instruction plus a check list item in lieu of a placard installation.

DRAFTING INFORMATION

The principal authors of this document are Everett W. Pittman, Aircraft Engineering Division, and Richard G. Wittry, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-3118 (43 FR 1299) AD 78-01-15, by adding the following new paragraph (f):

(f) Within 30 days after the effective date of this AD as amended, unless already accomplished, and until paragraph (b) of this AD is accomplished, either:

(1) Install the following placard in full view of both pilots:

PRIOR TO EACH TAKEOFF, PERFORM AN ELEVATOR CONTROL SYSTEM CHECK IN ACCORDANCE WITH DC-8 SERVICE BULLETIN A27-264.

(2) or, include an instruction in the DC-8 Operations Manual and a check list item which specifies those control checks identified in SB A27-264.

This AD becomes effective June 1, 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 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 Los Angeles, Calif., on April 17, 1978.

ROBERT H. STANTON,
Director,
FAA Western Region.

[FR Doc. 78-11857 Filed 5-3-78; 8:45 am]

[4910-13]

[Docket No. 73-WE-9-AD; Amdt. 39-3201]

PART 39—AIRWORTHINESS DIRECTIVES

Rockwell International Model NA-265 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to Rockwell International NA-265 series airplanes by

amending the aircraft effectivity. The FAA has determined that inspection of wing spars and related areas for stress corrosion cracking is not required in airplanes whose spars have been manufactured from 7049-T73 aluminum.

DATES: Effective May 5, 1978. Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from: Rockwell International, Sabreliner Division, 827 Lapham Street, El Segundo, Calif. 90245.

Also, a copy of the service bulletin may be reviewed, at or a copy obtained from: Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591, or Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, Calif. 90261.

FOR FURTHER INFORMATION CONTACT:

Kyle L. Olsen, Executive Secretary, Airworthiness Directives Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009, telephone 213-536-6351.

SUPPLEMENTARY INFORMATION: This notice amends Amendment 39-1707 (38 FR 23513), AD 73-18-3, which currently requires inspection of the wing spars and related areas for stress corrosion cracking on Rockwell International Model NA-265 series airplanes. After issuing Amendment 39-1707, Rockwell International changed the material used in the manufacture of the wing spar and related areas to 7049-T73 aluminum, which is less susceptible to stress corrosion cracking than the original 7079-T6 aluminum. Therefore, the FAA is amending Amendment 39-1707 to require inspections only on the Rockwell International Model NA-265 series airplanes, with 7079-T6 aluminum wing spars and related areas.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are Stanton R. Wood, Aircraft Engineering Division, and Mark T. McDermott, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by amending the applicability statement of Amendment 39-1707 (38 FR 23513), AD 73-18-3 as follows:

ROCKWELL INTERNATIONAL. Applies to Model NA-265-40 Serial Nos. 282-1 and subsequent; Model NA-265-50 Serial No. 287-1; Model NA-265-60 Serial Nos. 306-1 through -139; Model NA-265-70 Serial Nos. 370-1 through -9; and Model NA-265-80 Serial Nos. 380-1 through -61.

This amendment becomes effective May 5, 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 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 Los Angeles, Calif., on April 20, 1978.

W. R. FREHSE,
Acting Director,
FAA Western Region.

[FR Doc. 78-11962 Filed 5-3-78; 8:45 am]

[4910-13]

[Docket No. 77-EA-45, Amdt. 39-3205]

PART 39—AIRWORTHINESS DIRECTIVES

Bendix

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule (AD) requires an inspection and replacement where necessary of the impulse coupling components of Bendix S-20, S-1200 Series, and D-2000/D-2200 Series magnetos. This procedure will preclude magneto impulse coupling failure which may cause engine failure. There have been reports of such failures due to wear beyond serviceable limits.

EFFECTIVE DATE: May 9, 1978.

ADDRESSES: Bendix Service Bulletins may be acquired from the manufacturer at the Bendix Electrical Components Division, Sidney, N.Y. 13838.

FOR FURTHER INFORMATION CONTACT:

A. T. Farrar, Propulsion Section, AEA-214, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430, telephone 212-995-2894.

SUPPLEMENTARY INFORMATION: There have been reports of Bendix S and D Series magnetos whose magneto impulse coupling cam assembly, when worn beyond serviceable limits tends to lock up and prevent magneto rotation. This can result in engine failure. Since this is a deficiency which can exist or develop in similar type designed magnetos, an airworthiness directive is being issued which will require repetitive inspection or replacement of the components. Since the deficiency affects air safety, notice or public procedure hereon are impractical and good cause exists for making the rule effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are A. T. Farrar, Flight Standards Division, and Thomas C. Halloran, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, as follows:

Applies to Bendix S-20 Series, S-1200 Series and D-2000/D-2200 Series magnetos.

Compliance required as indicated unless previously accomplished.

To preclude magneto or engine failure resulting from magneto impulse coupling failure, accomplish the following:

a. On magnetos having less than 975 hours in service since new or overhaul on the effective date of this AD, accomplish the provisions of paragraph "C", of this AD prior to 1,000 hours in service and each 1,000 hours in service thereafter.

b. On magnetos having 975 or more hours in service since new or overhaul on the effective date of this AD, accomplish the provisions of paragraph "C", of this AD within the next 25 hours in service and each 1,000 hours in service thereafter.

c. Inspect and replace, if necessary, impulse coupling components in accordance with paragraph "Detailed Instructions" contained in Bendix Electrical Components Division, Service Bulletin Number 599 or an equivalent inspection or procedure.

d. After accomplishing the instructions of this AD, make a log book entry showing the compliance time. Include the magneto make, model and serial number. Except for new or zero time overhauled magnetos, any magneto not accompanied by a record of operating time must be in compliance with paragraph "C" upon installation on an approved engine.

e. Equivalent inspections and procedures must be approved by the Chief of the Engineering & Manufacturing Branch, FAA Eastern Region.

f. As permitted by FARs 21.197 and 21.199, aircraft may be flown to a base where maintenance required by this Airworthiness Directive can be accomplished.

Effective date. This amendment is effective May 9, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)); and 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 Jamaica, N.Y., on April 25, 1978.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc. 78-12009 Filed 5-3-78; 8:45 am]

[4910-13]

[Docket No. 78-WE-5-AD, Amdt. 39-3204]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed 188A and 188C Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires repetitive inspections, provides a terminating action for the inspection requirements and provides for repair if necessary of the wing front spar lower cap on the Lockheed 188. The purpose of this AD is to detect fatigue cracks and thus preclude failure that could result in loss of strength capability of the wing.

DATES: Effective date: May 9, 1978. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from: Lockheed-California Co., P.O. Box 551, Burbank, Calif. 91520, Attention: Commercial Support Contracts, Department 63-11, U33, B-1. Also, a copy of the service information may be reviewed, at or a copy obtained from: Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591, or Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, Calif. 90261.

FOR FURTHER INFORMATION CONTACT:

Jerry J. Presba, Executive Secretary, Airworthiness Directives Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009, telephone 213-536-6351.

SUPPLEMENTARY INFORMATION: There has been a reported instance of a fatigue crack in the wing front spar lower cap and adjacent wing plank on a Lockheed L-188 aircraft that results in a reduction of the wing strength capability. The manufacturer has issued Alert Service Bulletin 88/SB-699 which details an inspection procedure to detect fatigue cracks in the front spar lower cap and adjacent wing plank, repair instructions if a crack is detected and a modification that reinforces the cap thus reducing the susceptibility to fatigue cracking. Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires repetitive inspections, repair if a crack is detected and provides a terminating action for the inspection requirements.

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

DRAFTING INFORMATION

The principal authors of this document are Stanton R. Wood, Aircraft Engineering Division, and Mark T. McDermott, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

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

LOCKHEED-CALIFORNIA COMPANY: Applies to all Model 188A and 188C airplanes certificated in all categories.

To present loss in strength capability of the wing due to fatigue cracking accomplish the following; unless previously accomplished:

(a) Before accumulating 35,000 hours time in service or within the next 100 hours time in service on those airplanes with 35,000 or more hours time in service, unless accomplished within the last 400 hours:

(1) Inspect wing front spar lower cap per paragraph (d) and:

(2) Reinspect per paragraph (d) prior to accumulating 500 hours time in service since the inspection required by paragraph (a)(1).

(b) Within 400 hours time in service since the inspection required in (a)(2) and thereafter at intervals not to exceed 2,000 hours time in service inspect per paragraph (e).

(c) When the inspections per paragraph (a) (1) and (2) are required by this AD the operator may conduct inspection per paragraph (b), (including the 2,000 hour repetitive inspection), in lieu of inspection per paragraph (a) (1) and (2).

(d) Inspect per paragraph 2.B., Method (1) of Lockheed Alert Service Bulletin 88.SB-699 dated March 23, 1978 or later FAA approved revision, (hereinafter referred to as ASB 88/SB-699).

(e) Inspect per paragraph 2.B. Method (2), or per paragraph 2.C or per paragraph 2.D of Lockheed ASB 88/SB-699.

(f) Repair any detected crack prior to further flight per Lockheed ASB 88/SB-699. Upon accomplishment of this repair the inspection requirements of this AD are terminated.

(g) The inspection requirements of this AD may be terminated upon accomplishment of modification per Lockheed-California Drawing Number 842185 dated March 8, 1978, or later FAA approved revision.

(h) Equivalent inspections and/or repair procedures may be used when approved by Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective May 9, 1978.

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

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

Issued in Los Angeles, Calif., on April 24, 1978.

ROBERT H. STANTON,
Director,
FAA Western Region.

[FR Doc. 78-12006 Filed 5-3-78; 8:45 am]

[4910-13]

[Docket No. 74-WE-32-AD, Amdt. 39-3206]

PART 39—AIRWORTHINESS DIRECTIVES

General Dynamics Models 340 and 440 Series Airplanes Including those modified for Turbo-Propeller Power

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) by modifying the inspection requirements of fuselage stringers and by extending the third and subsequent repetitive inspection intervals on certain General Dynamics Model 340 and 440 series airplanes. The amendment is necessary to provide relief by conditionally extending certain repetitive inspections, without compromising safety.

DATE: Effective May 4, 1978. Compliance schedule—As prescribed in the body of the AD.

ADDRESS: The applicable service bulletin may be obtained from: General Dynamics, P.O. Box 80877, San Diego, Calif. 92138, Attention: Larry Hayes, Manager Product Support, Convair Division. Also, a copy of the service bulletin may be reviewed, at or a copy obtained from: Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591, or Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, Calif. 90261.

FOR FURTHER INFORMATION CONTACT:

Kyle L. Olsen, Executive Secretary,

Airworthiness Directives Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009, telephone: 213-536-6398.

SUPPLEMENTARY INFORMATION: This notice amends Amendment 39-1904, AD 74-16-01, which currently requires repetitive inspections of the fuselage stringers in areas adjacent to beltframe attachments on General Dynamics Model 340 and 440 series airplanes.

The FAA has been requested to extend the third and subsequent inspection intervals. This proposed extension is based upon data that shows the reinspection interval after the second inspection for stringer cracks in all areas except the aft, lower fuselage may be extended to 7,500 hours time in service. This is applicable to aircraft operated up to a maximum gross weight of 55,000 pounds without a main deck cargo door.

Therefore, the FAA is amending Amendment 39-1904 by modifying the third and subsequent repetitive inspection intervals on certain General Dynamics Model 340 and 440 series airplanes.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making this amendment effective in less than 30 days.

Drafting Information

The principal authors of this document are Stanton R. Wood, Aircraft Engineering Division, and Richard G. Wittry, Office of the Regional Counsel.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by amending Amendment 39-1904 (39 FR 27314), AD 74-16-01 as follows:

1. Amend paragraph (a) to read, as follows:

(a) For airplanes with more than 52,000 hours time in service as of the effective date of this AD, perform an initial inspection of the stringer to frame attachments per (g)(1), within 300 hours additional time in service, unless already accomplished within the last 4,700 hours time in service, in addition:

(1) Aircraft certificated at a maximum gross weight of 55,000 pounds or less, and without a main deck cargo door, within 5,000 hours time in service from the initial inspection, inspect per paragraph (g)(2), and thereafter:

(i) Within 5,000 hours time in service from the inspection accomplished per paragraph (g)(2), and thereafter at intervals not to exceed 5,000 hours time in service from the last inspection, inspect per paragraph (g)(3); and,

(ii) Within 7,500 hours time in service from the inspection accomplished per paragraph (g)(2), and thereafter at intervals not to exceed 7,500 hours time in service from the last inspection, inspect per paragraph (g)(4).

(2) Aircraft with a main deck cargo door and aircraft certificated at a maximum gross weight of more than 55,000 pounds, within 5,000 hours time in service from the initial inspection and thereafter at intervals not to exceed 5,000 hours time in service from the last inspection, inspect per paragraph (g)(2).

2. Amend paragraph (b) to read as follows:

(b) For airplanes with more than 42,000 hours time in service, up to and including 52,000 hours time in service as of the effective date of this AD, perform an initial inspection of the stringer to frame attachments per (g)(1), within 1,500 hours additional time in service, unless already accomplished within the last 3,500 hours time in service, and reinspect in accordance with paragraph (a)(1) or (a)(2).

3. Add a new paragraph (g)(3) as follows:

(g)(3) Perform a close visual inspection of all stringer to frame attachment for evidence of cracks below the floor between stations 681 and 889.

4. Add a new paragraph (g)(4) as follows:

(g)(4) Perform a close visual inspection of all stringer to frame attachment for evidence of cracks between stations 140 and 889 above the floor and between stations 140 and 681 below the floor.

5. Reidentify old paragraph g(3) as g(5).

This amendment becomes effective May 4, 1978.

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

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

Issued in Los Angeles, Calif., on April 25, 1978.

Robert H. Stanton,
Director, FAA Western Region.

[FR Doc. 78-12007 Filed 5-3-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-ANW-02]

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

Alteration of Controlled Airspace, Transition Area

AGENCY: Federal Aviation Commission.

ACTION: Final rule.

SUMMARY: This amendment alters the designation of controlled airspace in the vicinity of Twin Falls, Idaho. This rule designates additional airspace as 1,200-foot-transition area. This action is necessary to provide controlled airspaced for a planned VOR/DME RWY 7 standard instrument approach procedure to the Twin Falls City-County Airport.

EFFECTIVE DATE: July 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Dale C. Jepsen, Airspace Specialist (ANS-533), Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Wash. 98108; telephone 206-767-2610.

SUPPLEMENTARY INFORMATION:

History

A notice of proposed rule making (NPRM) was published in the Federal Register on Tuesday, February 21, 1978, which described the proposed Twin Falls, Idaho, transition area. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. Three comments were received, two favorable, and one which objected to the proposal.

The comment which objected to the proposal was submitted by the Idaho Air National Guard (IDANG). This objection was based upon the fact that the proposal transition area extension would overlap the edge of a low altitude training route, TR-409.

An analysis of this objection disclosed that TR-409 is a VFR route only and is scheduled to be terminated on January 1, 1979. Based upon the fact that TR-409 is strictly a VFR route, it has been determined that this airspace overlap would not adversely affect the proposed transition area extension.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (FAR) designates additional 1,200-foot-transi-

tion are as controlled airspace to encompass aircraft executing the proposed VOR/DME RWY 7 standard instrument approach to the Twin Falls City-County Airport.

DRAFTING INFORMATION

The principal authors of this document are Dale C. Jepsen, Airspace Specialist, Operations, Procedures and Airspace Branch, and Jonathan Howe, Regional Counsel, Northwest Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, the Twin Falls Transition Area in § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT, July 13, 1978, as follows:

TWIN FALLS, IDAHO

By amending the fourth and fifth lines of the description contained at 43 FR 613 (January 3, 1978) to read as follows:

"• • • of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 16.5-mile radius of the Twin Falls VORTAC, extending clockwise from the VORTAC 121° radial to the VORTAC 311 radial; within • • •".

(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)).)

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 Seattle, Wash., on April 26, 1978.

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

[FR Doc. 78-12126 Filed 5-3-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-GL-5]

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Federal Airways, Reporting Points, Area High Routes and Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments change the name of the Milwaukee, Wis., VORTAC (an air navigation aid) to Badger, Wis., VORTAC in the description of airways, reporting points, jet routes and area high routes. These actions will eliminate the possible confusion of using the same name for two locations. These amendments contain no changes in the designation of airspace or its use.

EFFECTIVE DATE: July 13, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The purpose of these amendments to Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) is to change the name Milwaukee to Badger wherever it appears in the following airways, reporting points, jet routes and area high routes:

1. Airways: V-2, V-9, V-30, V-63, V-170, V-191 and V-217.
2. Reporting Points: Domestic Low Altitude Reporting Points and Domestic High Altitude Reporting Points.
3. Jet Routes: J-16, J-34, J-36, J-68, J-70, J-89, J-101 and J-105.
4. Area High Routes: J805R, J821R, J822R, J846R, J866R, J883R, J884R, J887R, J937R and J940R.

Because these actions merely rename an existing air navigation aid without changing the designation of any airspace or its use, these amendments are a minor matter on which the public would have no particular interest; therefore, notice and public procedure thereon are unnecessary.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) as republished (43 FR 307, 3548, 4421, 42 FR 58930, 43 FR 631, 638, 714, 730) are amended, effective 0901 G.m.t., July 13, 1978, as follows:

1. In § 71.123 (43 FR 307, 3548, 4421, 42 FR 58930) "Milwaukee" is deleted and "Badger" is substituted therefor, wherever it appears in airways numbered V-2, V-9, V-30, V-63, V-170, V-191 and V-217.
2. In § 71.203 (43 FR 631) "Milwaukee, Wis." is deleted and "Badger, Wis." is substituted therefor.
3. In § 71.207 (43 FR 638) "Milwaukee, Wis." is deleted and "Badger, Wis." is substituted therefor.
4. In § 75.100 (43 FR 714) "Milwaukee" is deleted and "Badger" is substituted therefor, wherever it appears in jet routes numbered 16, 34, 36, 68, 70, 89, 101 and 105.
5. In § 75.400 (43 FR 730) "Milwaukee" is deleted and "Badger" is substituted therefor wherever it appears in area high routes numbered J805R, J821R, J822R, J846R, J866R, J883R, J884R, J887R, J937R and J940R.

(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 25, 1978.

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

[FR Doc. 78-11851 Filed 5-3-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-EA-94]

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

Alteration of Transition Area: State College, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the State College, Pa., transition area. This alteration will provide protection to aircraft executing a new instrument approach which has been developed for the University Park Airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

EFFECTIVE DATE: 0901 G.m.t., August 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430, telephone 212-995-3391.

SUPPLEMENTARY INFORMATION: The notice of proposed rulemaking was published in the FEDERAL REGISTER on February 13, 1978 (43 FR 6095). Interested parties were given 30 days in which to submit comments on the proposal. No objections were received.

DRAFTING INFORMATION

The principal authors of this document are Frank Trent, Air Traffic Division, and Thomas C. Halloran, Esq., Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, subpart G of part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended, effective 0901 G.m.t., August 10, 1978, as published.

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

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

Issued in Jamaica, N.Y., on April 20, 1978.

L. J. CARDINALI,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the State College, Pa., transition area by inserting after the phrase, "extending clockwise from a 280° bearing to a 020° bearing from the airport;", the following; "within 3.5 miles each side of the University Park Airport ILS Runway 24 localizer course, extending from the OM to 10.5 miles northeast of the OM;"

[FR Doc. 78-12010 Filed 5-3-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-EA-15]

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

Alteration of Transition Area: Georgetown, Del.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule will establish additional controlled airspace (transition area) so as to protect aircraft using a revised RNAV RWY 22 instrument approach procedure for Sussex County Airport, Georgetown, Del. The revision of the approach is small and only requires a minimum amount of additional controlled airspace.

EFFECTIVE DATE: 0901 G.m.t. June 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430, telephone 212-995-3391.

SUPPLEMENTARY INFORMATION: The addition to the transition area is approximately 2 square miles. As a result, the effect of the rule is minor in nature and thus notice and public procedure hereon are unnecessary.

DRAFTING INFORMATION

The principal authors of this document are Frank Trent, Air Traffic Division, and Thomas C. Halloran, Esq., Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t. June 1, 1978, as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by amending the description of the Georgetown, Del., 700-foot floor transition area by adding the following to the description: "and within 2.5 miles each side of a 033° bearing from a point 38°41'42" N., 75°21'18" W., extending from said point to 7 miles northeast of said point."

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(c)); sec. 6(c) of the 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 Jamaica, N.Y., on April 19, 1978.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc. 78-12011 Filed 5-3-78; 8:45 am]

[4910-13]

[Docket No. 78-SO-29]

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

Alteration of Mobile, Ala., Control Zone (Formerly Aerospace Airport) and Mobile, Ala., Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Mobile, Ala., Control Zone (formerly Aerospace Airport) and the Mobile, Ala., transition area. The name of the Mobile Aerospace Airport has been changed to Brookley Airport. This action of the City of Mobile, officially changing the name, requires this to be reflected in the control zone and transition area descriptions.

EFFECTIVE DATE: 0901 G.m.t., July 13, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: In a regular meeting, the City of Mobile officially changed the name of the Mobile Aerospace Airport to Brookley Airport. Therefore, it is necessary to alter the description of the Mobile, Ala. (Aerospace Airport), Control Zone and Transition Area to reflect the name change. Since this alteration is editorial in nature, notice and public procedures hereon are not necessary.

DRAFTING INFORMATION

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

ADOPTION OF AMENDMENT

Accordingly, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., July 13, 1978, as hereinafter set forth:

In Subpart F, § 71.171 (43 FR 355), the Mobile, Ala. (formerly Aerospace Airport, now Brookley Airport), control zone is amended as follows:

"* * * Mobile Aerospace Airport is deleted and Brookley Airport * * *" is substituted therefor.

In Subpart G, § 71.181 (43 FR 440), the Mobile, Ala., transition area is amended as follows:

"* * * Mobile Aerospace Airport * * *" is deleted and

"* * * Brookley Airport * * *" is substituted therefor.

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

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

Issued in East Point, Ga., on April 24, 1978.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 78-12012 Filed 5-3-78; 8:45 am]

[4910-13]

[Docket No. 17890, Amdt. No. 1110]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

FOR EXAMINATION

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

FOR PURCHASE

Individual SIAP copies may be obtained from:
1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

BY SUBSCRIPTION

Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.

FOR FURTHER INFORMATION CONTACT:

William L. Bersch, Flight Procedures and Airspace Branch (AFS-730), Aircraft Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the FEDERAL REGISTER expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The principal authors of this document are Rudolph L. Fioretti, Flight Standards Service, and Richard W. Danforth, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

* * * *effective July 13, 1978.*

Sitka, AK—Sitka, VOR-A, Amdt. 7
Pueblo, CO—Pueblo Memorial, VOR Rwy 25R (TAC) Amdt. 19
Kansas City, KS—Fairfax Muni., VOR Rwy 17, Amdt. 10

* * * *effective June 29, 1978.*

Spencer, IA—Spencer Muni., VOR Rwy 11, Amdt. 3
Spencer, IA—Spencer Muni., VOR Rwy 29, Amdt. 3

* * * *effective June 15, 1978.*

Hayden, CO—Yampa Valley, VOR Rwy 10, Amdt. 2
Naples, FL—Naples Muni., VOR/DME-A, Amdt. 2
Panama City, FL—Panama City-Bay County, VOR Rwy 14 (TAC), Amdt. 11
Panama City, FL—Panama City-Bay County, VOR Rwy 32 (TAC), Amdt. 6
Panama City, FL—Panama City-Bay County, VOR-A (TAC), Amdt. 9
Boise, ID—Boise Air Terminal (Gowen Field) VOR/DME or TACAN, Rwy 28L, Amdt. 7
Terre Haute, IN—Hulman Field, VOR Rwy 5, Amdt. 10
Columbia, MS—Columbia-Marion County, VOR/DME Rwy 23, Amdt. 1
Indianola, MS—Indianola Municipal, VOR/DME-A, Amdt. 5
Indianola, MS—Indianola Municipal, VOR/DME-B, Original
Tulsa, OK—Tulsa International, VOR Rwy 26, Amdt. 19
McGregor, TX—McGregor Municipal, VOR/DME Rwy 17, Amdt. 3

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

* * * *effective July 13, 1978.*

Petersburg, AK—Petersburg, LDA/DME-D, Amdt. 1
Sitka, AK—Sitka, LDA/DME Rwy 11, Amdt. 5

Wrangell, AK—Wrangell, LDA/DME-C, Amdt. 4
Wrangell, AK—Wrangell, LDA/DME-D Amdt. 3
Pueblo, CO—Pueblo Memorial, LOC BC Rwy 25R, Amdt. 11
Whitefield, NH—Whitefield Regional, LOC Rwy 10 Amdt. 1

* * * *effective June 15, 1978.*

Rocky Mount, NC—Rocky Mount-Wilson, LOC(BC) Rwy 22, Original
Beaumont-Port Arthur, TX—Jefferson County, LOC BC Rwy 29, Amdt. 13

* * * *effective April 21, 1978.*

Decatur, IL—Decatur, LOC(BC) Rwy 24, Amdt. 4

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

* * * *effective July 13, 1978.*

Pueblo, CO—Pueblo Memorial, NDB Rwy 7L, Amdt. 11
Pueblo, CO—Pueblo Memorial, NDB Rwy 25R, Amdt. 8
Kansas City, KS—Fairfax Muni., NDB-B, Amdt. 11
Whitefield, NH—Whitefield Regional, NDB Rwy 10, Amdt. 4

* * * *effective June 29, 1978.*

Spencer, IA—Spencer Muni., NDB Rwy 29, Amdt. 3
Topeka, KS—Forbes Field, NDB Rwy 31, Amdt. 2
Fall River, MA—Fall River Muni., NDB Rwy 24, Amdt. 5
Wilmington, OH—Wilmington Industrial Airpark, NDB Rwy 22, Amdt. 1
Morrisville, VT—Morrisville-Stowe State, NDB-A, Amdt. 4

* * * *Effective June 15, 1978,*

Conway, AR—Conway Municipal, NDA-A, Original
Crossett, AR—Crossett Municipal, NDB Rwy 23, Amdt. 3
Chico, CA—Chico Muni., NDB Rwy 13L, Original
Lancaster, CA—Gen. Wm J Fox Airfield, NDB-B, Original
Terre Haute, IN—Hulman Field, NDB Rwy 5, Amdt. 11
Chillicothe, MO—Chillicothe Muni., NDB Rwy 14, Amdt. 2
Glendive, MT—Dawson Community, NDB Rwy 12, Amdt. 3
Jackson, TN—McKellar Field, NDB Rwy 2, Amdt. 4
Andrews, TX—Andrews County, NDB Rwy 15, Original

* * * *Effective April 19, 1978.*

York, PA—York, NDB-A, Amdt. 7

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

* * * *Effective July 13, 1978.*

Pueblo, CO—Pueblo Memorial, ILS Rwy 7L, Amdt. 14
Pueblo, CO—Pueblo Memorial, ILS Rwy 25R, Amdt. 4
Kansas City, KS—Fairfax Muni., ILS-A, Amdt. 14

* * * *Effective June 29, 1978.*

Topeka, KS—Forbes Field, ILS Rwy 31, Amdt. 2
Burlington, VT—Burlington Intl, ILS Rwy 15, Amdt. 17

* * * *Effective June 15, 1978.*

Chico, CA—Chico Municipal, ILS Rwy 13L, Amdt. 2
Lewiston, ID—Lewiston-Nez Perce County, ILS Rwy 26, Amdt. 5
Terre Haute, IN—Hulman Field, ILS Rwy 5, Amdt. 15
Jackson, TN—McKellar Field, ILS Rwy 2, Amdt. 4
Beaumont-Port Arthur, TX—Jefferson County, ILS Rwy II, Amdt. 15

5. By amending § 97.31 RADAR SIAPs identified as follows:

* * * *effective July 13, 1978.*

Pueblo, CO—Pueblo Memorial, RADAR-1, Amdt. 1

* * * effective June 15, 1978.

Greer, SC—Greenville-Spartanburg, RADAR-1, Amdt. 2

6. By amending § 97.33 RNAV SIAPs identified as follows:

* * * *effective July 13, 1978.*

Kansas City, KS—Fairfax Muni., RNAV 17, Amdt. 4

* * * *effective June 15, 1978.*

Phoenix, AZ—Phoenix Sky Harbor Int'l, RNAV 8L, Amdt. 1
Phoenix, AZ—Phoenix Sky Harbor Int'l, RNAV 26R, Amdt. 1
Wichita, KS—Beech Factory, RNAV Rwy 36, Amdt. 4
Meridian, MS—Key Field, RNAV Rwy 19, Original

(Secs. 307, 313(a), 601, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Delegation: 25 FR 6489 and Paragraph 802 of Order FS P 1100.1, as amended March 9, 1973.)

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

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

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on May 12, 1969.

[FR Doc. 78-12013 Filed 5-3-78; 8:45 am]

6355-01]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER A—GENERAL

PART 1009—GENERAL STATEMENTS OF POLICY OR INTERPRETATION

Policy Regarding the Granting of Emergency Exemptions from Commission Regulations

AGENCY: Consumer Product Safety Commission.

ACTION: Statement of Policy on which comment is solicited.

SUMMARY: This document sets forth the policy of the Commission regarding the granting of emergency exemptions to companies which inadvertently produce products that do not conform to Commission regulations. The policy statement lists several criteria which the Commission considers in deciding whether to grant or deny any exemption request. While the Commission is reluctant to grant such requests, it believes that the public should be apprised of the manner in which it rules on exemption requests and therefore is publishing the policy for codification.

DATES: The policy is effective May 4, 1978. Comments may be submitted to the Office of the Secretary of the Commission until June 5, 1978.

ADDRESS: Comments to: Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street NW., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Carole Roth, Office of the General Counsel, Consumer Product Safety Commission, 1111 18th St. NW., Washington, D.C. 20207, 202-634-7770.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to set forth the policy of the Consumer Product Safety Commission with respect to emergency requests for exemptions from companies which inadvertently produce products that do not conform to Commission regulations issued under the five acts the Commission administers. The notice lists criteria the Commission considers in deciding whether to grant or deny a request for exemption and therefore, should provide guidance to companies on the types of information to be submitted with requests. In addition, published Commission procedures regarding petitioning for amendments to regulations may assist companies in determining what supporting data to submit with a request. (See, for example, existing Commission procedures at

16 CFR Part 1110, 16 CFR 1607.14, 16 CFR 1500.82, and 16 CFR 1500.201). The exemption requests themselves should be filed with the Office of the Secretary of the Commission.

The policy is effective on an interim basis, May 4, 1978. However, the Commission is interested in public views as to this policy and solicits comments on the policy until June 5, 1978. Since this matter is a general statement of policy, it is exempt from the notice and public procedure provisions of the Administrative Procedure Act (5 U.S.C. 553). However, in view of the importance of the policy, the Commission has decided to solicit public comment and may amend the policy as a result of the comments. In publishing this policy for comment, the Commission does not intend to set a precedent for future policy statements.

The Consumer Product Safety Commission issues the following policy effective May 4, 1978, under the provisions of the Consumer Product Safety Act (15 U.S.C. 2051), the Federal Hazardous Substances Act (15 U.S.C. 1261), the Flammable Fabrics Act (15 U.S.C. 1191), the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471), and the Refrigerator Safety Act (15 U.S.C. 2111). Accordingly, the Commission amends Title 16 of the Code of Federal Regulations by adding to Chapter II, Part 1009 a new § 1009.9 as follows:

§ 1009.9 Policy regarding the granting of emergency exemptions from Commission regulations.

(a) This document states the Consumer Product Safety Commission's policy with respect to emergency requests for exemptions from companies which inadvertently produce products that do not conform to Commission regulations issued under the five acts the Commission administers. These acts are the Consumer Product Safety Act, the Federal Hazardous Substances Act, the Flammable Fabrics Act, the Poison Prevention Packaging Act of 1970 and the Refrigerator Safety Act. While the Commission is reluctant to grant such requests, it believes that the public should be apprised of the manner in which it rules on exemption requests and therefore is publishing the policy to provide guidance to industry and others making such requests. The publication of the policy will also serve to inform the public of the criteria that the Commission uses in ruling upon such requests. This policy is intended to cover emergency requests for exemptions and, while relevant, is not intended to limit the discretion of CPSC staff to close or not to open cases in the routine enforcement of CPSC regulations.

(b) The policy governs requests for exemption from any regulation under any act the Commission administers. The policy lists criteria the Commission considers in deciding whether to grant or deny an exemption request and therefore, should provide guidance to companies on the types of information to be submitted with requests. In addition, published Commission procedures regarding petitioning for amendments to regulations may assist companies in determining what supporting data to submit with a request. (See, for example, existing Commission procedures at 16 CFR Part 1110, 16 CFR 1607.14, 16 CFR 1500.82 and 16 CFR 201). The exemption requests themselves should be filed with the Office of the Secretary of the Commission.

(c) It is the general policy of the Commission that when a particular exemption request is made and granted, all similarly situated persons are accorded the same relief as the person who requested the exemption. Therefore, when any amendment to a Commission regulation is proposed or a statement of enforcement policy is issued, the document to the extent practicable will be phrased in objective terms so that all similarly situated persons will be able to determine whether their products would fall within the relief.

(d) In deciding whether to grant or deny an exemption request, the Commission considers the following general criteria:

(1) *The degree to which the exemption if granted would expose consumers to an increased risk of injury.* The Commission does not believe it should exempt products which would present a significantly greater risk to consumers than complying products. Therefore, the Commission will not grant exemption requests in such cases.

(2) *The cost to the Commission of granting emergency requests.* Granting emergency exemption requests will in most cases require drafting a proposed and a final amendment or a statement of enforcement policy for publication in the FEDERAL REGISTER. Such action may also require the Commission to monitor the sale or distribution of the products. These activities consume scarce Commission resources. In some instances, the costs to the Commission may exceed the benefit to be derived by a company and similarly-situated companies. If so, the Commission may deny the request on this ground.

(3) *The precedential effect of exempting some products.* The Commission recognizes that decisions to exempt some products set precedents in at least two ways. First, they indicate to companies that the CPSC will permit deviations to a given regulation. Second, they indicate to companies that the CPSC will permit deviations to regulations in general. Both precedents, if set carelessly by the CPSC, could result in many requests for exemption and could undermine the stability and integrity of the Commission's regulations.

(e) In deciding whether to grant or deny an exemption request, the Commission also considers the following factors which relate specifically to the company making the request: (If the request is granted, however, all similarly-situated companies will be accorded the same relief).

(1) *The nature of the emergency exemption request.* The Commission will not reward bad quality control or faulty design work by permitting companies to market their mistakes. Although it is difficult to detail specific instances, the Commission is sympathetic to companies that produced noncomplying products due to factors beyond their immediate control or despite their best efforts.

(2) *The economic loss which a company will suffer if its emergency request is denied.* The greater the loss a company may suffer the more likely the Commission will favorably consider an exemption. However, the Commission does not believe economic loss alone should be determinative of an emergency exemption request.

(3) *The fairness to competitors.* The Commission is reluctant to grant relief if it could place the company at an unfair competitive advantage over other companies which have successfully complied with the same regulation. Therefore, the Commission will afford the same relief to similarly-situated companies, and will decline to grant a request where unfair competitive advantage may result.

All interested persons are invited to submit written comments, preferably with five copies, to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, by June 5, 1978. Comments received after that date will be considered insofar as practicable. Received comments will be available for inspection in the Office of the Secretary, third floor, 1111 18th St. NW., Washington, D.C. during working hours Monday through Friday.

Effective date: May 4, 1978.

Dated: April 28, 1978.

SADYE E. DUNN,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 78-12215 Filed 5-3-78; 8:45 am]

[6355-01]

PART 1032—COMMISSION INVOLVEMENT IN VOLUNTARY STANDARDS ACTIVITIES

General Statement of Policy

AGENCY: Consumer Product Safety Commssion.

ACTION: Revisions to Statement of Policy.

SUMMARY: The Commission in this document responds to comments on its statement of policy on Commission Involvement in Voluntary Standards Activities published in the FEDERAL REGISTER of November 10, 1977. The Commission also makes several revisions to the policy statement based on the comments. The revisions include establishing a time limit on the three meeting limitations for Commission involvement at the liaison level; requiring the Office of Program Management to include in its quarterly summary of voluntary standards activities a description of the extent to which the guidelines for Commission involvement in voluntary standards activities is being met; and establishing a procedure for organizations to submit to the Commission an existing voluntary standard for evaluation, with a request that the Commission make a commitment to defer mandatory standard development for the product addressed by the voluntary standard.

EFFECTIVE DATE: As amended, the policy takes effect on May 4, 1978.

FOR FURTHER INFORMATION CONTACT:

Donald R. MacKay, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6557.

SUPPLEMENTARY INFORMATION: On November 10, 1977, (42 FR 58726), the Consumer Product Safety Commission published in the FEDERAL REGISTER a statement of policy for the Commission's involvement in the development of voluntary consumer product safety standards and the role of voluntary standards activities in the development of mandatory standards by the Commission. The policy provides for three levels of Commission involvement in voluntary standards activities: Liaison, monitoring, and participating. It describes the level of support the Commission offers to voluntary standards activities and establishes guidelines for Commission participation. It also addresses the situation where the Commission is considering development of a mandatory standard for a product and there is an existing voluntary standard or a voluntary standard under development which addresses the same risk of injury associated with the product.

Although the statement is a statement of policy and thus did not require the Commission to solicit public comment, the Commission nevertheless sought such comment and provided 60 days for the submission of comments. (The policy became effective May 4, 1978, and the Commission indicated it might make changes in the policy based on the comments received.) The Commission received 25 comments on the policy statement. Comments were submitted by consumers, voluntary standards organizations, trade associations, testing laboratories, and manufacturers of consumer products. The commentors, with one exception, generally supported the Commission's policy statement.

The substantive comments with the Commission's response are discussed below.

EXTENT AND FORM OF COMMISSION INVOLVEMENT IN THE DEVELOPMENT OF VOLUNTARY STANDARDS

Part A of the policy statement (codified as § 1032.2) describes the form and extent of Commission involvement in the development of voluntary standards. The policy establishes three levels of Commission involvement: liaison, monitoring and participation. Several commentors specifically supported the statement concerning the three levels of involvement. No commentors opposed these levels of involvement.

One commentor suggests in regard to Commission dissemination of information as part of its liaison function that it specifically recognize in its policy statement the rights of manufacturers under section 6(b) of the Consumer Products Safety Act, 15 U.S.C. 2055(b) (CPSA) when it disseminates information on consumer products.

Section 6(b) generally provides that the Commission must notify a manufacturer or private labeler in advance of publicly disclosing product safety information from which its identity will be readily ascertainable by the public. The Commission believes that all of its disseminations of information comply with the provisions of section 6(b) and that there is no need to include specific reference to that section of the CPSA in the policy statement. The Commission has published proposed regulations under section 6(b) (42 FR 54304), that specifically address the rights of manufacturers and private labelers under that section of the CPSA and provides a means for them to object to disseminations of information they believe to be inaccurate or misleading.

One commentor urges the Commission to establish a procedure whereby a voluntary standards group could formally petition the Commission for CPSC involvement in a voluntary standard development activity, and that there be a mechanism to appeal an unfavorable decision by the Executive Director on CPSC involvement.

The Commission suggests that any organization that desires CPSC involvement in a voluntary standards activity may request such involvement through the Office of the Executive Director. The Executive Director is responsible for the day-to-day operations of the Commission and in consultation with the Office of Program Management would consider the appropriateness of the request, the availability of staff resources, and Commission priorities. If the Executive Director determines that the staff should not be involved in a particular voluntary standards activity, the requesting organization can always request the Commission to reconsider the request. The Commission believes this informal procedure, which has been followed in the past, has worked effectively. Therefore, the Commission does not consider it necessary at this time to adopt a formal procedure for seeking CPSC staff involvement in voluntary standards activities or for appealing an adverse decision on involvement by the Executive Director.

The description of liaison activities in the policy statement (codified as § 1032.2(b)(1)) limits staff attendance at meetings concerning the development of voluntary standards to not more than three meetings. One commentor suggests that there be a time limit imposed on the three meeting limit for Commission involvement at the liaison level.

The Commission agrees that a time limitation is appropriate in order to ensure that liaison functions which involve a minimal commitment of Commission resources can be effectively carried out. Without a time limitation, a request by a voluntary standards organization for a fourth meeting over an extended period of time would be deemed "monitoring" even though the involvement sought by the organization would, in fact, fall within the definition of "liaison." To minimize the possibility of this situation occurring, the Commission has imposed a 3-year time period on the three meeting limitation. The Commission believes the 3-year period for attendance at meetings for the purpose of liaison is reasonable because many committees meet on an annual basis and it is unlikely that staff attendance at these voluntary standards activities would be necessarily more than once a year. It should be noted that if the Commission wishes at the outset of a voluntary standards development activity to be more involved than provided by liaison, it may decided to monitor or participate without going through the liaison process as long as the staff obtains approval for monitoring or participating in accordance with § 1032.3.

One commentor suggests that the Commission establish a specific time period for responding to requests for Commission involvement in the development of voluntary standards. Additionally, the commentor suggests that the Commission should make known to the committee making the request its reasons for denying any request for involvement.

The Commission appreciates the concern of a committee for receiving a timely response to a request for Commission involvement in voluntary standards development activities. It is unlikely, however, that a decision to provide either "liaison" or "monitoring" will consume any great amount of time since the Executive Director has the authority to make such decisions. A request for "participation" may require the staff to obtain additional information to support a staff request to the Commissioners for approval to participate in a voluntary standards effort. This additional information may be necessary to justify commitment of Commission resources. Once the Commission has adequate information to make a decision on participation it is unlikely that it would take the Commission a great deal of time to reach a decision. Thus, the Commission does not believe it is necessary to establish a time limit in this policy statement at this time.

In handling requests for Commission involvement in voluntary standards development activities, the Commission will normally explain its reasons for the denial of any requests and, therefore, does not believe it necessary to incorporate such a requirement in the policy statement.

DETERMINATION OF COMMISSION INVOLVEMENT IN VOLUNTARY STANDARDS ACTIVITIES

The Commission received two comments concerning the contents of section B, (codified as § 1032.3) "Determination of Commission Involvement in Voluntary Standards Activities". This section provides that the Executive Director shall approve Commission activities that are within the definition of "liaison" and "monitoring", and that the Commissioners shall approve activities defined as "participating". It also provides that the Commission's Office of Program Management (OPM) is responsible for filing with the Commission a quarterly summary of its voluntary standards activities.

One commentor suggests that the quarterly summary that the Office of Program Management provides the Commission on its voluntary standards activities include a statement as to the extent to which the guidelines set out in section D of the policy (now § 1032.5) governing Commission participation in voluntary standards activities are being met. The Commission agrees with this recommended change and the policy statement has been revised to incorporate this change.

Another commentor requests that the requirement that the Commissioners approve activities within the definition of "participation" be clarified. The commentor suggests this provision could be read to mean approval must be given by all of the Commissioners then in office.

The Commission acts by vote of a majority of its members except in those situations where there are only three sitting Commissioners. When there are 4 or 5 Commissioners in office, a majority vote of the Commissioners would be sufficient to approve participation activities. Where there are only three sitting Commissioners, the Commission's internal voting policy provides that an action can be approved with two affirmative votes and one abstention. The Commission does not believe it is necessary to explain its voting procedure in the policy statement.

COMMISSION SUPPORT OF VOLUNTARY STANDARDS PROGRAMS

Section C of the policy statement (codified as § 1032.4) describes the actions the Commission may take to support voluntary standards programs.

One commentor expresses the view that the policy statement is an attempt to create product safety standards outside the provisions of section 7 of the CPSA, 15 U.S.C. 2056. Section 7 authorizes the Commission to issue mandatory consumer product safety standards. The commentor bases this view on section C of the policy statement which states in relevant part that the Commission may support voluntary standards activities by encouraging the initiation of voluntary standards activities and encouraging state and local governments to reference or incorporate the provisions of a voluntary standard in their regulations or ordinances. The commentor apparently equates these activities with issuance of a mandatory standard under section 7 of the CPSA. Apparently the commentor has misconstrued the intent of the policy with regard to the use of voluntary standards in reducing injury associated with consumer products. The Commission's involvement in voluntary standards activities is not equivalent to issuing a mandatory standard under section 7 of the CPSA since the Commission through this involvement is not issuing mandatory standards.

One commentor suggests that the Commission revise its policy to openly invite the development of voluntary standards by industries as a means of avoiding a mandatory standard proceeding.

The Commission has always encouraged the development of voluntary consumer product safety standards to improve the level of safety associated with consumer products. Section C(2) of the policy statement (now § 1032.4(b)(2)) specifically provides for Commission encouragement of the initiation of voluntary standards for specific consumer products. The Commission does not believe it is necessary to specifically invite the development of voluntary standards in this policy statement.

Two commentors suggest that the Commission should have a program to educate consumers in the safe use of various consumer products.

The Commission's information and education program is directed to providing information to consumers on hazards associated with the use of specific consumer products and the safe selection and maintenance of consumer products.

One commentor suggests that the Commission provide a more detailed statement of actions it would take in the dissemination of information and educational materials regarding a voluntary standard or its use. Another commentor suggests that the Commission should, in cooperation with voluntary standards groups and others, "design and implement" methods of disseminating information and education about the voluntary standard, as well as the product covered by the voluntary standard and the standards use.

The Commission, in issuing its policy statement, considered the role it would play in disseminating information concerning a voluntary standard. The Commission believes that it would generally not be appropriate for it to promote a voluntary standard through dissemination of information and education programs, or to design or implement programs which are intended to provide information to the public about voluntary standards or their uses. Rather that is a function more appropriately carried on by standards organizations, trade associations and individual manufacturers. The Commission in its policy statement did agree that it could provide assistance on methods of disseminating information and education about the voluntary standard or its use. The Commission believes this provision is sufficient at this time as a general policy.

GUIDELINES FOR COMMISSION PARTICIPATION IN VOLUNTARY STANDARDS ACTIVITIES

Section D of the policy statement (codified as § 1032.6) identifies criteria to be considered by the Commission in evaluating requests for staff participation in voluntary standards development activities. This section now provides that a Commission decision to participate in a voluntary standards activity will be dependent upon the extent to which the guidelines specified are met. One commentor suggests that these criteria also apply throughout the voluntary standards development activity, and not just when reviewing requests to participate. The Commission agrees with this comment and the suggested change has been made.

Two commentors state it was their understanding that the criteria in section D are only intended to be used for

"participation" activities. This view is correct.

One commentor questions the criteria for Commission participation in voluntary standards activities in D(1) (now § 1032.5(a)) which provides for "meaningful representation for small business and ultimate consumers" and the further requirement that such individuals have "technical expertise in the areas under consideration." The commentor suggests that it is not always possible to find such persons with the necessary expertise to work on these committees. The commentor suggests that the statement be revised to require the "opportunity" for these persons to have representation.

The Commission wishes to clarify its stated policy. It is not necessary that consumers or small businessmen or women themselves have the necessary technical expertise. Rather, the Commission believes it necessary that the persons representing the consumer or small business point of view have that expertise. Thus, consultants with appropriate expertise could be utilized to represent the consumer or small business point of view.

The Commission believes that merely providing an "opportunity" for consumers and small business to be represented is not sufficient for those voluntary standards development activities where the Commission is going to "participate". Therefore, no change in the policy statement is deemed necessary at this time.

One commentor suggests that the criteria in D(2) (now § 1032.5(b)), which conditions Commission participation in voluntary standards activities on voluntary standards not having requirements which will create undue anticompetitive effects or promote restraints of trade, are not completely appropriate for voluntary standards activities that concern safety matters. This commentor expressed the view that manufacturers who comply with the requirements of a voluntary safety standard are at a competitive disadvantage in the market place with those manufacturers who produce less expensive and more hazardous products that do not comply with a voluntary standard. The commentor argues that the production of safer products places some manufacturers in an anticompetitive position because of their increased costs.

The Commission recognizes that the development and implementation of voluntary safety standards may create, to some extent, anticompetitive effects or promote restraints of trade. The Commission also recognizes that requirements of voluntary safety standards that have such an effect may not necessarily be contrary to the public interest because of the increased safety benefits that are provided by those standards. Accordingly, the Commission has revised the criteria statement in subsection D(2) (now § 1032.5(b)) so that it provides that anticompetitive effects shall be excluded to the extent consistent with the public interest and the goal of product safety.

One commentor questions the authority of the Commission in section D(3) (now § 1032.5(c)) to review existing voluntary standards for anticompetitive effects. Apparently, the commentor did not realize that this provision was directed towards the standards development, organization. Thus, the Commission's statement in this area provides that the Commission, in deciding whether to participate in a voluntary standards development activity, will consider the extent to which the standards development group had made provisions for periodic and timely review of a voluntary standard including review for anticompetitive effects.

One comment concerns the guideline in D(4) (now § 1032.5(d)) for Commission participation in voluntary standards acitivities which provides that voluntary standards must be performance oriented and not design restrictive, to the maximum extent practical. The commentor suggests a performance oriented requirement may also be design restrictive and, therefore, recommends that the CPSC solicit private sector views as to the extent to which a performance oriented standard is design restrictive.

The Commission recognizes that performance oriented standards can be design restrictive. However, that is why the criteria provides for performance oriented and not design restrictive requirements "to the maximum practical extent." The Commission does not believe this comment necessitates any change in the policy statement.

One comment concerns the criteria in D(7) (now § 1032.5(g)) which provides that products identified as conforming to voluntary safety standards in which the Commission may participate, will be subjected to a testing and certification prodcedure that will provide assurance that the products conform to the standard. The commentor expresses the view that the standards writing committee should not be held accountable for compliance with the voluntary standards.

The Commission did not intend that the standards writing committee be responsible for the conformance of individual products to voluntary standards. The Commission was only attempting to encourage industry associations involved in the development of voluntary safety standards in which the Commission agreed to participate, to establish voluntary testing and certification programs that would provide the public, as well as the Commission, with the assurance that products that are identified as conforming to a voluntary standard actually meet the requirements of that standard. Indeed, in this provision the Commission states that self-certification of conformance in lieu of certification by independent testing laboratories may be an acceptable assurance of conformance.

Effect of Voluntary Standards Activities on Commission Activities

Section E of the policy statement (codified as § 1032.6) describes the manner in which voluntary standards will be considered and reviewed in connection with mandatory standards activities.

Existing Voluntary Standards

Section E(1) (now § 1032.6(a)) discusses the effect of a voluntary standard on the Commission determination of whether a mandatory standard is necessary; describes circumstances under which the Commission may encourage conformance to a voluntary standard in lieu of initiating a mandatory standard development activity; and describes generally how the Commission will evaluate a voluntary standard for adequacy.

One commentor suggests that the Commission publish guidelines as to the basic elements that must be present in a voluntary standard for it to be acceptable to the Commission in lieu of a mandatory standard. These basic elements are described in section E(1) of the policy statement (now § 1037.6) and do not appear to need further description at this time.

The same commentor also suggests that it might be helpful for the Commission to set forth publicly its basic criteria for selecting candidates for a mandatory standard. The Commission has previously issued a policy that sets forth guidelines the Commission uses in establishing its priorities for action including the development of mandatory standards, 16 CFR 1009.8. The Commission believes its policy on priorities addresses this comment.

In section E(1) (now § 1032.6(a)(2)) of the policy statement, the Commission acknowledges that there are situations in which adequate voluntary standards in combination with independent certification programs may support a conclusion that a mandatory standard is not necessary. One commentor has suggested deletion of the word "independent" because that commentor believes "independent" laboratory certification does not warrant special consideration and such a requirement is anti-competitive and a restraint of trade.

In using the term "independent certification program," the Commission did not intend to restrict the acceptability of a voluntary standard to in-

stances where only "independent" certification programs were used. A voluntary standard in combination with an appropriate, though not necessarily independent, certification program may be sufficient to support a conclusion that a mandatory standard is not necessary. For this reason the Commission has replaced the word "independent" with the term "appropriate."

One commentor suggests that before the Commission finds that a mandatory standard is not necessary because an adequate voluntary standard exists, it also determine that the voluntary standard was drafted in a manner such that the criteria governing Commission participation in the development of voluntary standards (section D, now § 1032.5) were met. These criteria concern such things as openness of standards development meetings to all interested persons, meaningful participation by representatives of all affected interests, degree of industry conformance, and the like.

The Commission believes each of the criteria listed in section D (now § 1032.5) of the policy statement are important for Commission participation in the development of voluntary standards. The extent to which the criteria in section D (§ 1032.5), have been met, will be considered by the Commission in evaluating a voluntary standard. The Commission does not believe, however, particularly in regard to the procedural criteria in section D, that these criteria should necessarily be controlling factors in determining the acceptability of existing voluntary standards. If this were not the case, a voluntary standard that in fact eliminates or reduces an identified risk of injury but that was developed without widespread public participation, could not be considered to be adequate by the Commission. In view of foregoing, the requested change is not deemed appropriate.

One commentor suggests that Commission evaluation of voluntary standards specifically include input from the organization that developed the standard. Another commentor suggests that there be industry input in the evaluation of the voluntary standard.

In evaluating voluntary standards, the Commission staff will consider all relevant information including information provided by the oranization that developed the standard. Under the Commission's openness policy, such an organization or any other organization or individual would have the opportunity to discuss the standard with the staff and make written submissions concerning the voluntary standard prior to any formal evaluation being transmitted to the Commissioners. The Commission believes that since there already exists an adequate opportunity for interested persons to provide input into Commission evaluation of voluntary standards, no revision in the policy statement is necessary at this time.

One commentor suggests that in evaluating voluntary standards, the Commission specifically include input from staff members who have developed a technical expertise concerning the standard under evaluation through work in the development of that voluntary standard.

As the commentor recognized in his comment, the descriptions in the policy statement of the staff personnel to be involved in the evaluation of voluntary standards is not intended to be all inclusive or restrictive. As a general rule, those Commission staff with technical expertise in the area under evaluation including persons with standards development experience will normally be involved in the evaluation process. Thus, no change in this area of the policy statement is deemed necessary.

One commentor suggests that any Commission evaluation of a voluntary standard include a review of the extent to which the voluntary standard incorporates "state of the art" technology. The Commission believes any evaluation of a voluntary standard must by necessity include consideration of whether the voluntary standard reflects at least the current "state of the art." Therefore, the Commission does not consider any change to be necessary.

One commentor suggests that the evaluation of a voluntary standard completed by the staff be "turned over to the appropriate standards committee."

The Commission, operating under a liberal freedom of information policy, would make a document evaluating a voluntary standard available upon request to any interested party in accordance with the Commission's regulations (16 CFR Part 1015) under the Freedom of Information Act, 5 U.S.C. 552. Rather than burden the Commission with a requirement that the evaluation be transmitted to the appropriate voluntary standards committee, the Commission believes that any voluntary standards committee interested in the Commission's activities can request a copy of any document it desires. There may be situations, however, where the staff takes the initiative to send such a document to a standards committee with a request for review and comment or with a request for a response as to the action contemplated by the committee. The policy, as it is currently written, does not preclude such staff initiatives.

Two commentors suggest that there may be an existing voluntary standard that adequately addresses most of the identifiable risks of injury associated with a consumer product, but may not adequately address a few areas. In such a situation, one commentor suggests that the Commission give the developer of the voluntary standard an opportunity to revise the existing standard so that it adequately addresses these other areas.

The Commission believes that in some cases it may be appropriate to allow a voluntary standards organization to revise an existing voluntary standard so that it adequately addresses those areas deemed by the Commission to be inadequately addressed. The Commission agrees this approach may achieve the objective of injury reduction with minimal use of the Commission's limited resources. Accordingly, additional language has been added to section E(1) (now § 1032.6)(a)(4)) reflecting this suggestion.

Voluntary Standards Under Development

Section E(2) of the policy statement (codified as § 1032.6(b)) provides that the Commission will not delay beginning a mandatory rulemaking proceeding in order to permit the initiation of the development of a voluntary standard. The Commission believes a contrary policy might encourage industries to delay work on voluntary standards until mandatory government action seemed likely.

Several commentors suggest that the Commission should consider deferring mandatory standard development activities even where a voluntary standard development begins after the Commission determines that a product presents an unreasonable risk of injury. These commentors contend that a voluntary standard can be developed expeditiously and can accomplish as much as a mandatory standard and at a substantial savings in time and money.

The Commission continues to believe that a policy of always delaying the commencement of rulemaking to allow for the initiation of the development of a voluntary standard would not serve the public interest because industries may tend to delay work on voluntary standards until mandatory government action seemed imminent. The Commission recognizes, however, that before issuing a mandatory standard it must find that such a standard is necessary. If an adequate voluntary standard is developed prior to the issuance of a mandatory standard, even though the development of the voluntary standard was commenced after Commission determination that a product presents an unreasonable risk of injury, the Commission could decide not to issue the mandatory standard.

Section E(2) (now § 1032.6(b)(2)) also provides that the Commission may consider delaying the initiation of a mandatory standard if there is "clear

evidence" to show that a voluntary standard was commenced prior to a Commission determination of unreasonable risk of injuries. Two commentors recommended deletion of the term "clear evidence" because in their view the term is ambiguous and unnecessary. The Commission agrees the term "clear" is not needed and that word has been deleted.

DEFERRAL OF MANDATORY STANDARDS

Section E(3) of the policy statement (codified as § 1032.6(c)) discusses the situation where the Commission may make a revocable commitment to refrain from beginning mandatory standards development for a specified period of time not to exceed three years. One commentor requests that procedures be established so that a group would know how to present a voluntary standard to the Commission for evaluation.

The Commission agrees that some procedure is appropriate and has modified section E(3) (now § 1032.6(c)(1)) to provide that requests that the Commission evaluate a voluntary standard and make a commitment to defer mandatory standard development shall be submitted to the Office of the Secretary. Any organization submitting such a request must provide the Commission with information that at least identifies the risk of injury addressed by the voluntary standard, analyses how the voluntary standard adequately addresses the identified risk of injury and provides a technical rationale statement that supports the provisions of the standard.

One commentor suggests that if the Commission makes a commitment to defer development of a mandatory standard, the Commission should actively work with the voluntary standards organization to insure the effectiveness of the voluntary standard.

When the Commission makes a commitment to defer mandatory standards development for a product addressed by a voluntary standard, it may take those actions described in section C and E of this policy statement (now §§ 1032.4 and 1032.6) to assure the effectiveness of the voluntary standard in reducing identified risks of injury. These actions may include providing assistance on methods of disseminating information and education about the voluntary standards, and its use; encouraging State and local governments to reference or incorporate the provisions of a voluntary standard in regulations or ordinances; monitoring the conformance of products subject to a voluntary safety standard; encouraging conformance to the voluntary standard and subsequently evaluating the effectiveness of the standard in terms of accident and injury reductions; and taking other actions the Commission believes appropriate. Section E(3) (now § 1032.6(c)(3)) has been expanded to reference these provisions.

Several commentors suggest that the 3-year maximum commitment to defer development and issuances of mandatory standards may be too short to adequately evaluate the effectiveness of a voluntary standard particularly with regard to products with a long life expectancy. These commentors recommend that a case-by-case approach to the deferral time period be used.

The Commission agrees that in some instances a 3-year deferral period may not be adequate for all products although it generally seems to be appropriate. The Commission will set a deferral period on a case-by-case basis up to a maximum of 3 years. The Commission, however, has modified the statement to provide that at the end of the deferral period, it will reevaluate its decision to defer a mandatory standard activity and decide whether a further deferral is appropriate. During the deferral period, the Commission will, of course, monitor the effectiveness of the voluntary standard in terms of accident prevention and injury reduction. If the Commission believes that a voluntary standard is effective in reducing or eliminating risks of injury associated with a product, it may, rather than renewing or extending the deferral period, drop consideration of the product addressed by the voluntary standard from consideration for mandatory standards development activity.

One commentor suggests not specifying any period of time during which the Commission makes a revocable commitment to defer mandatory standards activities.

The Commission believes it is appropriate and reasonable to specify the period of time during which it will defer mandatory standards activities. By specifying a period of time, the affected industry will have some incentive to undertake any retooling necessary to conform to the voluntary standard without fear of further retooling costs necessitated by a mandatory standard within the deferral period. Therefore, the Commission does not believe the change suggested is appropriate.

DEVELOPMENT OF MANDATORY STANDARDS

Section E(4) (now § 1032.6(d)) provides that once the Commission has initiated a mandatory standard proceeding for a product which is addressed by a voluntary standard, the Commission will encourage the offeror to accept for the mandatory standard those provisions of the voluntary standard deemed by the Commission to be adequate.

One commentor suggests that in the event the voluntary standard is revised to address the inadequate provisions, the Commission should also consider those revised sections of the voluntary standard for inclusion in the mandatory standard. The Commission is not precluded from taking such action. However, once a mandatory standard development proceeding is initiated, the Commission would encourage the voluntary standards organization to participate through the offeror process in the development of a mandatory standard rather than proceeding independently. Those provisions of a voluntary standard that are inadequate could be addressed during the offeror process.

MISCELLANEOUS

Several commentors suggested the Commission recognize and/or endorse voluntary standards found by the Commission to be adequate in eliminating or reducing an identified risk of injury.

The Commission has not agreed on whether it should officially "recognize" or "endorse" voluntary safety standards that adequately address identified risks of injury. The Commission is continuing to study this matter.

Having considered the public comments on the policy statement, the Commission issues a revised, codified policy statement as set forth below:

Therefore, pursuant to the Consumer Product Safety Act, (Pub. L. 92-573, 86 Stat. 1207 *et seq.*; 15 U.S.C. 2051 *et seq.*) a new Part 1032 is added to Title 16, Chapter II, Subchapter A, as follows:

Sec.

1032.1 Background.
1032.2 Extent and form of Commission involvement in the development of voluntary standards.
1032.3 Determination of Commission involvement in voluntary standards activities; summary of activities.
1032.4 Commission support of voluntary standards programs
1032.5 Guidelines for Commission participation in voluntary standards activities.
1032.6 Effect of voluntary standards activities on Commission activities.
1032.7 Attendance at meetings.

AUTHORITY: Consumer Product Safety Act, Pub. L. 92-573, 86 Stat. 1212 *et seq.*; (15 U.S.C. 2051 *et seq.*)

§ 1032.1 Background.

(a) The Commission recognizes that there are many voluntary standard development activities that are directed toward the establishment of safety specifications for consumer products, both at the domestic level and at the international level. Such activities were reviewed in 1968-1970 by the National Commission on Product Safety, which reached generally critical conclusions regarding the performance of the voluntary standards system in the

field of consumer product safety. However, it is the Commission's perception that voluntary standards organizations have made progress since 1970 in the development of voluntary standards. For example, there has been an increase in the involvement of consumers in the development and review of voluntary standards for consumer products, procedures have been used to expedite the development of voluntary safety standards, a number of substantive revisions in existing voluntary consumer product safety standards have been made and new standards have been established to better address risks of injury associated with consumer products.

(b) The Commission thus recognizes the contribution which voluntary standards have made to increase consumer product safety and will not ignore the potential future contributions which voluntary standards can make in reducing hazards associated with consumer products. While there might be circumstances in which a particular voluntary standard can substitute for a mandatory standard, the Commission generally views voluntary standards as complementary to and not a substitute for mandatory standards. The Commission realizes that mandatory standards generally can only address unreasonable risks of injury associated with a product but that voluntary standards can address any level of risk of injury. Therefore, the Commission believes that a proper combination of voluntary and mandatory standards can have a higher "payoff" in increased product safety than either mandatory or voluntary activities alone will have. Moreover, the Commission believes that by encouraging the development and use of voluntary safety standards, the level of product safety in the marketplace can be increased with a relatively small expenditure of Commission resources, particularly when compared to the resources necessary to issue mandatory safety standards for consumer products.

(c) And finally, even though the Commission supports an effective voluntary standards program, encourages the initiation and development of safety standards, and supports the adoption and use of such standards, it does not give up the option to promulgate a consumer product safety rule in accordance with the provisions of the Consumer Product Safety Act, and the other acts which the Commission administers.

§ 1032.2 Extent and form of Commission Involvement in the Development of Voluntary Standards.

(a) The extent of Commission involvement in the development and support of voluntary safety standards for consumer products will be dependent upon the Commission's interest in the particular standards development activity.

(b) The Commission's interest in a specific voluntary standards activity will be based in part on the frequency and severity of injuries associated with the product, the involvement of the product in the accident, the susceptability of the hazard to correction through standards, and the overall priorities of the Commission. Commission involvement in voluntary standards activities generally will also be guided by the Commission's Operating Plan, budget documents and hazard index. There are three levels of Commission interactions in voluntary standards activities, each of which reflects a different level of Commission involvement as set forth below:

(1) *Liaison.* Liaison involves responding to requests from voluntary standards organizations, standards development committees, trade associations and consumer organizations, by providing information concerning the risks of injury associated with particular products, NEISS data, summaries and analyses of in-depth investigation reports; discussing Commission goals and objectives with regard to voluntary standards and improved consumer product safety; responding to requests for information concerning Commission programs; and initiating contacts with voluntary standards organizations to discuss cooperative voluntary standards activities. Responding to requests for liaison may include the attendance of Commission staff at two or three meeting of an outside organization within a three year period. Attendance by Commission staff at more than three such meetings will be considered "monitoring" or "participation" and will require appropriate approval of the Executive Director or the Commission.

(2) *Monitoring.* Monitoring involves maintaining an awareness of the voluntary standards development process through oral or written inquiries, receiving and reviewing minutes of meetings and copies of draft standards, and attending meetings for the purpose of observing and commenting during the standards development process.

(3) *Participating.* Participating involves regularly attending meetings of the standards development committee or group and taking an active part in the discussions of the committee and in developing the standard, in accordance with the Commission's policy published in 16 CFR Part 1031. Under certain conditions, the Commission will contribute to the deliberations of the committee by expending resources to provide technical assistance including research, engineering support, and information and education programs which would support the development and implementation of voluntary standards.

§ 1032.3 Determination of Commission involvement in voluntary standards activities; summary of activities.

(a) The Executive Director shall approve Commission activities that are within the definitions of "liaison" and "monitoring".

(b) The Commissioners shall approve activities that are within the definition of "participation."

(c) The Office of Program Management is responsible for preparing a quarterly summary of such activities for the Commission. The summary shall set forth, among other things, voluntary standards meetings attended, dates of the meetings, staff members in attendance, location of the meetings, the status of the CPSC involvement, and the extent to which each of the criteria set out in section 1032.5 for staff participation is being met for each proceeding.

§ 1032.4 Commission support of voluntary standards programs.

(a) The Commission's support of voluntary safety standards development activities may include any one or a combination of actions. The level of support will be dependent upon the degree of Commission involvement as described in § 1032.2 above.

(b) These actions may include:

(1) Providing epidemiological information and explanations of hazards for consumer products.

(2) Encouraging the initiation of the development of voluntary standards for specific consumer products.

(3) Indentifying specific risks of injury to be addressed in voluntary standards.

(4) Performing or subsidizing technical assistance, including research and engineering support, in the development of a voluntary standards activity in which the Commission is participating.

(5) Providing assistance on methods of disseminating information and education about the voluntary standard or its use.

(6) Performing a staff evaluation of a voluntary standard to determine its adequacy and efficacy in reducing the risks of injury that have been identified by the Commission as being associated with the use of the product.

(7) Encouraging state and local governments to reference or incorporate the provisions of a voluntary standard in regulations or ordinances.

(8) Monitoring the conformance of products subject to a voluntary safety standard.

(9) Listing voluntary standards that address specific hazards associated with the use of consumer products.

(10) Taking other actions that the Commission believes appropriate in a particular situation.

§ 1032.5 Guidelines for Commission participation in voluntary standards activities.

The Commission will consider the extent to which the following criteria are met in evaluating requests for staff "participation" in the development of voluntary safety standards for consumer products and in determining whether to continue to allow such staff participation throughout the process.

(a) Openness to all interested parties and procedures which will provide for meaningful participation by representatives of producers, distributors, consumers, and general interests, with appropriate meaningful representation for small business and ultimate consumers. Meaningful representation by consumers and small business means, as a minimum, that among those representing such points of view are individuals having technical expertise in the areas under consideration.

(b) Exclusion to the maximum extent possible of the incorporation of requirements which will create undue anti-competitive effects or promote restraints of trade, which are contrary to the public interest and the goal of product safety.

(c) Provisions for periodic and timely review of the standard, including review for anti-competitive effects and revision or amendment as the need arises.

(d) Performance-oriented and not design-restrictive requirements to the maximum practical extent in any standards developed.

(e) Degree of industry conformance to the voluntary standard once it is issued, and ascertainability of conformance.

(f) Provisions in the standard for marking products conforming to the standard so that future in-depth investigation reports of the Commission can indicate the involvement of such products in accidents and injury patterns.

(g) Provisions for insuring that products identified as conforming to such standards will be subjected to a testing and certification (including self-certification) procedure which will provide assurance that the products conform to the standard.

§ 1032.6 Effect of voluntary standards activities on Commission activities.

(a) *Existing voluntary standards.* (1) The Commission, in determining whether to begin proceedings to develop mandatory standards under the acts it administers, considers whether mandatory regulation is necessary. In determining whether mandatory regulation is necessary, it considers whether there is an existing voluntary standard that adequately addresses the problem and the extent to which that voluntary standard is conformed to by the affected industry.

(2) The Commission acknowledges that there are situations in which adequate voluntary standards in combination with appropriate certification programs may support a conclusion that a mandatory standard is not necessary. The Commission may find that a mandatory standard is not necessary where an existing voluntary standard appears to be reasonably adequate to eliminate or reduce the risk of injury associated with the product, contains requirements and test methods that have been evaluated and found acceptable by the Commission, and there is a sufficiently high degree of conformance to the voluntary standard. Under such circumstances, the Commission may agree to encourage conformance to the voluntary standard and subsequently evaluate the effectiveness of the standard in terms of accident and injury reduction for products produced in conformance with the standard.

(3) In evaluating voluntary standards, the Commission will relate the requirements of the standard to the identified risks of injury and evaluate the requirements in terms of their effectiveness in eliminating or reducing the risks of injury. The evaluation of voluntary standards will be conducted by Commission staff members, including representatives of legal, epidemiological, engineering, and human factors interests. The staff evaluation will be conducted in a manner similar to evaluations of standards being considered for promulgation as mandatory standards.

(4) In the event that the Commission has evaluated an existing voluntary standard and found it to be adequate in all but one or two areas, the Commission may defer the initiation of a mandatory rulemaking proceeding and request the standards developed organizations to revise the standard to address the identified inadequacies expeditiously. In such cases, the Commission will monitor or participate in the development of these revisions.

(b) *Voluntary standards under development.* (1) As a general rule, once the Commission has made a determination to commence a standard development proceeding under section 7 of the CPSA, it will not delay the commencement of mandatory rulemaking in order to permit an outside party to develop a voluntary standard. The Commission believes that such a policy would simply encourage industries to relay work on voluntary standards until mandatory government action seemed likely.

(2) However, the Commission may consider delaying the initiation of a mandatory standard if there is clear evidence to show that development of a voluntary standard that adequately addresses the risk of injury presented by a consumer product was commenced prior to a Commission determination that a product presents an unreasonable risk of injury and development of the voluntary standard will be completed expeditiously. Under such circumstances, the Commission may agree to support and participate in the development of that voluntary standard.

(c) *Deferral of mandatory standards.* (1) Any organization may submit to the Commission an existing voluntary standard for evaluation, with a request that the Commission make a commitment to defer mandatory standard development for the product addressed by the voluntary standard. Such requests shall be submitted to the Office of the Secretary. The Commission will consider such requests on a case-by-case basis. The organization submitting a voluntary standard under this section, shall include with its submission, at a minimum, an identification of the risk of injury addressed by the voluntary standard, an analysis explaining how the voluntary standard adequately addresses the identified risk of injury; and a statement of technical rationale that supports the provisions of the standard.

(2) For purposes of this policy, a "commitment" to defer mandatory standards development shall be a Commission decision—revocable at any time—to refrain from commencing mandatory standards development for a specified period of time, not to exceed three (3) years. The commitment must be based upon a finding by the Commission that the voluntary standard adequately reduces risk(s) of injury associated with a product and that the standard was drafted in a manner such that the criteria in section D of this policy were satisfactorily met.

(3) When the Commission makes a committment to defer mandatory standards development for the product addressed by the voluntary standard, it may take actions described in §§ 1032.4 and 1032.6 of this policy statement to ensure the effectiveness of the voluntary standard in reducing the identified risks of injury.

(4) At the end of each three year period, the Commission may extend the committment to defer mandatory standards development if a review indicates that insufficient time has transpired in which to properly evaluate the effectiveness of the voluntary standard or for other appropriate reasons.

(d) *Development of mandatory standards.* The Commission will consider those provisions of a voluntary standard that have been reviewed, evaluated, and deemed to be adequate in addressing the specified unreasonable risks of injury when initiating a mandatory standard development proceeding under section 7 of the Con-

sumer Product Safety Act. Comments will be requested in the Notice of Proceeding on the adequacy of those provisions and the offerors will be encouraged to accept those provisions deemed adequate and to develop other provisions deemed necessary to complete the proposed regulation.

§ 1032.7 Attendance at meetings.

All meetings between Commission personnel and outside organizations shall be subject to the Commission's open meetings policy, 16 CFR Part 1012. The approval and authorization for attendance of Commission staff at meetings of standards groups and the participation of staff members in standards development activities shall be in accordance with the policy on "Employee Membership and Participation in Voluntary Standards Organization", 16 CFR Part 1031.

Dated: April 28, 1978.

SADYE E. DUNN,
Acting Secretary,
Consumer Product Safety Commission.

[FR Doc. 78-12203 Filed 5-3-78; 8:45 am]

[8010-01]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. IA-626, 34-14714]

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

Final Extension of Temporary Exemption From the Investment Advisers Act for Certain Brokers and Dealers

AGENCY: Securities and Exchange Commission.

ACTION: Final extension of temporary rule.

SUMMARY: Because some broker-dealers might have decided, as a result of the May 1, 1975 elimination of fixed commission rates on securities transactions, to impose charges for their investment advisory services which might have caused such broker-dealers to lose their exemption from the Investment Advisers Act of 1940 ("Advisers Act"), the Commission on a temporary basis exempted certain broker-dealers from the Advisers Act. The Commission now has determined that the temporary exemption will be allowed to expire at the end of an additional six-month period and that no permanent exemption will be adopted. Current staff views on the meaning of the term "special compensation" are also set forth and public comments are solicited on those views and on the question whether brokers or dealers who have discretionary authority over customers' accounts should, per se, be considered investment advisers with respect to such accounts.

DATES: Effective date of final extension—April 27, 1978; comments must be received on staff views on the meaning of "special compensation" and other issues on or before June 30, 1978.

ADDRESSES: Interested persons should submit their views and comments in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All submissions should refer to File No. S7-740, and will be made available for public inspection at the Commission's Public Reference Section, Room 6101, 1100 L Street NW., Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT:

Michael Berenson, Esq., Office of the Chief Counsel, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202-376-20549.

SUPPLEMENTARY INFORMATION:

I. SYNOPSIS

The adoption of Rule 19b-3 (17 CFR 240.19b-3)[1] under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) ("Exchange Act"), if followed by the "unbundling" of brokerage commission charges and charges for research and other investment advice, could cause those brokers or dealers who unbundle to become investment advisers as that term is defined in the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) ("Advisers Act"). Believing that the change from fixed to negotiated rates was itself a very significant change for brokers and dealers, the Commission adopted a series of temporary exemptions from the Advisers Act for certain brokers and dealers who had been registered pursuant to Section 15 of the Exchange Act prior to the May 1, 1975 effective date of Rule 19b-3 and who were not then registered as an investment adviser. The latest of such exemptions expires on April 30, 1978.

An adequate period has elapsed for broker-dealers to become familiar with the provisions of the Advisers Act and to adjust to the unfixing of commission rates. The Commission has considered the impact of the Advisers Act on all broker-dealers, including those previously exempt, and does not believe compliance with the Advisers Act is overly burdensome. This is especially true since the Commission has taken several actions since the temporary exemptions were first initiated to reduce the burdens regulation under the Advisers Act imposes on broker-dealers. In addition, the Commission believes that the Advisers Act provides individuals with certain protections not available under the Exchange Act. Accordingly, the Commission has concluded that neither a continuation of the temporary exemption, beyond a final extension to October 31, 1978, permitting broker-dealers to prepare for compliance with the Advisers Act, nor adoption of a permanent exemption from the Advisers Act for any or all broker-dealers is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Advisers Act.

II. BACKGROUND

On April 23, 1975, the Commission published notice of the adoption of temporary Rule 206A-1(T) (17 CFR 275.206A-1(T)) under the Advisers Act[2] effective May 1, 1975, to coincide with the effective date of Rule 19b-3 under the Exchange Act. The rule was adopted in order to allow brokers and dealers to become familiar with the Advisers Act and to afford them an adequate period of time to develop and test new pricing practices after May 1, 1975, without at the same time having to register under and comply with the Advisers Act. The rule also was adopted to provide for a thorough consideration by the Commission and the public of questions related to the applicability of the Advisers Act to brokers and dealers. Registration under and compliance with the Advisers Act might otherwise have been required of a broker or dealer who made a separate charge for investment advice since by doing so he might lose the benefit of the exclusion from the definition of investment adviser in Section 202(a)(11) (15 U.S.C. 80b-2(a)(11)) of the Advisers Act[3] provided by Section

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[1] Rule 19b-3 prohibits any national securities exchange from adopting or retaining any rule that requires, or from otherwise requiring, its members to charge fixed rates of commission for transactions executed on, or by the use of the facilities of, such exchange after May 1, 1975 (May 1, 1976 as to rules of an exchange relating to floor brokerage commissions).

[2] Securities Exchange Act Release No. 11368, Investment Advisers Act Release No. 455, 40 FR 18424 (April 28, 1975).

[3] Section 202(a)(11) of the Advisers Act defines the term "investment adviser" to mean, with certain exclusions—any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability

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202(a)(11)(C) (15 U.S.C. 80b-2(a)(11)(C)) for "any broker or dealer whose performance of such (investment advisory) services is solely incidental to the conduct of his business as a broker or dealer and who receives no special compensation therefor."

Rule 206A-1(T) provided a four-month exemption from the Advisers Act for any broker or dealer who was registered as such on May 1, 1975 pursuant to Section 15 (15 U.S.C. 78o) of the Exchange Act and who was not then registered with the Commission as an investment adviser. On August 20, 1975, the exemptive period was extended to April 30, 1976, and at that time the exemption was narrowed to exclude after November 30, 1975, broker-dealers performing investment supervisory services or investment management services for special compensation or not solely incidental to their business as broker-dealers.[4] Subsequently, the Commission amended Rule 206A-1(T) to provide two additional extensions of the rule, expiring April 30, 1977,[5] and April 30, 1978.[6]

III. Statutory Protections Provided by the Advisers Act and the Rules Thereunder Which May Not Be Available Under the Exchange Act and the Rules Thereunder

Both the Advisers Act and the Exchange Act provide a regulatory framework designed to protect investors and the public interest while permitting the provision of professional services in the financial marketplace. While the two statutes are similar, there are some differences, particularly with respect to their antifraud provisions. Both investment advisers and broker-dealers are subject to general antifraud provisions under their respective Acts. In light of several recent Supreme Court decisions, however, the Commission believes that the protections afforded investors under Rule 10b-5 (17 CFR 240.10b-5), the general antifraud rule adopted pursuant to Section 10(b) (15 U.S.C. 78j(b)) of the Exchange Act, may not be so broad as those afforded under the comparable provisions in Section 206 (15 U.S.C. 80b-6) of the Advisers Act, particularly with regard to a person who is not a purchaser or seller of securities. These differences are appropriately related to the obligations of persons required to be registered under the Advisers Act.

Other provisions of the Advisers Act have no equivalents in the Exchange Act. There are not any general requirements under the Exchange Act comparable to the consent reqirement in Section 206(3) of the Advisers Act, nor are there specific provisions relating to contracts as in Section 205 (15 U.S.C. 80b-5) of the Advisers Act.[7]

IV. The Feasibility of Compliance by Brokers and Dealers With Both the Advisers Act and Exchange Act

A. General Burdens

Public commentators on Rule 206A-1(T) have stated that it would be burdensome for brokers and dealers to become subject to the Advisers Act. There are, however, currently over 300 firms which are dually registered, apparently including fourteen of the fifteen largest brokers and dealers doing a primarily public business. The number and size of the dual registrants suggest that registration under and compliance with the Advisers Act is not unduly burdensome. Furthermore, as indicated below, the Commission has significantly alleviated certain burdens which have been brought to its attention.

B. Specific Burdens

1. *Disclosures dual registrants must make in connection with securities transactions with clients.* A number of commentators on Rule 206A-1(T) suggested that it is not feasible for broker-dealers who are also investment advisers to comply with the standards set forth in two Commission pronouncements, Advisers Act Release No. 40, February 5, 1945, and *In the Matter of Arleen W. Hughes*, 27 SEC 629 (1948), *aff'd sub nom. Hughes* v. *S.E.C.*, 174 F. 2d 969 (D.C. Cir. 1949). In Advisers Act Release No. 40, the Commission set forth comprehensive disclosures it believed were necessary in circumstances to which Section 206(3) of the Advisers Act (15 U.S.C. 80b-6(3)) is applicable, i.e., when an investment adviser, acting as such, proposes either to act as principal, or as broker for another person, in a transaction with a client. The *Arleen Hughes* case was a proceeding based primarily on a broker-dealer/investment adviser's failure to make the disclosures required by Advisers Act Release No. 40.

The Commission has already recognized "that some modification is appropriate (of the position set forth in Release No. 40), which now appears inappropriate in light of the investment advisory business as it has evolved to the present time" and indicated that in any such situation the extent of the detailed disclosure required would depend on the facts of each case.[8]

Not only has the Commission adopted a more flexible approach concerning the disclosures a dual registrant must make when acting in a dual capacity in a transaction with a client, but, when persuasive arguments have been presented that Section 206(3) is unduly burdensome in particular circumstances, it has also adopted rules, such as Rules 206(3)-1 and 206(3)-2 (17 CFR 275.206(3)-1 and 206(3)-2) to eliminate those burdens.[9] The Commission would give serious and prompt consideration to providing further relief from any other undue burden that might be imposed by Section 206(3) or any other provision of the Advisers Act or the rules thereunder on brokers and dealers who are registered as investment advisers.

2. *Fiduciary Obligations of Brokers and Dealers who are Investment Advisers.* Another reason some broker-dealers have given for desiring an exemption from the Advisers Act is their

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of investing in, purchasing, or selling securities, or who, for compensation and as part of a regular business, issues or promulgates analyses or reports concerning securities.

[4] Securities Exchange Act Release No. 11607, Investment Advisers Act Release No. 471 (August 20, 1975), 40 FR 38157 (August 21, 1975).

[5] Securities Exchange Act Release No. 12297, Investment Advisers Act Release No. 506 (April 1, 1976), 41 FR 14507 (April 6, 1976).

[6] Securities Exchange Act Release No. 13454, Investment Advisers Act Release No. 581 (April 20, 1977), 42 FR 21769 (April 29, 1977).

[7] There are also advertising rules (Rule 206(4)-1 (17 CFR 275.206(4)-1)) and certain recordkeeping rules under the Advisers Act, e.g., Rules 204-2(a) (12) and (13) (17 CFR 275.204-2(a) (12) and (13)), for which there are no parallel provisions in the Exchange Act. Because of differences in the manner in which broker-dealers and investment advisers conduct their respective businesses, and because of certain common law protections and certain rules of self-regulatory organizations adopted pursuant to the Exchange Act, these differences may in some instances reflect alternative regulatory approaches under the two Acts and not necessarily differing levels of investor protection.

[8] Advisers Act Release No. 470 (August 20, 1975).

[9] Rule 206(3)-1 states that a broker or dealer will not be construed to be acting as an investment adviser with respect to a particular transaction (and therefore the disclosure obligations of Section 206(3) will not attach) if its advice has been furnished only by means of (1) publicly distributed written statements or publicly made oral statements; (2) statements or materials which are not directed to the needs of a specific individual; (3) statistical information which does not comment on the investment merits of a particular security; or (4) a combination of the foregoing services.

Rule 206(3)-2 provides an alternative means of compliance with Section 206(3) for those advisers who wish to effect agency cross transactions for their clients. The rule allows clients to provide advance consent authorizing such transactions for a period not exceeding one year, but requires the investment adviser to furnish the client certain disclosures concerning the compensation received in connection with such transactions on a transaction-by-transaction basis, as well as a cumulative basis, within thirty days prior to the expiration of the period covered by the blanket consent the rule envisions.

belief that an investment adviser, as such, may be held to have higher duties to his clients than does a broker or dealer to his customers. To the extent this may be true, no persuasive reason has been given to lower standards imposed by law. Moreover, since a dual registrant is not an investment adviser to brokerage clients to whom it provides advisory services on a solely incidental basis and without special compensation,[10] it does not appear that a dual registrant will owe such higher duties to any clients other than its advisory clients.

3. *ERISA.* Some commentators expressed concern that if broker-dealers were required to register as investment advisers, problems might arise with respect to the Employee Retirement Income Security Act of 1974 ("ERISA") (29 U.S.C. 1001 et seq.). In particular, those commentators were concerned that registration under the Advisers Act might bear on whether a broker-dealer would be deemed to be a "fiduciary" for purposes of ERISA. Determination of a broker-dealer's obligations under ERISA would not appear, however, to turn on whether the broker-dealer is also registered under the Advisers Act. The term "fiduciary" is defined in ERISA[11] and has been further refined in regulations adopted by the Department of Labor and the Internal Revenue Service.[12] The Commission will, of course, continue to work with the Department of Labor and the Internal Revenue Service regarding the interrelationship of ERISA and the federal securities laws.

4. *State regulation.* The Commission has also given attention to the concerns of some brokers and dealers that if they are required to register under the Advisers Act various states may impose their investment adviser regulations on such previously exempt brokers and dealers and that this will result in unnecessary, duplicative regulation. The Commission, of course, is anxious to avoid unnecessary regulatory burdens. It would be improper, however, for the Commission to conclude not to act in a manner necessary for the protection of investors on the ground that some States, whose actions are beyond the Commission's scope of authority, may as a consequence apply regulations which members of the brokerage industry believe are unnecessary.

V. Scope of Exclusion Provided by Section 202 (a)(11)(C)

When the temporary rule expires, a broker or dealer would still be excluded from the definition of investment adviser to the extent he could meet the statutory standards in Section 202(a)(11)(c) relating to the furnishing of advisory services solely incidental to the conduct of his business as a broker-dealer and without special compensation therefor.

The relationship of a broker or dealer to his brokerage customers does not become an investment advisory relationship merely because the broker or dealer is registered as an investment adviser. A broker or dealer who is registered as an investment adviser is not by reason of that fact an investment adviser to those of his brokerage clients to whom he provides advisory services on a solely incidental basis and without special compensation.

As early as October 28, 1940, the Commission, in Investment Advisers Act Release No. 2, made known the opinion of its General Counsel as to the meaning of the term "special compensation" in various circumstances in which a broker-dealer provided investment advice solely incidental to the conduct of his business as a broker or dealer.

The examples treated in this release suggest that "special compensation" for investment advice is compensation to the broker-dealer in excess of that which he would be paid for providing a brokerage or dealer service alone. However, because the existence or non-existence of "special compensation" in any paricular circumstance may not be clear, the Commission considers it desirable that the current views of the Division of Investment Management on this subject be provided to broker-dealers for their guidance, while also calling for comment on this question.

The Division of Investment Management regards special compensation as existing only where there is a clearly definable charge for investment advice. This reflects the Division's position that a client who perceives that he is paying a charge specifically for investment advice is entitled to the protections of the Advisers Act.

The Division would not look outside the fee structure of a given firm to determine whether special compensation exists. That is, just because a "discount" firm offered lower rates than a "full-service" firm, the Division would not call the "full-service" firm's charges "special compensation."

If a firm negotiates different fees with its clients for similar transactions, the Division would not regard the differences in charges "special compensation" for investment advice since whether they were or were not based on the presence or absence of investment advice appears too hypothetical.

Nor would the Division regard as "special compensation" general differentials which exist because a firm provided, on the one hand, an unrestricted execution service and, on the other hand, a restricted execution service, such as one in which customers must have the necessary cash in their accounts at the time a purchase order is placed and must accept execution at the next day's opening price.

However, if a broker-dealer has in effect, either formally or informally, two general schedules of fees available to a customer, the lower without investment advice and the higher with investment advice and the difference is primarily attributable to this factor, or if a broker-dealer should separately bill a particular customer with a specific charge for investment advice, the Division would regard the extra charge as "special compensation" for investment advice. This is the position that was taken by the General Counsel in 1940 and it is the position that the Division believes would be taken by a court today. This would be the case even in a situation, currently nonexistent, in which a current "full-service" firm implements a "discount" or "execution-only" service. If the differential in general rate structure offered to a particular client could be said to be primarily attributable to the rendering of investment advice, the Division would deem at least part of the differential to be "special compensation" for investment advice.

The recently adopted Rule 11a2-2(T) under the Exchange Act (17 CFR 240.11a2-2(T)) in certain circumstances permits a broker-dealer (the "initiating broker-dealer") to retain compensation in connection with effecting transactions for an account as to which he exercises investment discretion. The rule requires the initiating broker-dealer to forward the orders to other broker-dealers for execution and also requires the initiating broker-dealer to furnish to a discretionary account at least annually a statement setting forth the total amount of transactional compensation retained by the initiating broker-dealer, exclusive of amounts paid to the executing broker-dealer.

The Division believes that, as indicated by Investment advisers Act Release No. 2, unless an initiating broker charged specifically for investment advice, the mere fact that he received compensation for advice and other services, in addition to the compensation paid to an executing broker, would not make such compensation "special compensation." Moreover, the mere report of such compensation should not cause such retained amounts to be "special compensation."

The views set forth above are the Division of Investment Management's current views on the meaning of the term "special compensation." The Commission requests comments and

[10] See Section V, infra.

[11] Section 3(21)(A) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1002(21)(A) (1974).

[12] 29 CFR 2510.3-21 (1977).

suggestions from all interested persons on these views. The Commission also requests comments on whether the meaning of "special compensation" should be expanded or narrowed, by rule or interpretation, and the impact such action would have on brokers and dealers who would be affected thereby.

For example, on the one hand, the term "special compensation" might be interpreted to apply to a part of the fee negotiated between a broker-dealer and a customer if the fee is higher than the fee that would have been negotiated for an execution service alone and one reason the fee is higher is that it includes a fee for investment advice.[13] On the other hand, the meaning of special compensation might be interpreted as not includiing any charge for investment advice that is made on a transactional basis as part of a charge for a broker or dealer service.[14]

Under previous interpretations of the scope of the exclusion provided by Section 202(a)(11)(C) of the Advisers Act, broker-dealers who have exercised discretionary authority over the accounts of some of their customers were generally regarded as providing investment advice incidental to their business as a broker-dealer and were not considered subject to the Advisers Act with respect to these activities so long as the customers did not pay special compensation for these services.[15]

It appears, however, that relationships which include discretionary authority to act on a client's behalf have many of the characteristics of the relationships to which the protections of the Advisers Act are important. Accordingly, the Commission is considering whether it should take action, by rule or otherwise, to interpret the scope of the exclusion provided by Section 202(a)(11)(C) of the Advisers Act so that it is not available to a broker-dealer who exercises "investment discretion," as defined in Section 3(a)(35) of the Exchange Act[16] (15 U.S.C. 78c(a)(35)), and so that all customers of a broker-dealer whose accounts are managed on a discretionary basis would be considered advisory clients. The Commission requests comments on the advisability of such action and the effects such action would have on brokers and dealers.

VI. Conclusion

The Commission has considered the public comments received on Rule 206A-1(T) and has concluded that the temporary exemption from the Advisers Act should not be extended beyond October 31, 1978, and that no permanent exemption should be adopted. The Commission believes it is not onerous for an entity to register under and comply with the Advisers Act and it does not believe that those registered brokers or dealers who will be required to register as investment advisers will find the requirements of the Advisers Act unduly burdensome. Furthermore, the Advisers Act and the rules thereunder provide investors certain protections which are not available under the Exchange Act and the rules thereunder.

Authority

The amendment to Rule 206A-1(T) is adopted pursuant to Sections 206A, 211(a) and 211(b) of the Advisers Act (15 U.S.C. 80b-6a, 80b-11(a) and 80b-11(b)).

§ 275.206A-1(T) [Amended]

Accordingly, § 275.206A-1(T), paragraph (a), Part 275 of Chapter II of Title 17 of the Code of Federal Regulations is hereby amended to change the expiration date of the temporary exemption contained therein from April 30, 1978, to October 31, 1978.

The Commission finds, in accordance with the requirements of the Administrative Procedure Act (5 U.S.C. 553(d)), that notice of the amendment to Rule 206A-1(T) prior to adoption and public procedure thereon is unnecessary, and publication for 30 days prior to the effective date may be omitted, since the amendment continues an exemption from statutory requirements which otherwise would be applicable, and since it is in the public interest to facilitate compliance with the Advisers Act by those brokers and dealers who previously were exempt from the Advisers Act. Accordingly, the amendment to Rule 206A-1(T) shall become effective on the date hereof.

By the Commission.

George A. Fitzsimmons,
Secretary.

April 27, 1978.

[FR Doc. 78-12227 Filed 5-3-78; 8:45 am]

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[13] This interpretation might most clearly give effect to the view that a person who clearly perceives that he is paying for investment advice should receive the protections of the Advisers Act.

[14] This interpretation might tend to reduce to the greatest extent any disincentive (because of potential Advisers Act regulation) for a "full-service" brokerage firm to introduce a discount service or for a discount house to introduce a "full-service" brokerage package.

[15] The staff of the Commission has taken the position that a broker-dealer whose business consists almost exclusively of managing accounts on a discretionary basis is not providing investment advice solely incidental to his business as a broker-dealer.

[16] Section 3(a)(35) states:

"A person exercises 'investment discretion' with respect to an account if, directly or indirectly, such person (A) is authorized to determine what securities or other property shall be purchased or sold by or for the account, (B) makes decisions as to what securities or other property shall be purchased or sold by or for the account even though some other person may have responsibility for such investment decisions, or (C) otherwise exercises such influence with respect to the purchase and sale of securities or other property by or for the account as the Commission, by rule, determines, in the public interest or for the protection of investors, should be subject to the operation of the provisions of this title and the rules and regulations thereunder."

[4210-01]

Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-78-532]

PART 58—ENVIRONMENTAL REVIEW PROCEDURES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Applicants Lacking Legal Capacity to Assume NEPA Responsibilities

AGENCY: Department of Housing and Urban Development.

ACTION: Interim rule.

SUMMARY: This rule clarifies Department regulations to provide that special purpose units of Government, while being eligible to receive discretionary grants in behalf of new communities under the Block Grant Program, are deemed by HUD to lack the legal capacity to assume the environmental review responsibilities of that Program.

DATES: Effective date: May 4, 1978. Comments due: June 5, 1978.

ADDRESS: File all comments with the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

Robert B. Warner, New Community Development Corp., HUD, Room 7138, 451 7th Street SW., Washington, D.C. 20410; 202-755-6092.

SUPPLEMENTARY INFORMATION: Part 58 sets forth procedures governing the carrying out of the environmental review responsibilities by Community Development Block Grant (CDBG) applicants which would otherwise be the responsibility of the Secretary of HUD, under the National Environmental Policy Act of 1969 (NEPA). It is the policy of HUD, pursuant to section 104(h) of Title I of

the Housing and Community Development Act of 1974, to require CDBG applicants to assume and carry out such responsibilities, unless the applicants lacks legal capacity to do so. If an applicant lacks such legal capacity, these environmental responsibilities remain the responsibilities of HUD.

HUD has previously determined in section 58.5(b) that private non-profit community associations and private developers approved under Title IV of the Housing and Urban Development Act of 1968 and Title VII of the Housing and Urban Development Act of 1970 are considered to lack the legal capacity to assume or carry out environmental review responsibilities.

HUD has now further determined, in consultation with CEQ, that the delegation of environmental responsibilites should be limited to general purpose governments having broad and comprehensive governmental powers. Section 58.5(b) provides exceptions to HUD's general policy that all applicants shall be required to assume responsibility for carrying out the environmental responsibilities.

The purpose of this rule is to expand these exceptions to include special purpose units of government as an additional class of applicants for discretionary grants in behalf of new communities which are deemed to lack the legal capacity to assume the environmental review responsibility.

HUD's ability to approve applications submitted by special purpose units of government on the basis of HUD's environmental review is technically restricted until this clarification is implemented; therefore, and on the basis that this amendment does not diminish any responsibilities under NEPA, the Secretary has determined that good cause exists for making this an interim rule to be effective on date of publication. However, the Department invites interested persons to submit comments with respect to this amendment. All comments should be filed with the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

Section 104(h) of the Housing and Community Development Act of 1974 requires that this regulation may be issued only after consultation with the Council on Environmental Quality. Such consultation has been accomplished. Also, a Finding of Inapplicability with respect to any environmental impact of this regulation has been made in accordance with HUD Handbook 1390.1 (38 FR 19182). A copy of that finding and of all comments received respecting this regulation will be available for public inspection during business hours in the Office of the Rules Docket Clerk at the address indicated above.

Accordingly, § 58.5(b) appearing at 24 CFR Part 58 is amended by adding a new subparagraph (3), to read as follows:

§ 58.5 General policy.

* * * * *

(b) *Exception.* * * *

(3) Community associations, other applicants which are eligible for assistance pursuant to 24 CFR section 570.403(b)(4) unless such applicant is also described in the first sentence of 24 CFR section 570.3(v), and private developers approved under Title VII of the Housing and Urban Development Act of 1970 or Title IV of the HUD Act of 1968, are considered by HUD to lack the legal capacity to assume or carry out environmental review responsibilities.

(Title I Housing and Community Development Act 1974 (42 U.S.C. 5301 et seq.); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., April 26, 1978.

PATRICIA ROBERTS HARRIS,
Secretary of Housing and Urban Development.

[FR Doc. 78-12232 Filed 5-3-78; 8:45 am]

[4210-01]

CHAPTER V—OFFICE OF THE ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-78-533]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Applications and Criteria for Discretionary Grants—New Communities

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This rule amends Department regulations to clarify that HUD will perform the environmental review for projects and activities proposed for funding under the Secretary's Discretionary Funds for New Communities where the applicant is a special purpose unit of government. This amendment reflects a corresponding clarification to the Environmental Review Procedures for the Community Development Block Grant Program (24 CFR Part 58).

EFFECTIVE DATE: May 4, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert B. Warner, New Community Development Corp., Room 7138, 451 7th Street SW., Washington, D.C. 20410, 202-755-6092.

SUPPLEMENTARY INFORMATION: Section 102(a)(1) of the Housing and Community Development Act of 1974 includes State or local public bodies or agencies as defined in Section 711(e) of the Housing and Urban Development Act of 1970, under the term "unit of general local government" for the purposes of awarding grants under the Block Grant Program. Section 570.403(b)(4) of the Block Grant Regulations (24 CFR Part 570) implements Section 102 of the Act for the purposes of discretionary grants in behalf of new communities.

Section 104(h) of the 1974 Act provides for the delegation of HUD's environmental protection procedures to applicants under the Block Grant Program. The regulations implementing this provision are contained at 24 CFR Part 58 (Environmental Review Procedures for the Community Development Block Grant Program). Section 58.5(b) of the Environmental Review Procedures establishes a procedure by which an applicant may claim legal incapacity to assume the environmental review responsibility and also specifically sets forth those entities which are deemed by HUD to lack legal capacity to assume or carry out environmental review responsibilities. These include private new community developers and community associations.

HUD has determined that the delegation of environmental responsibilities should be limited to general purpose governments having broad and comprehensive governmental powers. Therefore, the exceptions currently included at 24 CFR § 58.5(b) are being expanded by an amendment which will include special purpose units of government, as defined in 24 CFR § 570.403(b)(4) of the Block Grant Regulations as being excepted from the delegation of environmental review responsibilities.

A change to 24 CFR § 58.5 also requires this corresponding change to 24 CFR § 570.403. The Secretary has determined that good cause exists for making this a final rule to be effective on date of publication since the new material does not extend or modify existing procedures, but rather, serves as a clarification. This clarification is urgently needed so that HUD can undertake the environmental review responsibilities in conjunction with grants to be awarded to special purpose units of government under the discretionary fund for new communities.

A finding of inapplicability of the National Environmental Policy Act of 1969 has been made in accordance with HUD Handbook 1390.1. It is available for public inspection in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

Accordingly, paragraph (c)(4) of 24 CFR §570.403 is amended to read as follows:

§570.403 New communities.

* * * * *

(c) * * *

(4) *Environmental review requirements.* (i) For activities proposed by an applicant eligible under section 570.403(b)(2)(3) or (4), other than an applicant which is also eligible under the first sentence of the definition contained in section 570.3(v), no new environmental review or clearance will be required by virtue of any such activity's proposed funding under this part if the activity is a part of a previously approved project for which environmental review clearances have been completed, which clearances adequately covered such activity, and for which circumstances including the availability of additional data or advances in technology have not changed significantly.

(ii) Applicants eligible under section 570.403(b) which are defined in the first sentence of the definition contained in Section 570.3(v) or are included in section 570.403(b)(1) shall conduct environmental review pursuant to 24 CFR Part 58.

(iii) For all other eligible applicants under 570.403(b), NCDC shall determine the need for environmental review in accordance with paragraph (i), and shall conduct any such reviews pursuant to HUD Handbook 1390.1 (38 FR 19182).

(Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), and Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d).)

Issued at Washington, D.C., April 26, 1978.

ROBERT C. EMBRY, Jr.,
Assistant Secretary for Community Planning and Development.

[FR Doc. 78-12233 Filed 5-3-78; 8:45 am]

[4210-01]

CHAPTER XIII—FEDERAL DISASTER ASSISTANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-78-445]

PART 2205—FEDERAL DISASTER ASSISTANCE

Disaster Legal Services

AGENCY: Federal Disaster Assistance Administration.

ACTION: Final rule.

SUMMARY: This rule sets forth policies governing provision of legal services to eligible low-income individuals as provided by section 412 of the Disaster Relief Act of 1974. The rule will assist eligible individuals in securing benefits provided by the Act and in resolving claims arising out of a major disaster.

EFFECTIVE DATE: June 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Agnes C. Mravcak, Federal Disaster Assistance Administration, Room B-133, 451 7th Street SW., Washington, D.C. 20410, 202-634-7860.

SUPPLEMENTARY INFORMATION: The Federal Disaster Assistance Administration published a proposed rule on January 10, 1977 (42 FR 5093) concerning promulgation of final regulations for disaster legal services. Five comments were received and have been evaluated carefully. The major comments and changes are covered in the following discussion.

DISCUSSION OF MAJOR COMMENTS

TIME LIMITATIONS

Two commenters urged that time limitations be set for the provision of disaster legal services. This suggestion has not been adopted because the need for legal services may not become known until some time after the disaster, and the setting of a time limit would eliminate the flexibility required to provide the needed services.

DEFINITION OF DISASTER LEGAL SERVICES

In response to two comments relative to providing a definition of "disaster legal services", paragraph (a) has been revised to include the types of legal services to be rendered.

FEE-GENERATING CASES

Several comments were received on the subject of fee-generating cases.

1. One commenter felt that paragraph (b), dealing with fee-generating cases, was overbroad in that "it would exclude any matter that 'would not ordinarily be rejected by local attorneys' even if in a given situation no local attorney could be found". It was suggested that provision be made so that disaster legal services could be provided in such circumstances. The Administrator feels that revised paragraph (b) offers the flexibility for this decision and for subsequent referral to the private sector.

2. The definition of "fee-generating case" has been shortened to clarify its meaning.

3. The regulation has been revised to show that the Regional Director makes the determination as to whether or not a case is fee-generating only in those situations where a question is raised and not, as interpreted by one commenter, in every instance.

4. The regulation has been revised to provide for referral of fee-generating cases by the Regional Director to private lawyers through existing lawyer referral services or, where that is impossible, the Regional Director may provide the disaster victim with a list of lawyers from which he or she may make a selection.

5. A provision added to paragraph (b) permits a lawyer who has provided volunteer disaster legal assistance to accept a fee-generating case as a private lawyer, when the case is referred in the manner discussed in paragraph 4 above.

LOW-INCOME INDIVIDUALS

1. In response to a comment, the definition of "low-income individuals" has been changed to provide that "low-income individuals" includes those persons who have insufficient resources to seek legal services, whether the insufficiency existed prior to the disaster or was the result of the disaster.

2. It is intended that the lawyer operating under these regulations will make the eligibility decision based upon professional judgment and the parameters of the Act.

The Regional Director shall make the determination of eligibility only in cases where the question of eligibility cannot be determined by the lawyer.

CONGRESSIONAL INTENT

One comment suggested that paragraph (e) be deleted. This suggestion was not adopted because paragraph (e), which confined the provision of disaster legal services to the securing of benefits under the Act and claims arising out of a major disaster, reflects the intent of Congress as spelled out in the legislative history of the Act.

METHOD OF PROVIDING SERVICES

A number of comments dealt with the manner in which the Administrator provides lawyers under the disaster legal services program. One State felt that it could provide adequate disaster legal services under its own authorities and through the use of State and community resources. Another State asked that decisions on implementation and delivery of disaster legal services follow consultation with the State.

The FDAA agrees that the States should decide whether they will provide the needed legal services or whether the Federal Government should implement the Section. Paragraph (c) has been revised to require the Regional Director to consult with the State Coordinating Officer to determine if implementation of this Section is necessary.

Two commenters requested that their organizations be given a role in providing disaster legal services. The

provisions of paragraph (c), particulary (1) and (4), would provide the Regional Director with a wide range of sources for legal services, including the commenters' organizations.

One commenter questioned possible conflicts of interests for Federal lawyers who provide legal services. Two provisions have been added to subparagraph (c)(2) to address this concern. Nothing here relieves individual lawyers from having to determine for themselves, in conformity with applicable rules of conduct, whether providing legal services in each case will create a conflict of interest.

Paragraph (c) has also been revised to provide that the Administrator coordinate with the appropriate Federal agencies and appropriate national, state and local bar associations, as necessary, in the implementation of the disaster legal services program.

Findings of inapplicability regarding environmental and economic impact were prepared for the proposed rule ands copies are available in the Office of Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. Since the Department has previously determined that adoption of this rule will not affect the quality of the human environment or the national economy, and since no change adopted herein changed that determination, no further environmental or economic determination is being made.

Since republication of the temporary housing assistance regulations (24 CFR 2205.45) has made 24 CFR 2205.46 available, this rule is designated § 2205.46 and adopted as follows:

§ 2205.46 Disaster legal services.

(a) Legal services, including legal advice, counseling, and representation in non fee-generating cases, except as provided in paragraph (b) of this Section, may be provided to low-income individuals who require them as a result of a major disaster. For the purpose of this Section, "low-income individuals" means those disaster victims who have insufficient resources to secure adequate legal services, whether the insufficiency existed prior to or results from the major disaster. In cases where questions arise about the eligibility of an individual for legal services, the Regional Director or his/her representative shall make a determination.

(b) Disaster legal services shall be provided free to such individuals. Fee-generating cases shall not be accepted by lawyers operating under these regulations. For purposes of this section, a fee-generating case is one which would not ordinarily be rejected by local lawyers as a result of its lack of potential remunerative value. Where any question arises as to whether a case is fee-generating as defined in this section, the Regional Director or his/her representative, after any necessary consultation with local or State bar associations, shall make the determination. Any fee-generating cases shall be referred by the Regional Director or his/her representative to private lawyers, through existing lawyer referral services, or, where that is impractical or impossible, the Regional Director may provide a list of lawyers from which the disaster victim may choose. Lawyers who have rendered voluntary legal assistance under these regulations are not precluded from taking fee-generating cases referred to them in this manner while in their capacity as private lawyers.

(c) When the Regional Director determines after any necessary consultation with the State Coordinating Officer, that implementation of this section is necessary, provision of disaster legal services may be accomplished by:

(1) Use of volunteer lawyers under the terms of appropriate agreements;

(2) Use of Federal lawyers, provided that these lawyers do not represent an eligible disaster victim before a court or Federal agency in a matter directly involving the United States, and further provided that these lawyers do not act in a way which will violate the standards of conduct of their respective agencies or departments;

(3) Use of private lawyers who may be paid by the Federal Disaster Assistance Administration when the Regional Director has determined that there is no other means of obtaining adequate legal assistance for qualified disaster victims; or

(4) Any other arrangement the Regional Director deems appropriate.

The Administrator shall coordinate with appropriate Federal agencies and the appropriate national, state and local bar associations, as necessary, in the implementation of the disaster legal services program,

(d) In the event it is necessary for the Federal Disaster Assistance Administration to pay lawyers for the provision of legal services under these regulations, the Regional Director, in consultation with State and local bar associations, shall determine the amount of reimbursement due to the lawyers who have provided disaster legal services at the request of the Regional Director. At the Regional Director's discretion, administrative costs of lawyers providing legal services requested by him or her may also be paid.

(e) Provision of disaster legal services is confined to the securing of benefits under the Act and claims arising out of a major disaster.

(f) Any disaster legal services shall be provided in accordance with § 2205.13, Non-discrimination in disaster assistance, of these regulations.

(Sec. 412, Pub. L. 93-288, 88 Stat. 157 (42 U.S.C. 5182); Sec. 601, Pub. L. 93-288 (42 U.S.C. 5201); Executive Order 11795 as amended by E.O. 11910 at 41 FR 15681; Delegation of Authority, 41 FR 19365; amended by 43 FR 3627.)

Issued at Washington, D.C., April 26, 1978.

WILLIAM H. WILCOX,
Administrator, Federal Disaster Assistance Administration.

[FR Doc. 78-12234 Filed 5-3-78; 8:45 am]

[3910.01]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

[AF Reg. 12-35]

PART 806b—AIR FORCE PRIVACY ACT PROGRAM

Review of Initial Refusals

AGENCY: Department of the Air Force.

ACTION: Final rule.

SUMMARY: This rule gives individuals who have been denied access to their records a way to appeal that denial to the Secretary of the Air Force. The procedure parallels one that currently exists for appealing refusals to amend records. Our intent is to offer individuals an internal appeal procedure as an alternative to litigation.

EFFECTIVE DATE: May 4, 1978.

FOR FURTHER INFORMATION CONTACT:

Captain Robert N. Veeder, Air Force Privacy Act Office, HQ USAF/DADMP, Washington, D.C. 20330, phone: 202-767-4545.

SUPPLEMENTARY INFORMATION: On February 16, 1978, the Department of the Air Force published a proposed rule (43 FR 6813) to provide a process for appealing initial refusals to grant access. Interested persons were invited to participate in the proposed rulemaking change; however, no public comments were received. Accordingly, the proposed amendment is hereby adopted, as set forth below.

1. § 806b.13 of title 32 of the CFR is revised as follows:

§ 806b.13 Denial of access.

If, in the judgment of the Systems Manager, a legitimate purpose exists for denying access, within five workdays from receipt (not counting Saturday, Sunday, and legal holidays), the manager will forward a copy of the request together with a copy of the record involved and the reason(s) for recommending denials, to the appro-

priate Denial Authority identified in § 806b.5(b). The Systems Manager will promptly notify the requesting individual of the referral. Only a Denial Authority is authorized to deny access. A Denial Authority who decides to deny access will:

(a) Promptly notify the requesting individual that the request has been denied and give the reasons for the denial.

(b) Tell the individual that he or she may ask for a review of the decision by sending an appeal, through the Denial Authority, to the Secretary of the Air Force.

(c) Send a copy of the refusal letter to the Systems Manager who has the records.

2. § 806b.18 of Title 32 of the CFR is revised as follows:

§ 806b.18 Review of initial refusals of access or amendment.

(a) An individual may request a review of the initial refusal in writing from the Office of the Secretary of the Air Force within 45 days of the denial. The request should be addressed to the Secretary of the Air Force, Washington, D.C. 20330, and sent through the Denial Authority. The Denial Authority will forward to HQ USAF/DA, Washington, D.C. 20330, a complete file consisting of: (1) The request for review and any reasons in support; (2) The request for access or amendment; (3) The initial refusal; (4) A copy of the record or portions involved; (5) Any records or coordination actions that relate to the initial refusal; (6) Denial Authority comments on any statements of reasons, arguments, or evidence submitted by the requester.

(b) The Chairman, who will be a representative of the directorate of Administration (HQ USAF/DA), or another official designated by the Vice Chief of Staff (HQ USAF/CV), will convene the Air Force Privacy Board to review the initial denial. Other members of the Board will be a representative from the office of The Judge Advocate General (HQ USAF/JA), and from an Air Staff function not having primary responsibility for the record in question. If the record is the primary responsibility of HQ USAF/DA or HQ USAF/JA, the Vice Chief of Staff will designate a member from another Air Staff organization to substitute on the Board. The Chairman may, when deemed appropriate, request the assistance of subject matter experts to advise the Board.

(c) Functions of the Board include:

(1) Reviewing requests submitted in accordance with § 806b.18(a); and (2) Providing recommendations to the Office of the Vice Chief of Staff of the Air Force.

(d) If the Office of the Vice Chief of Staff of the Air Force determines that:

(1) Access should be granted, the individual will be notified promptly, and the appropriate Systems Manager will be directed through the Denial Authority, to grant the individual access.

(2) The record should be amended, the individual will be advised promptly, and the appropriate Systems Manager will be directed, through the Denial Authority, to amend the record and direct previous recipients to amend their copies (§ 806b.17(b)).

(e) If the Office of the Vice Chief of Staff determines that a denial of either access or amendment is appropriate, the request will be forwarded through the Office of the Air Force General Counsel (SAF/GC) to the Office of the Administrative Assistant to the Secretary of the Air Force (SAF/AA) for a final decision.

(f) If SAF/AA determines that:

(1) Access should be granted, the individual will be notified promptly and the appropriate Systems Manager will be directed, through the Denial Authority, to grant the individual access to his or her records.

(2) The record should be amended, the individual will be advised promptly, and the appropriate Systems Manager will be directed, through the Denial Authority, to amend the record and direct previous recipients to amend their copies (§ 806b.17(b)).

(g) If, after conducting the review, SAF/AA upholds the Denial Authority's refusal to grant access or amend the record, SAF/AA will notify the individual that:

(1) The access or amendment request has been refused after review, with reasons for the refusal.

(2) For refusals of amendment only: that the individual has a right to file with the Systems Manager, a concise statement of why he or she disagrees with the Air Force's decision, and

(3) The disagreement statement will become a part of the record and will, thus, be available to anyone who subsequently uses the record, and

(4) Known prior recipients of the disputed record will be given a copy of the disagreement statement.

(h) A final determination of an individual's request for review of an initial refusal of access or amendment must be completed within 30 workdays (except Saturdays, Sundays, and legal holidays) after receipt by HQ USAF/DA, unless it is determined that a fair and equitable review cannot be completed in that time: If additional time is required, the individual will be told in writing the reasons for the delay and a date when he or she may expect the results of the review.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

MAY 1, 1978.

[FR Doc. 78-12180 Filed 5-3-78; 8:45 am]

[4310-84]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5633; CA-2650]

CALIFORNIA

Partial Revocation of Public Land Order No. 2301

AGENCY: Bureau of Land Management, Interior.

SUMMARY: This action will remove an administrative site restriction on 40 acres of forest land in Alpine County and restore them to such disposition as may be made of national forest land.

EFFECTIVE DATE: May 4, 1978.

FOR FURTHER INFORMATION CONTACT:

Eldon G. Hayes, 202-343-8731.

By virtue of the authority contained in section 204 of the Act of October 21, 1976, 90 Stat. 2751 (43 U.S.C. 1714), it is ordered as follows:

1. Public Land Order No. 2301 of March 14, 1961, which withdrew national forest land as administrative sites and recreation areas, is hereby revoked insofar as it affects the following described Heenan Lake Administrative Site (inadvertently shown as Menon Lake in PLO No. 2301):

TOIYABE NATIONAL FOREST

Mount Diablo Meridian

T. 9 N., R. 21 E.,
Sec. 4, NE¼SE¼.

The area described contains 40 acres in Alpine County.

2. At 10 a.m. on May 31, 1978, the land shall be open to such forms of disposition as may by law be made of national forest land.

GUY R. MARTIN,
Assistant Secretary of the Interior.

APRIL 25, 1978.

[FR Doc. 78-12123 Filed 5-3-78; 8:45 am]

[3510-22]

Title 50—Wildlife and Fisheries

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 611—FOREIGN FISHING REGULATIONS

Amendment of Foreign Fishing Fee Schedule and Codification of Regulations

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Amendment and codification of foreign fishing regulations.

SUMMARY: This document amends the foreign fishing fee schedule under provisions of the Fishery Conservation and Management Act of 1976 by adding five new species to the previously published list, provides an additional basis for determining vessel permit fees in nonretention fisheries, and incorporates the entire fee schedule into the foreign fishing regulations.

EFFECTIVE DATE: This amendment will become effective April 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard H. Schaefer, Chief, Fishery Management Operations Divisions, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20235, telephone 202-634-7454.

SUPPLEMENTARY INFORMATION: Pursuant to section 204(b)(10) of the Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801 et seq., as amended, a fee schedule was published in the FEDERAL REGISTER on October 7, 1977, at 42 FR 54588. This schedule, which is applicable for 1978, lists the fees charged foreign governments for species of fish taken by their flag vessels which fish in the fishery conservation zone (FCZ) of the United States. This schedule also lists fees payable to the United States for foreign flag vessels which conduct or support fishery activities within the FCZ.

This schedule was first published as a draft fee schedule on June 15, 1977 (42 FR 30529). That publication solicited written comments or suggestions "from the public, concerned governmental agencies, the scientific community, industry, private interest, or any other interested party concerning any aspect of the proposed fee schedule * * *" This schedule was published as a final document in the FEDERAL REGISTER in the notice section on October 7, 1977 (42 FR 54588). It has since been determined, however, that the schedule should be incorporated into the foreign fishing regulations which appear in 50 CFR Part 611. One purpose of this publication is to correct earlier practice by republishing the fee schedule as a rule. A second purpose is to amend the October 7, 1977, fee schedule by adding five new species to the species list. This amendment was first published January 25, 1978 (43 FR 3420), as a proposed amendment. Comments were received from the Government of Japan in response to that publication. They urged that Japanese values for billfish and sharks, which are considerably lower than the prices in the United States, be substituted in computing the fees to be paid to the United States. This suggestion cannot be accepted because prices used in computing fees are based on U.S. landings data whenever possible. Only in the rare situation where no U.S. ex-vessel price data exist for a particular species are foreign prices used.

A third purpose is to publish a second amendment which establishes an appropriate permit fee for foreign fishing vessels engaging in "nonretention" fisheries within the fishery conservation zone (FCZ). This provision has been discussed with the foreign governments involved. Those governments contend that since the act does not control the taking of highly migratory species of tuna within the FCZ, it is unnecessary for foreign fishing vessels desiring to take only highly migratory species of tuna to apply for or to have on board a permit for that purpose.

Their position is not consistent with section 201(a) of the act which states, in part, "* * * no foreign fishing is authorized within the fishery conservation zone * * * unless such foreign fishing * * * is conducted under and in accordance with, a valid and applicable permit * * *". "Fishing" is defined, in relevant part, as "the catching, taking, or harvesting of fish; * * * any other activity which can *reasonably be expected to result in the catching, taking or harvesting of fish* * * *" [emphasis added].

Under the act, it is immaterial whether foreign fishermen desire to catch only tunas; intent of the fishermen is not relevant. Longline fishing gear, comprised as it is of a series of baited hooks suspended from a central "longline" which may extend for many miles, is inherently attractive to many species of fish (including billfishes and sharks) in addition to highly migratory species of tuna. It is inevitable that some of those other species, subject to U.S. jurisdiction under the act, will be caught. Setting a longline is thus an "activity which can reasonably be expected to result in the catching * * * of fish * * *". Therefore, it is clear that all foreign fishing vessels with nonselective gear operating within the FCZ must have a permit whether they have allocations or not. There is, moreover, a need to have information about the presence, the movements, and the catches of these other species by foreign longline vessels for conservation and management purposes.

The schedule of vessel permit fees charges $1 per gross registered ton for catching vessels, and is based on the premise that the fishing power (capacity to remove fish from the sea) of such vessels is related to the vessel's tonnage. Thus, a vessel of greater tonnage would be expected to pay a higher fee. That premise is inapplicable to vessels engaged in a fishery in which they may not retain the regulated species. Accordingly, for such vessels, appropriate vessel permit fees should be those charged to other vessels that neither catch nor process fish, namely, $200. This figure represents the approximate cost to process and issue a permit. Foreign longliners of nations with allocations will be charged vessel permit fees on the same basis as all other foreign vessels which catch fish (i.e., $1 per gross registered ton).

All nations having any interest in these fee schedules have already been individually notified of them. This schedule, which applies only to foreign nations and their fishermen, comes within the foreign affairs exemption of the Administrative Procedure Act.

NOTE.—The National Marine Fisheries Service has determined that this publication does not constitute a major action requiring preparation of an economic impact analysis under E.O. 11821 and 11949. The National Marine Fisheries Service has further determined that this publication does not constitute a major Federal action within the meaning of the National Environmental Policy Act of 1969 requiring the preparation of an environmental impact statement.

AUTHORITY: 16 U.S.C. 1801 et seq.

Signed at Washington, D.C., this 19th day of April 1978.

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

1. Amend 50 CFR Part 611 by inserting new § 611.22:

§ 611.22 Fee schedule for foreign fishing permits.

(a) The fee charges for fishing by foreign flag vessels for fish over which the United States exercises exclusive fishery management authority required by section 204(b)(10) of the act and § 611.3(c)(3) of this part are specified as follows:

(1) *Permit fees.* The owners and operators of all foreign vessels engaging in fishing as defined in § 611.2(p), are required to pay appropriate fees as

specified in the following table. In the case of vessels described in more than one category, the highest applicable fee will be charged. Permit fees must be paid in advance and are not refundable. However, on a case-by-case basis, the Assistant Administrator for Fisheries may allow the substitution of like vessels when the original vessel has become disabled or otherwise cannot participate in the fishery.

TABLE I

Vessel activity	Permit fee
Catching (activities described in § 611.2(p) (1) or (2)) with an applicable national allocation (per gross registered ton)	$1.00
Catching (activities described in § 611.2(p) (1) or (2)) without an applicable national allocation, i.e., a nonretention fishery (per vessel)	200.00
Processing (activities described in § 611.2(p)(3)(i)) (per gross registered ton) (up to $2,500)	.50
Other support (activities described in § 611.2(p)(3) (ii) or (iii)) (per vessel)	200.00

(2) *Poundage fees.* (i) The poundage fee for each allocated species is calculated at 3.5 percent of the actual landed value per metric ton of the species to U.S. fishermen where U.S. landing data are available in 1976, the most recent year for which such data are available.

(ii) This fee must be paid in advance on the entire national allocation if the nation receiving the allocation chooses to accept it.

(3) *Method of payment.* (i) All payments received must be drawn in U.S. dollars, payable at a bank in the United States, and be made payable to the U.S. Department of Commerce, NOAA. In addition, payments from private firms or individuals should be in the form of a certified check.

(ii) Remittances should be sent to the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street NW., Washington, D.C. 20235, Attention: F3. To facilitate processing, each remittance should be accompanied by a copy of the applicable bill for collection for identification purposes.

(iii) Refunds of poundage fees will be made only upon written application to the address mentioned in (3)(ii) above. Refund requests should contain the following information:

(A) A statement that the amount involved is more than $100.

(B) An explanation of the difference between the amount of actual catch and the amount of catch authorized, and the reasons for the difference.

(b) The following ex-vessel prices to be used for computing fees are based on U.S. commercial landings as published in "Fisheries of the United States, 1976, Current Fishery Statistics No. 7200, National Marine Fisheries Service, April 1977," except where noted:

Species:	*Average ex-vessel value (per metric ton)*
Butterfish	$622
Cod, Pacific	282
Crab, tanner (snow)	441
Flounders Pacific	387
Hake, Pacific	32
Hake, red	185
Hake, silver (whiting)	184
Herring, Atlantic	87
Herring, Pacific	[1]100
Herring, river (alewives)	96
Mackerel, atka	[2]138
Mackerel, Atlantic	259
Mackerel, jack	110
Other billfish, Pacific	[3]875
Other finfish, Atlantic	[4]334
Other groundfish, Pacific	[5]48
Pollock, Alaska	[6]84
Pacific Ocean perch	280
Rockfish	298
Sablefish	399
Seamount groundfish	[7]172
Sharks, Atlantic (except dogfish)	140
Sharks, Pacific (except dogfish)	134
Snails (meat)	[8]600
Squid, Atlantic	[9]414
Squid, Pacific	[10]55
Striped marlin, Pacific	1,579
Swordfish, Pacific	4,040

[1]Price for roeless herring, which will constitute the foreign harvest. Provided by the Embassy of Japan in Washington, D.C., and validated by NMFS, Division of Data Management and Statistics.

[2]Source: Suisanbutsu Ryutsu Tokei Geppo (Monthly Statistical Report on Distribution of Fish and Fish Product). Issued by the Ministry of Agriculture and Forestry, Japan.

[3]Includes blue marlin, black marlin, and sailfish.

[4]Average price from U.S. Atlantic landings of bluefish, cusk, scup, sea trout, sharks, white hake, and wolffish. Source: Division of Data Management and Statistics, NMFS.

[5]Used for production of fish meal. Price based on U.S. landings of anchovy and Pacific hake.

[6]Average price in 1976 for dressed frozen fish taken in U.S. waters, landed in Japan, converted to raw fish price (round weight). Source: U.S. Fishery Attache in Tokyo.

[7]Includes armorheads and alphonsins. Average price in 1976 for dressed frozen fish landed in Japan, converted to raw fish price (round weight). Source: U.S. Fishery Attache in Tokyo.

[8]Ex-vessel price provided by the Embassy of Japan.

[9][10]Separate prices for Atlantic and Pacific squids are based on raw data used to develop the value for squid in "Fisheries of the United States, 1976." (Division of Data Management and Statistics, NMFS).

[FR Doc. 78-12121 Filed 5-3-78; 8:45 am]

[3510-22]

PART 651—ATLANTIC GROUNDFISH (COD, HADDOCK, YELLOWTAIL FLOUNDER)

Interim Emergency Regulations and Request for Comments; Correction

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Correction of regulation.

SUMMARY: Emergency regulations governing the Atlantic groundfish fisheries (cod, haddock, and yellowtail flounder) were published in the FEDERAL REGISTER on March 31, 1978 (43 FR 13578). Those regulations were amended on April 10, 1978 (43 FR 14968). One part of the amendment which relates to fishermen engaging in fisheries other than the cod, haddock, or yellowtail flounder fisheries, but who catch those species incidental to their purposeful fisheries for other species, was inadvertently changed. The purpose of this correction is to delete that part of the amendment which was inadvertently changed and to reinstate the rule in effect before March 31, 1978.

EFFECTIVE DATE: This correction becomes effective May 4, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. William G. Gordon, Director, Northeast Region, National Marine Fisheries, 14 Elm Street, Gloucester, Mass. 01930, telephone 617-281-3600.

SUPPLEMENTAL INFORMATION: On March 31, 1978, interim emergency and proposed regulations implementing the fishery management plan for Atlantic groundfish (cod, haddock, and yellowtail flounder) were published in the FEDERAL REGISTER (43 FR 13578). Subsection 651.6(c) of those regulations and the amendment to the regulations published on April 10, 1978 (43 FR 14969), changed the incidental catch allowance which had been in effect since March 14, 1977 (42 FR 13999), of 5,510 pounds or 10 percent of the weight of all fish on board per trip, whichever is greater. This change inadvertently resulted in allowing vessels using small-mesh nets primarily for species other than regulated species to catch and land the same quantities of regulated species as vessels using large mesh nets primarily for regulated species. The restriction for small-mesh vessels of 5,510 pounds or 10 percent of all fish on board, whichever is greater, is therefore reinstated.

Fishermen should note that the landing restriction section of the regulations makes it unlawful for any vessel to land more cod, haddock, or yellowtail flounder than the stated amounts. Thus, the landing restrictions apply to vessels using small-mesh nets as they do to vessels of similar size using large-mesh nets and engaged in the fishery for the regulated species.

Fishermen are cautioned that the restrictions on landing cod, haddock, and yellowtail flounder are subject to revision by the Assistant Administrator for Fisheries and will be revised from time to time.

Signed at Washington, D.C., this 28th day of April, 1978.

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

Correct 50 CFR 651.6(c), as amended, by striking the paragraph in its entirety and substituting the following:

(c) This mesh size regulation will not apply to vessels taking haddock, cod, or yellowtail flounder as by-catch so long as such vessels do not have on board (either at sea or at the time of off-loading) cod, haddock, or yellowtail flounder in amounts in excess of 5,510 pounds (2.5 metric tons) for each species or 10 percent by weight of all fish on board such vessel for each species, whichever is greater.

[FR Doc. 78-12086 Filed 5-3-78; 8:45 am]

proposed rules

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

[3410-16]

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

[7 CFR Part 632]

RURAL ABANDONED MINE PROGRAM

Public Hearings; Extension of Comment Date

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of public hearings; extension of dates for comments.

SUMMARY: The Soil Conservation Service previously proposed at 43 FR 15312, April 11, 1978, policy and requirements to carry out the rural abandoned mine program (RAMP) providing long-term Federal, technical, and financial assistance to land users to reclaim, conserve, and develop certain abandoned coal-mined lands in rural areas. This document announces three public hearings to be held on the proposed rules for implementing section 406 of Pub. L. 95-87, 91 Stat. 460 (30 U.S.C. 1236).

DATES: Because of the dates of the public hearings, the deadline for receiving comments on the proposed RAMP rules is extended to June 5, 1978. Public hearing dates: May 23, 1978—Denver, Colo.; May 26, 1978—St. Louis, Mo.; May 30, 1978—Washington, D.C.

ADDRESSES: Send comments to David P. Overholt, Director, Conservation Operations Division, Soil Conservation Service, USDA, Room 6132-S, P.O. Box 2890, Washington, D.C. 20013.

The RAMP public hearings will be held at the following locations:

Denver, Colo., May 23, 1978: Wyer Auditorium, Denver Public Library, 1357 Broadway, 8 a.m. to 4 p.m.

St. Louis, Mo., May 26, 1978: Federal Building (MART), 405 South 12th Street, 12th and Spruce Streets, 8 a.m. to 4 p.m.

Washington, D.C., May 30, 1978: South Agriculture Building, Jefferson Auditorium, Independence Avenue between 12th and 14th Streets SW., 8:30 a.m. to 4 p.m.

FOR FURTHER INFORMATION CONTACT:

David P. Overholt, telephone 202-447-7145.

(Catalog of Federal Domestic Assistance Programs number to be assigned.)

Dated: April 27, 1978.

EDWARD E. THOMAS,
Assistant Administrator for Land Resources.

[FR Doc. 78-12214 Filed 5-3-78; 8:45 am]

[3410-02]

Agricultural Marketing Service

[7 CFR Part 915]

HANDLING OF AVOCADOS GROWN IN SOUTH FLORIDA

Notice of Proposed Amendment of Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: Consideration is being given to a proposal to add a new paragraph to the section Avocados not subject to regulation of the Rules and Regulations currently in effect under Marketing Order No. 915. The purpose of the proposal would be to permit the handling of avocados to be used for seed purposes exempt from assessments, regulations, and inspection and certification. The amendment to exempt avocados used for seed is needed because such avocados are immature, and it would require certification by the receiver that such avocados were used for the intended purpose, as a safeguard to prevent avocados so handled from entering commercial channels of trade.

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

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

FOR FURTHER INFORMATON CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, of the Rules and Regulations (7 CFR Part 915.110-915.155; Subpart—Rules and Regulations) currently in effect pursuant to the applicable provisions of the marketing agreement and Order No. 915, both as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The amendment of the rules and regulations was proposed by the Avocado Administrative Committee, established under the amended marketing agreement and order as the agency to administer the terms and provisions thereof. The amendment would revise § 915.140 Avocados not subject to regulation by adding a new paragraph (d), so that after such revision such section reads as follows:

§ 915.140 Avocados not subject to regulation.

* * * * *

(d) *Avocados for seed.* Any handler may ship avocados to be used for seed purposes exempt from the provisions of §§ 915.41, 915.51, and 915.54, and the regulations issued thereunder: *Provided,* That such handler make application to the committee for an exemption prior to the loading of each shipment and that the receiver of each such shipment shall certify, on a form provided by the committee, that such fruit was used for the intended purpose, and that the residue from the seed separation process will not be allowed to enter fresh channels of trade.

Dated: April 28, 1978.

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

[FR Doc. 78-12238 Filed 5-3-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 78-AL-1]

GALENA, ALASKA

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice (NPRM) proposes to alter the Galena, Alaska, transition area by expanding the 700-foot portion to provide adequate controlled airspace to move and control terminal aircraft operations using radar ATC procedures. This action would lower the base of controlled airspace from 1,200 to 700 feet within a 19-mile radius of the Galena VORTAC. The present 700-foot floor of controlled airspace, extending from the control zone extension west boundary to 19 miles west and from the control zone extension east boundary to 12 miles east, has been found to provide less than optimum controlled airspace for radar ATC procedures.

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

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Alaskan Region, Attention: Chief, Air Traffic Division, Docket No. 78-AL-1, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501.

The official docket may be examined at the following location: Office of the Regional Counsel, Alaskan Region, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, at the above address.

FOR FURTHER INFORMATION CONTACT:

John G. Costello, Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501, telephone 907-265-4271.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaska Region, attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received on or before June 1, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, Alaskan Region, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska, or by calling 907-265-4271. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2, which describes application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations, (14 CFR Part 71) to redescribe the Galena, Alaska, transition area. This proposal would expand the 700-foot portion of the transition area to provide the flexibility needed to give more efficient ATC services beyond the limits of the control zone in a radar environment. There would be no change to the 1,200-foot portion of the transition area.

Drafting Information

The principal authors of this document are John Costello, Air Traffic Division, and Donald H. Boberick, Esq., Regional Counsel.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 440) by redescribing the 700-foot portion of the Galena, Alaska, transition area, as, "That airspace extending upward from 700 feet above the surface within a 19-mile radius of the Galena VORTAC."

(This amendment is proposed under the authority of § 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); § 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

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 Anchorage, Alaska, on April 21, 1978.

LYLE K. BROWN,
Director, Alaskan Region.

[FR Doc. 11850 Filed 5-3-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-EA-21]

NEW CASTLE, PA.

Proposed Designation of Transition Area:

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes to designate a New Castle, Pa., transition area, over New Castle Municipal Airport, New Castle, Pa. This designation will provide protection to aircraft executing the new NDB RWY 22 instrument approach which has been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATES: Comments must be received on or before June 29, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, N.Y. 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430, telephone 212-995-3391.

Comments Invited

Interested parties may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430. All communications received on or before June 29, 1978, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, N.Y. 11430, or by calling 212-9955-3391.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area over New Castle Municipal Airport, New Castle, Pa. The area will commence at 700 feet above the surface extending out to a 5-mile radius around the center of the airport. There will be an extension to the northeast extending approximately 13 miles from the airport and 6 miles in width.

DRAFTING INFORMATION

The principal authors of this document are Frank Trent, Air Traffic Division, and Thomas C. Halloran, Office of the Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a New Castle, Pennsylvania, 700-foot floor transition area as follows:

NEW CASTLE, PA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°01'30" N., 80°24'45" W., of New Castle Municipal Airport, New Castle, Pa.; within 3.5 miles each side of the 042° bearing from the New Castle, Pa. RBN (41°04'06" N., 80°21'49" W.), extending from the 5-mile radius area to 11.5 miles northeast of the RBN.

Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; (49 U.S.C. 1348 (a))) sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65).

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 Jamaica, N.Y., on April 19, 1978.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc. 78-12014 Filed 5-3-78; 8:45 am]

[4910-13]

[14 CFR PART 71]

[Airspace Docket No. 78-EA-16]

LEHIGHTON, PA.

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This notice proposes to designate a Lehighton, Pa., transition area. This designation will provide protection to aircraft executing a new instrument approach which has been developed for the Carbon County Airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATES: Comments must be received on or before June 29, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, N.Y. 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, ARE-7, Federal Building, J. F. K. International Airport, Jamica, N.Y. 11430.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J. F. K. International Airport, Jamaica, N.Y. 11430, telephone 212-995-3391.

COMMENTS INVITED

Interested parties may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J. F. K. International Airport, Jamaica, N.Y. 11430. All communications received on or before June 29, 1978, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, N.Y. 11430, or by calling 212-995-3391.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area over Carbon County Airport, Lehighton, Pa. The designation will control an area varying from 10 miles to the southwest to 12 miles to the west to 5 miles to the north. Additional area will be controlled to the northeast for a distance of approximately 17 miles extending over Beltzville, Pa. and Neeb Airport.

DRAFTING INFORMATION

The principal authors of this document are Frank Trent, Air Traffic Division, and Thomas C. Halloran, Office of the Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Lehighton, Pa. 700 foot floor transition area as follows:

LEHIGHTON, PA.

That airspace extending upward from 700 feet above the surface within a 8-mile radius of the center, 40°48'34" N, 75°45'43" W of Carbon County Airport, Lehighton, Pa.; within a 12-mile radius of the center of the airport, extending clockwise from a 182° bearing from the airport to a 270° bearing from the airport; within a 15-mile radius of the center of the airport, extending clockwise from a 270° bearing from the airport to a 339° bearing from the airport; within a 14-mile radius of the center of the airport, extending clockwise from a 339° bearing from the airport to a 024° bearing from the airport; within a 15-mile radius of the center of the airport, extending clockwise from a 024° bearing from the airport to a 060° bearing from the airport; within a 12-mile radius of the center of the airport, extending clock-

wise from a 060° bearing from the airport to a 121° bearing from the airport; within 9.5 miles north and 4.5 miles south of a 070° bearing from the Carbon RBN (40°48'43" N, 75°45'34" W) extending from the RBN to 18.5 miles east of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; (49 U.S.C. 1348(a))); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

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

Issued in Jamaica, N.Y., on April 19, 1978.

L. J. CARDINALI,
Acting Director,
Eastern Region.

[FR Doc. 78-12015 Filed 5-3-78; 8:45 am]

[4910-13]

[14 CFR Part 73]

[Airspace Docket No. 78-WE-9]

SPECIAL USE AIRSPACE

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to increase the periods of designation of two restricted areas identified as R-2304, Gila Bend, Ariz., and R-2305, Gila Bend, Ariz. This proposed action will provide the additional hours of U.S. Air Force training programs while providing for the safe and efficient use of the navigable airspace by probibiting unauthorized flight operations within the designated area during those periods.

DATES: Comments must be received on or before June 1, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 78-WE-9, Federal Aviation Administration, 15000 Aviation Boulevard. P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket, (AGC-24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before June 1, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

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

THE PROPOSAL

The FAA is considering an amendment to Subpart B of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to alter two restricted areas identified as R-2304, Gila Bend, Ariz., and R-2305, Gila Bend, Ariz. This proposed amendment would increase the time of designation of R-2304 from sunrise to 2400 local time, Monday through Friday, to continuous and R-2305 from sunrise to sunset to continuous. Extending the time of designation would permit the Department of the Air Force to more effectively use these restricted areas by providing additional training hours in the existing restricted areas. R-2304 and R-2305 would continue to be designated as joint use and IFR/VFR operations in the areas may be authorized by the controlling agency when it is not being utilized by the using agency.

DRAFTING INFORMATION

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

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (43 FR 659) as follows:

In § 73.23 (43 FR 664), under R-2304, Gila Bend, Ariz., "Sunrise to 2400 local time, Monday through Friday." would be deleted and "Continuous." would be substituted therefor; under R-2305, Gila Bend, Ariz., "Sunrise to sunset." would be deleted and "Continuous." would be substituted therefor.

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

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

Issued in Washington, D.C., on April 27, 1978.

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

[FR Doc. 78-12008 Filed 5-3-78; 8:45 am]

[4110-07]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Parts 404, 416]

[Regs. No. 4, 16]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS AND SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Rules for Adjudicating Disability Claims in Which Vocational Factors Must Be Considered; Extension of Comment Period

AGENCY: Social Security Administration, HEW.

ACTION: Extension of comment period.

SUMMARY: This notice extends the period for comments to the notice of proposed rulemaking, published in the FEDERAL REGISTER on March 7, 1978 (43 FR 9284), which proposed rules for adjudicating disability claims in which vocational factors must be considered.

Several legal advocacy groups have requested an extension of time for submitting comments on these proposed rules. These groups believe that a 60-day comment period is inadequate in view of the importance and controversial nature of these proposed rules.

The Social Security Administration is asking for maximum public partici-

pation in the evaluation of these rules for adjudicating disability claims. In order to obtain the views and opinions of members of the public, three public meetings were held to discuss these proposed regulations prior to their publication in the FEDERAL REGISTER as a notice of proposed rulemaking. The Social Security Administration has also invited comments from many different segments of the public to provide for more extensive public participation. To insure that all interested parties will have sufficient time to submit data, views, and arguments, the comment period is being extended an additional 30 days as shown below.

DATES: Comments must be received on or before June 8, 1978.

ADDRESSES: Prior to final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Social Security, Department, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Md. 21203.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 5131, 330 Independence Avenue SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION:

William J. Ziegler, Legal Assistant, Office of Policy and Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Md. 21235, telephone 301-594-7415.

Dated: April 24, 1978.

DON WORTMAN,
Acting Commissioner of Social Security.

Approved: May 1, 1978.

JOSEPH A. CALIFANO, JR.,
Secretary of Health, Education, and Welfare.

[FR Doc. 78-12201 Filed 5-3-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 65]

[FRL 888-1]

STATE AND FEDERAL ADMINISTRATIVE ENFORCEMENT OF IMPLEMENTATION PLAN REQUIREMENTS AFTER STATUTORY DEADLINES

Proposed Approval of a Delayed Compliance Order Issued by the New York Department of Environmental Conservation to the United States Gypsum Co. Oakfield, N.Y.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve an Administrative Order issued by the Commissioner of the New York State Department of Environmental Conservation (DEC) to the United States Gypsum Co. The order requires the company to bring air emissions from its gypsum mill in Oakfield, N.Y., into compliance with certain provisions of the federally-approved New York State Implementation Plan (SIP) by August 1, 1978. Because the Order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act. If approved by EPA, the Order will constitute an addition to the SIP and will alter the rights of persons to bring judicial actions against the source for violations of the SIP. The purpose of this notice is to invite public comment on EPA's proposed approval of the Order as a delayed compliance order.

DATES: Written comments must be received on or before June 5, 1978.

ADDRESSES: Comments should be submitted by writing to: Eckardt C. Beck, Regional Administrator, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, N.Y. 10007. The State Order, material supporting the order, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Walter Mugdan, Attorney, General Enforcement Branch, Enforcement Division, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, N.Y. 10007, 212-264-4434.

SUPPLEMENTARY INFORMATION: The United States Gypsum Co. operates a gypsum mine and manufacturing plant in Oakfield, Genessee County, N.Y. The Order under consideration concerns emissions from emission points No. 3, 5 through 10, 13 and 14 of the company's Mill Building, which are subject to the requirements of Part 212, Title 6, Official Compilation of Codes, Rules and Regulations of the State of New York. This regulation limits the emission of particulate matter, and is part of the federally-approved State Implementation Plan for the Air Quality Control Region in which the source is located. The Order requires that, on or before November 1, 1977, the source shall award purchase contracts for major pollution control equipment; on or before April 1, 1978, it shall obtain delivery of such equipment; on or before May 1, 1978, it shall commence construction and installation of such equipment; on or before August 1, 1978, it shall complete construction and attain operational level; and on or before October 1, 1978, it shall submit an approvable stack test report to the DEC if it is required by that Department to do so. The source has consented to the issuance of the Order and to its terms, and it has satisfied those increments of progress which have fallen due as of this date.

The purpose of this notice is to invite public comment on EPA's proposed approval of this Order as a DCO. If approved, the Order would constitute an addition to the New York State Implementation Plan for the purposes of sections 110 ("Implementation Plans"), 304 ("Citizen Suits"), and 307 ("General Provisions Relating to Administrative Proceedings and Judicial Review") of the Act. After the public comment period, and after EPA has reviewed any comments received in response to this notice, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the Order in 40 CFR Part 65. The provisions of 40 CFR Part 65 will be promulgated by EPA soon, and will contain the procedures for EPA's issuance, approval, or disapproval of an order under section 113(d) of the Act. In addition, Part 65 will contain sections listing or including orders issued, approved, or disapproved by EPA. A prior notice proposing regulations for Part 65, published at 40 FR 14876 (April 2, 1975), will be withdrawn, and replaced by a notice promulgating these new regulations.

Because this Order has been issued to a major source of particulate emissions and permits a delay in compliance with the requirements of 6 NYCRR Part 212, it must be approved by EPA before it becomes effective as a delayed compliance Order under section 113(d) of the Act. EPA may approve the Order only if it satisfies the appropriate requirements of this subsection.

This Agency believes that the Order does satisfy the applicable requirements of section 113(d), and therefore proposes to approve it as a delayed compliance Order. If the Order is approved, source compliance with its terms would preclude further EPA enforcement against it for violation of 6 NYCRR Part 212 during the period the Order is in effect (so long as the source complies with terms). Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded.

Comments received by the date specified above will be considered in determining whether EPA should approve the Order as a delayed compliance Order. Final action on this proposal will be published in the FEDERAL REGISTER.

Dated: March 28, 1978.

ERIC B. OUTWATER,
Acting Regional Administrator Environmental Protection Agency, Region II.

[FR Doc. 78-12084 Filed 5-3-78; 8:45 am]

[6560-01]

[40 CFR Part 180]

[PP 8F2067/P85; FRl 891-7]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Tolerance for the Pesticide Chemical Chlorothalonil

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that tolerances be established for residues of the fungicide chlorothalonil on bananas. The amendment to the regulations was requested by Diamond Shamrock Corp. This proposed rule would establish a maximum permissible level for residues of chlorothalonil on bananas.

DATE: Comments must be received by May 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. Eugene Wilson, Product Manager (PM) 21, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460, 202-426-2456.

SUPPLEMENTARY INFORMATION: On April 18, 1978, notice was given (43 FR 16400) that Diamond Shamrock Corp., 1100 Superior Avenue, Cleveland, Ohio 44114, had filed a pesticide petition (PP 8F2067) with the EPA.

This petition proposed that 40 CFR 180.275 be amended to establish tolerances for residues of the fungicide chlorothalonil (tetrachloroisophthalonitrile) and its metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile in or on the raw agricultural commodities bananas and plantains at 0.5 part per million (ppm) with no more than 0.05 ppm of combined residues in the edible pulp of banana and plantain fruit. No comments were received in response to this notice of filing. It is noted, however, that plantains are included in the definition of bananas as set forth in 40 CFR 180.1(h). For purposes of this notice, therefore, the proposed tolerances on bananas and plantains and the edible pulps of their fruit are expressed as bananas and the edible pulp of the banana fruit.

The tolerance of 0.5 ppm in or on bananas with no more than 0.05 ppm of combined residues in the edible pulp of banana fruit is being proposed at this time because the Agency wishes to provide information in addition to that provided in the April 18, 1978 notice published earlier.

The data submitted in the petition and other relevant material have been evaluated, and the pesticide is considered to be useful for the purpose for which the tolerance is sought.

The toxicological data considered in support of the proposed tolerance included two-year rat and dog feeding studies with no-observable-effect levels (NOEL) of 60 ppm with a 100-fold safety factor, a rat acute toxicity study, a rabbit teratogenicity study, and a three-generation rat reproduction study. An oncogencity study in a second mammalian species is missing. However, the existing toxicology data do not show any evidence of an undue human health hazard and thus support establishment of the proposed tolerance.

The acceptable daily intake (ADI) of chlorothalonil and its metabolite has been established at 0.015 milligram (mg/kilogram (kg) of body weight (bw) based on the two-year dog feeding study with an NOEL of 60 ppm. Existing tolerances result in a maximum theoretical exposure of 81.05 percent of the ADI. Establishment of the proposed tolerance would not exceed the ADI and a maximum permissible intake (NPI) of 0.9 mg/day/60-kg human. The proposed tolerance in or on bananas will not contribute a significant amount (approximately 0.001 mg/day) to the daily diet. The ADI will be practically unaffected by this amount.

Tolerances have previously been established for residues of chlorothalonil and its 4-hydroxy metabolite in or on a variety of raw agricultural commodities, ranging from 15 ppm to 0.1 ppm. Adequate analytical methods (gas liquid chromatography) are available to enforce the tolerance established by this amendment. Tolerances currently pending for residues of chlorothalonil and its metabolite in or on raw agricultural commodities include mint at 500 ppm; spinach at 42 ppm; chicory, endive, garden beet greens, mustard greens, peaches, and turnip greens at 25 ppm; cherries at 15 ppm; garden beet roots, parsnip roots, and turnip roots at 1 ppm; and soybeans at 0.2 ppm.

Meat and milk tolerances are not necessary to cover secondary residues resulting from the proposed use because there are no feed items involved. It has been determined that the tolerance established by amending 40 CFR 180.275 will protect the public health, and it is proposed, therefore, that the tolerance be established as set forth below.

Interested persons are invited to submit written comments on the proposed regulation. As provided for in the Administrative Procedure Act (5 U.S.C. 553(d)(3)), the time for the comment period is shortened to less than 30 days because (1) the notice of filing of April 18, 1978 (43 FR 16400) invited the submission of written comments on the proposed tolerance, and (2) there is an epidemic of banana leaf spot disease (Black Sigatoka) in Honduras against which chlorothalonil is effective. The comments must bear a notation indicating both the subject and the petition/document control number,"PP 8F2067/P85". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

AUTHORITY: Section 408(d) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(d)].

Dated: May 1, 1978.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

It is proposed that Part 180, Subpart C, section 180.275 be amended by alphabetically inserting in the table a tolerance on bananas at 0.5 ppm to read as follows:

§ 180.275 Chlorothalonil; tolerances for residues.

* * * * *

Commodity:	*Parts per million*
Bananas (NMT 0.05 ppm in edible pulp)	0.5

* * * * *

[FR Doc. 78-12247 Filed 5-3-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[BC Docket No. 78-139; RM-3064]

FM BROADCAST STATION IN BEAVERTON, MICH.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: Action taken herein proposes the assignment of a Class A FM channel to Beaverton, Mich., as that community's first FM assignment, in response to a petition filed by Mid West Communications. The proposed assignment could bring a first FM service to Beaverton.

DATES: Comments must be filed on or before June 20, 1978. Reply com-

ments must be filed 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.

SUPPLEMENTAL INFORMATION

Adopted: April 21, 1978.

Released: April 27, 1978.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Beaverton, Mich., BC Docket No. 78-139, RM-3064.

1. *Petitioner, proposal, comments.* (a) Petition for rule making,[1] filed by Mid West Communications, proposing the assignment of FM Channel 249A to Beaverton, Mich., as that community's first FM assignment. No responses to the petition were filed.

(b) The channel could be assigned in conformity with the minimum distance separation requirements.

2. *Community Data*— (a) *Location.* Beaverton, in Gladwin County, is located approximately 64 kilometers (40 miles) northwest of Bay City, Mich.

(b) *Population.* Beaverton, 945; Gladwin County, 13,471.[2]

(c) *Local broadcast service.* There is no local aural broadcast service in Beaverton.

(d) *Economic considerations.* Petitioner states that Beaverton is the second largest community in Gladwin County, and according to a recent Beaverton school survey, it has had a substantial gain in resident population. We are told that its present industries include plastic thermo-forming equipment, plastics maufacturing, precision cutting tools, lumbering and livestock and dairy farming. In support of its proposal, petitioner has submitted information with respect to population, form of government, medical and recreational facilities, transportation and education. Petitioner asserts there is only one weekly newspaper to serve the county and the proposed station would provide residents with news of interest in the area in addition to entertainment and educational benefits.

3. Since Beaverton is located 420 kilometers (250 miles) of the U.S.-Canada border, proposed Channel 249A to Beaverton, Mich., requires coordination by the Canadian Government.

4. In light of the above information and the fact that the proposed FM channel assignment would provide for a first local aural broadcast service to Beaverton, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Rules, with regard to Beaverton, Mich., as follows:

City and Channel No.
Beaverton, Mich.; Present:—; Proposed: 249A.

5. Authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix below and are incorporated herein.

NOTE.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. 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.

APPENDIX

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making 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 filing 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 rule making 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 Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons action 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 Section 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. 78-12105 Filed 5-3-78; 8:45 am]

[1] Public Notice of the petition was given on March 7, 1978, Report No. 1106.

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

[6712-01]

[47 CFR Part 73]

[BC Docket No. 78-138; RM-3067]

FM BROADCAST STATION IN GREENSBORO, GA.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: Action taken herein proposes the assignment of a Class A FM channel to Greensboro, Ga. The proposal for that community's first FM assignment was made in a petition filed by Boswell and Dingler.

DATES: Comments must be filed on or before June 20, 1978. Reply comments must be filed 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: April 27, 1978.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Greensboro, Ga.), BC Docket No. 78-138, RM-3067.

1. *Petitioner, proposal, comments.* (a) Petition for rule making[1] filed by Boswell and Dingler ("petitioner"), seeking the assignment of Class A FM Channel 280A to Greensboro, Ga., as its first FM assignment. No responses to the petition were received.

[1] Public Notice of the petition was given on March 7, 1978, Report no. 1106.

(b) The channel could be assigned in conformity with the minimum distance separation requirements.

(c) Petitioner states that if the channel is assigned, it will apply for authority to construct and operate the FM broadcast facility.

2. *Community data.*—(a) *Location.* Greensboro, the seat of Greene County, is located in the east central part of Georgia, approximately 109 kilometers (68 miles) east of Atlanta and 104 kilometers (65 miles) northeast of Macon, Ga.

(b) *Population.* Greensboro, 2,583; Greene County, 10,212.[2]

(c) *Local broadcast service.* There is no local aural broadcast service in Greensboro or Greene County.

3. *Economic considerations.* Petitioner states that Greensboro and Greene County have been experiencing a change in population and employment trends over the past few years. It asserts that the area which is now supporting a gradual and economically sound transition to manufacturing, industry and services, has had, between 1960-1970, and 18 percent growth in services, 25 percent growth in wholesale and retail trade, a 63 percent growth in contract construction, and a 176 percent growth in finance, insurance and real estate. Petitioner has submitted detailed information in support of the need for a first local full-time broadcast service in Greensboro and Greene County.

4. In view of the fact that the proposed FM station could provide the community as well as Greene County with a first FM service, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the rules, with regard to Greensboro, Ga., as follows:

City and Channel No.

Greensboro, Ga.; Present: —; Proposed: 280A.

5. Authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix below and are incorporated herein.

NOTE.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. 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.

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

APPENDIX

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making 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 rule making 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 Rule Making 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. 78-12104 Filed 5-3-78; 8:45 am]

[4910-60]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CRF Parts 172, 173, 174, 175, 176, 177, 178]

[Docket No. HM-161; Notice No. 78-4]

COMMERCIAL DETONATORS AND DETONATING PRIMERS

Proposed Rulemaking

AGENCY: Materials Transportation Bureau, Department of Transportation.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to provide more suitable and proper shipping descriptions and classifications of many detonators which are widely used commercially. The need for this action is the lack of proper shipping descriptions for many small explosive devices and the fact that blasting caps are not divided into class A explosives and class C explosives on a technically firm basis. Many explosives producers have complained about these deficiencies in the DOT regulations. The intended effect of this action is to correct the deficiencies noted above.

DATES: Comments must be received on or before September 1, 1978.

ADDRESS COMMENTS TO: Docket Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. It is requested that five copies be submitted.

FOR FURTHER INFORMATION CONTACT:

Alan I. Roberts, Director, Office of Hazardous Materials Operations, 2100 2nd Street SW., Washington, D.C. 20590, 202-426-0656.

SUPPLEMENTARY INFORMATION: The purpose of this notice of proposed rulemaking is to propose amendments to Parts 172, 173, 174, 175, 176, 177, and 178 of the Department of Transportation's hazardous materials regulations applicable to blasting caps, electric blasting caps and other commercial detonating devices. These amendments are being proposed for the following reasons:

1. The present division of blasting caps into class A explosives and class C explosives, based on whether there are more than 1,000 caps in a shipment, is unrealistic from the point of view of safety. Fuse caps, as now packaged, will explode en masse, if one cap is set

off, regardless of the number of caps in the package. On the other hand, testing has shown that electric blasting caps having leg wires 4 feet or more in length will not explode en masse when packaged as presently required.

2. There is no provision in the regulations for properly describing many types of small detonating devices. These devices must be described as "Detonation fuze, Class C explosive" even though they do not meet the definition for that shipping name. This proposal would make it possible to properly describe and classify products of this type. Provision would be made for adequate time to reclass items now described as "Detonating fuzes, Class C explosives."

The most significant aspects of this proposal are:

1. Class A, type 7 explosives in § 173.53(g) would be retitled "Initiating Devices" since this description best defines their function. Three categories of initiating devices would be defined:

(a) *Commercial detonator.* This would include all commercial initiating devices that contain not more than 10 grams of explosives per unit.

(b) *Detonating primer.* This would include all commercial initiating devices that contain more than 10 grams of explosives per unit.

(c) *Detonating fuze.* This description would be reserved for ordnance items that are used in military rather than commercial applications.

2. Provision has been made for classifying commercial detonators and detonating primers which comply with certain requirements relating to maximum explosive weight and limited propagation effects as class C explosives, instead of basing the class on the number of devices in a shipment.

3. In revising the packaging regulations, the requirements of existing § 173.67 would be incorporated in the revised § 173.66 which covers commercial detonators. Section 173.67 would be deleted. Section 173.68 would be revised and continue to apply to detonating primers.

It is proposed to revise the packaging regulations in order to:

(a) Simplify the present regulations;

(b) Coordinate them with the newly defined "commercial detonator" and "detonating primer"; and

(c) Include the packaging requirements of certain DOT exemptions so that their use will no longer be necessary. These exemptions are identified as Nos. E-5243, E-6466, and E-6477.

The primary drafters of this document are Charles W. Schultz, Technical Services Branch, Office of Hazardous Materials Operations, and Evan C. Braude, Office of the Chief Counsel, Research and Special Programs Directorate.

In consideration of the foregoing, Parts, 172, 173, 174, 175, 176, 177, and 178 of 49 CFR would be amended as follows:

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. Section 172.101 would be amended as follows:

§ 172.101 Hazardous materials table.

(1) */ W/ A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) Label(s) required (if not excepted)	(5) Packaging (a) Exceptions	(5) Packaging (b) Specific requirements	(6) Maximum net quantity in one package (a) Passenger carrying aircraft or rail car	(6) Maximum net quantity in one package (b) Cargo only aircraft	(7) Water shipments (a) Cargo vessel	(7) Water shipments (b) Passenger vessel	(7) Water shipments (c) Other requirements
	(Delete) Blasting caps - electric (1,000 or less) (show actual number)	Class C explosive	Explosive C	None	173.103	Forbidden	Forbidden	1,2	5	Portable magazine or metal locker. Do not stow blasting caps with any high explosive. Do not handle blasting caps at the same time high explosives are being loaded.
	Blasting caps - electric (more than 1,000) (show actual number)	Class A explosive	Explosive A	None	173.66	Forbidden	Forbidden	6	5	Do not stow blasting caps with any high explosive. Do not handle blasting caps at the same time high explosives are being loaded.
	Blasting caps - (1,000 or less) (show actual number)	Class C explosive	Explosive C	None	173.103	Forbidden	Forbidden	1,2	5	Portable magazine or metal locker. Do not stow blasting caps with any high explosive. Do not handle blasting caps at the same time high explosives are being loaded.
	Blasting caps - (more than 1,000) (show actual number)	Class A explosive	Explosive A	None	173.66	Forbidden	Forbidden	6	5	Do not stow blasting caps with any high explosive. Do not handle blasting caps at the same time high explosives are being loaded.
	Blasting caps with metal clad mild detonating fuze, (1,000 or less) (show actual number)	**Class C explosive**	**Explosive C**	**None**	**173.103**	**Forbidden**	**Forbidden**	**1,2**	**5**	**Portable magazine or metal locker. Do not stow blasting caps with any high explosive. Do not handle blasting caps at the same time high explosives are loaded.**
	Blasting caps with metal - clad mild detonating fuze (more than 1,000) (show actual number)	**Class A explosive**	**Explosive A**	**None**	**173.66 173.67**	**Forbidden**	**Forbidden**	**6**	**5**	**Do not stow blasting caps with any high explosive. Do not handle blasting caps at the same time high explosives are being loaded.**

(1) */ W/ A	(2) Hazardous materials descriptions and proper shipping name	(3) Hazard class	(4) Label (s) required (if not excepted)	(5) Packaging (a) Exceptions	(5) Packaging (b) Specific requirements	(6) Maximum quanity in one package (a) Passenger carrying aircraft or rail car	(6) Maximum quanity in one package (b) Cargo only aircraft	(7) Water shipments (a) Cargo vessel	(7) Water shipments (b) Passenger vessel	(7) Water shipments (c) Other requirements
	Blasting caps with safety fuse - (1,000 or less) (show actual number)	Class C explosiv	Explosive C	None	173.103	Forbidden	Forbidden	1,2	5	Portable magazine or metal locker. Do not stow blasting caps with any high explosive. Do not handle blasting caps at the same time high explosives are being loaded.
	Blasting caps with safety fuse - (more than 1,000) (show actual number)	Class A explosiv	Explosive A	None	173.66 173.67	Forbidden	Forbidden	6	5	Do not stow blasting caps with any high explosive. Do not handle blasting caps at the same time high explosives are being loaded.
	Detonating primer	Class A explosive	Explosive A	None	173.68	Forbidden	Forbidden	6	5	
	(Add) Blasting caps, See Commercial detonators.									
	Blasting caps, electric, See Commercial detonators									
	Blasting caps, percussion actuated, See Commercial detonators.									
	Blasting caps with metal clad mild detonating fuze, See Commercial detonators.									
	Blasting caps with 8.0 or less grains/ft. detonating cord See Commercial detonators and detonating primers.									
	Blasting caps with safety fuse, See Commercial detonators.									

(1)	(2)	(3)	(4)	(5) Packaging		(6) Maximum quantity in one package		(7) Water shipments		
*/ U/ A	Hazardous materials descriptions and proper shipping names	Hazard class	Label (s) required (if not excepted	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or rail car	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Blasting caps with shock tubes, See Commercial detonators									
	Caps, blasting, See Commercial detonators									
	Commercial detonators, Class A explosives See 173.53	Class A explosive	Explosive A	None	173.66	Forbidden	Forbidden	6	5	Do not stow commercial detonators, Class A explosive with any high explosive. Do not handle at the same time high explosives are being loaded.
	Commercial detonator, Class C explosive, See 173.100	Class C explosive	Explosive C	None	173.66	50 lbs.	150 lbs.	1,2	1,2	The maximum net quantity in one package for this material shipped aboard passenger vessel is limited to 50 pounds. Portable magazine or metal locker. Do not stow commercial detonators, Class C explosive with high explosives. Do not handle at the same time high explosives are being loaded.
	Delay connectors, See Commercial detonators and detonating primers									
	Detonating primers, Class A explosives. See 173.53	Class A explosive	Explosive A	None	173.68	Forbidden	Forbidden	6	5	Do not stow detonating primers, Class A explosive with any high explosives. Do not handle at the same time high explosives are being loaded.
	Detonating primers, Class C explosives. See 173.100	Class C explosive	Explosive C	None	173.68	50 lbs.	150 lbs.	1,2	1,2	The maximum net quantity in one package for this material shipped aboard passenger vessel is limited to 50 pounds. Portable magazine or metal locker. Do not stow detonating primers Class C explosives with high explosives. Do not handle at the same time high explosives are being loaded.
	Detonators, commercial, See Commercial detonators									
	Electric blasting caps, See Commercial detonators									
	Primers, detonating, See Detonating primers.									

2. In § 172.203 paragraph (c) would be deleted as follows:

§ 172.203 Additional description requirements.

* * * * *

(c) [Deleted]

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

3. In § 173.53 the introductory text of paragraph (g) would be revised; paragraph (g)(1) would be deleted; paragraph (g)(2) would be redesignated (g)(3) and new paragraphs (g)(1) and (g)(2) would be added; notes 1 through 5 following paragraph (h)(1) would be moved to the end of the section following paragraph (v); note 5 would be revised and a new note 6 would be added to read as follows:

§ 173.53 Definition of class A explosives.

* * * * *

(g) *Type 7.* An initiating device is a metal or plastic casing containing initiating or priming explosives, Class A—Type 4, either with or without other explosives. It is activated by any of the several means, including an electrical pulse, a flame, a shock or detonation wave, mechanical impact (percussion), pressurized gas, or high intensity light beam. It produces an explosive output that may be used to initiate another explosive or to perform work. A time delay may be incorporated in the means of applying the stimulus, or in the initiating device itself. Any device of this type which was previously approved by the Bureau of Explosives may be transported under the description and class assigned at that time until January 1, 1980.

(1) A commercial detonator (see note 5) is an initiating device for commercial use which contains not more than 10 grams of total explosives weight, excluding ignition and delay charges per unit. There are several different kinds of detonators such as the following:

(i) Blasting caps which are activated by safety fuse.

(ii) Blasting caps which are percussion activated.

(iii) Blasting caps which are activated by flexible detonating cord. This type can be further subdivided into four types as follows:

(A) Delay connectors in plastic sheaths which consist of a plastic sleeve that contains a suitable delay system with receptor and donor explosive charges in the center portion. Each end of the sleeve is made so that flexible detonating cord can be inserted into and locked to the connector;

(B) Delay connectors in metal tubes which consist of a system with a receptor and donor charge positioned between two detonators with the entire assembly placed in a metal tube having both ends open for the insertion of flexible detonating cord;

(C) Delay connectors with detonating cord pigtails which consist of delay connectors as described in paragraph (g)(1)(iii)(B) of this section that have short lengths of detonating cord inserted into both ends and crimped in place; and

(D) Nonelectric instantaneous and delay caps which consist of blasting caps to which is assembled a length of 8.0 or less grains/ft. detonating cord that may have a transfer explosive charge at the opposite end.

(iv) Blasting caps which are activated by gas pressurization or reaction.

(v) Blasting caps which are activated by a shock tube.

(vi) Electric blasting caps which are activated by an electric current.

(2) A detonating primer (see note 6) is an initiation device for commercial use which contains more than 10 grams of total explosive weight, excluding ignition and delay charges per unit.

* * * * *

NOTE 5.—See § 173.100(gg) for criteria that determine whether a particular type of commercial detonator can be classed as Class C explosive.

NOTE 6.—See § 173.100(hh) for criteria that determine whether a particular type of detonating primer can be classed as a Class C explosive.

4. § 173.66 would be deleted and a new § 173.66 would be added to read as follows:

§ 173.66 Commercial detonators.

(a) Blasting caps (including percussion activated) and delay connectors in metal tubes must be snugly packed in strong inside containers. When blasting caps or delay connectors in metal tubes are packed vertically in metal inside containers, their open ends must be covered by a suitable cushioning material. The inside containers must then be snugly packed in intermediate packagings consisting of paper, plastic, or pasteboard cartons or wrappings. All intermediate packages must be packed in an outside packaging specified in paragraph (e) of this section. The intermediate packages must be separated from the outside container by at least 1 inch of tightly packed sawdust, excelsior, or equivalent cushioning material.

(1) The maximum number of these devices containing not more than 3.0 grams of explosives each, excluding ignition and delay charges, that may be packed in one inside container is 110 and in one outside packaging is 5,000. The gross weight of the package may not exceed 110 pounds, or the maximum gross weight allowed in the specification for the outside packaging used, whichever is less.

(2) The maximum number of these devices containing more than 3 but not more than 10 grams of explosives each, excluding ignition and delay charges, that may be packed in one inside container is 50 and in one outside packaging is 500. The gross weight of the package may not exceed 100 pounds or the maximum gross weight allowed in the specification for the outside packaging used, whichever is less.

(b) Electric blasting caps, delay connectors in plastic sheaths, and blasting caps with empty plastic tubing must be packed in pasteboard carton type inside containers. An inside container is not required for electric blasting caps that are contained in inside pasteboard tubes, or which have their leg wires wound on spools with the caps either placed inside the hub of the spool, or securely taped to the wire on the spool. The inside container, tubes, or spools must be packed in an outside packaging specified in paragraph (e) of this section.

(1) The maximum number of these devices, containing not more than 3.0 grams of explosives each, excluding ignition and delay charges, that may be packed in one inside container is 100 and in one outside container is 1,000. The gross weight of the package may not exceed 150 pounds, or the maximum gross weight allowed in the specification for the outside packaging used, whichever is less.

(2) The maximum number of these devices containing more than 3, but not more than 10 grams of explosives each, excluding ignition and delay charges, that may be packed in one inside container is 50 and in one outside packaging is 500. The gross weight of the package may not exceed 150 pounds or the maximum gross weight allowed in the specification for the outside packaging used, whichever is less.

(c) Blasting caps with safety fuse, blasting caps with metal clad mild detonating cord, blasting caps with 8.0 or less grains/ft. detonating cord, and blasting caps with shock tubes may be packed in inside containers, although this is not required. The blasting caps with attachments, or blasting caps in inside containers must be packed in an outside packaging specified in paragraph (e) of this section. No hand holes are permitted in outside packagings. The blasting cap and corresponding configuration should be such as to restrict freedom of movement of the cap and to protect it from impact forces. The blasting caps are not required to be attached to the safety fuse, metal clad mild detonation cord, shock tubes, or 8.0, or less, grain/ft.

(1) The maximum number of these devices, containing not more than 3

grams of explosives each, excluding ignition and delay charges, that may be packed in one inside container, if used, is 50 and in one outside packaging is 500. The gross weight of the package may not exceed 100 pounds or the maximum gross weight allowed in the specification for the outside packaging used, whichever is less.

(2) The maximum number of these devices, containing more than 3, but not more than 10 grams of explosives each, excluding ignition and delay charges, that may be packed in one inside container, if used, is 10 and in one outside packaging is 100. The gross weight of the package may not exceed 100 pounds or the maximum gross weight allowed in the specification for the outside packaging used, whichever is less.

(d) Delay connectors with detonating cord pigtails must be snugly packed in pasteboard cartons, or pasteboard tube inside containers. The inside containers must be packed in an outside packaging specified in paragraph (e) of this section.

(1) The maximum number of these devices containing not more than 3.0 grams of explosives each, excluding ignition and delay charges, that may be packed in one inside container is 50 and in one outside packaging is 500. The gross weight of the package may not exceed 150 pounds or the maximum gross weight allowed in the specification for the outside packaging used, whichever is less.

(2) The maximum number of these devices containing more than 3, but not more than 10 grams of explosives each, excluding ignition and delay charges, that may be packed in one inside container is 50, and in one outside packaging is 500. The gross weight of the package may not exceed 150 pounds or the maximum gross weight allowed in the specification for the outside packaging used, whichever is less.

(e) Commercial detonators either with or without inside containers, as provided for in this paragraph, must be packed in one of the following outside packagings:

(1) DOT specification 14, 15A, or 16A (§§ 178.165, 178.168, 178.185 of this subchapter) wooden box.

(2) DOT specification 12H, 23F, or 23H (§§ 178.209, 178.214, 178.219, of this subchapter) fiberboard box.

(f) Each outside packaging of commercial detonators must pe plainly marked "Commercial Detonators—Handle Carefully" and must bear the appropriate explosives label specified in § 172.411 of this subchapter.

(g) Nothing in this section shall prohibit the consolidation of properly prepared packages by banding together, palletizing, or placing in an overpack or freight container, providing all applicable requirements of this subchapter are met.

§ 173.67 [Amended]

5. § 173.67 would be deleted in its entirety.

6. § 173.68 would be deleted and a new § 173.68 would be added to read as follows:

§ 173.68 Detonating primers.

(a) Blasting caps with 8.0 or less grains/ft. detonating cord must be packed in on outside packaging specified in paragraph (d) of this section. No hand holes are permitted in outside packaging. No inside container is required. The blasting cap and its corresponding coil configuration shall be such as to restrict freedom of movement of the cap and to protect it from impact forces.

(1) The maximum number of these devices that may be packed in one outside packaging is 500. The gross weight of the package may not exceed 150 pounds, or the maximum gross weight allowed in the specification for the outside packaging, whichever is less.

(b) Delay connectors with detonating cord pigtails must be snugly packed in pasteboard cartons or pasteboard tube inside containers. The inside containers must be packed in an outside packaging specified in paragraph (d) of this section.

(1) The maximum number of these devices that may be packed in one inside container is 50 and in one outside packaging is 500. The gross weight of the package may not exceed 150 pounds or the maximum gross weight allowed in the specification for the outside packaging used, whichever is less.

(c) All other unspecified types of detonating primers must be packed in pasteboard cartons or in individual pasteboard, metal, plastic or wooden tube inside containers. The inside containers must be packed in an outside packaging specified in paragraph (d) of this section.

(1) The maximum number of unspecified detonating primers that may be packed in one inside container is 50 and in one outside packaging is 500. The gross weight of the package may not exceed 150 pounds or the maximum gross weight allowed in the specification for the outside packaging used, whichever is less.

(d) Detonating primers either with or without inside containers, as provided for in this paragraph, must be packed in one of the following outside packagings:

(1) DOT specification 14, 15A, or 16A (§§ 178.165, 178.168, 178.185 of this subchapter) wooden box.

(2) DOT specification 12H, 23F, or 23H (§§ 178.209, 178.214, 178.219 of this subchapter) fiberboard box.

(e) Each outside packaging of detonating primers must be closed or sealed in such a manner as to discourage pilferage and to prevent loss of the contents.

(f) Each outside packaging of detonating primers must be plainly marked "Detonating Primers—Handle Carefully," and must bear the appropriate label specified in § 172.411 of this subchapter.

(g) Nothing in this section shall prohibit the consolidation of properly prepared packages by banding together, palletizing, or placing in an overpack or freight container providing all applicable requirements of this subchapter are met.

7. In § 173.100 paragraph (bb) would be amended by removing the words "or commerical users" in the third sentence; paragraphs (gg), (hh), and (ii) would be added to read as follows:

§ 173.100 Definition of Class C explosives.

* * * * *

(gg) Commercial detonators (§ 173.53 (g)(1)), that contain an explosive charge, excluding delay and ignition charges, of not more than 3.0 grams per unit and when packed for shipment will undergo only limited propagation care classed as Class C explosives. Limited propagation means that if one commercial detonator, near the center of a shipping container is exploded, the aggregate weight of explosives, excluding ignition and delay charges in this and all additional commerical detonators in the shipping container that explode may not exceed 25 grams. Commercial detonators which mass detonate in the shipping container may not be classed as Class C explosives.

(hh) Detonating primers (§ 173.53 (g) (2)) in which the total explosive charge per unit does not exceed 25 grams and, which when packed for shipment, will undergo only limited propagation, are classed as Class C explosives. Limited propagation means that if one detonating primer near the center of a shipping container is exploded, the aggregate weight of explosives, excluding ignition and delay charges, in this and all additional detonating primers in the shipping container that explode may not exceed 25 grams. Detonating primers which mass detonate in the shipping container may not be classed as Class C explosives. For the purposes of this paragraph, "mass detonate" means that more than 90 percent of the devices tested in a package explode practically simultaneously.

(ii) It must be demonstrated by actual tests that commercial detonators and detonating primers which are to be offered for transportation as Class C explosives meet the requirements of paragraph (gg) or (hh) of this section, as appropriate. Testing must be done or approved by:

(1) Bureau of Explosives, or

(2) Department of Energy.

(3) A copy of the test data must be filed with the Office of Hazardous Ma-

terials Operations before any type of commercial detonator or detonating primer is offered for transportation as a Class C explosive.

8. § 173.103 would be deleted and a new 173.103 would be added to read as follows:

§ 173.103 Commercial detonators, Class C explosives and detonating primers, Class C explosives.

Commercial detonators, Class C explosives and detonating primers, Class C explosives must be packed according to the applicable requirements of § 173.66 and § 173.68.

PART 174—CARRIAGE BY RAIL

9. In § 174.81(a), the table would be amended by deleting the heading "blasting caps, with or without safety fuze (including electric blasting caps), detonating primers" in the fourth entry of both vertical and horizontal columns and substituting therefor "commercial detonators, detonating primers;" footnotes a and e would be revised to read as follows:

§ 174.81 Segregation and separation requirements for hazardous materials in rail cars.

(a) * * *

[a]Commercial detonators, Class C explosives may also be loaded and transported with articles named in vertical and horizontal columns 3, 9, 10, 11, 12, and 13. Loading and transportation of commercial detonators, or detonating primers in any quantity with articles named in vertical or horizontal columns b, c, e, or f is prohibited.

* * * * *

[e]Does not include nitro carbo nitrate or ammonium nitrate, fertilizer grade, which may be loaded, transported, or stored with high explosives, or with commercial detonators containing not more than 3 grams of explosives each, excluding ignition and delay charges.

* * * * *

10. In § 174.101 the first sentence of paragraph (h) would be amended; paragraph (m) would be deleted as follows:

§ 174.101 Loading explosives.

* * * * *

(h) At stations or other loading points, packages containing any explosives for which a certified and placarded car is prescribed (see § 174.104), any commercial detonators or detonating primers must be securely blocked and braced to prevent the packages from changing position, falling to the floor, or sliding into each other, under conditions normally incident to transportation. * * *

* * * * *

(m) Deleted

* * * * *

11. § 174.106 paragraphs (a) and (b) would be revised to read as follows:

§ 174.106 "Order-Notify" or "C.O.D." shipments, Class A explosives.

(a) A carrier may not accept for transportation Class A explosives, commercial detonators, or detonating primers in any quantity when consigned to "order-notify" or "C.O.D.," except on a through bill of lading to a place outside the United States.

(b) A carrier may not accept for transportation Class A explosives, commercial detonators, or detonating primers which the shipper consigns to himself unless the shipper has a resident representative to receive them at the delivery point.

* * * * *

12. In § 174.115 paragraph (a) would be revised to read as follows:

§ 174.115 Loading Class C explosives.

(a) Class C explosives may be loaded into any closed car in good condition, or into any container car in good condition. No car certificates are required. Packages of Class C explosives must be blocked and braced to prevent their movement and possible damage due to movement of other freight during transportation. For methods of recommended blocking and bracing, see Bureau of Explosives pamphlet No. 6.

* * * * *

PART 175—CARRIAGE BY AIRCRAFT

13. In § 175.320 paragraph (a), the table would be amended by deleting the first two entries and adding the following in place thereof:

§ 175.320 Cargo-only aircraft; only means of transportation.

(a) * * *

Material description	*Class and conditions*
Commercial detonators and detonating primers.	Class A explosives—Permitted only when no other cargo is aboard the aircraft. However, if the commercial detonators or detonating primers are packed in an IME 22 container (see 49 CFR 171.7(d)(9), of this subchapter), they may be transported in the same aircraft with materials that are not classed as hazardous materials.
Do	Class C explosives—Permitted only when no other cargo is aboard the aircraft. However, if the commercial detonators or detonating primers are packed in a DOT MC 201 container (see 178.318 of this subchapter) or an IME 22 container (see 171.7(d)(9) of this subchapter), they may be transported in the same aircraft with materials other than class A or class B explosives.

* * * * *

PART 176—CARRIAGE BY VESSEL

14. In § 176.9 the introductory text of paragraph (a) would be revised to read as follows:

§ 176.9 "Order-Notify" or "C.O.D." shipments.

(a) A carrier may not transport Class A explosives, commercial detonators, or detonating primers which are——

* * * * *

§ 176.83 [Amended]

15. In § 176.83 paragraph (a), the table would be amended by deleting the words "blasting caps, with or without safety fuse, (including electric blasting caps)" in the fourth entry of both the vertical and horizontal columns and in place thereof add the words "commercial detonators."

16. In § 176.105 paragraph (d) would be revised to read as follows:

§ 176.105 Loading and unloading explosives.

* * * * *

(d) Commercial detonators, detonating primers, detonating fuzes, fulminate of mercury, and other initiating or priming explosives defined in this subchapter constitute a distinct type of explosives. They must be handled with extreme care. A chute and mattress may not be used when loading or discharging this type of explosives.

* * * * *

17. In § 176.177 paragraphs (c) and (e) would be revised to read as follows:

§ 176.177 Magazine vessels.

* * * * *

(c) *Location of explosives.* Class A and Class B explosives in excess of 5,000 pounds stored in any magazine vessel must be stowed below deck. No explosive may be stowed on deck unless the vessel is fitted with a deck house having a stowage area which meets the requirements in this subpart for the stowage of explosives. Commercial detonators, Class A explosives and detonating primers, Class A explosives, may not be stored on the same magazine vessel with other Class A explosives or Class B explosives.

* * * * *

(e) *Initiating explosives, commercial detonators and detonating primers.* No initiating or priming explosive may be stowed in the same compartment with any other explosives when there is any high explosive on the same magazine vessel. Commercial detonators and

detonating primers must be stowed at least 25 feet from any bulkhead forming a boundary of a compartment containing any other explosives.

* * * * *

PART 177—CARRIAGE BY PUBLIC HIGHWAY

18. In § 177.835 the introductory text of paragraph (g), paragraphs (g)(2) (i), and (m) would be revised to read as follows:

§ 177.835 Explosives.

* * * * *

(g) No detonating primer may be transported on the same motor vehicle with any other type of Class A explosive or any Class B explosive. No commercial detonator may be transported on the same motor vehicle with any other type of Class A explosive or any Class B explosive unless——

* * * * *

(2) * * *

(i) The commercial detonators are in packagings as prescribed in § 173.66 of this subchapter which in turn are loaded into suitable portable containers or separate compartments. Both the detonators and the container or compartment must meet the requirements of the Institute of Makers of Explosives Standard entitled, "IME Standard for the Safe Transportation of Electric Blasting Caps in the Same Vehicle With Other Explosives" dated November 5, 1971 (IME Safety Library Publication No. 22)."

(m) *Commercial detonators or other explosives.* Any explosive, including desensitized liquid explosives as defined in § 173.53(e) of this subchapter, other than liquid nitroglycerin, desensitized nitroglycerin or diethylene glycol dinitrate, transported on any motor vehicle transporting liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, must be segregated, each kind from every other kind, and from tools or other supplies. Commercial detonators must be packed in specification MC 201 (§178.318 of this subchapter) containers.

19. In § 177.848 paragraph (a), the table would be amended by deleting the words "blasting caps, with or without safety fuse (including electric blasting caps)," in the fourth entry of both the vertical and horizontal columns and in place thereof add the words "commercial detonators;" footnotes a and e would be revised to read as follows:

§ 177.848 Loading and storage chart of hazardous materials.

(a) * * *

*Commercial detonators, Class C explosives may also be loaded and transported with articles named in vertical and horizontal columns 3, 9, 10, 11, 12, and 13. Loading and transportation of commercial detonators or detonating primers except as prescribed in § 177.835, in any quantity with articles named in vertical or horizontal columns b, c, e, or f is prohibited.

* * * * *

*Does not include nitro carbo nitrate or ammonium nitrate, fertilizer grade, which may be loaded, transported, stored with high explosives, or with commercial detonators, containing not more than 3 grams of explosives each, excluding ignition and delay charges.

* * * * *

20. In § 177.870 paragraph (d) would be revised to read as follows:

§ 177.870 Regulations for passenger carrying vehicles.

* * * * *

(d) *Hazardous materials on passenger carrying vehicles; quantity.* Where no other practicable means of transportation are available, the following articles in the quantities as shown may be transported in motor vehicles carrying passengers for hire in a space other than that provided for passengers: Not to exceed 100 pounds gross weight of any or all of the kinds of explosives permitted to be transported by passenger-carrying aircraft or rail car may be transported on a motor vehicle transporting passengers: *Provided, however,* That samples of explosives for laboratory examination, not to exceed two samples, or a total of not more than 100 commercial detonators, Class C explosives at one time in a single motor vehicle, may be transported in a motor vehicle transporting passengers.

* * * * *

PART 178—SHIPPING CONTAINER SPECIFICATIONS

§ 178.318 [Amended]

21. § 178.318 would be amended by deleting the words "blasting caps" or "electric blasting caps" in Heading, § 178.318-1(a), § 178.318-2(a) and (b) and replace them with the words "commercial detonators."

AUTHORITY: 49 U.S.C. 1803, 1804, 1806, 1808; 49 CFR 1.53(e)

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

Issued in Washington, D.C. on April 27, 1978.

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc. 78-12075 Filed 5-3-78; 8:45 am]

[4910-59]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 78-08; Notice 1]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Lighting

AGENCY: National Highway Traffic Safety Administration DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes amendments of Motor Vehicle Safety Standard No. 108 that would increase the maximum permissible candlepower for single compartment taillamps while extending requirements for contrast between stop (signaling) and tail (marking) functions at test points below the horizontal in dual compartment lamps. This action is taken in response to a petition for rulemaking from industry. The candlepower limitation was established some years ago as an engineering design standard. The effect of the rule will be to relieve a burden on manufacturers who must monitor production to comply with the existing regulation.

DATES: Comments must be received on or before: June 19, 1978. Proposed effective date: Date of publication of final rule (single compartment lamps); 6 months after date of publication of final rule (dual compartment lamps).

FOR FURTHER INFORMATION CONTACT: Charles Kaehn, Crash Avoidance Division, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1315.

SUPPLEMENTARY INFORMATION: A limit on photometric output of 15 candlepower at test points on or above the horizontal is imposed on single compartment taillamps by 49 CFR 571.108 Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices, and Associated Equipment. The intent of this limitation is to eliminate the possiblitiy of excessive glare, and to insure that the ratio between stop lamp and taillamp output offers sufficient contrast that the stop function can be readily identified when it is actuated.

On February 18, 1977, Truck Safety Equipment Institute (TSEI) petitioned for rulemaking to amend Standard No. 108 to increase the permissible maximum output to 18 candlepower. This figure is derived from SAE Recommended Practice J256a Service Performance Requirements for Motor Vehicle Lighting Devices and Components, June 1972, which permits taillamp output to be 120 per cent of the maximum value specified in SAE Standard J585d Tail Lamps (Rear Position Light) August 1970. The reason for the request is that the 15 candlepower limitation was established about 15 years ago as an engineering design standard and has become "an unnecessary burden on manufacturers who must attempt to monitor their production in an attempt to insure strict complicance with this maximum output". TSEI argues that an increase will have no detrimental effect upon safety because there has been no limitation on candlepower output below the horizontal and it is reasonable to assume that there must be countless driving situations every day "where the following driver is exposed to lamp candlepower outputs from approximately 15 cp to 22 cp" without any evidence of hazardous driving conditions because of glare. The basis of the petition therefore is that a restriction should be relaxed for economic reasons, and that the relaxation will have a neutral effect upon safety. The NHTSA has granted TSEI's petition for rulemaking and is proposing that the maximum output of single compartment taillamps be raised to 18 candlepower, and that the current ratio of candlepower output by stop and taillamps in combination lamps be maintained at test points above the horizontal and extended to test points below the horizontal to minimize problems of glare. NHTSA is proposing the extension of the ratio to tests points below the horizontal to provide protection equivalent to that at points above the horizontal. Standard No. 108 allows combination stop and taillamps to be mounted as high as 72 inches above the road surface while in today's passenger cars the driver eye point is much lower, only 38 inches to 48 inches above the road surface.

In consideration of the foregoing it is proposed that 49 CFR 571.108 Motor Vehicle Safety Standard No. 108 be amended in the following respects:

§ 571.108 [Amended]

1. In Figure 1, in the last line "Maximum rear lamps only" the figure "15" under the column headed "Tail Lamp One" would be changed to "18".

2. A new paragraph S4.1.1.13 (presently reserved) would be added to read:

S4.1.1.13 Taillamps shall be designed to conform to SAE Standard J585d Tail Lamp (Rear Position Lamps) August 1970, except that the photometric output of a single compartment lamp at test points on or above the horizontal shall not exceed 18 candlepower. On a motor vehicle manufactured on or after ——— 1, 1978, [6 months after date of publication of final rule] when a taillamp is combined with the turn signal lamp or stop lamp, the candlepower output of the turn signal lamp or stop lamp shall not be less that three times the candlepower of the taillamp at any test point, except that at test points H-V, H-5L, H-5R and 5U-V the candlepower output of the turn signal lamp or stop lamp shall not be less than five times the candlepower of the taillamp.

In accordance with Department of Transportation policy encouraging adequate analysis of the costs and other consequences of regulatory actions (41 FR 16201, April 16, 1976), the NHTSA has evaluated the economic and other consequences of this proposal on the public and private sectors and has concluded that there is no cost increase required by an allowance of an increase in candlepower in single compartment taillamps. While there should be no cost increase associated with maintenance of contrast ratios at test points below the horizontal in dual compartment lamps, the NHTSA requests comments on this factor.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

In the case of comments that contain materials for which confidential treatment is requested, those materials should be deleted from the copies submitted to the docket. A copy of the complete comments should be submitted to the Office of Chief Counsel of the above address, with an indication of which portions of the comments are the subject of the request for confidentiality.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. 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.

The program official and lawyer responsible for the development of this proposal are Charles Kaehn and Taylor Vinson, respectively.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 501.8.)

Issued on April 27, 1978.

MICHAEL M. FINKELSTEIN,
Acting Associate Administrator for Rulemaking.

[FR Doc. 78-12038 Filed 5-3-78; 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.

[3410-11]

DEPARTMENT OF AGRICULTURE

Forest Service

NATIONAL FOREST SYSTEM ADVISORY COMMITTEE

Notice of Meeting

The National Forest System Advisory Committee will meet at 9 a.m. on June 6 and 7 in Room 3840-46, South Agriculture Building, U.S. Department of Agriculture, Washington, D.C.

This Committee, comprised of 12 members from a broad spectrum of geographic and interest areas, advises the Secretary of Agriculture and the Forest Service on the planning and management of the National Forests. Current management issues that will be discussed include RARE II, land management planning, timber harvest scheduling, and grazing fees. Dr. M. Rupert Cutler, Assistant Secretary for Consevation, Research and Education, will chair the meeting.

The meeting will be open to the public. Persons who wish to attend should notify the Committee's Executive Secretary, James C. Overbay, USDA-Forest Service, P.O. Box 2417, Washington, D.C. 20013, telephone 202-447-6341. Written statements may be filed with the Committee before or after the meeting.

CHESTER A. SHIELDS,
Associate Deputy Chief.

APRIL 28, 1978.

[FR Doc. 78-12124 Filed 5-3-78; 8:45 am]

[3410-11]

SAM HOUSTON UNIT PLAN

Availability of Draft Environmental Statement; Correction

On March 23, 1978 (43 FR 12052), a notice of availability was published pertaining to the Draft Unit Plan-Environmental Impact Statement for the Sam Houston Unit of the Sam Houston National Forest, Texas (USDA-FS-R8-DES[Adm]-78-01).

The last sentence of that notice is corrected to read: Comments must be received by June 1, 1978, in order to be considered in the preparation of the final environmental statement.

Dated: April 24, 1978.

ROBERT F. WILLIAMS,
Regional Environmental Coordinator.

[FR Doc. 78-12187 Filed 5-3-78; 8:45 am]

[3410-16]

Soil Conservation Service

CLEARWATER R-1 SCHOOL CRITICAL AREA TREATMENT RC&D MEASURE, MISSOURI

Intent Not 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 not being prepared for the Clearwater R-1 School Critical Area Treatment RC&D Measure, Wayne County, Mo.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Kenneth G. McManus, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include critical area planting, concrete lined waterways and outlets, and diversions to control water.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Kenneth G. McManus, State Conservationist, Soil Conservation Service, 555 Vandiver Drive, Columbia, Mo. 65201, 314-442-2271, extension 3145. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until June 5, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, (16 U.S.C. 590a-f, q).)

Dated: April 21, 1978.

EDWARD E. THOMAS,
Assistant Administrator for Land Resources, Soil Conservation Service.

[FR Doc. 78-12088 Filed 5-3-78; 8:45 am]

[3410-16]

DRAINAGE DISTRICT NO. 8, PEMISCOT COUNTY CRITICAL AREA TREATMENT RC&D MEASURE, MISSOURI

Intent Not 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 not being prepared for the Drainage District No. 8, Pemiscot County Critical Area Treatment RC&D Measure, Pemiscot County, Mo.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Kenneth G. McManus, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include critical area planting and the installation of structures to conduct water from the field elevation to a lower elevation within the drainage ditch.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Kenneth G. McManus, State Conserva-

tionist, Soil Conservation Service, 555 Vandiver Drive, Columbia, Mo. 65201, 314-442-2271, extension 3145. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until June 5, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703 (16 U.S.C. 590a-f, q).)

Dated: April 21, 1978.

EDWARD E. THOMAS,
Assistant Administrator for Land Resources, Soil Conservation Service.

[FR Doc. 78-12089 Filed 5-3-78; 8:45 am]

[3410-16]

EAST CARROLL WATERSHED, LOUISIANA

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 East Carroll Watershed, East Carroll Parish, La.

The environmental assessment of this federally-assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Alton Mangum, 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 watershed protection, flood prevention, and drainage. The planned works of improvement include the installation of 300 miles of channels and appurtenances, 14 grade stabilization structures, and 4 water control structures (weirs).

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 will be developed by Mr. Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, La. 71301; 317-448-3421.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83-566 (16 U.S.C. 1001-1008).)

Dated: April 26, 1978.

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service, U.S. Department of Agriculture.

[FR Doc. 78-12090 Filed 5-3-78; 8:45 am]

[3410-16]

EASTERN CARTER COUNTY R-2 SCHOOL DISTRICT CRITICAL AREA TREATMENT R.C. & D. MEASURE, MISSOURI

Intent Not 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 not being prepared for the Eastern Carter County R-2 School District Critical Area Treatment R.C. & D. Measure, Missouri.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Kenneth G. McManus, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include critical area planting, lined waterways and outlets, and diversions.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Kenneth G. McManus, State Conservationist, Soil Conservation Service, 555 Vandiver Drive, Columbia, Mo. 65201, 314-442-2271, extension 3145. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until June 5, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703 (16 U.S.C. 590a-f, q).)

Dated: April 21, 1978.

EDWARD E. THOMAS,
Assistant Administrator for Land Resources, Soil Conservation Service.

[FR Doc. 78-12091 Filed 5-3-78; 8:45 am]

[3410-16]

NEWLAN CREEK WATERSHED, MONTANA

Intent To Prepare a Supplement to the Final 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 a supplement to the final environmental impact statement is being prepared for the Newlan Creek Watershed, Meagher County, Mont.

An environmental impact statement was prepared for this project and filed with the Council on Environmental Quality on August 11, 1970. Project construction is partially complete. The environmental reassessment of the remaining measures of this federally-assisted action indicates that there may be additional significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Van K Haderlie, State Conservationist, has determined that the final environmental impact statement previously prepared for this project now needs to be supplemented.

The project concerns a plan for irrigation, flood prevention, recreation, and fish and wildlife. The planned works of improvement include a multipurpose reservoir on Newlan Creek, enlargement and stabilization of the Sheep Creek Diversion Canal, improved irrigation delivery canals, and recreational facilities. The multipurpose reservoir has been constructed.

The supplement to the final environmental impact statement will be prepared and circulated to agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in preparation of the supplemental environmental impact statement. The supplemental environmental impact statement will be developed by Mr. Van K Haderlie, State Conservationist, Soil Conservation Service, Federal Building, P.O. Box 970, Room 410, Bozeman, Mont. 59715, 406-587-5271, extension 4322.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Pub. L. 83-566 (16 U.S.C. 1001-1008).)

Dated: April 26, 1978.

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service, U.S. Department of Agriculture.

[FR Doc. 78-12095 Filed 5-3-78; 8:45 am]

[3410-16]

RUMFORD-SMITH CROSSING FLOOD PREVENTION R.C. & D. MEASURE, MAINE

Intent Not 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 not being prepared for the Rumford-Smith Crossing Flood Prevention R.C. & D. Measure, Oxford County, Maine.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Warwick M. Tinsley, Jr., State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for flood prevention. The planned works of improvement include two side hill diversions, two surface inlet structures, a subsurface closed conduit system with impact basin, and vegetative stabilization of the disturbed areas.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Warwick M. Tinsley, Jr., State Conservationist, Soil Conservation Service, USDA Office Building, Orono, Maine 04473, 207-866-3132. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until June 5, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703 (16 U.S.C. (590a-f,q).)

Dated: April 21, 1978.

EDWARD E. THOMAS,
Assistant Administrator for Land Resources, Soil Conservation Service.

[FR Doc. 78-12092 Filed 5-3-78; 8:45 am]

[3410-16]

SOUTHERN SEQUOYAH COUNTY CRITICAL AREA TREATMENT R.C. & D. MEASURE, OKLAHOMA

Intent Not 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 not being prepared for the Southern Sequoyah County Critical Area Treatment R.C. & D. Measure, Sequoyah County, Okla.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include gully shaping and vegetation. Drop structures, erosion control dams, diversion terraces, and fencing will also be installed.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Farm Road and Brumley Street, Stillwater, Okla. 74074, 405-624-4360. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until June 5, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703 (16 U.S.C. 590a-f, q).)

Dated: April 21, 1978.

EDWARD E. THOMAS,
Assistant Administrator for Land Resources, Soil Conservation Service.

[FR Doc. 78-12093 Filed 5-3-78; 8:45 am]

[3410-16]

WESTFIELD BOROUGH FLOOD PREVENTION RC&D MEASURE PENNSYLVANIA

Intent Not 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 not being prepared for the Westfield Borough Flood Prevention RC&D Measure, Tioga County, Pa.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for flood prevention. The planned works of improvement include 2,500 feet of diversion with subsurface drains; 700 feet of waterways; and stabilization of the disturbed area with rock riprap and vegetation.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Federal Building, 228 Walnut Street, Harrisburg, Pa. 17108, 717-782-2202. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until June 5, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program, Pub. L. 87-703, (16 U.S.C. 590 a-f, q).)

Dated: April 21, 1978.

EDWARD E. THOMAS,
Assistant Administrator for Land Resources, Soil Conservation Service.

[FR Doc. 78-12094 Filed 5-3-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[DOCKET 30080]

CAYMAN AIRWAYS, LTD.

Continuance of Prehearing Conference and of Hearing

Applicant through its Counsel has requested that the prehearing conference and hearing herein be postponed for one week and has shown good cause for such request. Counsel for the Bureau of International Aviation has orally consented to the postponement. Accordingly, all parties are hereby notified that the prehearing conference and hearing herein will be held on 11 May 1978 at the time and place heretofore set (43 FR 15346, April 12, 1978).

Dated at Washington, D.C., 28 April 1978.

RUDOLF SOBERNHEIM,
Administrative Law Judge.

[FR Doc. 78-12222 Filed 5-3-78; 8:45 am]

[6320-01]

SAN ANTONIO-DENVER ROUTE PROCEEDING

[Docket 32376]

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 20, 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 Administrative Law Judge.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues, (2) proposed stipulations, (3) proposed requests for information and evidence, (4) statements of position, and (5) proposed procedural dates. The Bureau of Pricing and Domestic Aviation will circulate its material on or before May 23, 1978, and the other parties on or before June 6, 1978.

Dated at Washington, D.C., May 1, 1978.

KATHERINE A. KENT,
Administrative Law Judge.

[FR Doc. 78-12221 Filed 5-3-78; 8:45 am]

[3510-25]

DEPARTMENT OF COMMERCE

Industry and Trade Administration

JOHNS HOPKINS UNIVERSITY ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, on or before May 24, 1978.

Regulations (15 CFR 301.9) issued under the cited act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5 p.m., Monday through Friday, in Room 6886C of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00144. Applicant: The Johns Hopkins University, School of Hygiene and Public Health, 615 North Wolfe Street, Baltimore, Md. 21205. Article: Electron Microscope, Model JEM 100S, and accessories. Manufacturer: JEOL, Ltd., Japan. Intended use of article: The article is intended to be used in conducting the following research projects:

(1) Enzymatic repare of damaged DNA.
(2) Ongoing study of basophil leukocytes and mast cells in human allergic diseases.
(3) Replication of bacteriophage DNA.
(4) Cloning the human gene for hypoxanthine phosphoribosyltransferase in defective polyoma virus.
(5) Physical location of single genes by in situ hybridization at both methaphase chromosome level and at the DNA level.
(6) Ultrastructure of macrophages in tuberculous granulomas: Digestive and secretory enzymes and residual bacillary components, visualized by the peroxidase-antiperoxidase antibody technique.
(7) Biochemical and genetic study of human chromosomal diseases.
(8) Regulation of phosphatide metabolism in lung type II alveolar cells.
(9) Molecular mechanisms in DNA transport.
(10) The influence of membrane alterations on hepatic transport.

In addition, the article will be used for training of graduate students in the modern biochemical techniques of electron microscopy. Application received by Commissioner of Customs: April 18, 1978.

Docket No. 78-00172. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Double Flash Photographic System. Manufacturer: University of Sheffield, United Kingdom. Intended use of article: The article is intended to be used to investigate the rate of fuel nitrogen emission under atmospheres of varying temperature, composition and relative velocity. The experiments will be conducted to determine the size and velocity of an atomized liquid fuel under pyrolysis and combustion conditions and their relationship to nitrogen oxide pollution. The article will also be used for educational purposes in the courses Graduate Thesis (10 ThG), Graduate Research Project (10.91). Application received by Commissioner of Customs: April 14, 1978.

Docket No. 78-00187. Applicant: University of California School of Medicine, San Francisco, Calif. Department of Anatomy, 3rd and Parnassus Avenue, San Francisco, Calif. 94143. Article: Electron Microscope, Model EM 10A and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in the research areas of the structure, function, and inherited degeneration of the retina and the cell biology of retrograde axonal transport in the central nervous system, in both intact and injured axons. Investigations will be conducted with the following objectives:

(a) To better understand normal photoreceptor-pigment epithelial cell interactions, particularly that of rod outer segment renewal.
(b) To define the cellular mechanisms that are vulnerable to mutant gene action so as to produce several of the forms of inherited retinal degeneration in mice and rats.
(c) To determine what and when secondary changes occur in the inner retina subsequent to photoreceptor cell degeneration in order to know at what stage(s) the disorders must be arrested to preserve functional vision.
(d) To work out the details of several cellular mechanisms of retrograde axonal transport in both normal a d injured neurons.

The article will also be used for research training by graduate and postgraduate students. Application received by Commissioner of Customs: April 14, 1978.

Docket No. 78-00189. Applicant: Minnesota Department of Health, 717 Delaware Street SE., Minneapolis, Minn. 55440. Article: Hitachi Model HK-6 Large Angle Tilting Device with accessories. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used for studies of environmental samples of micro-particulates including asbestos and other mineral particles. The crystal structure of the minerals will be

identified through analysis of electron diffraction patterns taken at specific angles of specimen tilt. Application received by Commissioner of Customs: April 14, 1978.

Docket No. 78-00191. Applicant: Washington State University, Division of Purchasing, Pullman, Wash. 99164. Article: Particle Electrophoresis Apparatus, Mark II, and Accessories. Manufacturer: Rank Brothers, United Kingdom. Intended use of article: The article is intended to be used to examine cells from a variety of sources (red blood cells, bacterial cells and lymphocytes). Surface charge of the outer cell surface will be investigated. In addition, the article will be used by graduate students conducting Ph. D. thesis research in biochemistry. Application received by Commissioner of Customs: April 14, 1978.

Docket No. 78-00192. Applicant: The Pennsylvania State University, Department of Biology, 208 Life Sciences I, University Park, Pa. 16802. Article: Model M85 Microdensitometer with Complan and Microplan Objectives. Manufacturer: Vickers Instruments, Inc., United Kingdom. Intended use of article: The article is intended to be used for the investigation of embryonic derivation, morphological classification, and sequential maturation of hematopoietic cells found in several organs of embryonic leopard frogs. Experiments are conducted by transplanting tissue anlagen between diploid and triploid frog embryos 2 to 3 days of age. Application received by Commissioner of Customs: April 14, 1978.

(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. 78-12102 Filed 5-3-78; 8:45 am]

[3510-25]

MEDICAL UNIVERSITY OF SOUTH CAROLINA

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles 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 each of the applications in this consolidated 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.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Subsection 301.8 of the Regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90-day period. * * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of Subsection 301.11.

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20-day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Subsection 301.8 further provides:

> * * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission, to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket No. 77-00251. Applicant: Medical University of South Carolina, 171 Ashley Avenue, Charleston, S.C. 29403. Article: Gas Chromatograph-Mass Spectrometer, Model MAT 112 and accessories. Date of denial without prejudice to resubmission: November 30, 1977.

Docket No. 77-00260. Applicant: Sandia Laboratories, Albuquerque, N. Mex. 87115. Article: Scanning Electron Microscope, Model Hiscan S-500 and accessories. Date of denial without prejudice to resubmission: December 12, 1977.

Docket No. 77-00271. Applicant: University of North Carolina, Department of Anatomy, 111 Swing Building 217H, Chapel Hill, N.C. 27514. Article: Scanning Electron Microscope, Model JSM-35U and accessories. Date of denial without prejudice to resubmission: November 4, 1977.

Docket No. 77-00353. Applicant: New York Zoological Society, Weston Road, Lincoln, Mass. 01773. Article: Continuous Recording Oscilloscope Camera (Model PC-3A) and accessories. Date of denial without prejudice to resubmission: January 19, 1978.

Docket No. 77-00366. Applicant: Rochester Institute of Technology, One Lomb Memorial Drive, Rochester, N.Y. 14623. Article: Phase Control Unit and AC-DC Conversion Unit. Date of denial without prejudice to resubmission: January 18, 1978.

(Catalog of Federal Domestic Assistance Programs No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 78-12103 Filed 5-3-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

AQUARIUM OF CAPE COD, INC.

Issuance of Permit to Take Marine Mammals

On March 14, 1978, Notice was published in the FEDERAL REGISTER (43 FR 10615), that an application had been filed with the National Marine Fisheries Service by Aquarium of Cape Cod, Inc., Route 28, West Yarmouth, Mass. 02673, for a Permit to take two (2) Atlantic harbor seals (*Phoca vitulina vitulina*) for the purpose of public display.

Notice is hereby given that on April 20, 1978, and as authorized by the provisions of the Marine Mammals Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Public Display Permit for the above taking to Aquarium of Cape Cod, Inc., subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Mass. 01930.

Date of issuance: April 20, 1978.

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

[FR Doc. 78-12242 Filed 5-3-78; 8:45 am]

[3510-22]

LICENSING PROCEDURES FOR U.S. VESSELS DESIRING TO FISH IN MEXICAN WATERS

Applications for permits to authorize U.S. vessels to fish shrimp or snapper/grouper in the Mexican Zone (12 to 200 miles off the Mexican coast) for August 1, 1978 through July 31, 1979 are now available. Applications for entering vessels in this fishery may be obtained by contacting the Fisheries Management Division (FSE72), National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Fla. 33702, telephone number, 813-893-3722. Applications are available also from the Brownsville Trawlers Association, Star Route Box 5, Brownsville, Tex. 78521, telephone number, 512-831-4862; the Southeastern Fisheries Association, 124 West Jefferson Street, Tallahassee, Fla. 32301, telephone number, 904-224-0612; and the Texas Shrimp Association, 403 Vaughn Building, 807 Brazos, Austin, Tex. 78701, telephone number, 512-476-8446.

Completed application forms must be received by the National Marine Fisheries Service or any of the three associations no later than May 30, 1978 for transmittal to the Mexican Government. License fees and charges per vessel for the fishing season are as follows:

	Permit fee	Catch charge	Performance bond or deposit
	SHRIMP		
Tampico	$80	$2,006	Up to $1,600.
Contoy	80	1,538	Do.
Campeche	(1)	(1)	
	SNAPPER AND GROUPER		
Mexican zone	$80	$500	Up to $1,600.

[1]No shrimp fishing permitted.

Signed at Washington, D.C., this 28th day of April 1978.

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

[FR Doc. 78-12082 Filed 5-3-78; 8:45 am]

[3510-22]

MONTREAL ZOOLOGICAL PARK

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: (a) Name, Montreal Zoological Park, Mr. Raymond Roth, director.

(b) Address, Montreal, Quebec, Canada.

2. Type of permit: Public display.

3. Name and number of animals: California sea lions (Zalophus californianus), 4.

4. Type of take: To obtain beached and stranded animals for permanent display.

5. Location of activity: Animals currently maintained at approved facilities.

6. Period of activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammal involved.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with National Marine Fisheries Service policy concerning such application (40 FR 11614, March 12, 1975).

In this regard, the application: (a) Was submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, through the Fishing Services Directorate, Fisheries and Marine Service, Environment Canada, that Department being responsible, among other things, for ensuring the suitable care of animals in captivity;

(b) Includes: i. a verification from the Fishing Services Directorate, of the information set forth in the application;

ii. a certification from the Ministry of Tourism, Hunting and Fishing that the Government of the Province of Quebec is prepared to monitor compliance with the terms and conditions of the permit, and will do so, if and when necessary; and

iii. a statement that the Fishing Services Directorate will have no objection to a NMFS decision to amend, suspend or revoke a permit.

In accordance with the above cited policy, the certification and statement of the Fishing Services Directorate and the Ministry of Tourism of the Province of Quebec have been found appropriate and sufficient to allow consideration of this permit application.

Concurrent with the publication of this notice in the FEDERAL REGISTER the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, Calif. 90731.

Dated: April 3, 1978.

ROLAND FINCH,
Acting Deputy Assistant, Director for Fisheries Management.

[FR Doc. 78-12239 Filed 5-3-78; 8:45 am]

[3510-22]

NORTHWEST AND ALASKA FISHERIES CENTER

Modification of Permit

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammal (50 CFR Part 216), and § 222.25 of the regulations governing endangered species permits (50 CFR Part 222), Permit No. 180 issued to Northwest and Alaska Fisheries Center, National Marine Fisheries Service, 7600 Sand Point Way, NE., Seattle, Wash. 98115 on April 6, 1977 (42 FR 23675), is modified in the following manner:

Section B-2 is supplemented with,

d. Of the 220 animals authorized to be tagged in 1978, ten (10) healthy animals from French Frigate Shoals and ten (10) healthy animals from Laysan Island may be

physically restrained to obtain blood samples and tagged. Any moribund monk seals which are found may be tagged, examined and specimen samples collected.

This modification is effective May 4, 1978.

The permit as modified, and documentation pertaining to the modification are available for review in the following offices: Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, Calif. 90731; and Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue, North, Seattle, Wash. 98109.

Dated: April 27, 1978.

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

[FR Doc. 78-12240 Filed 5-3-78; 8:45 am]

[3510-22]

PACIFIC FISHERY MANAGEMENT COUNCIL AND SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meeting With Partially Closed Session

Pursuant to section 10(a)(2) of the Federal Advisory Committee, 5 U.S.C. Appendix I, as amended, notice is hereby given of a meeting of the Pacific Fishery Management Council established by section 302(a) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), and its Scientific and Statistical Committee established under section 302(g) of the Act.

The Council meeting will take place Thursday and Friday, June 8-9, 1978, at the Arcata Ramada Inn located at 4975 Valley West Boulevard, Arcata, Calif.

The Scientific and Statistical Committee will meet on Wednesday and Thursday, June 7-8, 1978, also at the Arcata Ramada Inn in Arcata, Calif., convening at 1 p.m. and adjourn about 10 p.m. on June 7. The Committee will tentatively reconvene, dependent on Council developments, at 8 a.m. and adjourn about 5 p.m. on June 8. The proposed agenda for the Committee is as follows:

(1) Consideration of development of fishery management plans;

(2) Organization of the Council, including fishery advisory panel and management development teams, and operational procedural matters;

(3) Other Committee business.

The Pacific Fishery Management Council will convene at 10 a.m. and adjourn about 5 p.m. on June 8. The Council will convene at 10 a.m. and adjourn about 5 p.m. on June 9. The meeting may be extended or shortened depending on progress on the agenda. The proposed agenda is as follows:

June 8

1. Closed 2-hour session (8 a.m. to 10 a.m.) to discuss classified material on the status of current maritime boundary and resource negotiations between the United States and Canada.

2. Organization of the Council, including its staff, advisory panels, and committees, and operational and procedural matters.

3. Consideration of reports from ad hoc committees.

4. Review of communications from other agencies and organizations.

5. consideration of fishery management plans under development.

June 9

1. Organization of the Council, including its staff, advisory panels, and committees, and operational procedural matters.

2. Consideration of reports from ad hoc committees.

3. Review of communications from other agencies and organizations.

4. Consideration of fishery management plans under development.

The SSC meeting will be open to the public, as will all but the first agenda item of the Council meeting. For more information on seating arrangements, changes to the agenda, and/or written comments, contact: Mr. Lorry M. Nakatsu, Executive Director, Pacific Fishery Management Council, 526 Southwest Mill Street, Second Floor, Portland, Oreg. 97201, telephone: 503-221-6352.

The closed session of the Council is planned for the early morning of the first day, June 8, from 8 a.m. through 10 a.m. to hear and discuss Department of State security classified material on the status of current maritime boundary and resource negotiation between the United States and Canada. Only those Council members and staff having security clearances will be allowed to attend this closed session.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined, on April 27, 1978, pursuant to section 10(d) of the Federal Advisory Committee Act, that the agenda items covered in closed session be exempt from the provisions of the Act relating to open meetings and public participation therein, because items will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(1) as information which is properly classified pursuant to Executive Order 11652. (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Record Inspection Facility, Room 5317, Department of Commerce.)

Dated: April 28, 1978.

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

[FR Doc. 78-12224 Filed 5-3-78; 8:45 am]

[3510-22]

MARINELAND OCEANARIUM AND AQUARIUMS

Issuance of Permit to Take Marine Mammals

On March 14, 1978, notice was published in the FEDERAL REGISTER (43 FR 10614), that an application had been filed with the National Marine Fisheries Service by Marineland Oceanarium and Aquariums, Morecambe, England, for a Permit to take two (2) Atlantic bottlenosed dolphins (*Tursiops truncatus*) for public display.

Notice is hereby given that on April 20, 1978, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Public Display Permit for the above taking to Marineland, subject to certain conditions set forth therein. The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Fla. 33702.

Date of Issuance: April 20, 1978.

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

[FR Doc. 78-12187 Filed 5-3-78; 8:45 am]

[3510-22]

PACIFIC TUNA FISHERIES

Season Closure

The Director of Investigations of the Inter-American Tropical Tuna Commission recommended to the representatives of all member nations having vessels operating in the regulatory area defined in 50 CFR 280.1(g) that the yellowfin tuna fishing season be closed at 0001 hours local time, on May 6, 1978, to assure that the established catch limit of 175,000 short tons for 1978 will not be exceeded.

As authorized by 50 CFR 280.5, notice is hereby given that the 1978 season for taking yellowfin tuna without restriction as to quantity by persons and vessels subject to the jurisdiction of the United States will terminate at 0001 hours, local time, in the regulatory area, May 6, 1978.

Issued at Washington, D.C., and dated April 28, 1978.

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

[FR Doc. 78-12083 filed 5-3-78; 8:45 am]

[3510-12]

REFINEMENT OF THE CALIFORNIA COASTAL MANAGEMENT PROGRAM TO INCORPORATE THE CALIFORNIA LNG TERMINAL ACT OF 1977

Opportunity for Comment

Notice is hereby given of opportunity for interested parties to comment on a recent action taken by the Office of Coastal Zone Management (OCZM) to incorporate as a refinement the California Liquified Natural Gas (LNG) Terminal Act of 1977 (SB1081) into the State of California's approved coastal management program.

Comment period. Interested parties have 30 days from date of issuance of this notice to submit comments. Comments should be addressed to:

Carol Sondheimer, Acting Pacific Regional Manager, Office of Coastal Zone Management, Page Building No. 1, 3300 Whitehaven Street NW., Washington, D.C. 20235, 202-634-1672.

Background. On January 31, 1978, the Acting Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration, approved a refinement to the California Management Program (CMP), which program originally was approved on November 7, 1977.

Notice of this action was issued in the FEDERAL REGISTER on Wednesday, February 22, 1978 (FR, Vol. 43, No. 36, page 7339, No. 3510-08).

The basis for treating this action as a refinement is contained in a finding signed by the Acting Assistant Administrator for Coastal Zone Management on January 31, 1978. This finding states, in part, that the request from the California Coastal Commission, dated January 16, 1978, is in accordance with (then) proposed OCZM procedures for refining an approved coastal management program (15 CFR 923.93, FEDERAL REGISTER, August 29, 1977; since superseded by 15 CFR 923.82, FEDERAL REGISTER, MARCH 1, 1978) FOR THE FOLLOWING REASONS:

1. The change does not affect the State's policy of permitting an initial LNG terminal to be sited in a remote area of the coastal zone, but relates primarily to techniques for carrying out this policy;

2. The change will not have a significantly different environmental impact in that the siting policy remains essentially the same, the resource policies of the Coastal Act will be considered and the State's environmental impact review procedures will be followed; and,

3. Although the change alters the intergovernmental relationships in the siting process described in the CMP, these new relationships between the Coastal Commission, the Public Utilities Commission, the Energy Commission and local governments for purposes of implementing the LNG Terminal Act have been approved by the State by virtue of its enactment of this new law.

OCZM's analysis of the State's request indicated that the effect of incorporation of the LNG Act would be to establish more specific procedures for carrying out the State's policy on siting an initial LNG terminal in California's coastal zone but not to change the State's basic policy with regard to preferred sites for such facility. The State's policy originally was established in section 30261(b) of the California Coastal Act of 1976 (SB 1277) and now is included in the California LNG Act of 1977 which, inter alia, supersedes section 30261(b) of the California Coastal Act.

The more detailed procedures established in the California LNG Terminal Act of 1977 can be summarized as follows:

1. In order to construct and operate an LNG terminal in the California coastal zone, any person must apply for and receive a permit from the California Public Utilities Commission (CPUC), which permit will be in lieu of all other State or local authorizations;

2. On or before March 15, 1978, the Energy Commission must complete and transmit to the CPUC a study of natural gas supplies and demands in the State;

3. On or before May 31, 1978, the Coastal Commission must complete and transmit to the CPUC a report which evaluates and ranks potential onshore sites in accordance with the LNG Terminal Act's policies on population density and the policies and objectives of Chapter 3 of the Coastal Act;

4. Not later than July 31, 1978, the CPUC must make a decision on a permit application for the initial LNG terminal which, in turn, must be based on the Coastal Commission's evaluation of the highest ranked site and must incorporate conditions recommended by the Coastal Commission, unless to do so would significantly curtail natural gas deliveries; and,

5. Within 12 months of the LNG Terminal Act's effective date, the Coastal commission must complete and transmit to the CPUC, the Energy Commission, the Governor and the Legislature, a study of the feasibility of offshore LNG terminals and an evaluation of potential offshore terminal sites.

Since issuance of notice on February 22, 1978, of the action of the Assistant Administrator for Coastal Zone Management, OCZM has received a number of objections to (1) the procedure followed in approving California's refinement request, and (2) the decision to treat that request as a refinement rather than an amendment (15 CFR 923.92, FEDERAL REGISTER, August 29, 1977; now 15 CFR 923.81, FEDERAL REGISTER, March 1, 1978).

PUBLIC REVIEW AND COMMENT

OCZM has reviewed its decision to treat incorporation of the California LNG Terminal Act into the California Coastal Management Program as a refinement and, based on information available at the time of the State's request and additional information provided subsequently, is satisfied that treatment of California's request as a refinement was appropriate. To assure, however, that all interested parties have a formal opportunity to comment on the appropriateness of treating this request as a refinement rather than an amendment, OCZM is providing this comment period.

The Assistant Administrator will review comments received with a view to reconsideration and possible recision of the refinement decision. Notice of the Assistant Administrator's decision will be published in the FEDERAL REGISTER.

FUTURE ACTIONS

To assure an open and informed process for changes to State coastal management programs, hereafter OCZM will issue notice of such changes in the FEDERAL REGISTER that will provide (i) a description of the proposed change(s) to a State's approved coastal management program, (ii) the Assistant Administrator's proposed treatment of the change(s) (i.e., refinement or amendment), and (iii) an opportunity for comment on the Assistant Administrator's proposed course of action.

Dated: April 25, 1978.

R. L. CARNAHAN,
Acting Assistant Administrator for Administration.

[FR Doc. 78-12188 Filed 5-3-78; 8:45 am]

[3510-22]

WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL

Public Meeting With Partially Closed Session

Pursuant to section 10(a)(2) of the Federal Advisory Committee, 5 U.S.C. Appendix, as amended, notice is hereby given of a meeting of the Western Pacific Fishery Management Council established by section 302(a) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The meeting will take place Monday and Tuesday, May 22-23, 1978, in the Conference Center, at the Rainmaker Hotel located in Pago Pago, American Samoa, convening at 1 p.m. and adjourn about 5 p.m. on May 22. The Council will reconvene at 9 a.m. and adjourn about 4 p.m. on May 23. The meeting may be extended or shortened depending on progress on the agenda. The proposed agenda is as follows:

May 22

1. Closed 2-hour session (9 a.m. to 11 a.m.) to discuss classified material on the status of current discussions between the United States and the United Kingdom concerning the Line and Gilbert Islands.

2. Administrative and financial reports.

3. Report on the last meeting of the Scientific and Statistical Committee.

4. Progress of fishery management plan for billfish.

May 23

1. Review of progress on fishery management plans for spiny lobster and precious coral.

2. Review of preparations on seamount groundfish and bottomfish fisheries.

3. Other Council business.

With the exception of the first agenda item on May 22, the meeting is open to the public. For more information on seating arrangements, changes to the agenda, and/or written comments, contact: Mr. Wilvan G. Van Campen, Executive Director, Western Pacific Fishery Management Council, Room 1506, 1164 Bishop Street, Honolulu, Hawaii 96813, telephone 808-523-1368.

The closed session of the Council is planned for the early morning of the first day, May 22, from 9 a.m. through 11 a.m. to hear and discuss Department of State security classified material on the status of discussions between the United States and the United Kingdom concerning the Line and Gilbert Islands. Only those Council members and staff having security clearances will be allowed to attend this closed session.

The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined, on April 27, 1978, pursuant to section 10(d) of the Federal Advisory Committee Act, that the agenda item covered in closed session may be exempt from the provisions of the Act relating to open meetings and public participation therein, because items will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(1) as information which is properly classified pursuant to Executive Order 11652. (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Record Inspection Facility, Room 5317, Department of Commerce.)

Dated: April 28, 1978.

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

[FR Doc. 78-12225 Filed 5-3-78; 8:45 am]

[3510-17]

Office of the Secretary

TRANSFER OF RESPONSIBILITY FOR CERTAIN STATISTICAL STANDARDS FROM OMB TO COMMERCE

Notice is here given that implementation of certain responsibilities under section 103 of the Budget and Accounting Procedures Act of 1950 (64 Stat. 834, 31 U.S.C. 18b), including establishment and enforcement of statistical standards, having been transferred from the Office of Management and Budget (OMB) to the U.S. Department of Commerce pursuant to Executive Order 12013, October 7, 1977, the following OMB Circulars are discontinued:

1. OMB Circular No. A-39, "Providing of Statistical Information to Intergovernmental Organizations;"
2. OMB Circular No. A-46, "Standards and Guidelines for Federal Statistics;"
3. OMB Circular No. A-65, "Reports to the Department of Commerce on International Transactions;" and
4. OMB Circular No. A-91, "Prompt Compilation and Release of Statistical Information."

The standards associated with these circulars are hereby reissued and will be enforced by the Department of Commerce. A corresponding notice issued by OMB discontinuing these circulars and transferring their enforcement to the Department of Commerce appears in today's FEDERAL REGISTER.

The Department will soon be issuing the Statistical Policy Handbook which includes the standards (now called "Statistical Policy Directives") discontinued as OMB circulars.

Copies of the Statistical Policy Handbook will be available from the Office of Federal Statistical Policy and Standards, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-673-7959.

The statistical policy directives as reissued and enforced by the Department of Commerce are as follows: [Directives for the Conduct of Federal Statistical Activities.]

JUANITA M. KREPS,
Secretary of Commerce.

DIRECTIVES FOR THE CONDUCT OF FEDERAL STATISTICAL ACTIVITIES

Introduction.
Directive No. 1. Standards for Statistical Surveys.
Directive No. 2. Standards for the Publication of Statistics.
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[FR Doc. 78-12040 Filed 5-3-78; 8:45 am]

INTRODUCTION

These Directives[1] establish uniform statistical standards and guidelines for the collection and compilation of statistical data and for the release and publication of Federal statistics. The Directives are supplemented by other guidelines and specifications issued by the Office of Federal Statistical Policy and Standards on selected statistical topics.

Any given statistical activity may be affected by several of the Directives. For example, a general standard such as Directive No. 2, "Standards for the Publication of Statistics" should be used with other Directives that contain a standard for classification of data such as No. 15, "Race and Ethnic Standards for Federal Statistics and Administrative Reporting" or No. 6, "Standard Federal Administrative Regions."

AUTHORITIES

Section 103 of the Budget and Accounting Procedures Act of 1950 contains the basic authorities for determining statistical policy. Executive Orders No. 10033 of 1949 and No. 10253 of 1951 as amended by No. 12013 of 1977, provide for the implementation of Section 103 by the Secretary of Commerce.

COVERAGE

The standards and guidelines prescribed by the Directives are to be followed by agencies in the executive branch of the Federal Government and by federally sponsored contractors and grantees in the direct collection, compilation, and publication of statistical data.

A Federal agency is considered to "sponsor" the collection of information under the following circumstances, subject to the qualifications and explanations indicated:

(1) *Collection by a contractor.*—A plan or report form used by a contractor to a Federal agency is deemed to be sponsored by the agency which awards the contract, except when the data collection is neither required by nor implied by the terms of the con-

[1] These Directives supersede OMB Circular No. A-46, with its Exhibits A through K, OMB Circular No. A-39, OMB Circular No. A-65, and OMB Circular No. A-91.

tract and no representation of Federal sponsorship or association is made to the respondents.

(2) *Collection by recipient of a grant.*—A plan or report form used by a recipient of a Federal grant is not deemed to be sponsored by an agency, except when:

(a) The recipient of a grant represents to respondents that the information is being collected for or in association with a Federal agency (However, this exception is not intended to preclude mention of Federal support in response to an inquiry, or acknowledgement of assistance from a Federal grant in any publication of the data.); or

(b) The recipient of a grant uses the plan or report form to collect information that the agency has requested for the planning, operation, or evaluation of its program; or

(c) The terms and conditions of the grant provide for approval by the agency of the survey design, questionnaire content, or data collection procedures; or

(d) The terms and conditions of the grant provide for either submission to the agency of the data for individual respondents or the preparation and submission of tabulations requested by the agency.

(3) *Other types of sponsorship.*—When a person or organization is requested by a Federal agency to collect specific information to be made available to the agency, the plan or report form or the part thereof used to collect this information must be regarded as sponsored, even though no contract or grant is involved. When a plan or report form is promulgated by a Federal agency as a standard for use by State or local governmental agencies, such a plan or report form is deemed to be sponsored, even though it is not used for reporting to the Federal agency. In the case of doubt as to whether a plan or report form is sponsored, inquiry should be made to the Office of Management and Budget.

These Directives should be brought to the attention of all offices and divisions of each agency, including offices in the field, which have statistical responsibilities. When so requested, the Secretary of Commerce will provide guidance to departments and agencies in interpreting and applying the standards and guidelines. Adherence to these Directives will be monitored by the Office of Federal Statistical Policy and Standards.

OBJECTIVES

Compliance with the Directives should result in the following benefits: greater efficiency in the design and conduct of statistical surveys; reduction in the reporting burden on respondents; greater uniformity and comparability among statistical series and studies; and improved accuracy and timeliness of Federal statistics.

RELATION TO OTHER STANDARDS AND GUIDELINES

Federal standards for data elements and representations to be used and interchanged in automated Federal data systems, issued as Federal Information Processing Standards (FIPS), should be used in the collection and processing of statistics where applicable. The National Bureau of Standards in the U.S. Department of Commerce provides FIPS codes for data elements in most statistical standards. It also develops standards in areas where no agency has responsibility for promulgating them. These standards approved for Government-wide use include Federal General Standards, such as for calendar dates and for country, State and county abbreviations and codes; and Federal Program Standards, which are prescribed for use in a particular program or system. The register of these standards is maintained by the National Bureau of Standards. Any questions on their interpretation or inquiries on their availability should be addressed to the Institute for Computer Sciences and Technology, National Bureau of Standards, U.S. Department of Commerce, Washington, D.C. 20234.

Agencies compiling statistics on physical quantities, such as energy, weight, volume, etc., should consider possible use of metric standards. Information regarding such standards may be obtained from the Office of Weights and Measures, National Bureau of Standards.

Federal data collection activities are subject to approval by the Office of Management and Budget (OMB) or the General Accounting Office. The Federal Reports Act, as implemented by OMB Circular No. A-40, permits the Director of OMB to disapprove any request from a Federal agency for collecting identical information from 10 or more respondents or a similar recordkeeping requirement. Specified independent Federal regulatory agencies request approval of their data collection plans from the General Accounting Office. Information on these requirements may be obtained from the Regulatory Policy and Reports Management Division, Office of Management and Budget, Washington, D.C. 20503 or from Regulatory Reports Review, General Accounting Office, Washington, D.C. 20548.

INQUIRIES

Inquiries regarding statistical Directives or other statistical guidelines should be addressed to the Office of Federal Statistical Policy and Standards, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-673-7965.

DIRECTIVE NO. 1.[2] STANDARDS FOR STATISTICAL SURVEYS

The standards in this Directive apply primarily to statistical surveys. As used here, a "statistical survey" is one in which the primary purpose of the individual returns is to supply data which can be aggregated to provide statistical or numerical information needed on a particular class, segment, activity or geographic area. Certain of the standards and recommended practices apply also to the compilation of statistics based on data from forms used in applying a Federal law or regulation to an individual or firm (such as tax returns or the financial and operating reports required by regulatory commissions), or applications and registrations, or administrative records. These standards have only limited relevance for administrative surveys designed to collect summary information needed by an agency in administering a specific program (such as summaries or procurements or production status, or fiscal accounting reports from the States or grant-in-aid programs).

Standards cannot be applied uniformly or precisely in all situations. Special considerations may be involved in exploratory, experimental, or methodological surveys or in pilot or preliminary surveys where the primary purpose is to test feasibility or to evaluate alternative approaches or techniques. Sponsors should be prepared, however, to justify any significant departures from these standards.

The standards in this Directive are minimal. The statistical agencies are encouraged to develop their own standards for surveys, which may be more detailed and in some cases more stringent.

1. PURPOSE OF THE SURVEY

Before any other steps are taken in planning a survey there must be a clear understanding of the precise purposes to be served in terms of information to be collected, hypotheses to be tested, or problems to be solved. Consultation with users may be helpful in defining these purposes. It may be necessary to modify the initial goal of measurement of a concept in order to define an objective statistic which can be measured; e.g., "health" is not objectively measurable, but "bed-days" may be. It is helpful in reaching an understanding to prepare a concise statement of the information needed and the purpose or purposes to be served.

2. RELATION TO OTHER SURVEYS OR PROGRAMS

Before the scope and content of a survey are determined, prior work and

[2] Directive No. 1 supersedes section 7(a) and Exhibit A of OMB Circular No. A-46 dated May 3, 1974.

current activities in the field should be reviewed. Those planning the survey should satisfy themselves that part or all of the data (or approximations) which are needed are not available from some existing source (published or unpublished) either within or outside the Government or could not more appropriately be obtained by adding questions to an existing survey or by some other agency. If there were a previous survey, it may reveal deficiencies which can be corrected in the new survey.

3. DEVELOPMENT OF THE SURVEY PLAN

Decisions should be made on points noted in the subsections below in terms of the purposes to be served, costs involved, time required, degree of precision needed, and administrative limitations (established practices, location of field offices, etc.). When these decisions have been made it is useful to prepare a detailed technical description of specifications for the survey for use of analysts and other survey personnel and to facilitate the preparation of a technical appendix or bulletin (if the survey is of sufficient importance) for publication along with survey findings.

a. *Target populations and extent of coverage.* The target population or universe (i.e., all the people, establishments or other units that the survey designer wants to learn about) should be defined. Within the target population it must be decided whether coverage should be complete or partial. Consideration should be given to best ways of handling small units where these are likely to account for a very small proportion of the sales, consumption, cost or other value to be measured so no essential information will be lost by substantially reducing the coverage of such units.

Sample surveys have many advantages for most purposes over those involving complete enumeration. If the universe to be surveyed is large or geographically widespread and data are not required for small groups or areas, or if the report form or procedure is complex, sampling can be more economical for the agency, with consequent reduction in the reporting burden. Also, with sampling, nonresponse can usually be handled more effectively, the data can be processed more quickly, and in some instances the quality of the response can be improved. More attention can be given to developmental aspects of the survey since less time need be spent processing large numbers of responses.

Reasons for selection of a particular method of sampling should be included in the description of the survey plan.

b. *Sampling.* The first step is to develop and describe a frame, or sets of frames, i.e., the set of materials (lists, directories, records, maps, etc.) to enable the survey designer to deal with the universe. Ideally, the frame should include all the units in the universe. If the undercoverage in the frame is more than trivial a bias may be present in the survey results.

If the purpose of a survey is to develop estimates for a universe based upon a sample of the universe, the selection of the sample should be made in accordance with probability theory—that is, every sampling unit in the frame should have a known, nonzero probability of being chosen, although the probabilities may be unequal. In such cases, probability sampling is necessary to avoid unknown biases of selection and to permit one to arrive at estimates for the universe with accompanying measures of reliability. However, where the sample is restricted to a small number of respondents or geographic areas, as in pilot studies, pretests, or some types of feasibility studies, a judgment or purposive sample may be indicated.

When the nature of a survey or study indicates the need for probability sampling, the particular method to be used should be administratively feasible and should provide maximum precision for the funds available. The size of the sample and the nature of the sample design (including estimation procedures) will depend not only on available funds, but also on such considerations as the amount of detail required in the statistical estimates, the precision desired for key items, the variability of the data being sampled, availability of other data resources, and the size of the universe. Once the sample units have been selected, no substitutions can be permitted for reasons of convenience or because of nonresponse unless provision is specifically made in the basic survey for acceptable alternatives.

Because of the technical nature of sampling and the many ways of development of estimates from a sample, agencies proposing sample surveys should have available a statistician or a consultant trained in sampling theory with experience in the conduct of surveys. In the case of departments having primary statistical agencies this may be a person on the staff of one of these agencies. A trained statistician is also necessary for contractors or grantees conducting federally sponsored sample surveys.

The description of the sample design should cover such items as the primary units (description and number in universe), the sampling unit used (at each stage if there is multistage or multiphase sampling), the sampling frame (including any exclusion or constraints), and the criteria or stratification and clustering (if the sample is stratified or clustered). It should also include cost estimates, determination of size of sample, variance estimates used in the optimum allocation of the sample, the method of drawing the sample at each stage, the method of estimation, and the method of estimating sampling variances. The description should indicate methods for controlling and measuring nonsampling error and biases in data collection, processing and tabulating.

c. *Frequency and timing.* It must be determined whether the survey is to be single time, irregularly recurrent, or periodic. If periodic, consideration should be given to using a rotating sample basis at monthly, quarterly, annual or other intervals. The timing of a survey should be considered in relation to what is known about cyclical, seasonal or other variations over time in the data being studied, so that the survey results may be of maximum use.

d. *Method of collection.* A decision must be made as to whether the data are to be collected by mail, personal interview, telephone, telegraph, or other method, or by some combination of these methods. Nonsampling errors which can be expected in each of the methods should be considered and ways of measuring and minimizing them should influence the selection of the collection method. Experience from past experiments and surveys should be reviewed in making these decisions. If past experience is not helpful a pilot study to test alternatives may be advisable. The results of such a study should be made available to other interested agencies.

e. *Consideration of sampling and nonsampling errors.* If probability sampling is used, sampling error should be estimated, and whenever possible, total mean square error should be constructed in approximate terms. Potential nonsampling errors, including reporting errors, response variance, interviewer and respondent bias, nonresponse, imputation error and errors in processing the data should be carefully considered. This is important in designing the survey, in establishing controls over survey operations, and for the information of users of the data when they are published.

f. *Evaluation of survey data.* It is desirable to provide for the evaluation of survey results. This is especially important for repetitive surveys where the evaluation could provide future improvement of the data. Resources should be provided to carry out such evaluations.

g. *Plans for processing and tabulating the data.* The basic design of the survey plan should provide procedures (including quality control) for editing, coding, and tabulating the data. These are necessary to ensure uniform processing and to measure quality. Copies of editing instructions, codes, etc.

should be retained in the agency's files to answer inquiries and for possible use in future surveys. A decision, which will affect the form design, must be made on the manner in which the data will be processed—i.e., by use of punch cards, computer, optical scanning devices, etc. Tabulation plans, including dummy tables, should be worked out at this stage. This compels the agency to think through what it expects to get from the survey, and can result in changes in the survey design. The method of handling "unknowns" and refusals (e.g., whether distributed or shown separately) should be described. If the agency decides to have the data processing done under contract, the procedures to be followed must be clearly understood by both parties.

h. *Allowance for pretests.* It is desirable to test the feasibility of most new survey plans in advance, and the survey plan should include time and funds for this. A pilot study may be necessary to determine whether the survey is practicable or useful at all. The relative effectiveness and cost of alternative questionnaires, instructions, and operating procedures can be evaluated by means of a small-scale pretest. Pretesting can provide information on the probable refusal rate; the intelligibility to respondents (and interviewers) of the questions and instructions; and problems in compiling the survey results. The pretest is sometimes also used to provide estimates of variance which may aid in developing a more efficient sample design. The tabulations from the pretest should be limited to those necessary to answer the specific questions for which the pretest was designed, and generally should include additional tabulations for research purposes or preliminary findings only to the extent it is essential to allow sufficient time to make any changes indicated by the results of the pretest.

i. *Provision for follow-up.* In most surveys the response to the first attempt to collect the information is insufficient for final estimates and a plan for follow-up is needed. Usually, if the survey is conducted by mail, one or more mail follow-ups are made to the nonrespondents. If the rate of nonresponse is still unsatisfactory in terms of the nature and purposes of the survey, provision must be made for a more intensive type of follow-up, such as telephone calls or personal visits to a subsample of nonrespondents.

j. *Proposed calendar.* Approximate dates for the following steps in the conduct of the survey, as well as the estimated manhours for each step, should be determined in advance. This tests the feasibility of the survey as well as helping to ensure its orderly completion.

Beginning and completion of the preliminary survey design.
OMB clearance of pretest.
Beginning and completion of one or more pretests.
Analysis of the pretest results and modification of the survey design and questionnaire if indicated.
OMB clearance of survey.
Beginning of field work or mailing of questionnaires.
Completion of field work or due date for questionnaires.
Beginning and completion of follow-ups.
Completion of the editing and coding.
Completion of the tabulations.
Completion of the preliminary report.
Completion of the final report.

k. *Cost estimates.* An estimate should be made of the cost of the survey, including costs of personnel, travel, equipment, and supplies, etc. The total should include the costs of pretests and follow-ups; preparing and printing the forms; compilation of the list of respondents; mailing or enumeration; and editing, coding, tabulation, and publication of the data. When appropriate an allowance for research should also be included, as should the estimated share of overhead costs. A more detailed description of costs to be included, together with suggested methods for developing these costs, is included in the "Guide to Estimating Reporting Costs" issued by the Office of Records Management of the National Archives and Records Service, General Services Administration.

4. QUESTIONNAIRE AND INSTRUCTIONS

Even the best designed survey will produce disappointing results if the respondents do not understand the questions. The type and characteristics of the respondents should always be kept in mind. For example, particular care should be taken to keep questions simple when addressed to persons of limited education. In general, legal or technical terminology should be avoided unless the respondents are lawyers or technicians.

A clear, easy-to-read, and easy-to-complete form is important for a successful survey. If it is to be self-administered, the questions should be as brief and self-evident as possible.

The questions or items on a form should be arranged in logical order, with related items generally grouped together. It is sometimes desirable to guide the thoughts of the respondents from the general to the specific. If the data are to be transcribed or machine processed, this should also be considered in the questionnaire format, the arrangement of items, and in provision for responses.

Separate instructions included with mail surveys are sometimes ignored. If possible the questions should be self-explanatory or brief parenthetical instructions should be associated with each question in order to avoid separate instructions.

The title of the questionnaire or form is generally the first thing the respondent reads and care should be given to its selection. It should be sufficiently informative to be used in lists of forms compiled for publication. Subtitles may be used where necessary to supplement the title or to cite the authority under which the form is issued. Forms and other documents approved by the Office of Management and Budget under the Federal Reports Act must carry an OMB number. Other identification such as an agency form number or control symbol may be desirable.

Instructions for return should be on the questionnaire or form itself in a mail survey, as the form may become separated from the transmittal letter and the return envelope. These instructions should give the address to which the completed form is to be returned, and ordinarily should specify a target date for return. The importance of a response should be emphasized.

Persons planning surveys may find helpful the Household Survey Manual[3] issued in 1969 by the Office of Management and Budget. This Manual presents the major concepts and definitions and some of the questions used by Federal agencies to collect data on personal and family characteristics, education, employment and unemployment, income, and quality of housing.

Guidelines for the design of forms contained in the Records Management Handbook, Forms Design, issued by the National Archives and Records Service (NARS) of the General Services Administration in 1960, may be useful. This manual covers the mechanics of form design, including size, margins and spacing, type faces and rules for printing, and forms construction (type of paper, ink, perforating, etc.). The 1960 Handbook has very limited applicability to forms used in automatic data processing. The NARS Handbook, "Specialty Forms," may be useful for forms used in automated systems.

5. PRELIMINARY CLEARANCE

Although it is not necessary for an agency to request clearance until it is ready to collect data or promulgate recordkeeping requirements, many agencies have found it advantageous to take advantage of the proviso in OMB Circular No. A-40 which permits an agency to request "preliminary clearance" after they have formulated

[3]The Office of Federal Statistical Policy and Standards now has responsibility for this publication.

their plan but before they have signed a data collection contract. A disapproval of a clearance request can be costly to an agency after a contract has been let. While preliminary clearance does not guarantee a final clearance, it does indicate to the agency that the data collection or recordkeeping requirements will not be disapproved on the basis that the need for the data has not been established.

6. CONTROL OF SURVEY OPERATIONS

For a successful operation, it is necessary not only that a good survey design be chosen, but also that the conduct of the survey be faithful to that design. Every phase of survey operation is subject to risks of deviation from intention. Positive procedures must be established to assure that these deviations are kept within tolerable limits. If sampling is used additional controls are needed to ensure that the selection of the sample, the collection of the data, and the tabulation and estimation are carried out as specified. Strenuous efforts should be made to collect data from every unit in the sample, using follow-ups where necessary. If the data are obtained by field enumeration the interviewer should not be permitted to make substitutions (see 3b, Sampling).

Allowance should be made for sufficient time to train enumerators if the data are collected by personal or telephone interview. For large-scale surveys manuals should be prepared for use of field workers and persons doing the editing and coding as well as carrying out quality control operations in order to ensure consistency and adherence to the survey design. Provision for adequate supervision must be made. Procedures should be prescribed for progress reporting. Quality control procedures consistent with the nature of the survey should be part of the planning process. This may include validity checks with subsamples of respondents. If a longitudinal survey is conducted, it is especially important to keep detailed records, because of probable attrition in the group studied and in the staff conducting the survey.

7. PREPARATION AND PUBLICATION OF FINAL REPORT

Good statistical practice for the conduct of a survey includes careful presentation of results. Graphic presentations, as well as statistical tables, are often desirable, particularly in reports intended for laymen. Graphs and charts should be clearly labeled with a title, the time period to which the data refer, the geographic area included, and the units used on the vertical and horizontal scales. Conventional types of tables are text tables, summary tables and detailed (or reference) tables. For easy legibility the printed copy should be no smaller than newsprint and preferably larger. Either the title or the subtitle should contain information on "what," "how classified," "where," and "when," for the data in the table.

In preparing the final report attention should be given to Directive No. 2, "Standards for the Publication of Statistics."

8. RELATIONS WITH THE PUBLIC

Finally, maintenance of good relations with the public is essential if Federal statistics are to continue to merit public support. Objectivity and integrity in the compilation and presentation of statistics is the surest means of obtaining such support. Particular attention, however, should be given to relations with respondents and users of the statistics.

a. *Respondents.* Good relations with respondents involve obtaining the information needed with the minimum burden, reassurring respondents that their interests are being protected, and in general dealing with them fairly and honestly.

As noted above, the burden on respondents must be considered in designing the survey. In drafting the questionnaire, avoid questions which do not contribute to the purposes of the survey. The reportability of the data from the respondent's knowledge or from his records must be considered and particular attention should be paid to requests for information for prior periods or dates long past. When a new or substantially changed request is made for data which may be difficult to provide, it is sometimes helpful to give advance notice to prospective respondents. Agencies are encouraged to consult with potential respondents or their representatives in developing survey plans and forms.

To the extent possible respondents should be reassured that their interests are being protected. Agencies collecting data for general statistical purposes are usually in a position to assure respondents that the information they supply will be used only for statistical tabulations, and that individual returns will be kept confidential. Respondents to other types of surveys should be informed of the users of the data and the extent of disclosure. Agencies collecting data from business respondents particularly should be aware of the provisions of the Freedom of Information Act Pub. L. 89-487) and may need to consult legal counsel on the extent to which confidentiality may be pledged. Agencies collecting data from individuals should be aware of the provisions of the Privacy Act of 1974 Pub. L. 93-579).

The Office of Management and Budget requires special justification for surveys coming under the Federal Reports Act which involve questions of a sensitive nature. This justification should include the reasons why the agency considers the questions necessary and the specific uses to be made of the data obtained. While the meaning of "sensitive" will vary, depending on the respondent and the circumstances, questions on sex behavior and attitudes, mental illness and psychological problems, religious beliefs, and income and assets are generally regarded as sensitive by individuals. Business respondents often regard as sensitive questions on profits and wage and salary scales—particularly executive scales, as well as questions which may involve trade secrets. If an individual or firm is given all relevant information about a project and is completely free to participate or not, invasion of privacy as such may not be a problem, but response may be affected. Where a survey calls for information of a sensitive nature the feasibility of anonymous replies should also be considered.

Care must be taken to avoid giving respondents the impression that they must respond to surveys which are voluntary. For this reason the Office of Management and Budget has prohibited a statement on the form or in the letter of transmittal that this survey is authorized by law in surveys where response is not mandatory. Where response is mandatory this should be indicated and the applicable statute should be cited.

If response is voluntary, cooperation can best be obtained by explaining the purposes for which the data are to be used and by stating clearly and persuasively the need for the data by the Government or the public. Even where an agency has mandatory authority it is better to secure the willing cooperation of the respondents. Where the respondents are business firms or institutions, a commitment to provide a copy of the published report is frequently useful.

b. *Users.* Consultation with users is important to ensure maximum usefulness of the survey. In developing the survey plan users often can make contributions not only on the data to be collected, but also on the timing and frequency of repetitive surveys, and the degree of precision needed. In the case of important statistical series it also is desirable occasionally to obtain user comments on the usefulness of the published data by means of user questionnaires, establishment of advisory committees, or in other ways.

A description of the survey plan, an assessment of the accuracy of the data published, and a statement explaining any limitations should be available to users of the data (see Directive No. 2, "Standards for the Publication of Statistics").

DIRECTIVE NO. 2.[4] STANDARDS FOR THE PUBLICATION OF STATISTICS

The growing use of Federal statistics in the determination and appraisal of public and private policies emphasizes the responsibility of Federal statistical agencies to maintain standards governing the publication of statistical data. Many users of Government statistics, particularly those who use the data infrequently, are not familiar with the basic characteristics of the data. To help guard against misunderstanding and misuse of the data, full information should be available to users about sources, definitions, and methods used in collecting and compiling statistics, and their limitations.

The following standards and procedures for the publication of statistics describe practices which should be followed whenever applicable. Because they cover many kinds of data and various types of publications, including single-time reports as well as historical series, they are necessarily somewhat general in character, and every standard and procedure is not applicable in every case. The statistical agencies are encouraged to issue their own supplimentary standards.

1. LABEL DATA AND DEFINE TERMS

Every release and publication of statistics, whether recurring or single-time, must clearly indicate the nature of the data and make reference to any detailed technical description. Forecasts and projections must be clearly labeled and preliminary figures noted. Data taken from other sources should be identified. The date of publication and the time period to which the data refer should be shown. Technical terms (except in publications designed solely for technicians) should be defined and the use of standard classifications should be noted, either in the report itself or in a separate technical source. In economic or social analyses there should be a clear distinction between actual data and inferences or interpretations drawn from the data.

2. DESCRIBE THE SURVEY DESIGN

If the data to be published are part of a statistical series, or present the results of a statistical survey, a description of the survey design and methods used in implementing the design should be available. If this is not done in the release or report, the reader should be referred to a technical source. The amount of detail in this description will depend upon the importance and complexity of the data. The description should include what is measured, the source(s) of information, the sampling plan if sampling is used, the method of collecting the data, the extent of nonresponse and other sources of bias, and the methods used to deal with the problem. (See Directive No. 1, "Standards for Statistical Surveys".) It is desirable to include a copy of the form and instructions used.

3. APPRAISE THE DATA

There should be available to the user an appraisal of the statistics which would make it possible to evaluate their appropriateness for any intended use. Conceptual or other limitations of the data should be pointed out, and comparison made with any statistics of similar title or scope with which the data are related or which they might be confused.

Accuracy of the data should be stated as far as possible. This should include not only the sampling error (where probability sampling is used) but also the nature and extent of nonsampling errors. "Standards for Discussion and Presentation of Errors in Survey and Census Data," published as Part II of the September 1975 Journal of the American Statistical Association presents the need to discuss the error information of published data, as well as illustrates methods of presenting error information. This information and illustrations should be taken into account by Federal agencies publishing statistical data. (The publication on "Standards for Discussion and Presentation of Errors in Survey and Census Data" can be obtained from the Office of Federal Statistical Policy and Standards, U.S. Department of Commerce, Washington, D.C. 20230.)

4. REVIEW BEFORE PUBLICATION

Before publication every statistical report of any importance should be reviewed by persons who are familiar with the subject matter to detect inconsistencies or other errors, as well as omissions. Such reports should also be reviewed by a statistical expert from the standpoint of the validity and reliability of statistical statements and conclusions. Analytical reports based on data from sample surveys should be carefully reviewed to avoid inclusion of statements which fail to take proper account of sampling errors and other limitations of the data.

5. EXPLAIN REVISIONS

When an established statistical series is revised, the character of the revision and its effect upon the series must be explained. If at all possible a full explanation should be availble with the first publication of such data. If part of the historical series is revised, data for both the old and the new series should be published for a suitable overlap period for the use of analysts.

DIRECTIVE NO. 3.[5] GUIDELINES FOR THE RELEASE OF PRINCIPAL FEDERAL ECONOMIC INDICATORS

These guidelines refer to the Principal Federal Economic Indicators listed in the Schedule of Release Dates in the Statistical Reporter. The objectives of the guidelines are to improve the accuracy of estimates of the indicators and to reduce the number of revisions issued on a current basis. Accomplishing these objectives may require balancing accuracy needs against controlling frequency of revisions. It is not intended that vital information important for making current policy decisions be withheld merely to reduce frequency of revisions, nor that stringent accuracy considerations result in delaying the issuance of important statistical information. Agencies are encouraged to develop their own guidelines for the release of principal current economic indicators in accordance with the broad guidelines noted below.

1. In general, no more than two estimates for a principal economic indicator should be regularly issued within 60 days after the end of the reference period.

2. Each survey regularly resulting in two estimates for the same reference period should be organized so that average differences between preliminary and revised figures for the principal aggregates are small relative to average month-to-month changes in the series. More relaxed standards may be applied, if necessary, to subaggregations.

3. If revisions in preliminary estimates tend to occur significantly more frequently in one direction than another, efforts should be made to reduce bias, or, if this is not feasible, adjustments for bias in the preliminary figures should be developed.

4. Revisions occurring for various reasons, such as benchmark revisions, annual updating of seasonal factors, and replacement of preliminary by revised figures, should, as far as policy and decisionmaking needs permit be consolidated and released simultaneously.

5. Irregularity in each series resulting from sampling error and measurement error should be reduced as much as budgetary and time constraints allow.

DIRECTIVE NO. 4.[6] PROMPT COMPILATION AND RELEASE OF STATISTICAL INFORMATION

The purpose of this Directive is to ensure that the principal statistical series which are issued by agencies to the public annually or more frequent-

[4] Directive No. 2 supersedes section 7(b) and Exhibit B of OMB Circular No. A-46 dated May 3, 1974.

[5] Directive No. 3 supersedes section 7(m) and Exhibit H of OMB Circular No. A-46, dated May 3, 1974.

[6] Directive No. 4 supersedes OMB Circular No. A-91 dated October 21, 1974.

ly are released without unnecessary delay and that the publication dates for the principal weekly, monthly, and quarterly indicators are made publicly available in advance. Such prompt release of official statisitcs on a regular schedule is conducive to the proper management of both private and public affairs.

1. PROMPT RELEASE

The shortest practicable interval should exist between the date or period to which the data refer and the date when compilation is completed. Prompt public release of the figures should be made after compilation. In the case of principal indicators, the goal is to accomplish compilation and release to the public within 20 working days. Within this period no more than two working days should be allowed for the public release of data, unless other arrangements are approved by the Secretary of Commerce.

2. RELEASE SCHEDULE

Release dates for principal economic indicators will appear each month in the Office of Federal Statistical Policy Standards publication, *Statistical Reporter.* Care should be taken in scheduling these release dates so that they can be met and so that they do insure prompt release of the series as specified above.

3. RELEASE PROCEDURE

Unless otherwise authorized by the Office of Federal Statistical Policy and Standards, there shall be no release of data estimates prior to official press notification at either 10 a.m. or 4 p.m. on these specified release dates. An exception is the Chairman of the Council of Economic Advisers, who will receive pre-released information when available on behalf of the President. However, at the time of distribution of the materials to the press offices, statistical agencies are responsible for distribution of the full press release to the principal economic policymakers such as the Chairman of the Council of Economic Advisers, the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, and the Director of the Office of Management and Budget. Each statistical agency is responsible for establishing procedures to assure that there will be no premature release of statistical series during the period of time required for preparation and duplication of press releases.

Figures which becomes available earlier than the published release date should be released when available unless specifically directed otherwise by the Secretary of Commerce. Economic advisers who receive a press release at the time it goes to the press-room should be alerted if early release is anticipated.

Initial release of statistical series should be made by the statistical agency in a written report. A press release should be issued if it would significantly speed up the release of the data to the public. For widely used series such as unemployment and other major economic indicators, a press conference may be scheduled to permit discussion of important technical features of the data being released. There should be a one-hour separation between the press conference or the issuance of the release by the statistical agency and related commentary by officials other than those discussing technical features.

4. RESPONSIBILITIES

Each agency is directed to review continually its practices in releasing statistical series to the public and to take such action as may be necessary to carry out the objectives of this Directive.

DIRECTIVE NO. 5.[7] STANDARD REFERENCE BASE PERIOD FOR FEDERAL GOVERNMENT GENERAL-PURPOSE INDEX NUMBERS

The year 1967 shall be the standard reference base period for general-purpose index numbers prepared by Federal agencies. This requirement conforms to Government practice of establishing a standard reference base period for use by Federal agencies. The base period is revised approximately every ten years.

1. CONVERSION FOR EARLIER YEARS

Each index should be converted to the 1967 reference base from the beginning of the index, where practicable.

2. WEIGHTS

The weight base period for an index should be as close as possible to the reference base period but they do not need to coincide. The relationship between reference and weight base periods should be indicated by appropriate description.

DIRECTIVE NO. 6.[8] STANDARD FEDERAL ADMINISTRATION REGIONS

Agencies which publish regional data compiled from information published by States and the District of Columbia shall as soon as practicable, publish these data on the basis of the ten Standard Federal Administrative Regions as established by the President and set forth in OMB Circular No. A-105, April 4, 1974. The names of the States composing each region are presented below.

Standard Federal Administration Regions

Region I—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont
Region II—New York, New Jersey, Puerto Rico, and the Virgin Islands
Region III—Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia
Region IV—Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee
Region V—Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin
Region VI—Arkansas, Louisiana, New Mexico, Oklahoma and Texas
Region VII—Iowa, Kansas, Missouri, and Nebraska
Region VIII—Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming
Region IX—American Samoa, Arizona, California, Guam, Hawaii, and Nevada
Region X—Alaska, Idaho, Oregon, and Washington

Agencies may also publish data for regions composed of different groupings of States whenever necessary for special analytical purposes or to maintain continuity of historical series.

DIRECTIVE NO. 7.[9] STANDARD METROPOLITAN STATISTICAL AREAS

The general concept of a metropolitan area is an integrated economic and social unit with a recognized urban population nucleus of substantial size. A standard metropolitan statistical area (SMSA) is a statistical construct used to define metropolitan areas statistically in a standard way. Its purposes is to facilitate the production, analysis, and publication of statistical information on metropolitan areas by Federal agencies.

Two or more contiguous SMSA's which satisfy certain criteria of size, urban character, integration, and contiguity of urbanized areas may be designated as a standard consolidated statistical area (SCSA). The criteria followed in establishing and defining SMSA's and SCSA's are presented in the OFSPS publication, *Standard Metropolitan Statistical Areas,* revised edition 1975. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, Stock No. 041-001-00101-8.

1. USE FOR FEDERAL PROGRAM PURPOSES

Standard Metropolitan Statistical Areas shall not be used in the adminis-

[7] Directive No. 5 supersedes section 7(h) of OMB Circular No. A-46 dated May 3, 1974.

[8] Directive No. 6 supersedes section 7(g) and Exhibit D of OMB Circular No. A-46 dated May 3, 1974.

[9] Directive No. 7 supersedes section 7(f) and Exhibit C of OMB Circular No. A-46 dated May 3, 1974.

tration of any nonstatistical program unless the head of the agency has determined that such use is appropriate to achieve the program's objectives. Where the term "metropolitan area" is used in the definitions section of legislation or administrative regulations and reference is to SMSA's, the following language should be used to assure flexibility:

"A metropolitan area shall mean a standard metropolitan statistical area as defined by the Office of Federal Statistical Policy and Standards subject to such modifications as the head of the agency may determine to be appropriate for the purposes of the act (regulation)."

If the term "standard metropolitan statistical area" is used in a law or regulation without being separately defined, similar qualifying language should be used parenthetically immediately following "standard metropolitan statistical area."

2. TITLES, DEFINITIONS AND CODES

The titles, definitions, and codes for the SMSA's and the SCSA's as March 1978 are contained in Appendix C. Any future revisions to this list are available from the Office of Federal Statistical Policy and Standards.

DIRECTIVE NO. 8.[10] STANDARD INDUSTRIAL CLASSIFICATION OF ESTABLISHMENTS

The Standard Industrial Classification is to be used to classify reporting establishments by types of industrial activity in which engaged. Details are presented in the *Standard Industrial Classification Manual, 1972,* issued by the Office of Management and Budget as amended by the *Supplement* issued by the Office of Federal Statistical Policy and Standards, and any further revisions. A revision has been scheduled for 1982.

1. USE FOR FEDERAL NONSTATISTICAL PROGRAM PURPOSES

The Standard Industrial Classification shall not be used in the administration of any regulatory, administrative, or tax program unless the Secretary (Administrator) has first determined that the use of such industry definition is appropriate to the implementation of the program's objectives.

If the term, "Standard Industrial Classification" (SIC) is to be used in the operative text of the law or regulation to define industry (or trade or commerce), language similar to the following should be used to assure sufficient flexibility:

"An industry shall mean a Standard Industrial Classification industry or group of industries as defined by the Office of Federal Statistical Policy and Standards subject to such modifications with respect to individual industries as the Secretary (Administrator) may determine to be appropriate for the purpose of this Act (regulation)."

2. TITLES AND DESCRIPTIONS

The *Standard Industrial Classification Manual* includes titles and descriptions of the industries and alphabetic indexes to nonmanufacturing and to manufacturing industries. It is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, Stock No. 4101-0066. The Stock No. for the Supplement is 003-005-00176-0.

DIRECTIVE NO. 9.[11] STANDARD INDUSTRIAL CLASSIFICATION OF ENTERPRISES

The Enterprise Standard Industrial Classification is to be used to classify enterprises by kind of economic activity in which engaged. The classification of enterprises, rather than their constituent establishments, is required for purposes of compiling and analyzing financial and related statistics (such as income, expense and balance sheet items) which are commonly available only on an enterprise basis. The structure of the classification makes it possible to publish data on enterprises by industry on a division, two-digit, three-digit, or four-digit basis, according to the degree of industrial detail available and needed. The details of the classification are presented in *Enterprise Standard Industrial Classification 1974,* issued by the Office of Management and Budget and available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, Stock No. 4101-00093.

DIRECTIVE NO. 10. STANDARD OCCUPATIONAL CLASSIFICATION

The Standard Occupational Classification is to be used in statistical analysis, collection, and presentation of data on workers that are classified by type of occupational activity in which they are engaged. The classification should be used wherever occupational distinctions are needed in labor force, employment, personal income, and other demographic information programs. Its use will provide better analytic comparability to other occupational related data.

1. USE FOR FEDERAL NON-STATISTICAL PROGRAM PURPOSES

The Standard Occupational Classification shall not be used in the administration of any regulatory, administrative or tax program unless the Secretary (Administrator) has first determined that the use of such definitions are appropriate to the implementation of the program's objectives. The system was not developed to define any particular category of occupations that may be affected by existing or future administrative programs.

If the term, "Standard Occupational Classification" (SOC) is to be used in the operative text of the law or regulation to define occupations, language similar to the following should be used to assure sufficient flexibility:

"An occupation shall mean a Standard Occupational Classification group as defined by the Office of Federal Statistical Policy and Standards, Department of Commerce, subject to such modifications with respect to individual occupations as the Secretary (Administrator) may determine to be appropriate for the purposes of this Act (regulation)."

2. TITLES AND DESCRIPTIONS

Details on the classification system are presented in the *Standard Occupational Classification Manual, 1977* issued by the Office of Federal Statistical Policy and Standards, Department of Commerce. This Manual includes titles and descriptions of the occupational groups and is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, Stock No. 041-001-00153-1.

DIRECTIVE NO. 11.[12] STANDARD DATA SOURCE FOR STATISTICAL ESTIMATES OF LABOR FORCE AND UNEMPLOYMENT

Accurate, consistent, publicly available estimates of the labor force and of unemployment in the Nation, the States, and local areas are needed for use in the formulation, implementation, and evaluation of public policy.

1. SOURCE OF DATA

Federal executive branch departments, agencies, and establishments (hereinafter Federal executive branch agency) shall use the most current National, State, or local area labor force or unemployment data published by the Bureau of Labor Statistics, United States Department of Labor, with respect to all program purposes, including the determination of eligibility for and/or the allocation of Federal resources, requiring the use of such data unless otherwise directed by statute. In order to maintain equity among local areas, comparable data series are to be used for all program purposes. Further, unless otherwise required by statute, data adjusted for seasonal

[10]Directive No. 8 supersedes section 7(d) of OMB Circular No. A-46, dated May 3, 1974.

[11]Directive No. 9 supersedes section 7(e) of OMB Circular No. A-46 dated May 3, 1974.

[12]Directive No. 11 supersedes Exhibit J of OMB Circular No. A-46 dated December 22, 1975.

variation shall be used for all program purposes as soon as the Bureau of Labor Statistics shall have published such data for local areas being examined for the program purpose then under consideration.

No Federal executive branch agency shall begin or continue collecting or using State or local area labor force or unemployment data other than that published by the Bureau of Labor Statistics, without the written approval of the Secretary of Commerce. This does not preclude the collection of labor force and unemployment data by the Bureau of the Census, United States Department of Commerce, for the Bureau of Labor Statistics or in its conduct of a periodic or other census or statistical survey, and the publication or other distribution thereof.

2. DATA CONSISTENCY

With respect to any month, a consistent reference time period shall be used for all national, State, and local area labor force and unemployment data. The data for each State and area, to the extent technically feasible, shall be conceptually consistent with the data for the Nation as a whole and the State totals shall sum, within a range of acceptable sampling error, to the national total.

3. DATA PUBLICATION

The Bureau of Labor Statistics, in accordance with the provisions of Directive No. 4, Prompt Compilation and Release of Statistical Information, shall establish a monthly release date or dates for all regularly published labor force and unemployment data and shall provide the release date schedule to the Office of Federal Statistical Policy and Standards for publication in the *Statistical Reporter.*

The monthly publication or publications by the Bureau of Labor Statistics shall contain data for the Nation as a whole, and for each State and each local area for which the Bureau of Labor Statistics has agreed to publish data. No agreement between the Bureau of Labor Statistics and other Federal executive branch agencies shall be used to limit the number or types of areas for which data are developed and/or published by the Bureau of Labor Statistics. The data published by area shall at a minimum provide the current estimates before seasonal adjustment, and as soon as possible, and to the extent technically feasible, shall also provide the estimate adjusted for seasonality.

4. NOTIFICATION OF DATA NEED

Federal executive branch agencies requiring State and local area labor force or unemployment data shall notify the Commissioner, Bureau of Labor Statistics, United States Department of Labor, of their need for such data. The notification shall include information about the purpose for which the data are needed and the specification(s) (i.e., statistical reliability, geographic and other) for the the data.

Any Federal executive branch agency required by legislation to use labor force or unemployment data other than that directed by this Directive and any Federal executive branch agency notified by the Commissioner, Bureau of Labor Statistics that the needed data cannot be provided according to specification shall notify the Director, Office of Federal Statistical Policy and Standards, Department of Commerce of that fact. The notification shall include identification of the program(s) affected, legislation implemented by those programs, data specifications, and a report on consultations with the Bureau of Labor Statistics in respect to such data.

5. DEFINITIONS

a. *Labor Force and Unemployment Data.* The term labor force and unemployment data is defined to include all counts or estimates of the total labor force, the civilian labor force, total employment, total civilian employment, total unemployment, and total unemployment rates. The term excludes data, obtained solely from administrative records of the unemployment insurance system, pertaining to counts of covered employment, the insured unemployed, and to the insured unemployment rate.

b. *Current Data.* For the purposes of this Directive the term current data means the most current, complete data published by the Bureau of Labor Statistics.

c. *Local Area.* A local area, for purposes of this Directive, is any geopolitical unit of the United States of America and any combination or part of any such unit or units.

Directive No. 12.[13] Standard Definition of Payroll Periods for Employment Reports

Requests made to employers for statistical information from their payroll records on the number of employees, payrolls, hours worked, or related items should refer to the payroll period containing the 12th of the month.

Directive No. 13.[14] Standard Data Source of Total Population Used in Distributing Federal Benefits

The purpose of this Directive is to assure use of standard data on total population for all Federal programs which make use of total population data in the distribution of Federal benefits.

1. CURRENT DATA

For the purposes of this Directive the term current data means the most current, complete national series as published by the Bureau of the Census in *Current Population Reports,* P-25, P-26, or related series, except where data from a decennial census conducted by the Bureau of the Census is more current.

2. USE OF DATA OF TOTAL POPULATION

Executive departments and establishments, in distributing and/or determining eligibility for the benefits of an appropriation for a single year on the basis of data on total population, shall use data which refer to the same point or period of time for each class of eligible government. The data on total population shall be the most current and comprehensive published by the Bureau of the Census. Where total population is used as the denominator of a fraction, the data for both numerator and denominator will be the most recent for which both are available. Where total population is used as the numerator of a fraction, the data for both numerator and denominator will be the most recent for which both are available.

3. JUSTIFICATION FOR EXCEPTION

Agencies shall request approval by the Secretary of Commerce for use of data on total population other than the most current data published by the Bureau of the Census. The request will include indentification of the program(s) affected, legislation implemented by those programs, justification for use of alternative data, and a report on consultations with the Bureau of the Census in respect to data sources.

Any agency required by legislation to use data on total population other than those required by this Directive shall notify the Secretary of Commerce prior to such use.

4. PROPOSED LEGISLATION

Agencies developing proposed legislation involving the use of population data will be responsible for assuring that the provisions of such legislation are consistent with the principles outlined in this Directive or for identifying and justifying any departures from such principles at the time the proposed legislation is submitted to the OMB for review pursuant to OMB Circular No. A-19. As part of its review process under that Cirular, the OMB may request additional information and justification relating to the population data and their proposed use.

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[13] Directive No. 12 supersedes section 7(c) of OMB Circular A-46 dated May 3, 1974.

[14] Directive No. 13 supersedes Exhibit I of OMB Circular No. A-46 dated June 6, 1975.

DIRECTIVE NO. 14 [15] DEFINITION OF POVERTY FOR STATISTICAL PURPOSES

For the years 1959-1968 the statistics on poverty contained in the Census Bureau's *Current Population Reports*, Series P-60, No. 68, shall be used by all executive departments and establishments for statistical purposes. For the years 1969 and thereafter, the statistics contained in subsequent applicable reports in this series shall be used.

A number of Federal agencies have been using statistical series on the number of persons and families in poverty, and their characteristics, in analytical and program planning work. The basis for these series has been the classification of income data collected by the Bureau of the Census in accordance with a definition of poverty developed by the Social Security Administration and revised by a Federal Interagency Committee in 1969. This definition provides a range of income cutoffs adjusted by such factors as family size, sex of family head, number of children under 18 years of age, and farm-nonfarm residences.

The Bureau of the Census series continues the Social Security Administration definition for the base year, 1963, except that the differential between poverty levels for farm and nonfarm families is reduced from 30 percent to 15 percent. Annual adjustments in Census series are based on changes in the average annual total consumer Price Index (CPI) instead of changes in the cost of the U.S. Department of Agriculture's Economy Food Plan.

The establishment of this standard data series does not preclude departments and agencies from more detailed analyses or from publication of tabulations for specialized needs although, where applicable, totals must agree with totals published by the Bureau of the Census. Other measures of poverty may be developed for particular research purposes, and published, so long as they are clearly distinguished from the standard data series.

The poverty levels used by the Bureau of the Census were developed as rough statistical measures to record changes in the number of persons and families in poverty and their characteristics, over time. While they have relevance to a concept of poverty, these levels were not developed for administrative use in any specific program and nothing in this directive should be construed as requiring that they should be applied for such a purpose.

[15] Directive No. 14 supersedes section 7(1) and Exhibit G of OMB Circular No. A-46 dated May 3, 1974.

DIRECTIVE NO. 15. [16] RACE AND ETHNIC STANDARDS FOR FEDERAL STATISTICS AND ADMINISTRATIVE REPORTING

This Directive provides standard classifications for recordkeeping, collection, and presentation of data on race and ethnicity in Federal program administrative reporting and statistical activities. These classifications should not be interpreted as being scientific or anthropological in nature, nor should they be viewed as determinants of eligibility for participation in any Federal program. They have been developed in response to needs expressed by both the executive branch and the Congress to provide for the collection and use of compatible, nonduplicated, exchangeable racial and ethnic data by Federal agencies.

1. DEFINITIONS

The basic racial and ethnic categories for Federal statistics and program administrative reporting are defined as follows:

a. *American Indian or Alaskan Native.* A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

b. *Asian or Pacific Islander.* A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands, and Samoa.

c. *Black.* A person having origins in any of the black racial groups of Africa.

d. *Hispanic.* A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

e. *White.* A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

2. UTILIZATION FOR RECORDKEEPING AND REPORTING

To provide flexibility, it is preferable to collect data on race and ethnicity separately. If separate race and ethnic categories are used, the minimum designations are:

a. *Race:*
American Indian or Alaskan Native
Asian or Pacific Islander
Black
White

b. *Ethnicity:*
Hispanic origin
Not of Hispanic origin

When race and ethnicity are collected separately, the number of White and Black persons who are Hispanic must be identifiable, and capable of being reported in that category.

If a combined format is used to collect racial and ethnic data, the minimum acceptable categories are:
American Indian or Alaskan Native
Asian or Pacific Islander
Black, not of Hispanic origin
Hispanic
White, not of Hispanic origin.

The category which most closely reflects the individual's recognition in his community should be used for purposes of reporting on persons who are of mixed racial and/or ethnic origins.

In no case should the provisions of this Directive be construed to limit the collection of data to the categories described above. However, any reporting required which uses more detail shall be organized in such a way that the additional categories can be aggregated into these basic racial/ethnic categories.

The minimum standard collection categories shall be utilized for reporting as follows:

a. *Civil rights compliance reporting.* The categories specified above will be used by all agencies in either the separate or combined format for civil rights compliance reporting and equal employment reporting for both the public and private sectors and for all levels of government. Any variation requiring less detailed data or data which cannot be aggregated into the basic categories will have to be specifically approved by the Office of Federal Statistical Policy and Standards for executive agencies. More detailed reporting which can be aggregated to the basic categories may be used at the agencies' discretion.

b. *General program administrative and grant reporting.* Whenever an agency subject to this Directive issues new or revised administrative reporting or recordkeeping requirements which include racial or ethnic data, the agency will use the race/ethnic categories described above. A variance can be specifically requested from the Office of Federal Statistical Policy and Standards, but such a variance will be granted only if the agency can demonstrate that it is not reasonable for the primary reporter to determine the racial or ethnic background in terms of the specified categories, and that such determination is not critical to the administration of the program in question, or if the specific program is directed to only one or a limited number of race/ethnic groups, e.g., Indian tribal activities.

c. *Statisical reporting.* The categories described in this Directive will be used as a minimum for federally sponsored statistical data collection where race and/or ethnicity is required, except when: the collection involves a sample of such size that the data on

[16] Directive No. 15 supersedes section 7(h) and Exhibit F of OMB Circular No. A-46 dated May 3, 1974, and as revised May 12, 1977.

the smaller categories would be unreliable, or when the collection effort focuses on a specific racial or ethnic group. A repetitive survey shall be deemed to have an adequate sample size if the racial and ethnic data can be reliably aggregated on a biennial basis. Any other variation will have to be specifically authorized by OMB through the reports clearance process (see OMB Circular No. A-40). In those cases where the data collection is not subject to the reports clearance process, a direct request for a variance should be made to the Office of Federal Statistical Policy and Standards.

3. EFFECTIVE DATE

The provisions of this Directive are effective immediately for all *new* and *revised* recordkeeping or reporting requirements containing racial and/or ethnic information. All *existing* recordkeeping or reporting requirements shall be made consistent with this Directive at the time they are submitted for extension, or not later than January 1, 1980.

4. PRESENTATION OF RACE/ETHNIC DATA

Displays of racial and ethnic compliance and statistical data will use the category designations listed above. The designation "nonwhite" is not acceptable for use in the presentation of Federal Government data. It is not to be used in any publication of compliance or statistical data or in the text of any compliance or statistical report.

In cases where the above designations are considered inappropriate for presentation of statistical data on particular programs or for particular regional areas, the sponsoring agency may use:

(1) The designations "Black and Other Races" or "All Other Races," as collective descriptions of minority races when the most summary distinction between the majority and minority races is appropriate;

(2) The designations "White," "Black," and "All Other Races" when the distinction among the majority race, the principal minority race and other races is appropriate; or

(3) The designation of a particular minority race or races, and the inclusion of "Whites" with "All Other Races," if such a collective description is appropriate.

In displaying detailed information which represents a combination of race and ethnicity, the description of the data being displayed must clearly indicate that both bases of classification are being used.

When the primary focus of a statistical report is on two or more specific identifiable groups in the population, one or more of which is racial or ethnic, it is acceptable to display data for each of the particular groups separately and to describe data relating to the remainder of the population by an appropriate collective description.

DIRECTIVE NO. 16 [17] STANDARD CLASSIFICATION OF FIELDS OF SCIENCE AND ENGINEERING

Federal agencies collecting financial data on research and development are expected to use the classification scheme below when requesting information on fields of science. The entire classification is not required in every case, however. For some purposes, only major categories, such as physical sciences or life sciences, may be sufficient; for others, a more detailed breakdown may be needed. In either case, the titles and definitions used by the agency should conform to the standard, thus the data may be combined to produce compatible major field totals.

STANDARD CLASSIFICATION OF FIELDS OF SCIENCE AND ENGINEERING

	Code
Physical Sciences	
Astronomy	11
Chemistry	12
Physics	13
Physical sciences, not elsewhere classified [1]	19
Mathematics	21
Environmental Sciences (Terrestrial and Extrater restrial)	
Atmospheric sciences	31
Geological sciences	32
Oceanography	33
Environmental sciences, NEC [1]	39
Engineering	
Aeronautical	41
Astronautical	42
Chemical	43
Civil	44
Electrical	45
Mechanical	46
Metallurgy and materials	47
Engineering, NEC [1]	49
Life Sciences	
Biological	51
Clinical medical	52
Other medical	53
Life sciences, NEC [1]	59
Psychology	
Biological aspects	61
Social aspects	62
Psychological sciences, NEC [1]	69
Social Sciences	
Anthropology	71
Economics	72
History	73
Linguistics	74
Political science	75
Sociology	76
Social sciences, NEC [1]	79
Other Sciences, NEC [2]	99

[1] To be used for multidisciplinary projects within the primary field and for single discipline projects for which a separate discipline code has not been assigned.

[2] To be used for multidisciplinary and interdisciplinary projects which cannot be classified within a primary field.

DISCIPLINES INCLUDED IN THE FIELDS OF SCIENCES AND ENGINEERING

Code

Physical Sciences

11 Astronomy: Laboratory astrophysics; optical astronomy; radio astronomy; theoretical astrophysics; X-ray, gamma-ray, neutrino astronomy

12 Chemistry: Inorganic; organometallic; organic; physical

13 Physics: Acoustics, atomic and molecular; condensed matter; elementary particles; nuclear structure; optics; plasma

21 Mathematics: Algebra; analysis; applied mathematics; computer science; foundations and logic; geometry; numerical analysis; statistics; topology

Environmental Sciences (Terrestrial and Extraterrestrial)

31 Atmospheric sciences: Aeronomy; solar; weather modification; extraterrestrial atmospheres; meteorology

32 Geological sciences; Engineering geophysics; general geology; geodesy and gravity; geomagnetism; hydrology; inorganic geochemistry; isotopic geochemistry; organic geochemistry; laboratory geophysics; paleomagnetism; paleontology; physical geography and cartography; seismology; soil sciences

33 Oceanography: Chemical oceanography; geological oceanography; physical oceanography; marine geophysics

Engineering

41 Aeronautical: Aerodynamics

42 Astronautical: Aerospace; space technology

43 Chemical: Petroleum; petroleum refining; process

44 Civil: Architectural; hydraulic; hydrologic; marine; sanitary and environmental; structural; transportation

45 Electrical: Communication; electronic; power

46 Mechanical: Engineering mechanics

47 Metallurgy and materials: Ceramic; mining; textile; welding

49 Engineering, NEC: Agricultural; industrial and management; nuclear; ocean engineering; systems

Life Sciences

Note: The Life Sciences include the following disciplines:

Anatomy; animal sciences; bacteriology; biochemistry; biogeography; biological oceanography; biophysics; dentistry; ecology; embryology; entomology; evolutionary biology; genetics; immunology; internal medicine; microbiology neurology; nutrition and metabolism; opthalmology; parasitology; pathology; pharmacology; pharmacy; physical anthropology; physical medicine and rehabilitation; physiology; plant sciences; podiatry; preventive medicine and public health; psychiatry; radiobiology; radiology; surgery; systematics; veterinary medicine

Research in some of these disciplines may be classed as biological, clinical medical, or medical, depending upon the nature of the particular project. Reference should be made to the following definitions in the classification of data on the funding of research in the Life Sciences:

Life

51 Biological: Those sciences which, apart from the clinical medical and other medical sciences as defined below, deal with the origin, development, structure, function, and interaction of living things.

52 Clinical medical: Study of the pathogenesis, diagnosis or therapy of a particular disease or abnormal condition in living human subjects under controlled conditions.

53 Other medical: Studies of the causes, effects, prevention, or control of abnormal conditions in man or in his environment

[17] Directive No. 16 supersedes section 7(j) and Exhibit E of OMB Circular No. A-46 dated May 3, 1974.

as it relates to health, except for the clinical aspects as defined above.

(The above three classes exclude the psychological sciences as defined elsewhere.)

Psychology

61 Biological aspects: Experimental psychology; animal behavior; clinical psychology; comparative psychology; ethology

62 Social aspects: Social psychology; educational, personnel, vocational psychology and testing; industrial and engineering psychology; development and personality

Social Sciences

71 Anthropology: Archaeology; cultural and personality; social and ethnology; applied anthropology

72 Economics: Econometrics and economic statistics; history of economic thought; international economics; industrial, labor and agricultural economics; macroeconomics; microeconomics; public finance and fiscal policy; theory; economic systems and development

73 History: Cultural; political; social; history and philosophy of science

74 Linguistics: Anthropological—archaeological; computational; psycholinguistics; sociolinguistics

75 Political science: Area of regional studies; comparative government; history of political ideas; international relations and law; national political and legal systems; political theory; public administration

76 Sociology: Comparative and historical; complex organizations; culture and social structure; demography; group interactions; social problems and social welfare; sociological theory

79 Social sciences, NEC: Research in law and education, NEC; socioeconomic geography

Other Sciences, NEC

99 Other sciences, NEC: To be used for multidisciplinary and interdisciplinary projects which cannot be classified within a primary field

Questions on the interpretation of the classification or proposed changes in the classification should be referred to the Division of Science Resources Studies, National Science Foundation.

Directive No. 17.[18] Standard Gas Pressure Base

The standard gas pressure base for Government use is 14.73 pounds per square inch absolute at 15.6° celsius (60° Fahrenheit). This base will be used by all Federal agencies when collecting or publishing information on natural gas.

Directive No. 18.[19] Providing of Statistical Information to International Organizations

This Directive outlines the procedure to be followed by all departments and establishments in dealing with official requests from international organizations for statistical information.

[18]Directive No. 17 supersedes section 7(i) of OMB Circular No. A-46, dated May 3, 1974.

[19]Directive No. 18 supersedes OMB Circular No. A-39, dated August 24, 1967.

1. DEFINITIONS

The following definitions will apply for purposes of this Directive.

a. "Statistical information" means any kind of summary numerical data other than technical data in engineering, physical, or biological science fields.

b. "International organization" means any intergovernmental organization of an international nature in which the United States is a member.

c. "Official request" means any statistical questionnaire, or any other form of request or inquiry from an international organization calling for statistical information, including ad hoc (single time) requests as well as repetitive or periodic requests.

d. "Director" refers to the Director of the Office of Federal Statistical Policy and Standards, Department of Commerce.

2. AUTHORITY OF DIRECTOR

The Director may waive requirements of this Directive, with certain exceptions. Requirements pertaining to requests from international financial institutions may be waived only with the concurrence of the National Advisory Council on International Monetary and Financial Policies. The Director may also revoke or modify any approval granted or determination made by him under the Directive. In making determinations authorized under this Directive, the Director is responsible for necessary consultation and clearance with appropriate Federal executive agencies.

3. PROCESSING OF REQUESTS

Any department or establishment furnishing statistical information to an international organization in response to an official request will do so only when pursuant to a prior determination by the Director. Exceptions to this provision, discussed below, concern the following: advance determinations; requests from international financial institutions; and special arrangements. All other requests subject to prior determination by the Director will be dealt with in the following manner:

a. *Submittal of requests.* Information concerning all such requests will be submitted promptly to the Director, including, as appropriate, the identity of the organization making the request; the nature of the information requested; the views, if any, of the department or establishment on whether or how the request should be answered; and identification of any statistics which the department or establishment proposes to submit in response to the request (but not necessarily the actual statistics).

Such information will ordinarily be submitted by letter or memorandum to the Director, but may be submitted orally in special circumstances or in the case of simple or routine requests.

b. *Director's action regarding requests.* The Director will determine—with the concurrence of the Secretary of State—what statistical information will be provided in response to such requests and will determine which departments and establishments will supply the information. Such determination may cover the continuing transmittal of recurrent data (for example, the transmittal of monthly data as they become available), and will continue in effect until otherwise determined by the Director.

The Director will promptly inform the departments and establishments concerned of his determination.

4. ADVANCE DETERMINATIONS

Statistical information may be provided in response to official requests, without further action under this Directive, whenever: (a) The statistical information requested is contained in a published document, or (b) the request is clearly informal in character and does not call for data for publication, citation in official documents, direct use in international conferences or negotiations, or other specific uses of a formal character.

5. REQUESTS FROM THE INTERNATIONAL MONETARY FUND, THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT, AND OTHER INTERNATIONAL FINANCIAL INSTITUTIONS

Under the provisions of Executive Order No. 10033, as amended, and Executive Order No. 11269, the National Advisory Council on International Monetary and Financial Policies is responsible for determining—after consultation with the Director of the Office of Federal Statistical Policy and Standards—what information is essential in order that the United States Government may comply with official requests for information received from the International Monetary Fund, the International Bank for Reconstructin and Development, and other international organizations the policy coordination of which is the responsibility of the National Advisory Council. The definitions and provisions concerning advance determinations as contained in this directive apply to determinations by the National Advisory Council. Requests subject to determination by the National Advisory Council will be dealt with in the following manner:

a. Any department or establishment which receives an official request for information from such an international organization will send promptly to the Council a statement or outline of the request, in duplicate. It may also send the Council its recommendations as to the response to be made.

b. The National Advisory Council will determine what information is essential in order that the United States Government may comply with such requests, and will notify the department or establishment concerned.

c. The Director will determine which department or establishment will collect or make available such information. Such department or establishment will consult with the Council as to the manner and form in which the information will be collected and prepared.

d. After the information has been collected and prepared in the manner and form prescribed by the Council, it will be submitted to the Council for presentation to the international organization concerned.

6. SPECIAL ARRANGEMENTS

The Director may make special arrangements relating to requests from international organizations for U.S. data with any department or establishment of any international body which has been assigned special responsibility relating to an international organization.

7. CHANNELS FOR COMMUNICATION

Section 1 of Executive Order No. 10033 provides that statistical information prepared in response to official requests from international organizations will be transmitted to the requesting international organizations through established channels by the Secretary of State or by the Federal executive agency authorized by the Secretary to transmit such information. Requests from the International Monetary Fund, the International Bank for Reconstruction and Development, and other international financial institutions are excepted from this provision. The Department of State will maintain established channels of communication for this purpose. The Director will notify the affected departments and establishments, in connection with his responsibilities under this Directive, of any changes by the Department of State with respect to channels of communication.

8. MATERIAL REQUESTED BY DIRECTOR

Each department or establishment will furnish to the Director such additional material pertaining to requests for information which are within the purview of this Directive as he may from time to time require. The department or establishment will notify the Director in writing of any budgetary restrictions, requirements of military security or confidentiality, or any other limitation which prevents substantial compliance with a determination by the Director under this Directive.

9. PLANS AND REPORT FORMS

A determination or approval by the Director under this Directive with respect to any matter involving the use of a plan or report form does not include clearance of the plan or report form. Plans or report forms are subject to clearance by OMB under Circular No. A-40.

DIRECTIVE NO. 19.[20] REPORTS OF THE DEPARTMENT OF COMMERCE ON INTERNATIONAL TRANSACTIONS

This Directive sets forth procedures for reporting to the Balance of Payments Division, Bureau of Economic Analysis, U.S. Department of Commerce, on international transactions, assets, and liabilities for use in compiling reports on balance of payments, international investments, and foreign grants and credits.

1. AGENCY COVERAGE

The provisions of this Directive apply to all agencies (executive departments and establishments where one or more of the following conditions prevail: (a) Reportable international transactions total $1,000,000 or more per year; (b) balances of foreign assets for liabilities total $500,000 or more; (c) transactions involving foreign grants or credits total $100,000 or more per year; or (d) balances of foreign credits total $100,000 or more.

2. AGENCY RESPONDENT

The head of each agency will designate an officer responsible for coordinating the activities of the agency in response to this Directive. The name, title, address, and telephone number of such officer (and of officers authorized to sign the Standard Form (see paragraph 5)) will be furnished to the Balance of Payments Division, Bureau of Economic Analysis, Department of Commerce.

3. REPORTING UNITS

Reports will be based on reporting units agreed upon by the agency and the Bureau of Economic Analysis and approved by the Office of Federal Statistical Policy and Standards. The reporting units must cover all bureaus or comparable organization components of the agency which have total international transactions of $50,000 or more of the following types in any quarter:

a. Expenditures from or reimbursements to U.S. dollar appropriation and fund accounts (general and special funds, public enterprise funds, trust funds, and deposit funds).

b. Receipts deposited to miscellaneous receipts (general and special funds) or trust funds.

c. Expenditures or receipts of foreign currencies charged or credited to other than U.S. dollar appropriation and fund accounts (such as to "FT" accounts).

d. Nonappropriated fund activities, such as commissaries, post exchanges, and officers clubs.

e. U.S. dollar balances held in foreign banks.

f. Foreign currency balances held under dollar or other accountability (such as in "FT" accounts).

g. Receipt or donations of commodities or services.

Generally, separate reporting units should be established for each major program area, which may represent a combination of appropriations or funds. As a minimum, programs which involve U.S. Government grants and credits must be reported separately from other programs of the bureau or agency concerned.

Whenever a change in reporting units is proposed, it should be submitted to the Office of Federal Statistical Policy and Standards. Such proposals should identify the coverage of each reporting unit.

4. REPORTS REQUIRED

Quarterly reports are required on Standard Form 13 for each established reporting unit showing transactions in total, on a world-wide basis. Negative reports should be submitted for any established reporting unit for which transactions in the quarter were less than $50,000. A Standard Form 13 will also be required for any transactions of $50,000 or more not covered by established reporting units which take place in any quarter. In cases where such a report is submitted, negative reports (unless there are further transactions to report) should be submitted for the remainder of that fiscal year, but need not be submitted thereafter.

The following supporting schedules may be required:

Tabular listing by country and international organization for each item reported on the summary Standard Form 13 (Exhibit A).

Reconciliation of foreign loan transactions (Exhibit B).

Private exports under Government contracts and agreements (Exhibit C).

Merchandise transactions (Exhibit D).

Government grants and credits (Exhibit E).

Changes in Government financial assets and liabilities abroad (Exhibit F).

Detailed reporting instructions and examples of supplemental exhibits that may be required for some types of international transactions are available from the Balance of Payments Division, Bureau of Economic Analysis, U.S. Department of Commerce.

[20] Directive No. 19 supersedes OMB Circular No. 65 dated March 5, 1968.

In addition, one copy of each report that is required by the Treasury Fiscal Requirements Manual (part 2, chapter 4500), issued pursuant to Treasury Department Circular No. 1080 on foreign grants, loans, and credits should be submitted with Standard Form 13.

5. TRANSMITTAL OF REPORTS

An original and one copy of the reports under this Directive should be transmitted to the Balance of Payments Division, Bureau of Economic Analysis, U.S. Department of Commerce, not later than 45 days after the close of the reporting period.

The original copy of the Standard Form 13 submitted for each reporting unit should be signed by an officer duly authorized by the head of the agency. The FTS telephone number of such authorized officer should be indicated on the Standard Form 13. Signatures and identifications on other sheets and copies may be affixed by stamp, typing, or other means.

6. ALTERNATIVE REQUIREMENTS

Substitute alternative requirements for those included in this Directive may be approved by the Office of Federal Statistical Policy and Standards, either upon request from the agency or on its own initiative. Such alternative requirements may include additional information to be provided on a continuing basis, or the substitution of other reports in lieu of those prescribed.

[FR Doc. 78-12040 Filed 5-4-78; 8:45 am]

[3810-70]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Closed Meeting

Pursuant to the provisions of Subsection (d) of section 10 of Pub. L. 92-463, as amended by section 5 of Pub. L. 94-409, notice is hereby given that closed meetings of the DIA Scientific Advisory Committee will be held at the Pentagon, Washington, D.C. on: Thursday & Friday, 6 & 7 July 1978.

The entire meetings commencing at 0900 hours are devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Committee will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA on related scientific and technical intelligence matters.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

MAY 1, 1978.

[FR Doc. 78-12122 Filed 5-3-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

SOLAR ENERGY CONFERENCE

Public Meeting

The George Washington University of Washington, D.C., under a contract with the U.S. Department of Energy, will conduct a conference on the role of utilities in Solar Energy Commercialization.

This conference, open to invitees and the general public on a space-available basis, will be held May 10 and 11, 1978, at the Marvin Center in Washington, D.C., from 8 a.m. until 5 p.m. each day.

This will be a working conference to discuss the alternative roles of public and investor-owned utilities in the commercialization of solar energy technology. Invitees, including representatives from the solar industry, utilities, public utility commissions, and consumer organizations will seek consensus on what role the Federal Government can play to encourage the most apropriate action on the part of utilities interested in solar energy development.

A copy of the final report will be available at the Department of Energy Public Document Room, 20 Massachusetts Avenue NW., Washington, D.C. 20545, for review by the public.

Issued in Washington, D.C., May 2, 1978

WILLIAM P. DAVIS,
Deputy Director of Administration.

[FR Doc. 78-12286 Filed 5-3-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket No. CP76-305]

ARKANSAS LOUISIANA GAS CO.

Extension of Time

APRIL 25, 1978.

On April 13, 1978, thirteen landowners of the Ada Gas Storage Facility (Petitioners) filed a petition to intervene and a motion for further time to plead to the amended application filed by Arkansas Louisiana Gas Co. (ArkLa) on March 10, 1978, in the above referenced proceeding. By notice issued March 23, 1978, the Commission established April 12, 1978, as the date by which interested persons should file a petition to intervene or protest in this proceeding. The motion states that Petitioners had previously requested a copy of ArkLa's amended application, but such copy had not been received. In accordance with section 157.10 of the Commission's Regulations, ArkLa should promptly supply the Petitioners with a copy of the amended application.

Upon consideration, notice is hereby given that an extension of time is granted to and including May 12, 1978, within which Petitioners shall file an amendment to the petition to intervene.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-12162 Filed 5-3-78; 8:45 am]

[6740-02]

[Docket No. CP78-283]

BEACON GASOLINE CO.

Application

APRIL 26, 1978.

Take notice that on April 12, 1978, Beacon Gasoline Co. (Applicant), P.O. 1156, Minden, La. 71055, filed in Docket No. CP78-283 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities necessary to gather gas for United Gas Pipe Line Co. (United), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that United has contracted with Art Machin & Associates, Inc., et al., to acquire natural gas from the Red Rock Field in Columbia County, Ark., and the North Shongaloo Field in Webster, La. It is indicated that United would pay Art Machin & Associates, Inc., et al., for the subject gas a base price per Mcf of $1.509634 for the period ending April 1, 1978, and that this price would be increased $0.0102 upon the expiration of the April 1, 1978 period and would thereafter be increased $0.0102 each July 1, October 1, January 1, and April 1 from such date. It is stated that the reserves covered by the subject contract are estimated at 1,012,000 Mcf and that at the present gas produced from those reserves is being flared by the producer at the approximate rate of 2,000 Mcf per day.

Applicant indicates that United does not have a pipeline connection in either field and cannot take delivery of the gas from the producer without expensive and time-consuming construction. Applicant further indicates that United does have a pipeline connection at Applicant's gasoline plant

in Webster Parish, La., and a secondary connection with Applicant's pipeline in Webster Parish, La. Applicant states that it has a gathering system located in the vicinity of the wells producing the gas in question and can gather the gas which is subject to the contract. Applicant is willing to do so if it is reimbursed for the cost of extending its system, it is said. Consequently, Applicant and United have entered into an agreement dated February 13, 1978, providing for the proposed construction of facilities at an estimated cost of $150,000.00, which cost United would finance, it is said.

It is indicated that Applicant at present operates a gathering system consisting of approximately 115 miles of pipeline located in Columbia and Lafayette Counties, Ark., and in Western and Claiborne Parishes in Louisiana and a gasoline plant located in Webster Parish, La., which has the capacity to process 70,000 Mcf of gas per day. Applicant proposes to construct 6,300 feet of 2-inch, 10,500 feet of 3-inch, 8,300 feet of 4-inch O.D. pipeline and related facilities to connect Applicant's existing facilities with the wells producing the gas subject to the gas purchase contract.

The application states that the proposed construction and service is required for the following reasons:

a. The gas is being flared and would continue to be flared unless the proposed construction and service is provided;

b. There is a critical shortage of natural gas and United's customers are and will be severely curtailed; and

c. The proposed construction and service would result in an increase of the supply of natural gas to interstate commerce.

Applicant states that it would charge United 10 cents per Mcf for each Mcf of gas delivered to United at the tailgate of the Beacon Plant until the lesser of the sum of $150,000.00 or a sum equal to the actual cost of construction of the proposed facilities has been paid by United to Applicant, and that thereafter, the charge will cease.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 10, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-12150 Filed 5-3-78; 8:45 am]

[6740-02]

[Docket No. CP78-44]

COLUMBIA GULF TRANSMISSION CO.

Proposed Changes in FERC Gas Tariff

APRIL 26, 1978.

Take notice that on April 3, 1978, Columbia Gulf Transmission Co. (Columbia Gulf) tendered for filing the following proposed changes in its FERC Gas Tariffs, to be effetive May 3, 1978:

ORIGINAL VOLUME NO. 1

Fourth Revised Sheet No. 4C

ORIGINAL VOLUME NO. 2

Fourth Revised Sheet No. 1#, and Original Sheet Nos. 589 through 618

A copy of this filing was served on Tennessee Gas Pipeline Co. and Amoco Production Co.

Any person desiring to be heard or to make any protest with reference to said application, on or before May 10, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-12151 Filed 5-3-78; 8:45 am]

[6740-02]

[Docket No. CP78-288]

COLUMBIA GULF TRANSMISSION CO. AND CONSOLIDATED GAS SUPPLY CORP.

Application

APRIL 26, 1978.

Take notice that on April 14, 1978, Columbia Gulf Transmission Co. (Columbia), 3805 West Alabama Avenue, Houston, Tex. 77027, and Consolidated Gas Supply Corp. (Consolidated), 445 West Main Street, Clarksburg, W. Va. 26031 (Applicants), filed in Docket No. CP78-288 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Columbia to transport natural gas for Consolidated and authorizing the exchange of natural gas by Applicants, all as more fully set forth in the application on file with the Commission and open to public inspection.

Columbia requests authorization to transport through existing facilities gas for Consolidated pursuant to a transportation and exchange agreement dated April 3, 1978, between the two companies. It is stated that the subject gas would be received into existing facilities of Columbia at the terminus of a pipeline system owned by Sea Robin Pipeline Co. (Sea Robin) near Erath, La., and transported to Columbia's Rayne, La., Compression Station (Rayne Exchange Point) at which point Columbia would retain said gas as exchange gas. It is indicated that Columbia would deliver to Consolidated at the outlet of the existing measurement facilities of Columbia connecting to Consolidated's pipeline near Egan, La., the thermal equivalent of the gas received by Columbia at the terminus of the Sea Robin pipeline, less a pro rata share of the volume of gas unaccounted for and/or used as fuel in the facilities through which the gas is transported to the Rayne Exchange Point.

The application states that Consolidated would pay Columbia for the transportation portion of the service described herein a rate of 2.32 cents per Mcf (at 14.73 psia) of the gas (thermally adjusted as provided in the agreement) actually received by Columbia at the Consolidated Delivery Point or such other charge as may be determined by the Commission in an appropriate proceeding.

Applicant indicates that the natural gas volumes proposed to be transported and exchanged would be purchased

by Consolidated in South Marsh Island Blocks 142 and 143, offshore Louisiana, from its affiliate, CNG Producing Co., pursuant to authorizations granted in Docket No. CI78-234 and from Texas Gas Exploration Corp. (Exploration) pursuant to authorizations requested at Docket No. CI78-576.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 18, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-12152 Filed 5-3-78; 8:45 am]

[6740-02]

[Docket No. RP78-54]

EL PASO NATURAL GAS CO.

Tariff Filing

APRIL 26, 1978.

Take notice that on April 7, 1978, El Paso Natural Gas Co. ("El Paso") tendered for filing and acceptance the following tariff sheets to special Rate Schedule X-31 contained in El Paso's FERC Gas Tariff, Third Revised Volume No. 2:

Fifth Revised Sheet No.493
Third Revised Sheet No. 494
Fifth Revised Sheet No. 498
Fourth Revised Sheet No. 499

Special Rate Schedule X-31 is comprised of the San Juan Gathering Agreement ("Gathering Agreement") dated January 31, 1974, as amended, between El Paso and Northwest Pipeline Corp. ("Northwest") providing for the gathering of natural gas in the San Juan Basin area of northwestern New Mexico and southwestern Colorado.[1] El Paso states that the tendered tariff sheets will revise Exhibits A, B, C and D attached to special Rate Schedule X-31, and will add wells and units to the Gathering Agreement to reflect changes which have occurred in each party's respective operations during the twelve (12) month period preceding February 1, 1978. The basis for said additions is a Letter Agreement between the parties dated February 1, 1978, amending the Gathering Agreement.

El Paso states that inasmuch as the Gathering Agreement comprises special Rate Schedule X-31 to El Paso's Third Revised Volume No. 2 tariff and as well, special Rate Schedule X-24 to Northwest's Original Volume No. 2 tariff, the concurrent effectiveness of the revised Exhibits to El Paso's and Northwest's said special rate schedules is desirable. El Paso further states that Northwest will file its tariff tender of the identical revisions to Exhibits A, B, C and D to Northwest's special Rate Schedule X-24 on April 7, 1978, and will request therein an effective date coincident with the effective date authorized for El Paso's revised tariff sheets tendered as a part of the instant filing. El Paso has requested that the tariff sheets tendered herewith, as well as the aforementioned tariff sheets tendered by Northwest on April 7, 1978, be made effective as of May 7, 1978.

El Paso states that a copy of each of the tendered tariff sheets has been mailed to Northwest Pipeline Corp.

Any person desiring to be heard or to make any protest with reference to said tariff tender should, on or before May 4, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-12173 Filed 5-3-78; 8:45 am]

[1]The Gathering Agreement was necessitated by the divestiture of El Paso's former Northwest Division System to Northwest effective as of January 31, 1974. Authorization for such gathering arrangement was granted by Federal Power Commission order issued September 21, 1973, at Docket Nos. CP73-331, *et al.*

[6740-02]

[Docket Nos. CS71-876, *et al.*]

JONES-O'BRIEN, INCORP., ET AL.

Order Conditionally Accepting Small Producer Statement of Eligibility

APRIL 28, 1978.

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

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

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

On June 20, 1977, Jones-O'Brien (CS71-876), George L. Logan (CS71-812), B. C. McKeever (CS71-694), Dudley P. Meier (CS72-278), S. Lee Ware, Jr. (CS72-277), Nemours Corp. (CS72-213), Wheless Industries, Inc. (CS71-305), Butler-Johnson, Inc.

(CS72-482), Lyons Petroleum, Inc., Agents for Succession of C. H. Lyons, Sr. (CS71-523), Sklar & Phillips Oil Co. (CS72-187) and Dr. J. S. Shelby (CS77-615), (hereinafter Jones-O'Brien) submitted a statement of eligibility, pursuant to Section 2.56a(p) of the Statements of General Policy and Interpretations of the Commission, for the sale of gas from the Davis SU'C' Unit, Tremont Field, Lincoln Parish, LA.

Jones-O'Brien spudded the O'Neal No. 1 Well on April 3, 1972, in the Davis SU'C' Unit, Tremont Field, Lincoln Parish, LA. An initial deliverability test at the time indicated that the well was capable of producing 770 Mcf of gas per day. Production subsequently declined so that by August 1976, the well produced an average of 457 Mcf per day.

Later development of the Tremont Field north of the O'Neal No. 1 Well, resulted in initial well capabilities ranging from 1,224 to 3,078 Mcf per day. Citing this fact as evidence of poor natural permeability in the formation underlying the O'Neal No. 1 Well, Jones-O'Brien filed on October 26, 1976, an applicaiton with the Louisiana Department of Conservation for permission to drill a substitute well in a more favorable portion of the proration unit. On November 19, 1976, the Department of Conservation issued an order establishing the new well, designated the O'Neal No. 2, as the substitute unit well for the Davis SU'C Unit.

Jones-O'Brien spudded the O'Neal No. 2 Well on March 1, 1977, and completed it on April 17. The initial deliverability test indicated a production capability of 2,704 Mcf per day and on April 27, 1977, the Department of Conservation granted a unit allowable of 3,000 Mcf per day. The O'Neal No. 1 was shut-in[1] and deliveries from the O'Neal No. 2 commenced on May 3, 1977. The O'Neal No 2 should add approximately 1.6 MMcf of additional recoverable reserves. Gas from this well is currently being sold at the small producer ceiling rate for old gas of 35 cents per Mcf at 14.73 psia, plus applicable adjustments.

Pursuant to Section 2.56a(p), Jones-O'Brien has now submitted a statement of eligibility requesting "that the Commission find it eligible to collect the rates established by Section 2.56a(a)(1) for gas produced from the Davis SU'C' O'Neal No. 2 Well".[2] The original well was producing 457 Mcf of gas per day at 35 cents an Mcf before being shut-in and now the same reserves will be produced from the replacement well at $1.48 an Mcf resulting in increased annual revenues of approximately $190,000.

If we were to allow all of the gas from the O'Neal No. 2 Well to be priced at the new gas price established in Opinion No. 770, as amended, our action may tend to encourage producers to drill new wells merely for the purpose of shutting-in old wells in the same proration unit where the old wells are still capable of some production.

We recognize, however, that Jones-O'Brien's actions have resulted in the development of an estimated 1.6 MMcf of additional recoverable reserves which could not have been produced by the O'Neal No. 1 Well.

Of the total recoverable reserves underlying the Davis SU'C' Unit, a certain amount was amount was originally developed, produced and brought onto the interstate marked by the O'Neal No. 1 Well. The remainder of the recoverable reserves were developed and brought onto the market through the drilling of the O'Neal No. 2 Well. The unit production should be priced at two separate rates because of the two different dates in which the underlying reserves were developed.

The method which we will require to allocate the unit production between the two base rates is based upon the estimated volumes of reserves developed by the individual wells. The volume of unit production attributable to the reserves developed by the O'Neal No. 1 Well and consequently sold at the 35 cents base rate will be calculated as a fraction of the total unit production, the numerator of which will be the amount of recoverable reserves in place prior to the completion of the O'Neal No. 2 Well, and the denominator of which will be the total amount of recoverable reserves subsequent to the completion of the O'Neal No. 2 Well. The remainder of the unit production will be attributable to the additional reserves developed through the drilling of the O'Neal No. 2 Well and will be considered as "new" gas which could be sold at the $1.48 base rate prescribed in Section 2.56a(a)(1). Such a pricing formula both rewards the producer for developing additional recoverable reserves and maintains the existing supply of lower-priced "old" gas previously sold in the interstate market.

The Commission Orders:

(A) The statement of eligibility filed June 20, 1977, by Jones-O'Brien, *et al.*, is accepted conditioned as stated hereinafter.

(B) The method of allocating the unit production between the two base rates will be based upon the estimated volume of reserves developed by the individual wells as hereinbefore described.

(C) Within 30 days of the issuance of this order Jones-O'Brien, *et al.*, will file with this Commission a statement setting forth the results of the application of the method set forth above.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-12163 Filed 5-3-78; 8:45 am]

[1] In a letter dated May 6, 1977, to the Department of Conservation, Jones-O'Brien explained they did not want the O'Neal No. 1 Well plugged and abandoned because "if we encounter mechanical difficulties with the O'Neal No. 2 * * *, we will request that the O'Neal No. 1 be named the alternate unit well with production coming from the O'Neal No. 1 instead of the O'Neal No. 2".

[2] $1.49 per Mcf at 14.73 psia plus applicable adjustments effective April 1, 1978.

[6740-02]

[Docket No. CP77-176]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Amendment to Application

APRIL 27, 1978.

Take notice that on April 17, 1978, Kansas-Nebraska Natural Gas Co., Inc. (Applicant), P.O. Box 608, Hastings, Nebr. 68901, filed in docket No. CP77-176 an amendment to its application filed January 28, 1977, pursuant to section 7 of the Natural Gas Act so as to authorize Applicant to reclaim approximately 1.7 miles of 6-inch gathering pipeline beginning at a point in sectin 1, township 38 north, range 91 west, of Fremont County, Wyo., and extending south to a point in section 12, township 38 north, range 91 west, and to take up and salvage the subject facilities, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

The new facilities and the abandonment of existing facilities proposed in the original application, as first amended were as follows:

(a) Install approximately 22 miles of 12-inch gathering pipeline beginning at a point in section 23, township 37 north, range 90 west of Fremont County, Wyo., and extending in a southerly direction to a point in section 36, township 34 north, range 90 west of Fremont County together with necessary pipeline appurtenances.

(b) Abandon approximately 2.3 miles of 4-inch and 29.3 miles of 6-inch gathering pipelines beginning at a point in section 5, township 38 north, range 90 west of Fremont County and extending west and south to section 1, township 33 north, range 91 west of Fremont County, Wyo.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before May 18, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate

action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-12154 Filed 5-3-78; 8:45 am]

[6740-02]

[Docket No. CP78-280]

MOUNTAIN FUEL SUPPLY CO.

Application

APRIL 26, 1978.

Take notice that on April 10, 1978, Mountain Fuel Supply Co. (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in docket No. CP78-280 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of up to 10,000 Mcf of natural gas per day with Northwest Pipeline Corporation (Northwest), all as more fully set forth in the application on file with the Commission and open to public inspection.

It is indicated that Applicant has entered into a gas purchase, transportation and exchange agreement dated November 14, 1977, with Northwest, which agreement provides for the transportation and exchange of up to 10,000 Mcf of natural gas per day with Northwest, and the purchase of up to 25 percent of the gas received for exchange. Applicant states that it has agreed to make available existing pipeline tap facilities on its main transmission lines in order to receive and transport gas for Northwest, and that it would redeliver the gas to Northwest at an existing point of pipeline interconnection located near Green River, Wyo.

It is stated that in return for Applicant's providing of this transportation service, Northwest has granted Applicant the right to purchase up to 25 percent of the volumes delivered for exchange. It is further states that the source of the natural gas which is to be exchanged is located in the Stateline area of Carbon County, Wyo., and Moffat County, Colo., and is being produced by Rainbow Resources, Inc., a small producer (docket No. CS74-388). Northwest would gather and transport the subject gas to the existing transmission line tap facilities of Applicant, it is said.

It is indicated that Applicant would pay Northwest a reasonable cost of service based gathering fee for gas which Applicant elects to purchase under the option arrangement, which initial such gathering charge is 23.44 cents per Mcf. It is stated that Applicant would pay Northwest the same purchase price for such volumes as is paid by Northwest to the producer. Northwest would pay Applicant 5.5 cents per Mcf for the volumes which Applicant transports and redelivers to Northwest, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 17, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-12155 Filed 5-3-78; 8:45 am]

[6740-02]

[Docket No. RP78-56]

NORTHERN NATURAL GAS CO.

Proposed Changes in FERC Gas Tariff

APRIL 26, 1978.

Take Notice that Northern Natural Gas Co. on April 21, 1978, tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2. The proposed changes would increase revenues from jurisdictional sales by $104,381,044 annually, based on sales volumes and costs for the 12 months ended December 31, 1977, as adjusted for the test period. Northern states the principal reasons for the proposed rate increase are: (1) Increased costs of obtaining new gas supplies, (2) increased costs associated with a growing need for additional storage capacity required to maintain peak day and winter period deliveries to high priority customers, (30 the need to provide a return of 11.375 percent on its utility investment, (4) increased annual depreciation expense, and (5) increased costs of operations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests must be filed on or before May 17, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-12156 Filed 5-3-78; 8:45 am]

[6740-02]

[Docket Nos. RP72-154, (PGA78-1), RP76-115, (AP78-1), RP72-74, (DCA78-1)]

NORTHWEST PIPELINE CORP.

Filing of Revised Tariff Sheets

APRIL 26, 1978.

Take notice that on April 10, 1978, Northwest Pipeline Corp. ("Northwest") filed copies of the following two tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Designation	*Effective date*
Substitute 19th revised sheet No. 10.	Apr. 1, 1978.
First substitute 19th revised sheet No. 10.	Apr. 2, 1978.

Northwest states that the instant filing is made pursuant to the Commission's order of March 31, 1978, in the above-captioned proceeding which order, inter alia, suspended for 1 day the tariff sheet (19th revised sheet No. 10) which Northwest had filed on February 15, 1978, to be effective April 1, 1978. Said sheet provided for a net rate increase resulting from: (1) increased purchase gas costs; (2) a net decrease in the level of advance pay-

ments; and (3) reduced demand charge credits.

In its order of March 31, 1978, the Commission found that a portion of the rate adjustment attributable to the advance payment of $425,000 to Provident Resources, Ltd., on October 21, 1977, had not been adequately justified, and so set that aspect of Northwest's filing for hearing.

Ordering paragraph (B) of the March 31, 1978, order permits Northwest to file, within 15 days of issuance thereof, a revised tariff sheet, to be effective April 1, 1978, without refund liability, in which is eliminated the rate effect of the advance payment of $425,000 made to Provident Resources, Ltd., referred to above. Northwest states that substitute 19th revised sheet No. 10 reflects such change and is otherwise consistent with the revised tariff sheet, as originally filed on February 15, 1978.

First substitute revised sheet No. 10, on the other hand, reflects inclusion of the subject advance payment adjustment and, with the exception of the April 2, 1978, effective date, is assertedly identical in all respects to Northwest's 19th revised sheet No. 10.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-12157 Filed 5-3-78; 8:45 am]

[6740-02]

[Docket No. RP78-50]

NORTHWEST PIPELINE CORP.

Proposed Changes in FERC Gas Tariff

APRIL 26, 1978.

Take notice that Northwest Pipeline Corp. ("Northwest") tendered for filing, on March 31, 1978, a proposed general rate increase applicable to rate schedules contained in its FERC Gas Tariff, volume No. 1. The proposed rate increase would increase revenues for jurisdictional sales and service by $32,621,067 annually based upon the 12-month period ending December 31, 1977, as adjusted. Northwest also proposes to increase its rates for transportation services rendered under rate schedules contained in volume No. 2 of its FERC Gas Tariff. Northwest has requested that the increased rates be made effective on May 1, 1978.

Northwest states that the requested rate increase is to recover its jurisdictional cost of service for the 12 months ended December 31, 1977, as adjusted for changes through September 30, 1978. Northwest claims that the principal reasons for the requested increase are:

(a) Increased cost associated with expansion of the Clay Basin Storage Project;
(b) Increased costs associated with expansion of gas supply and other facilities;
(c) Increased operation and maintenance expenses and taxes;
(d) Increase in rate of return to 11.26 percent in order to compensate for high cost of capital.
(e) Decreased sales volumes.

Copies of the filing were served on the Company's jurisdictional customers and affected state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NW., Washington D.C. 20426, in accordance with section 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 19, 1978. Protests will be considered by the Commission in determining the action to be taken, but will not serve to make protestants parties to this proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-12158 Filed 5-3-78; 8:45 am]

[6740-02]

[Docket No. CP78-284]

SOUTHERN NATURAL GAS CO.

Pipeline Application

APRIL 26, 1978

Take notice that on April 13, 1978, Southern Natural Gas Co. (Applicant), P.O. Box 2563, Birmingham, Ala. 35202, filed in docket No. CP78-284 an application in accordance with the provisions of section 7(c) of the Natural Gas Act, as amended, and the rules and regulations of the Federal Energy Regulatory Commission (Commission), for a permanent certificate of public convenience and necessity authorizing the transportation of gas, all as fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that it seeks a permanent certificate of public convenience and necessity authorizing the transportation of up to approximately 9,400 Mcf of natural gas per day (at 14.73 psia) and such additional volumes as Applicant may have capacity to transport from time to time on the best efforts basis for United Gas Pipe Line Co. (United). United has requested Applicant to take receipt of volumes of gas for United's account from the block 57 field, Eugene Island area, offshore Louisiana and transport said gas through Eugene Island area, offshore Louisiana and transport said gas through Applicant's capacity in facilities proposed to be constructed from the block 57 field to United's existing authorized facilities in block 32, Eugene Island area, offshore Louisiana. The transportation of gas for United's account will be on an Mcf-for-Mcf basis.

Pursuant to a transportation agreement dated April 5, 1978, United gas agreed to compensate Applicant for performing the transportation service described herein by paying Applicant a monthly demand charge transportation rate calculated to reimburse Applicant for that portion of Applicant's investment in the facilities proposed to be constructed from the block 57 field to block 32, Eugene Island area, offshore Louisiana, attributable to United's use of said facilities.

Any person desiring to be heard or to make any protest with reference to said application, on or before May 17, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

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

its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-12160 Filed 5-3-78; 8:45 am]

[6740-02]

[Docket No. RP72-121; PGA78-2]

SOUTHWEST GAS CORP.

Change in Rates Pursuant to Purchased Gas Adjustment Clause

APRIL 26, 1978.

Take notice that Southwest Gas Corp. ("Southwest") on April 20, 1978, tendered for filing substitute 24th revised sheet No. 3A and 25th revised sheet No. 3A pursuant to section 9, purchased gas adjustment clause ("PGA"), of the general terms and conditions contained in its FERC gas tariff, original volume No. 1. The purpose of said filing is to: (1) Track the portions of Southwest's increased purchased gas costs effective on April 1, 1978, and April 2, 1978, in accordance with the Commission's letter order dated April 5, 1978, in docket No. RP72-121.

Southwest has requested waiver of its PGA provisions and applicable Commission regulations as necessary to permit Southwest to track each portion of its increased purchased gas costs on April 1, 1978, and April 2, 1978, respectively. Southwest states that a copy of this filing has been mailed to the Nevada Public Service Commission, the California Public Utilities Commission, Sierra Pacific Power Co., and California-Pacific Utilities Co.

Any person desiring to be heard, or to protest said filing, should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 10, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-12159 Filed 5-3-78; 8:45 am]

[6740-02]

[Docket No. CP78-42]

UNITED GAS PIPE LINE CO.

Filing of Original Tariff Sheets

APRIL 26, 1978.

Take notice that on April 3, 1978, United Gas Pipe Line Co. (United) tendered for filing with the Federal Energy Regulatory Commission (Commission) original sheet Nos. 1067 through 1084 to its FERC gas tariff, original volume No. 2, being a transportation agreement dated October 19, 1977, with Amoco Production Co. It is proposed that these tariff sheets become effective on March 13, 1978.

United states that copies of these tariff sheets have been mailed to Amoco Production Co.

Any person desiring to be heard or to make any protest with reference to said application, on or before May 10, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-12161 Filed 5-3-78; 8:45 am]

[6450-48]

Economic Regulatory Administration

[ERA Docket No. 77-006-LNG, FPC Docket No. CP77-330, etc.]

EL PASO EASTERN CO., ET AL.

Time for Filing Written Comments and Availability of Transcript of Oral Argument

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of time for filing written comments and availability of transcript of oral argument.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of the time in which parties and other interested persons may file written comments responding to or supplementing statements made at the oral argument in ERA Docket No. 77-006-LNG in Houston, Tex., on April 17 and 18, 1978. ERA also gives notice of the times and places the transcript of the oral argument may be inspected by the public.

DATES: Written comments to be filed by 4:30 p.m., May 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Finn K. Neilsen, Office of Fuels Regulation, 2000 M Street NW., Room 6318, Washington, D.C. 20461, 202-254-9730.

Martin S. Kaufman, Office of General Counsel, 12th and Pennsylvania Avenue NW., Room 5116, Washington, D.C. 20461, 202-566-9380.

SUPPLEMENTARY INFORMATION: ERA hereby gives notice that it will accept filing of written comments, which will become part of the public file in *El Paso Eastern Company, et al.*, ERA Docket No. 77-006-LNG. These written comments should address, respond to, or supplement statements made during the oral argument in this case held on April 17 and 18, 1978, in Houston, Tex. Such written comments should be filed with Finn K. Neilsen, the Office of Fuels Regulation, Room 6318, 2000 M Street NW., Washington, D.C. 20461, no later than 4:30 p.m. on May 16, 1978. The envelope and first page of the written comment should contain the designation "El Paso Eastern Co., et al."

ERA hereby gives further notice that the transcript of the oral argument in ERA Docket No. 77-006-LNG will be available for public inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except for Federal holidays, on April 25, 1978, at the following locations:

Department of Energy, Houston Joint Support Group, Suite 610, 1 Allen Center, 500 Dallas Street, Houston, Tex. Contact: Herbert F. Buchanan, Coordinator.

ERA Docket Room, 2000 M Street NW., Room 6317, Washington, D.C.

Issued in Washington, D.C., April 28, 1978.

DORIS J. DEWTON,
Acting Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 78-12100 Filed 5-3-78; 8:45 am]

[6740-02]

[Docket No. ER78-322]

Federal Energy Regulatory Commission

DUKE POWER CO.

Supplement to Electric Power Contract

APRIL 26, 1978.

Take notice that Duke Power Co. (Duke Power) tendered for filing on April 20, 1978 a supplement to the Company's Electric Power Contract with Rutherford Electric Membership Corp. Duke Power states that this contract is on file with the Commission

and has been designated Duke Power Co. Rate Schedule FPC No. 139.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following new delivery point; Delivery Point No. 13 with a designated KW demand of 2600 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeding the effective date. Duke Power proposes an effective date of April 19, 1978.

According to Duke Power copies of this filing were mailed to Rutherford Electric Membership Corp. and the North Carolina Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All Such petitions or protests should be filed on or before May 8, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-12138 Filed 5-3-78; 8:45 am]

[6740-02]

[Docket No. ID-1829]

EDWARD AUSTIN CROOKE

Application

APRIL 26, 1978.

Take notice that on April 13, 1978, Edward Austin Crooke, filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President and Secretary, Baltimore Gas & Electric Co., Public Utility.

Director, Safe Harbor Water Power Corp., Public Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 11, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-12139 Filed 5-3-78; 8:45 am]

[6740-02]

[Project No. 2635]

GREATER NORTHERN NEKOOSA CORP.

Application for License

APRIL 26, 1978.

Public notice is hereby given that an application for license was filed under the Federal Power Act, 16 U.S.C. §§ 791a-825r, on January 3, 1967, and supplemented on August 4, 1967, December 16, 1968, February 5, 1971, and February 8, 1971, by Great Northern Paper Co., now known as Great Northern Nekoosa Corp. (correspondence to: Mr. Ronald D. Jones, LeBoeuf, Lamb, Leiby & Macrae, 140 Broadway, New York, N.Y. 10005) for the constructed Caucomogomoc Headwater Storage Project, FERC No. 2635, located on the Caucomogomoc Stream, West Branch of the Penobscot River in Piscataquis County, Maine. The Penobscot River is a navigable waterway of the United States.

The existing Caucomogomoc Headwater Storage Project consists of: (1) a composite dam about 905 feet long and 12 feet high, made of rock filled timber crib spillway section 105 feet long which is tied to the right abutment by an earth dike 500 feet long and to the left abutment by a similar dike 300 feet long; (2) a reservoir with surface area of 5,728 acres at an elevation 993 feet, and usable storage capacity of 32,400 acre-feet at a drawdown of 10 feet; and (3) four 12-foot wide timber gates and one 6-foot wide timber gate at spillway section.

Any person desiring to be heard or to make protest with reference to said application should, on or before June 30, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

The application is on file with the Commission and is available for public inspection.

The public should take further notice that on October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 05-91, 91 Stat. (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977. The functions which are the subject of these proceedings were specifically transferred to the FERC.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-12140 Filed 5-3-78; 8:45 am]

[6740-02]

[Docket No. ER78-317]

INDIANA & MICHIGAN ELECTRIC CO.

Extension of Duration of Initial Rate Schedule

APRIL 26, 1978.

Take notice that American Electric Power Service Corp. (AEP) on behalf of its affiliate, Indiana & Michigan Electric Co. (Indiana Co.) tendered for filing on April 19, 1978, an extension of duration of an initial rate schedule, Amendment No. 13 among Indiana Co., Consumers Power Co. (Consumers) and the Detroit Edison Co. (Detroit). AEP indicates that this Amendment provides for continuing the duration of Service Schedule H—Unit Power that is listed in Appendix I of Amendment No. 9, dated November 1, 1975. AEP states that Consumers and Detroit again desire to purchase Unit Power based on the availability of Gavin Station from Indiana Co. in the following amounts:

April 1, 1978—April 30, 1978..... 200,000KW
May 1, 1978—Sept. 30, 1978..... 400,000KW
Oct. 30, 1978—Oct. 31, 1978..... 200,000KW

Applicant has requested the Commission to accept the Amendment for filing to become effective on April 1, 1978 as it commenced the sale of Unit Power to the Michigan Co. on that date following the settlement of the coal strike, and in that connection has requested waiver of any requirements of the Commission's Regulations which may not have specifically complied with in the tendered filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with

the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before May 8, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-12141 Filed 5-3-78; 8:45 am]

[6740-02]

[Docket No. ER78-319]

IOWA PUBLIC SERVICE CO.

Proposed Interconnection Agreement

APRIL 26, 1978.

Take notice that Iowa Public Service Co. (IPS) on April 18, 1978, tendered for filing an Interconnection Agreement dated Mach 24, 1978, with the City of West Bend, Iowa.

IPS indicates that the Interconnection Agreement includes Service Schedules providing for transactions between the parties similar to those contained in Service Schedules under the Mid-Continent Area Power Pool Agreement. IPS further indicates that the Agreement contains one additional Schedule, in addition to those aforementioned, which provides for inadvertent energy exchange service.

IPS requests waiver of the Commission's notice requirements to allow for an effective date of May 1 1978.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20425, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 8, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-12142 Filed 5-3-78; 8:45 am]

[6740-02]

[Docket Nos. E-8641, E-8476, E-8251 and E-8169]

NEW ENGLAND POWER CO.

Extension of Time

APRIL 25, 1978.

On April 4, 1978, New England Power Co. (NEPCO) filed a motion for an extension of time within which to flow-through to its customers the refunds from Boston Edison Co., as ordered by Opinion No. 803-B, issued February 6, 1978, in the captioned proceeding. By Opinion Nos. 809 and 809-A, issued July 6, 1977, and December 9, 1977, respectively, Boston Edison was ordered to refund to NEPCO and its other customers amounts collected, with interest, pursuant to the rates which were the subject of proceedings at Docket Nos. E-7738 and E-7784.

On February 23, 1978, the Commission noticed Boston Edison's revised tariff filings made February 10, 1978, in compliance with Opinion Nos. 809 and 809-A. No action has been taken to date by the Commission on Boston Edison's revised cost of service schedules and amendments.

In its April 4 motion NEPCO states that the amount of refunds, if any, which NEPCO is to receive from Boston Edison is unknown. Therefore, it is impossible to comply with the dates set by Opinion No. 803-B for the flow-through of refunds to NEPCO customers.

Upon consideration, notice is hereby given that an extension of time is granted to and including October 2, 1978, within which to comply with Opinion No. 803-B by making the ordered flow-through refunds. If, however, compliance cannot be achieved by October 2, 1978, NEPCO shall promptly file a further request for an extension of time.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-12164 Filed 5-3-78; 8:45 am]

[6740-02]

[Docket No. ER78-321]

NEW YORK STATE ELECTRIC AND GAS CORP.

Filing

APRIL 26, 1978.

Take notice that New York State Electric and Gas Corp. on April 17, 1978, tendered for filing a fuel cost adjustment clause applicable to their agreement with Peach Lake Utilities, Inc. (FPC Rate Schedule No. 26).

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-12143 Filed 5-3-78; 8:45 am]

[6740-02]

[Docket No. RP78-46]

NORTHERN NATURAL GAS CO.

Order Accepting for Filing and Suspending proposed Emergency Storage Surcharge, Subject to Conditions, and Establishing Hearing Procedures

APRIL 26, 1978.

On March 6, 1978, Northern Natural Gas Co. (Northern) tendered for filing a revised tariff sheet[1] reflecting a proposed 5.23¢ per Mcf surcharge to the commodity portion of Northern's jurisdictional rates. The proposed surcharge, which would be effective during the period April 27, 1978, through December 26, 1978, is designed to recover $13,673,925, the jurisdictional portion of the total costs of $16,484,339, for an emergency storage service rendered to Northern by Northern Illinois Gas Co. (NI-Gas) during a 60-day period during the months of January and February, 1978. The gas will be redelivered to NI-Gas during a second 60-day period during the months of July and August, 1978. The transaction was made pursuant to Section 2.68 of the Commission's General Policy and Interpretations.

The filing was noticed on March 13, 1978, with petitions or protests to be filed on or before March 29, 1978. Several responses thereto were received.[2] Four parties request a hearing to determine the reasonableness of the charges by Northern for the emergency service. One of those parties also requested a suspension of the surcharge in conjunction with its request for a hearing. The Greely Gas Co. and the Department of Water and Gas of the city of Duluth filed letters in support of Northern's application.

In response to the requests for suspension and hearing, Northern, on April 13, 1978, filed a motion for a one-

[1] Fifteenth revised Sheet No. 4a, Third Revised Volume No. 1 to Northern's FERC Gas Tariff.

[2] See attachment.

day suspension of its proposed emergency storage service surcharge. In support of its need to recover the storage service costs, Northern incorporates by reference the "revenue and expense schedules" contained in Northern's Docket No. RP77-56 general rate increase (which went into effect October 27, 1977) and the proposed Stipulation and Agreement in such Docket which was certified to the Commission by the Administrative Law Judge on April 6, 1978. Northern also incorporates by reference the "revenue and expense schedules" which will be contained in the general rate increase filing which Northern stated it would file on April 21, 1978.[3] Northern believes that its filing of March 6, 1978, contains factors which demonstrate the reasonableness and lawfulness of the proposed surcharge. If, however, the Commission cannot determine the reasonableness of the NI-Gas storage service on the basis of the information before it, Northern urges the Commission to suspend the effectiveness of the filed tariff sheet for one day or until April 28, 1978, in order to avoid any further delay in collection of these costs. Northern contends that it is presently incurring losses resulting from the cost of carrying the payments to NI-Gas. Northern states that its distribution customers are in accord with the desirability of timely collection of these costs and have adjusted their rates accordingly. Northern requests that the Commission grant such waivers of its Rules and Regulations as would allow Northern to begin collecting the 5.23¢ per Mcf surcharge.

Discussion

As Northern notes in its filing, this Commission denied Northern's requests to collect the charges associated with this service in its general rate case filing in Docket No. RP77-56 and in its most recent PGA rate increase filing because those requests required a pre-approval of the rates, terms, and conditions of a specific proposal under Section 2.68 of the Commission's General Policy and Interpretations.[4] However, the Commission did state that the proposed transaction generally fell within the definition of Section 2.68.[5] now that the service has been rendered, Northern requests permission to recover the amounts charged for the service.

We note that Northern has no tracking authority to collect the costs associated with such service. However, Northern has requested incorporation by reference cost and revenue data from either or both its filed general rate case in Docket No. RP77-56 as well from its latest general rate case filed on April 21, 1978. Northern's proposed incorporation by reference does not constitute satisfactory compliance with Section 154.63 of the Regulations. However, the Commission shall permit Northern to collect its surcharge subject to refund after a one day suspension upon condition that Northern file a cost of service based upon the 12 months of most recently available actual cost and revenue experience accompanied by supporting testimony and exhibits to justify the necessity of increasing its overall rates to collect the emergency storage service costs. The Commission shall establish hearing procedures to resolve this issue as well as the issue of the prudency of the costs paid by Northern for the emergency storage service. The filing by Northern of the cost and revenue data discussed above shall be deemed good cause for waiver of the filing requirements of Section 154.63 of the Regulations.

For good cause shown, the petitions to intervene shall be granted.

The Commission finds: (1) Good cause exists to accept for filing and suspend for one day Northern's proposed surcharge filing as hereinafter ordered and conditioned.

(2) Good cause exists to grant waiver of Section 154.63 of the Commission's Regulations, as hereinafter conditioned.

(3) Participation in this proceeding of the parties listed in the Attachment to the order who petitioned to intervene in this case may be in the public interest.

The Commission orders: (A) Northern's March 6, 1978, filing is hereby accepted for filing and suspended for one day until April 28, 1978, when they shall become effective, subject to refund, upon filing of a motion pursuant to Section 4 of the Natural Gas Act and as further conditioned in Ordering Paragraph (B).

(B) Within 30 days from the date of issuance of this order, Northern shall file direct evidence to support its proposed surcharge. Such evidence shall include actual cost and revenue data for the twelve months of most recently available actual cost and revenue experience accompanied by prepared testimony and exhibits to support the necessity of increaseing its overall rates to recover the emergency storage service costs.

(C) The filing by Northern of the cost and revenue data in satisfactory compliance with Ordering Paragraph (B) above shall be deemed good cause for waiver of the filing requirements of Section 154.63 of the Regulations.

(D) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 14, 15, and 16 thereof, and the Commission's Rules and Regulations, a hearing shall be held in this proceeding to determine (1) the prudency of the costs paid by Northern for the emergency service and (2) the necessity of the proposed surcharge to ensure that Northern will collect the prudent costs of the storage service.

(E) The Commission Staff shall prepare and serve top sheets on all parties within 90 days of the date of service of Northern's direct case in this proceeding.

(F) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge pursuant to 18 CFR 3.5(d), shall convene a prehearing conference in this proceeding within 10 days after the service of top sheets by the Staff, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, for the purposes of establishing procedures for the investigation and hearing to be held pursuant to this order. The Presiding Judge shall be authorized to modify all procedural dates and to establish further procedures as may in his judgment be required for purposes of the investigation and hearing pursuant to this order. The Presiding Judge shall also be authorized to rule upon all motions except motions to consolidate, sever, or dismiss, as provided for in the Rules of Practice and Procedure.

(G) The above-noted petitioners to intervene are permitted to intervene in this proceeding subject to the Commission's Rules and Regulations; *Provided, however,* That the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

(H) The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.

Lois D. Cashell,
Acting Secretary.

Attachment

A. List of petitioners to intervene:
Farmland Industries, Inc.[6]
Iowa Electric Light & Power Co.[9]
Iowa Power & Light Co.
Iowa Public Service Co.[9]
Iowa Southern Utilities Co.[7 9]
Metropolitan Utilities District of Omaha
Michigan Power Co.[9]
Michigan Wisconsin Pipe Line Co.
Minnesota Gas Co.[7]

[3] The filing was subsequently tendered by Northern on April 21, 1978, in Docket No. RP78-56.

[4] Order issued December 5, 1977, *reh. denied,* order issued January 13, 1978.

[5] *Ibid.*

[6] Requested Hearing.

[7] Filed out of Time.

[9] Supports Northern.

Minnesota Municipal Utilities Association.[6][8]
The Nebraska Natural Gas Co.[9]
North Central Public Service Co., Division of Donovan Co.[7][9]
North Central Public Service Corp.[7][9]
Northwestern Public Service Co.[9]
Peninsular Gas Co.[9]
Terra Chemicals International, Inc.[6]
Wisconsin Gas Co.[7]
Iowa-Illinois Gas & Electric Co.[7]
Joint Petition of Northern States Power Co. (Minnesota) and Northern States Power Co. (Wisconsin)[7][9]

B. List of Parties Filing Notices of Intervention

The Michigan Public Service Commission.
The Public Utilities Commission of The State of South Dakota.[6][7]

[FR Doc. 78-12165 Filed 5-3-78; 8:45 am]

[6740-02]

[Docket No. RM77-14]

NORTHERN NATURAL GAS CO.

Proposed Changes in FERC Gas Tariff

APRIL 25, 1978.

Take notice that Northern Natural Gas Co. (Northern) on April 14, 1978, tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2. Northern states that such filing is in compliance with Opinion No. 11, in Docket No. RM77-14, issued on March 22, 1978 wherein the Commission approved the initial Research, Development and Demonstration Program of the Gas Research Institute (GRI).

Norhtern's filing consists of Second Revised Sheet Nos. 71 and 72, Third Revised Volume No. 1 and First Revised Sheet No. 1i and Original Sheet No. 1j for Original Volume No. 2. These tariff sheets establish a new section, "Annual Rate Adjustment to Reflect Gas Research Institute Charges," as a part of the General Terms and Conditions of Northern's tariff.

Northern has proposed a variation to the normal billing procedure for the 1978 payments to GRI by deferring the billing of the 1978 GRI payments until December 27, 1978, and to bill such amounts during 1979 to coincide with the next purchased gas cost adjustment. This is in compliance with a request of Northern's customers to avoid too frequent changes in their filed rates.

Northern further states that during the months of June through December, 1978, it proposed to apply the 1978 GRI surcharge to its "Program Funding Services" volumes and make payments to GRI of the resulting amounts. These amounts would be recorded in Account No. 186 (Miscellaneous Deferred Debts) and deferred.

Later in 1978, Northern will file to become effective December 27, 1978, the appropriate 1979 unit GRI surcharge as approved by the Commission plus the GRI surcharge to recover the actual amount of the GRI payments made for the months of June through September, 1978 and the estimated amounts for the GRI payments for the months of October through December, 1978.

Northern states that copies of its filing were served on all jurisdictional customers and affected State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 11, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-12144 Filed 5-3-78; 8:45 am]

[6740-02]

[Docket No. OR78-5 (formerly ICC Docket No. NOR 35794, et al.)]

NORTHVILLE DOCK PIPE LINE CORP. AND CONSOLIDATED PETROLEUM TERMINAL, INC., ET AL.

Extension of Time

APRIL 25, 1978.

On April 18, 1978, Staff Counsel filed a motion to extend the time for filing replies to the administrative appeals filed April 3, 1978, from orders issued by the Interstate Commerce Commission (ICC) on September 30, 1977. The motion states that none of the parties to this proceeding object to the requested extension.

Upon consideration, notice is hereby given that an extension of time is granted to and including May 15, 1978, within which to file replies to the administrative appeals filed April 3, 1978, in the above referenced proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-12166 Filed 5-3-78; 8:45 am]

[6740-02]

[Docket No. ER78-318]

OTTER TAIL POWER CO.

Rate Filing

APRIL 26, 1978.

Take notice that on April 18, 1978, Otter Tail Power Co. (Otter Tail) tendered for filing rate schedules covering scheduling and dispatching service provided to Cooperative Power Association (Association) and Central Power Electric Cooperative (Central). An effective date of April 1, 1978, is requested for the increase, estimated at approximately $4,527 per year, in rates to be charged the Association per Supplement No. 3 to Otter Tail's Rate Schedule FERC No. 154. An effective date of March 20, 1978, is requested for the increase estimated at approximately $3,071, in rates to be charged Central per Supplement No. 3 to Otter Tail's Rate Schedule FERC No. 121.

Otter Tail requests waiver of the Commission's notice requirements to allow these two Schedules to become effective on April 1, 1978, and March 20, 1978, respectively.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 8, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-12145 Filed 5-3-78; 8:45 am]

[6740-02]

[Docket No. ID-1827]

RAYMOND E. DONOVAN

Application

APRIL 26, 1978.

Take notice that on April 4, 1978, Raymond E. Donovan, filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Vice President, The Connecticut Light and Power Co., public utility.
Vice President, The Hartford Electric Light Co., public utility.
Vice President, Western Massachusetts Electric Co., public utility.
Vice President, Holyoke Water Power Co., public utility.

[8]Requested rate suspension.

Vice President, Holyoke Power and Electric Co., public utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before May 10, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-12146 Filed 5-3-78; 8:45 am]

[6740-02]

[Docket No. CP78-281]

SOUTHERN NATURAL GAS CO. AND MID LOUISIANA GAS CO.

Joint Pipeline Application

APRIL 27, 1978.

Take notice that on April 11, 1978, Southern Natural Gas Co. (Southern), P.O. Box 2563, Birmingham, Ala. 35202, and Mid Louisiana Gas Co. (Mid Louisiana), 300 Poydras Street, New Orleans, La. 70130 (collectively referred to as Applicants), filed in Docket No. CP78-281 a joint application in accordance with the provisions of Section 7(c) of the Natural Gas Act as amended, and the rules and regulations of the Federal Power Commission as adopted by the Federal Energy Regulatory Commission (Commission), for temporary and permanent certificates of public convenience and necessity authorizing the exchange of gas, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

The Applicants state that Mid Louisiana has arranged to purchase up to 6,000 Mcf of natural gas per day produced from the Block 71, Chandeleur Sound Area near the Eloi Bay Field, St. Bernard Parish, Offshore, Louisiana. Pursuant to an Exchange Agreement between Mid Louisiana and Southern, dated March 22, 1978, Southern will take delivery of the gas for Mid Louisiana's account through its existing 6-inch Eloi Bay pipeline. As more fully stated in the application, Southern will exchange the gas with Mid Louisiana by redelivering a thermally equivalent volume of gas to Mid Louisiana at the existing authorized exchange points between Southern and Mid Louisiana at the Cargas Exchange Point, which is located at the outlet of Ashland Oil, Inc.'s existing Cargas Compressor Station near Perryville in Ouachita Parish, Louisiana, where Southern has available gas from the Monroe Field, Louisiana, and the Perryville Exchange Point, which is located at the existing interconnection of the facilities of Southern and Mid Louisiana at Perryville in Ouachita Parish, Louisiana. The volumes of gas proposed to be exchanged under the application and the Exchange Agreement, dated March 22, 1978 will be exchanged on a thermally equivalent basis at no charge to either party.

Any person desiring to be heard or to make any protest with reference to said application, on or before May 17, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-12167 Filed 5-3-78; 8:45 am]

[6740-02]

[Docket Nos. RP76-136 and RP77-26]

TRANSCONTINENTAL GAS PIPE LINE CO.

Order Remanding in Part Proposed Settlement Agreement

APRIL 26, 1978.

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

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by Section 402(a)(1) or 402(a)(2) of the DOE Act.

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

On November 1, 1977, Transcontinental Gas Pipe Line Co. (Transco) presented to the Presiding Administrative Law Judge in these proceedings a proposed settlement agreement which he certified to the Commission for its consideration on November 3, 1977. For the reasons stated below, the Commission shall remand the contested issues to the Presiding Judge for hearing and hold in abeyance the remainder for consideration later with the contested issues.

Proceedings in the captioned dockets were initiated on July 30, 1976, when Transco tendered for filing in Docket No. RP76-136 revised tariff sheets reflecting an $81.3 million rate increase, based on the twelve months ending April 30, 1976, as adjusted for known

[1] The "Commission" when used in the context of an action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

and measurable changes through January 31, 1977. Transco requested that the proposed rate increase become effective on September 1, 1976. By order issued August 30, 1976, the Federal Power Commission accepted the revised tariff sheets for filing and suspended their use for five months until February 1, 1977, when they were permitted to become effective, subject to refund.

On December 30, 1976, Transco tendered for filing in Docket No. RP77-26 revised tariff sheets to increase its rates for interruptible transportation services rendered under Order No. 533[2] to various industrial consumers. Transco had been charging 22 cents per Mcf plus fuel and line loss for transporting "533" gas anywhere on its system and had not proposed to increase this rate in its filing in Docket No. RP76-136. In Docket No. RP77-26, Transco proposed to increase its rates for interruptible transportation to 28.2 cents per dekatherm (dth) in Transco's rate Zone 1, 29.8 cents per dth in Zone 2, and 31.5 cents per dth in Zone 3, plus fuel. Transco requested an effective date of January 31, 1977. By order issued on January 31, 1977, the FPC accepted for filing the revised tariff sheets tendered December 31, 1976, and suspended them for one day, permitting them to become effective, subject to refund on February 1, 1977. Docket No. RP77-26 was consolidated with Docket No. RP76-136 for purposes of hearing and decision.

In addition to certain formal hearings, settlement conferences were held intermittently in these proceedings since January 4, 1977, which resulted in the settlement agreement. The proposed agreement, if approved would resolve all issues which had arisen in this proceeding except four: (1) rate base treatment of certain advance payments, (2) rate base treatment for unsuccessful alternate gas supply costs, (3) rate of return on equity, and (4) carrying charges on unrecovered demand charge credits. The issue of rate base treatment for certain advance payments was severed from this proceeding by order issued October 21, 1977, and is to be resolved in the consolidated proceeding in Transcontinental Gas Pipe Line Corporation, Docket Nos. RP74-48 and RP75-3 (AP76-1), et al. The unsuccessful alternate gas supply costs issue is to be determined by the outcome of *Transcontinental Gas Pipe Line Corporation* v. *Federal Energy Regulatory Commission*, No. 77-1712 in the United States Court of Appeals for the District of Columbia Circuit. The remaining two issues of rate of return and carrying charges on unrecovered curtailment credits are reserved and are the subjects of an initial decision issued February 13, 1978, by Presiding Judge Stephen L. Grossman.

The settlement agreement, in summary, provides for the following:

Article I presents the procedural history in the consolidated dockets and the issues not covered by the instant agreement.

Article II references the settlement cost of service, attached as Appendix A, and the rates based on the settlement cost of service using both historical zone differentials and revised zone differentials. The tariff sheets track various rates changes effective from February 1, 1977.

Article III provides for the tracking of supplier rate increases and decreases and the flow-through of supplier refunds, except for suppliers' storage service rate changes and refunds, pursuant to Section 22 of the General Terms and Conditions of Transco's FPC Gas Tariff, Second Revised Volume No. 1.

Article IV provides that the propriety of inclusion in the settlement cost of service of $3,300,237, which represents amortization and rate base treatment of expenditures by Transco in the unsuccessful search for alternate gas supplies, is reserved pending judicial review of that issue in Opinion No. 801.

Article V provides that the issue of advance payments is reserved for hearing, inasmuch as that issue has been severed from the instant proceeding and consolidated with other unresolved advance payments dockets of Transco into a single proceeding. Pending resolution of the issue in such separate proceeding, Transco is collecting subject to refund amounts related to the costs of advance payments.

Article VI provides that the issues reserved for decision in the proceeding are (1) the proper rate of return and (2) whether carrying charges on unrecovered curtailment credits should be permitted. This article would also permit Transco to revise its tariff to permit tracking curtailment credits on a current basis.

Article VII provides that Transco will reduce its rates for long-haul interruptible transportation services to 23.0 cents, 23.5 cents and 24.0 cents per dth in zones 1, 2 and 3, respectively and that it will refund at 9 percent interest all amounts collected in excess of the reduced rates. This article also provides for a moratorium until July 1, 1979, as an affective date of any proposed change by either Transco or a party in its interruptible transportation rates.

Article VIII provides that Transco will file, as part of its tariff, transportation service rate schedules which will be applicable to all interruptible transportation services which qualify.

Article IX provides that the rates to be charged for the transportation of emergency gas shall bear the same rate levels as for interruptible transportation services. Transco will refund excess revenues collected for emergency transportation service at 9 percent interest.

Article X provides for increased zone differentials of 5.0 cents per dth between zone 1 and zone 2, and 6.4 cents per dth between zone 2 and zone 3, effective as of October 1, 1977. Moreover, the article provides that the agreement is so conditioned that if the Commission does not accept the proposed differentials, the issue of zone differentials must be remanded for hearing. If approved, the revised zone differentials would remain in effect without change until July 1, 1979.

Article XI permits Transco to revise its tariff to provide for monthly carrying charges to be credited or debited for overcollections or undercollections of unrecovered purchased gas costs.

Article XII provides that Transco will refund without interest any excess transportation revenues which are above the amount credited to the settlement cost of service.

Article XIII permits Transco to track in its rates increases or decreases reflected in its cost of service for changes in the Federal income tax rate of 48 percent.

Article XIV provides for additional refunds by Transco in the event the Commission's decision on the reserved issues so requires.

Article XV contains a general reservation in connection with the negotiated settlement.

Article XVI provides for effectiveness of the agreement upon the Commission's permitting the proposed revised tariff sheets to become effective and accepting, except as permitted in article X, the agreement without modification.

Initial comments supporting, or not opposing, the proposed settlement agreement were filed by numerous parties.[3] Initial comments opposing

[2] Policy With Respect to Certification of Pipeline Transportation Agreements, Docket No. RP75-25, FPC Order No. 533 (August 28, 1975) and FERC Order No. 2 (February 1, 1978).

[3] Elizabethtown Gas Co. (Elizabethtown); Consolidated Gas Supply Corp. (Consolidated); Corning Glass Works, Lithium Corp. of America, Sayles Biltmore Bleacheries, Inc., and the Farrington Co. (Corning, et al.); Dan River, Inc., and Philip Morris, Inc.; city of Danville, Va.; Atlanta Gas Light Co. (Atlanta); Cannon Mills Co., Cone Mills Corp., Nabisco, Inc., and Pine Hall Brick & Pipe Co. (industrial process users); Public Service Electric & Gas Co. (PSE&G); CNG Transmission Co.; Burlington Industries, Inc.; Piedmont Natural Gas Co., Inc., Public Service Co. of North Carolina, Inc., and North Carolina Natural Gas Corp. (North Carolina companies); Consolidated Edison Co. of New York (Con Edison); the North Carolina Utilities Commission; Owens-Cor-

Footnotes continued on next page

the settlement agreement were filed by the Public Service Commission of the State of New York (New York), Philadelphia Gas Works (PGW), and Mesa Petroleum Co. (Mesa) which also requested leave to intervene out of time in the proceeding.

New York states that it opposes Commission approval of the settlement agreement "* * * to the extent it purports in article X to enlarge the existing rate differentials between Transco's three zones, or otherwise reflects the provisions of article X." New York argues that the Commission could not lawfully prescribe a new and enlarged rate differential in a contested proceeding unless it can conclude that the existing rate differential is not just and reasonable. New York states that there is no substantial claim that there has been a change in circumstances to warrant changing the rate differentials. It is New York's position that the existing rate differentials should be maintained, not increased. Any increase in existing zone differentials, moreover, would be inconsistent with Commission policy favoring systemwide rates, according to New York.

Aside from the rate zone questions raised by article X, however, New York states that it finds the proposed settlement acceptable inasmuch as it would resolve certain cost of service issues, as well as the interruptible and emergency transportation rate issues. New York supports the settlement interruptible and emergency transportation rates, which with some minor increases, maintain the existing rate levels to Transco's customers. New York proposes that the Commission approve the settlement subject to the elimination of the zone allocation provisions of article X, and revision of appendices to reflect the existing rate zone differentials.

Philadelphia Gas Works (PGW) submitted comments opposing the settlement both as to the proposed transportation rates for long-haul interruptible service and the design of rates and zone rate differentials. PGW's objection to the interruptible transportation rate is predicated on what PGW states is its failure to recover the full cost of rendering such service. Adoption by the Commission of the settlement rates would cause the customers of Transco, through paying higher unit cost of transmission in Transco's rates, to subsidize those parties using the Transco system to transport interruptible and emergency gas, according to PGW, and would have a discriminatory effect. PGW argues additionally that the Commission's adopting the transportation rates would be contrary to the "national energy policy" inasmuch as the proposed settlement would subsidize the purchase of gas by commercial and industrial users and create an incentive to consume natural gas as opposed to an alternative source of fuel. PGW also contends that the settlement is contrary to Commission policy as set forth in *Crab Run Gas Company, et al.*, Docket Nos. CP76-24, et al., order issued July 22, 1976. PGW notes that in an order issued October 31, 1977, in the captioned proceeding, the Commission denied a motion of the North Carolina companies stating that it could not accept a rate of 22 cents per dth for interruptible transportation service because such rate would be less than fully compensatory. With respect to the proposed zone differentials, PGW asserts that the record does not support a finding that the rates currently in effect are unjust, unreasonable or discriminatory, nor does it contain substantial evidence supporting the revised zone differentials.

Mesa opposes the settlement on the ground that it would permit Transco to include in rate base an advance payment made to Mesa after the test year, as adjusted, in the instant proceeding. Mesa states that on February 4, 1977, Transco made an installment advance payment to Mesa in the amount of $1,325,568, pursuant to an advance payment agreement between the parties dated December 18, 1975. Mesa objects to Transco's inclusion in its rate base of advance payments booked between January 31 through August 31, 1977, a period extending 7 months beyond the test period as adjusted, which provides for a January 31, 1977, cut off date. Therefore, in addition to granting it leave to intervene in the proceedings, Mesa requests that the Commission deny Transco's proposed inclusion of the February 4, 1977 advance payment in its rate base, or alternatively, sever and direct a hearing on that portion of the settlement proposal.

We view Mesa's objection to the proposed settlement as without basis to support our rejecting the agreement as it relates to Mesa's advance payment. Nor would it be appropriate to sever the rate base treatment of that advance in order to hold a hearing on its propriety. As noted by several parties in their reply comments, a separate proceeding has been set for hearing on all Transco's pending advance payment matters,[4] including the tracker containing the contested Mesa advance.

Mesa's interests cited in its request for permission to intervene do not lie in this proceeding, but rather in the separate, consolidated proceeding which concerns advance payments issues. Accordingly, Mesa's petition to intervene out of time in this proceeding will be denied without prejudice to Mesa's petitioning to intervene in Docket Nos. RP74-48 and RP75-3 (AP76-1), et al.

Numerous parties filed reply comments urging the Commission's approval of the settlement agreement and in particular seeking to rebut the objections raised to the proposed interruptible transportation rates and zone differrentials.

Prepared direct testimony was filed by several witnesses on these contested issues. On July 25, 1977, a hearing was convened for the purpose of submitting evidence and cross-examining witnesses. However, at the July 25, 1977, phase of the hearing, only testimony related to cost of service issues was cross-examined. Cross-examination of cost allocation and rate design issues, including the issue of interruptible transportation rates, was deferred until September. On September 27, 1977, the cost allocation and rate design phase of the hearing was convened. However, no cross-examination of those issues was held, and the hearing was recessed in order to permit the parties to continue settlement negotiations. On November 1, 1977, the parties requested that the presiding judge certify the subject settlement agreement to the Commission.

The prepared direct testimony on the issue of the proper interruptible transportation rate level reveals a wide variety of recommended rates ranging from less than 22 cents per Mcf, the rate Transco has historically charged, to the staff's recommendation that the rates be increased to 36.45 cents, 42 cents, and 47.48 cents per dth for zones 1, 2, and 3, respectively, including compressor fuel and line loss. In particular, the parties submitting testimony related to the interruptible long-haul transportation service disagree on the proper method of allocating fixed costs related to the transmission of gas.

Transco's witness Quinn recommends that the historic 22 cents per Mcf rate, plus fuel and line loss reimbursement, be continued systemwide for long-haul interruptible transportation rates (R-342). Transco argues that the historic rate represents a fair balancing of the interests of all customers in view of the significantly higher price of the separate gas supplies purchased by its customers pursuant to Order No. 533 in an attempt to ameliorate the effect of the heavy curtailment on the Transco system. Transco argues that the high priority uses of such gas, for which Transco provides transportation service, constrain Transco not to charge a trans-

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Footnotes continued from last page
ning Fiberglass Corp.; Washington Gas Light Co.; Brooklyn Union Gas Co.; Transco and the Commission staff.

[4] See notice issued October 21, 1977 in Docket Nos. RP74-48 and RP75-3 (AP76-1), et al.

portation rate which would discourage use of the service.

Staff in its testimony, however, argues that the historic 22 cents per Mcf rate for transporting gas anywhere on Transco's system is inadequate to recover the costs to render that service and is unduly discriminatory and preferential toward Transco's customers (R- 128, 129). Whenever additional volumes of gas are transported, it adds, those volumes utilize the same facilities for the transmission of gas as other volumes and should share in the overall costs. Accordingly, staff objects to interruptible gas being given special consideration and contends that the transportation rate should be based on fully allocated transmission costs. Any additional volumes transported reduce the unit transmission cost to all customers, and the benefit resulting from greater utilization should be flowed back to each customer, asserts staff. Otherwise, a transportation rate which does not compensate for the costs of rendering that service is being subsidized by other customers not using the service. In addition, staff recommends that revenues received by Transco from these transportation services based on fully allocated rates be credited in Transco's PGA filing, when volumes exceed the total volumes estimated in this case (R-252).

Numerous customer groups also sponsored testimony on the proper rate level for interruptible transportation service. The North Carolina companies' witness Clay recommends rates developed on the basis of 40 percent of the fixed costs exclusive of fuel, resulting in charges of 1.1 cents per Mcf per 100 miles, or 21 cents per Mcf in Zone 2 (R-190). Mr. Clay argues that the rate should create an incentive to transport interruptible gas and that staff's assigning 100 percent of fixed costs to such transportation unduly penalizes the most heavily curtailed customers. Brooklyn Union recommends a rate of 25.5 cents per dth which represents a uniform systemwide rate based on Transco's fully allocated jurisdictional costs (R-203). A group of industrial customers of Transco which receive interruptible transportation service from Transco for gas they purchase in accordance with Order No. 533 recommends a rate for such services which includes 50 percent as much of the fixed costs per unit of gas transported as are included in the other rates of the pipeline. Their recommended rate, 23.19 cents per dth using Transco's cost of service, would also be applied systemwide (R-222). Their witness reasons that the pipeline capacity used for transportation of Order No. 533 gas would otherwise be idle and that it would be inequitable and contrary to the policy of Order No. 533 to charge purchasers of such gas a high transportation charge when they have already had to resort to purchasing higher priced natural gas. CNG Transmission Co., in its testimony, recommends that the rates charged by Transco for transporting Order No. 533 gas be set no higher than the historical 22 cents per Mcf level (R-228).

Similarly, with regard to the issue of zone differentials, the underlying record reveals a variety of positions. In its own direct case, Transco proposed no change from the historical zone differentials (R-86). The staff, however, in allocating jurisdictional costs to zones performed a two-step procedure: (1) Those costs related to volumes were allocated on the basis of gas sold and/or transported; and (2) those costs related to transmission of gas were allocated 50 percent on historical revenues and 50 percent on annual Mcf-miles (R-118). Staff states that it allocated 50 percent of the transmission costs on the basis of historical revenues to mitigate the impact of a straight Mcf-mile allocation and to give recognition to the contribution of each zone to the system (R-120). The North Carolina companies oppose maintaining historical zone differentials and favor adopting the Mcf-mile approach entirely in allocating transmission costs to zones (R-176). Brooklyn Union's witness, however, recommends retaining the historical rate zone differentials (R-196), as does the witness sponsoring rebuttal testimony on behalf of Brooklyn Union and seven other Transco customers in Zone 3 (R-271).

It is apparent from our review of the record, which reveals widely divergent testimony with respect to the contested issues under the settlement, that there is not sufficient investigation on the record of the contested issues to permit us to make a reasoned determination. Therefore, we shall establish a limited hearing for the purpose of taking evidence on the justness and reasonableness of the rate levels for emergency and interruptible transportation services and the revised zone differentials proposed in the settlement. Additional direct testimony should show what portion of the fixed transmission costs are allocated to solely transportation customers and what portion to sales customers. In addition, at the hearing parties will be afforded an opportunity to cross-exam those witnesses who have not yet been available for cross-examination on their direct testimony in the record. Any additional direct evidence should be filed on or before 30 days from the date of issuance of this order. Any rebuttal evidence should be served on or before 15 days from the date of service of direct evidence. A limited hearing on the justness and reasonableness of the contested portions of the settlement shall be scheduled by Presiding Judge Grossman. Following such hearing, the record shall be certified directly to the Commission.

The Commission will hold in abeyance consideration of the uncontested portions of the settlement agreement pending receipt of the record related to the limited hearing ordered herein. We are deferring action on the settlement to investigate and seek further evidentiary development of the contested issues addressed in the settlement agreement. However, the Presiding Judge may permit the parties to examine further the issues which have not been opposed in comments on the settlement, if the parties so desire. By holding in abeyance consideration of the uncontested issues, the Commission does not intend to impair any party's right to withdraw from the stipulation and agreement under article XVI, in the event it perceives the Commission's action herein to prejudice that party's position in the settlement.

The Commission finds: (1) It is necessary and appropriate in the public interest that hearing procedures be established for the purpose of receiving evidence and permitting cross-examination on the contested issues of the proposed settlement.

(2) Mesa's petition for leave to intervene out of time in this proceeding should be denied without prejudice to Mesa's seeking intervention in Docket Nos. RP74-48 and RP75-3 (AP76-1), et al.

The Commission orders: (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission's rules of practice and procedure and the regulations under the Natural Gas Act, a public hearing shall be held concerning the justness and reasonableness of the proposed zone rate differentials and the proposed rates for long-haul interruptible transportation service under the settlement.

(B) Any additional direct testimony and exhibits concerning the issues set for hearing shall be filed on or before 30 days from the date of issuance of the order. Any rebuttal testimony and exhibits shall be filed on or before 15 days from the date of service of direct evidence. Presiding Judge Grossman shall establish a date for a limited hearing on those contested issues.

(C) Mesa's petition for leave to intervene out of time is hereby denied without prejudice to Mesa's petitioning to intervene in Docket Nos. RP74-48 and RP75-3 (AP76-1), et al.

(D) The secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission. Commissioner Hall, dissenting, filed a separate statement appended hereto.

KENNETH F. PLUMB,
Secretary.

HALL, COMMISSIONER, DISSENTING

I respectfully dissent.

I believe rejection of the entire proposed settlement would be both fairer and more likely to expedite resolution of this matter.

GEORGE R. HALL,
Commissioner.

[FR Doc. 78-12147 Filed 5-3-78; 8:45 am]

[6740-02]

[Docket No. ER78-323]

TUCSON GAS & ELECTRIC CO.

Filing

APRIL 26, 1978.

Take notice that Tucson Gas & Electric Co. ("TGE") on April 20, 1978, tendered for filing a Colorado-TGE 1978-1980 power sale agreement (the "agreement") dated March 3, 1978, between TGE and Public Service Co. of Colorado ("PSC"). Copies of the filing were served upon PSC on April 18, 1978.

The agreement is proposed to become effective June 1, 1978.

Any person desiring to be heard or to make application with reference to said agreement should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20425, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-12148 Filed 5-3-78; 8:45 am]

[6740-02]

[Docket No. ID-1828]

VERNER H. CONDON

Application

APRIL 26, 1978.

Take notice that on April 12, 1978, Verner H. Condon filed an application, pursuant to section 305(b) of the Federal Power Act, to hold the following positions:

Vice president and director, Jersey Central Power & Light Co., public utility.

Vice president and director, Metropolitan Edison Co., public utility.

Any person desiring to be heard of to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before May 10, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-12149 Filed 5-3-78; 8:45 am]

[6740-02]

[Docket No. CP78-293]

UNITED GAS PIPE LINE CO.

Application

APRIL 27, 1978.

Take notice that on April 17, 1978, United Gas Pipe Line Co. (Applicant), P.O. Box 1478, Houston, Tex. 77001, filed in Docket No. CP78-293 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Transcontinental Gas Pipe Line Corp. (Transco), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport up to 4,000 Mcf of natural gas per day for Transco pursuant to an agreement dated March 17, 1978, between the two companies. The application states that Transco has acquired the right to purchase said volumes of gas from an affiliate, Transcontinental Exploration Co., which would make such sales pursuant to authorization issued in Docket No. CI77-515.

It is indicated that Transco would deliver the subject gas, or cause the subject gas to be delivered to Applicant at Applicant's existing pipeline in the North Hester Field, St. James Parish, La. Applicant states that it would redeliver equivalent volumes of gas to Transco, less an allowance for fuel and unaccounted for gas, at the following locations:

(1) The outlet side of Applicant's existing authorized measuring and regulating station located at Gibson, Terrebonne Parish, La.; or

(2) Other mutually agreeable existing authorized points of interconnection between the pipeline systems of Applicant and Transco located in Applicant's Southern Rate Zone.

It is stated that Transco would pay Applicant for gas transported hereunder an amount per Mcf equal to Applicant's average jurisdictional transmission cost of service in effect from time to time in Applicant's Southern Rate Zone, less any amount included in such average jurisdictional transmission cost of service which is attributable to gas consumed in the operation of Applicant's pipeline system. The current average Southern Zone jurisdictional transmission cost of service, exclusive of the cost of gas consumed in Applicant's operation, is 18.84 cents per Mcf, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 18, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-12168 Filed 5-3-78; 8:45 am]

[6740-02]

[Docket No. CP78-287]

WESTERN TRANSMISSION CORP.

Application

APRIL 26, 1978.

Take notice that on April 14, 1978, Western Transmission Corp. (Applicant), 2700 Fidelity Union Tower, Dallas, Tex. 75201, filed in Docket No. CP78-287 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Northwest Pipeline Corp. (Northwest), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Northwest has acquired new sources of gas in certain acreage in Carbon County, Wyo., and that Northwest desires Applicant to transport the subject gas from said acreage to an existing point of interconnection between Colorado Interstate Gas Co's (CIG) and Applicant's pipeline in Sweetwater County, Wyo. It is stated that Northwest has executed an agreement with CIG for the transportation by CIG and exchange with Northwest of the gas to be transported hereunder.

Pursuant to a transportation agreement dated January 26, 1978, between Applicant and Northwest, Northwest would deliver the subject gas under its control to Applicant at a mutually agreeable point on Applicant's pipeline located in Carbon County, Wyo., and at other points on Applicant's pipeline located in Carbon County, Wyo. Applicant states that the gas would then be transported into its existing pipeline and delivered to CIG for the account of Northwest at an existing point of interconnection with CIG's transmission facilities in Sweetwater County, Wyo.

It is stated that Northwest would pay Applicant a transportation charge equal to the differential rate set forth in Applicant's Rate Schedule F between Applicant's gas cost and Applicant's selling price to CIG, which differential rate is currently 12.2 cents per Mcf at 14.65 psia.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 18, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-12169 Filed 5-3-78; 8:45 am]

[6450-48]

Intergovernmental and Institutional Relations

NATIONAL PETROLEUM COUNCIL

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the National Petroleum Council will meet Thursday, May 25, 1978, at 9 a.m. in the James Forrestal Building Auditorium, 1110 Independence Avenue SW., Washington, D.C.

The purpose of the National Petroleum Council is to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries.

The agenda for the meeting is as follows:

1. Opening remarks by Chairman of National Petroleum Council—Collis P. Chandler, Jr.
2. Guest speaker—Hon. Cecil D. Andrus, Secretary of the Interior.
3. Remarks and introduction of new members by Hon. James R. Schlesinger, Secretary of Energy.
4. Committee reports as appropriate.
5. Election of officers of the National Petroleum Council.
6. Memorial resolution: John M. Kelly; Harold M. McClure, Jr.
7. Discussion of any other matters properly brought before the National Petroleum Council.

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

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

Issued at Washington, D.C., on May 1, 1978.

WILLIAM P. DAVIS,
Deputy Director of Administration.

[FR Doc. 78-12182 Filed 5-3-78; 8:45 am]

[6450-48]

[DOE/EIS-0011]

Western Area Power Administration

NEW MELONES 230 KV ELECTRICAL TRANSMISSION LINE, CENTRAL VALLEY PROJECT, CALIFORNIA

Availability of Final Environmental Statement

Notice is hereby given that the U.S. Department of Energy (DOE) has issued a final environmental statment, New Melones 230 kV electrical transmission line, Central Valley project, California, DOE/EIS-0011. The statement was prepared pursuant to implementation of the National Environmental Policy Act of 1969. The draft of this statement, INT-DES-77-33, was issued by the Bureau of Reclamation of the Department of Interior. The responsibility for this activity was transferred to DOE under the Department of Energy Organization Act of 1977.

The statement assesses the anticipated environmental impacts that may be associated with the construction and operation of a 23-mile 230 kV electrical transmission line system from the proposed New Melones switchyard to the Pacific Gas & Electric Co. transmission line near Oakdale, Calif. The proposed route transcends corridors in Calaveras, Stanislaus, and Tuolumne Counties, Calif.

Copies of the final environmental statement are available for public inspection at the DOE locations:

DOE Headquarters, 20 Massachusetts Avenue NW., Washington, D.C.

Department of Energy, Western Area Power Administration, Sacramento Office, 2800 Cottage Way, Room W-117, Sacramento, Calif.

Department of Energy, San Francisco Operations Office, 1333 Broadway, Oakland, Calif.

Department of Energy, Denver Federal Center, Building 67, Room 1220, Denver, Colo.

Copies of the final statement have been furnished to those who commented on the draft statement that was issued by the Department of Interior.

A limited number of single copies are available for distribution by contacting the Western Area Power Administration at the address noted above or the Technical Information Center, P.O. Box 62, Oak Ridge, Tenn. 37380, 615-483-8611, extension 34672. The statement is also available from the National Technical Information Service, Springfield, Va. 22161.

For the Department of Energy.

Dated at Washington, D.C., this 1st day of May 1978.

WILLIAM P. DAVIS,
Deputy Director of Administration.

[FR Doc. 78-12182 Filed 5-3-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 890-8; OPP 30108B]

PESTICIDE PROGRAMS

Approval of Application to Register Pesticide Product Containing a New Active Ingredient

On February 27, 1976, notice was given (41 FR 8532) that Fisons Corp., Agricultural Division, 2 Preston Court, Bedford, Mass. 01730, had filed an application (EPA File Symbol No. 10065-L) with the Environmental Protection Agency (EPA) to register the pesticide product Nortron Herbicide containing 19 percent of the active ingredient 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate which was not previously registered at the time of submission. As stated in the February 27 notice, Fisons Corp. proposed that the product be classified for general use.

This application was approved on March 29, 1978 and the product has been assigned the EPA Registration No. 40546-5. As requested by the applicant, the pesticide product has been registered to Fisons Inc. under the product name of Nortron E.C. The company file number will now be 40546, instead of 10065. Nortron E.C. is classified for general use for the selective control of weeds in sugar beets.

A copy of the approved label and the list of data references used to support registration are available for public inspection in the office of the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M St. SW, Washington, D.C. 20460. The data and other scientific information used to support registration, except for the material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), will be available for public inspection in accordance with section 3(c)(2) of FIFRA, within 30 days after the registration date of March 29, 1978. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), EPA, 401 M St. SW, Washington, D.C. 20460. Such requests should: (1) Identify the product by name and registration number and (2) specify the data or information desired.

Dated: April 26, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 78-12076 Filed 5-3-78; 8:45 am]

[6560-01]

[FRL 890-5; PF 100]

PESTICIDE PROGRAMS

Filing of Pesticide Petition

Shell Chemical Co., Suite 200, 1025 Connecticut Ave., NW., Washington, D.C. 20036, has submitted a petition (PP 7F2013) to the Environmental Protection Agency (EPA) which proposes that 40 CFR Part 180 be amended by establishing a tolerance for residues of the insecticide Cyano (3-phenoxyphenyl) methyl-4-chloro-alpha-(1-methylethyl) benzeneacetate in or on the raw agricultural commodities cottonseed at 0.2 part per million (ppm), and fat of milk and the fat of livestock at 0.02 ppm. The proposed analytical method for determining residues is by gas liquid chromatographic procedure using an electron capture detector. Notice of this submission is given pursuant to the provisions of section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this petition to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M St., SW, Washington D.C. 20460. Inquiries concerning this petition may be directed to Product Manager (PM) 17, Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at 202-426-9425. Written comments should bear a notation indicating the petition number. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: April 25, 1978.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc. 78-12079 Filed 5-3-78; 8:45 am]

[6560-01]

[FRL 890-6; OPP-30000/26A]

PESTICIDE PROGRAMS

Rebuttable Presumption Against Registration and Continued Registration of Pesticide Products Containing 2,4,5-T; Correction

In FR Doc. 78-10340 appearing at page 17116 in the issue of April 21, 1978, the following corrections should be made:

1. On page 17117, the title of section IV (center column) should be changed from "Registrations and Products Subject to the Notice" to "Rebuttal Submission Procedures;" and

2. On page 17117 in section IV, the following new paragraph should be inserted after the second paragraph:

Evidence submitted in rebuttal should conform to § 162.11(a)(4) rebuttal criteria which are re-stated in section I of this FEDERAL REGISTER notice. Registrants or other persons submitting rebuttal information should provide data and references to support the statements made in their rebuttal submissions, and they should submit reproducible copies of those publications and other materials cited in support of their rebuttal statements, which are not cited in the position document.

Dated: April 25, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 78-12078 Filed 5-3-78; 8:45 am]

[6560-01]

[FRL 890-7; PW-16]

PESTICIDE PROGRAMS

Withdrawal of Pesticide Petition

On May 12, 1976, the Environmental Protection Agency (EPA) gave notice (41 FR 19373) that Shell Oil Co., Suite 200, 1025 Connecticut Avenue NW., Washington, D.C. 20036 had filed a petition (PP 6F1771). This petition proposed the establishemnt of a tolerance limitation of 4.0 parts per million

(ppm) for residues of the insecticide Hexakis (2-methyl-2-phenylpropyl)-distannoxane in or on the raw agricultural commodity strawberries.

Shell Oil Co. has withdrawn this petition without prejudice in accordance with the regulations (40 CFR 180.8) pertaining to section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)).

Dated: April 25, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 78-12077 Filed 5-3-78; 8:45 am]

[6560-01]

[FRL 891-2]

RESOURCE CONSERVATION COMMITTEE

Change in Meeting Time

The Resource Conservation Committee staff will be holding monthly informal discussion forums so that interested parties may participate in the Committee's study of a wide range of proposals aimed at improving the use of materials in the United States. These informal discussions are in addition to the formal public meetings which have been and will be held by the Committee.

These meetings take place monthly at the Environmental Protection Agency, 401 M Street SW., Washington, D.C. The second open forum will be held May 9, 1978, from 12 to 2 p.m. in room 2814. For further information and to request that an item for discussion be placed on the agenda, contact Susan Mann, Public Participation Liaison at 202-755-9145.

The objective of these sessions is to provide an opportunity for the exchange of ideas relting to resource conservation between interestred parties. As such, the format will be informal and provide for discussion rather than formal statements. No official record will be maintained. Participants are encouraged to propose innovative policy options for discussion.

The Resource Conservation Committee is the interagency committee set up under section 8002(j) of the Resource Conservation and Recovery Act (Pub. L. 94-580). The Committee is chaired by EPA Administrator Douglas Costle and includes the Secretaries of Commerce, Labor, Interior, and Treasury, Council on Environmental Quality, Office of Management and Budget, Council of Economic Advisors, and Department of Energy. The Committee will make recommendations to the President and the Congress later this year on the desirability and possible design of policy options including solid waste disposal charges, resource conservation subsidies, direct product regulation, local solid waste user fees, and other policy proposals. They would like to include the public in the decisionmaking process and are soliciting views on these potential legislative initiatives.

Dated: April 28, 1978.

BARBARA BLUM,
Deputy Administrator,
Environmental Protection Agency.

[FR Doc. 78-12081 Filed 5-3-78; 8:45 am]

[6560-01]

[FRL 891-1]

SCIENCE ADVISORY BOARD STUDY GROUP ON ARSENIC AS A HAZARDOUS AIR POLLUTANT

Open Meeting

Under Pub. L. 92-463, notice is herewith given that a meeting will be held by a Study Group of the Science Advisory Board dealing with Arsenic as a Hazardous Air Pollutant. The meeting will be on May 22-23, 1978, in Room 1112A of Crystal Mall Building No. 2 (1921 Jefferson Davis Highway, Arlington, Va. 22209). The meeting will begin each day at 9:30 a.m.

The purpose of the meeting will be to review Agency documents related to the listing of arsenic as a hazardous air pollutant as required by the Clean Air Act Amendments of 1977. Three documents are involved: a general health assessment document, a cancer assessment document, and a population at risk document. Availability of the documents to the public is through the Criterion Division of the Office of Research and Development of EPA in Washington, D.C.

The meeting is open to the public. Because seating is limited, persons desiring to attend should pre-register by contacting the Study Group Officer, Dr. Joel L. Fisher at 703-557-7710, by close of business on May 15, 1978, to assure a reserved seat. Persons desiring to present written materials to the Study Group should provide eight (8) copies of the materials to the Study Group Officer by close of business May 18, 1978, to assure proper distribution to the Study Group members. Materials should be substantive and documented, but bulky references should be avoided. If other arrangements are needed, please contact the Study Group Officer as soon as possible.

Dated: April 26, 1978.

RICHARD M. DOWD,
Staff Director,
Science Advisory Board.

[FR Doc. 78-12080 Filed 5-3-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. I-459]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

APRIL 24, 1978.

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's rules, regulations and its policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1). Effective March 6, 1978, all applications accepted for filing will be assigned Call Signs. However these assignments are for administrative purposes only and do not in any way prejudice Commission actions.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

HI—303-CSG-P-78 Communication Satellite Corp., Paumalu, HI. Authority to construct a new 6/4 GHz Tracking Telementry Command and Monitoring (TTC&M) Antenna and associated equipment as part of the Communications Satellite earth station complex near Paumalu, HI. Lat. 21°40'29" N. Long. 158°02'12" W. Rec. Freq: 3700-4200 GHz. Trans. freq: 5925-6425 GHz Emissions F0, F5, F9, and P9, 98 dBW EIRP, With a 16 meter antenna.

SSA-5-78 American Telephone & Telegraph Co. and GTE Satellite Corp. Application for authority to conduct a commercial trial of SEE-WHILE-YOU-TALK-Service via the COMSTAR domestic satellite system for 18 months.

000517-DSE-P/L —78, KH56 L-W Communications System, Inc. Application for authority to construct and operate new earth station. Service: Domestic fixed satellite. Class of Station: Fixed earth station. Location: Luther Ranch, Burnet, Tex., 30°46'39" N. Lat., 98°16'52" W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9—dBW. Antennas: 6.0 meters USTC model Sat. Flec-2.

000518-DSE-P/L —78, KH57 Sumner Cable TV Co. Application for authority to construct and operate new earth station. Service: Domestic fixed satellite. Class of station: Fixed earth station. Location: Wellington, Sumner, Kans., 37°16'40" N. Lat., 97°25'54" W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9—dBW. Antennas: 5.0 meters scientific Atlanta 8008.

000519-DSE-P/L —78, WH32 The Herald-Mail Co., Inc. d.b.a. Antietam Cable Television. Application for authority to construct and operate new earth station. Service: Domestic fixed satellite. Class of

station: Fixed earth station. Location: Hagerstown, Washington, Maryland, 39°37'33" N. Lat., 77°42'26" W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9—dBW. Antennas: 4.3 meters AFC model CH-14M.

[FR Doc. 78-12107 Filed 5-3-78; 8:45 am]

[6712-01]

[CC Docket No. 78-50]

TELECOMMUNICATION SERVICES FOR THE DEAF AND HEARING-IMPAIRED

Inquiry; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Extension of time.

SUMMARY: Extension of time is being granted for the filing of comments and reply comments in the inquiry into the telecommunication needs of the deaf and hearing-impaired (CC Docket No. 78-50), which was published in the FEDERAL REGISTER of February 21, 1978 (43 FR 7263).

DATES: Comments must be received on or before June 26, 1978, and reply comments must be received on or before July 31, 1978.

ADDRESS: Send comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

James K. Smith, Common Carrier Bureau, 632-9342.

Adopted: April 27, 1978.

Released: April 27, 1978.

Order. In the matter of Telecommunication Services for the Deaf and Hearing-Impaired, CC Docket No. 78-50.

1. Petitions have been filed in this proceeding on behalf of the Hearing Industries Association (HIA) and the National Center for Law and the Deaf (NCLD) requesting that the time for filing comments and reply comments be extended from the current dates of May 1, 1978, and June 15, 1978, respectively.

2. HIA states that a meeting is currently scheduled for Wednesday, May 17, 1978, between it and representatives of the telephone industry. It believes that the Commission and the hearing-impaired will be better served if HIA is able to incorporate information drawn from this meeting in its comments, particularly with respect to the telephone/hearing aid incompatibility issue. NCLD requests a two month extension for the filing of comments due to the need to consult with members of the deaf community regarding the issues raised in the inquiry. It also notes that an extension is necessary in order to allow adequate time to publicize the Commission's TTY number in various publications of the deaf community.

3. An extension of time for the filing of comments would appear to be in the public interest. *Accordingly, it is ordered,* Pursuant to § 0.303 of the Commission's rules and regulations, that the time for filing comments and reply comments in this proceeding is extended. Comments may be filed on or before June 26, 1978, and reply comments may be filed on or before July 31, 1978.

WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc. 78-12106 Filed 5-3-78; 8:45 am]

[4110-35]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

STATEWIDE PROFESSIONAL STANDARDS REVIEW COUNCIL OF ILLINOIS

Request for Nominations for Public Member Positions on the Council

Nominations are being accepted for public member positions on the Illinois Statewide Professional Standards Review Council. A statewide council is being established because there are now six professional standards review organizations (PSROs) in Illinois.

PSROs review medical care services paid for under the medicare, medicaid, and maternal and child health and crippled children services programs in order to assure that those services are medically necessary, of acceptable quality, and provided at the appropriate level of care.

Statewide councils are established in States that have three or more PSROs to: (1) Help to coordinate PSRO activities and disseminate information among them; (2) assist the Secretary in the development of uniform data gathering and operating procedures; (3) review certain determinations and recommendations made by PSROs as a result of their reviews of medical care; (4) work with doctors and other practitioners and with medical facilities so that they will assure that medical care provided is necessary, appropriate, and of acceptable quality; and (5) assist the Secretary to carry out several of his responsibilities, including the evaluation of the PSROs' review activities and the designation of replacement PSROs when necessary.

Nominees for public representatives are considered on the basis of whether they are:

(1) Knowledgeable about health care provided in Illinois under the medicare, medicaid, and maternal and child health and crippled children services programs;

(2) Willing and able to represent the interests of the public; and

(3) Willing and able to discharge the responsibilities of membership in the Statewide Council.

Special consideration will be given to qualified individuals who are not affiliated with:

(1) Organizations and groups that must, under law, be represented on the Council (PSROs and physician groups); or

(2) Organizations and groups that are represented on the Council's Advisory Group (hospitals and other health care facilities and health care practitioners other than physicians).

Please include biographical data which demonstrate each nominee's qualifications, particularly their knowledge of health care in the State and their willingness and ability to represent the interests of the public. Persons or organizations may submit nominations to:

George R. Holland, Regional Administrator, Health Care Financing Administration, 300 South Wacker Drive, Chicago, Ill. 60606.

After consideration of all nominations received within 60 days of this notice, including nominees of the Governor of Illinois, the Secretary will appoint four public representatives, two of whom will have been recommended by the Governor.

For further information about the nature and functions of the Council and the role of public members in Council activities, please call the Office of the Regional Administrator, HCFA, 312-353-8057.

Dated: April 28, 1978.

ROBERT A. DERZON,
Administrator, Health Care Financing Administration.

[FR Doc. 78-12199 Filed 5-3-78; 8:45 am]

[4110-35]

STATEWIDE PROFESSIONAL STANDARDS REVIEW COUNCIL OF INDIANA

Request for Nominations for Public Member Positions on the Council

Nominations are being accepted for public member positions on the Indiana Statewide Professional Standards Review Council. A statewide council is being established because there are now five professional standards review organizations (PSROs) in Indiana.

PSROs review medical care services paid for under the medicare, medicaid, and maternal and child health and crippled children services programs in order to assure that those services are medically necessary, of acceptable quality, and provided at the appropriate level of care.

Statewide councils are established in States that have three or more PSROs to: (1) Help to coordinate PSRO activities and disseminate information

among them; (2) assist the Secretary in the development of uniform data gathering and operating procedures; (3) review certain determinations and recommendations made by PSROs as a result of their reviews of medical care; (4) work with doctors and other practitioners and with medical facilities so that they will assure that medical care provided is necessary, appropriate, and of acceptable quality; and (5) assist the Secretary to carry out several of his responsibilities, including the evaluation of the PSROs' review activities and the designation of replacement PSROs when necessary.

Nominees for public representatives are considered on the basis of whether they are:

(1) Knowledgeable about health care provided in Indiana under the medicare, medicaid, and maternal and child health and crippled children services programs;

(2) Willing and able to represent the interests of the public; and

(3) Willing and able to discharge the responsibilities of membership in the Statewide Council.

Special consideration will be given to qualified individuals who are not affiliated with:

(1) Organizations and groups that must, under law, be represented on the Council (PSROs) and physician groups); or

(2) Organizations and groups that are represented on the Council's Advisory Group (hospitals and other health care facilities and health care practitioners other than physicians).

Please include biographical data which demonstrate each nominee's qualifications, particularly their knowledge of health care in the State and their willingness and ability to represent the interests of the public. Persons or organizations may submit nominations to:

George R. Holland, Regional Administrator, Health Care Financing Administration, 300 South Wacker Drive, Chicago, Ill. 60606.

After consideration of all nominations received within 60 days of this notice, including nominees of the Governor of Indiana, the Secretary will appoint four public representatives, two of whom will have been recommended by the Governor.

For further information about the nature and functions of the Council and the role of public members in Council activities, please call the Office of the Regional Administrator, HCFA, 312-353-8057.

Dated: April 28, 1978.

ROBERT A. DERZON,
Administrator, Health Care, Financing Administration.

[FR Doc. 78-12200 Filed 5-3-78; 8:45 am]

[4110-39]

National Institute of Education

INFORMATION AND DATA ACQUISITION ACTIVITY

Collection; Opportunity for Comments

Pursuant to section 406g(2)(B), General Education Provisions Act, notice is hereby given as follows:

The National Institute of Education is proposing an information and data acquisition activity which will request information from educational agencies or institutions.

The purpose of publishing this notice in the FEDERAL REGISTER is to comply with paragraph (g)(2)(B) of the "Control of Paperwork" amendment which provides that each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative organizations shall have an opportunity, during a 30-day period before the transmittal of the request to the Director of the Office of Management and Budget, to comment to the Administrator of the National Center for Education Statistics on the collection of information and data acquisition activity.

This data acquisition activity as described below is also subject to review by the HEW Education Data Acquisition Council.

Written comments on the proposed activities are invited. Comments should refer to the form number and must be received on or before June 5, 1978, and should be addressed to the Administrator, National Center for Education Statistics, Attn: Management Information Acquisition, Planning, and Utilization, Room 3001, 400 Maryland Avenue SW., Washington, D.C. 20202.

Further information may be obtained from the Project Officer, Susan Abramowitz, Finance and Productivity Group, National Institute of Education, 202-254-5500.

Dated: April 28, 1978.

RICHARD S. WERKSMAN,
Forms Clearance Officer, National Institute of Education.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Agency form Number.—NIE 190.

2. Title of proposed activity.—Secondary School Follow-up.

3. Agency/bureau/office.—National Institute of Education.

4. Legislative authority for this activity.—"The Institute shall, in accordance with the provisions of this section, seek to improve education in the United States through concentrating the resources of the Institute on the following priority research and development needs:

(A) Improvement in student achievement in the basic educational skills, including reading and mathematics;

(B) *Overcoming problems of finance, productivity, and management in educational institutions* (emphasis added);

(C) Improving the ability of schools to meet their responsibilities to provide equal educational opportunities for students of limited English-speaking ability, women, and students who are socially, economically, or educationally disadvantaged;

(D) Preparation of youths and adults for entering and progressing in careers; and

(E) Improved dissemination of the results of, and knowledge gained from, educational research and development, including assistance to educational agencies and institutions in the application of such results and knowledge." (Section 405(b)(2) of the General Education Provisions Act as amended, 20 U.S.C. 1221e.)

"In order to carry out the objectives of the Institute, the Director is authorized, through the Institute, to conduct educational research; collect and disseminate the findings of educational research; train individuals in educational research; assist and foster such research, collection, dissemination, or training through grants, or technical assistance to, or jointly financed cooperative arrangements with, public or private organizations, institutions, agencies, or individuals; promote the coordination of such research and research support within the Federal Government; and may construct or provide (by grant or otherwise) for such facilities as he determines may be required to accomplish such purposes." (Section 405(e)(1) of the General Education Provisions Act as amended, 20 U.S.C. 1221e.)

5. Vountary/obligatory nature of response.—Voluntary.

6. How information to be collected will be used.—The proposed study is a follow-up of the 1977 NIE/NASSP survey of Public Secondary Schools, in which a national stratified random sample of 2,000 high schools were surveyed in order to determine the nature of high school programs, organization, and management. An analysis of principal responses suggests that notions of bureaucracy are inadequate descripters of high school organization; rather high schools are better characterized as high participatory organizations in which formal mechanisms such as rules do not coordinate activity within the school. The purpose of the proposed study is to describe the nature of high school organization from the perspective of actors other than the principal, and to enhance our understanding of the nature of high school organization and work environment.

Research. The apparent inability of traditional rational models to capture high school organizational reality open up new fields of inquiry. To answer this requires the perspectives of teachers, counselors, students, and State officials. Therefore, follow-up studies with reports of these groups will take place in approximately one-third of the 1448 respondent schools. Examples of research questions to be addressed are: What is the nature of the secondary school organization as perceived by teachers, counselors, and students? Under what envoronmental conditions does the school attempt to organizationally control participant behavior or choose to allow occurrence to remain only loosely connected? Under what organizational conditions within the school are staff and students more satisfied or productive? To what extent do teacher, counselor, student, and principal perceptions differ or concur? Does the degree of congruence

relate to the degree of looseness or tightness of structure, or to levels of satisfaction with school? Answers to such questions can help predict consequences of various reforms proposed for high schools.

Condition of education. Since this study generates information from actors other than principals we can describe teacher, counselor, and student perception of: (a) school organizational structure, (b) instruction and programs at the classroom level, (c) the effect of school rules at the classroom level, (d) participation in school decision making, and (e) SEA—LEA school relations in the implementation of statewide programs in high schools. The composite study and the report of its results will establish a wealth of information about American high schools from the perspectives of those most directly involved.

7. (a) Method of Collection: Mail, (b) time of collection: Fall 1978, (c) frequency: Single time.

8. (a) Type: Classroom teachers, public secondary schools, (b) number: sample (2,000), (c) estimated average person-hours per respondent: 0.5; (a) type: Guidance Counselors, public secondary schools, (b) number: 1,000, (c) estimated average person-hours per respondent: 0.5; (a) type: Students, public secondary schools, (b) number 60,000, (c) estimated average person-hours per respondent: 0.33; (a) type: Sex Education Teachers, public secondary schools, (b) number: 535, (c) estimated average person-hours per respondent: 0.33; (a) type: State Department of Education Official Responsible for Secondary School Programs, (b) number: 50, (c) estimated average person-hours per respondent: 0.33.

9. Information to be collected.—*Classroom teachers;* The survey of teachers will focus on three areas: (1) The discrepancy/congruence between teacher and principal perceptions, as indicated by teacher responses to some of the same items which principals had been asked; (2) technology at the classroom level will be explored, including questions about classroom organization and management, the level of teacher interdependence and teacher-principal contact in the area of instruction; (3) teacher satisfaction with their work environment will be investigated to determine how dependent teacher perceptions are on school structural arrangements.

Counselors. The counselor survey will investigate the extent to which the counselor's role is bureaucratized and the relationship between the counselor's role and school structure. Descriptive information will include the counselor's sources of information and their distribution of information to students and faculty. The nature and content of counselor-faculty communication will be explored. The survey will also inquire into control systems used to monitor or reward counselor behavior.

Students. The aim of the student survey is three-fold: (1) We want to examine student responses to some of the same questions asked of principals, teachers and counselors (this will give us an idea how students perceive school and classroom organization and managemenet and where their perceptions differ from the adults around them); (2) we want to know how student attitudes toward their school and classroom environments with regard to such variables as involvement, affiliation, competition, task orientation, order, organization, rule clarity, and innovation; (3) we will explore the nature of student participation in school life.

Teachers of sex education. 37 percent of the principals in the phase I sample reported that sex or family life education was offered as a separate course in their schools. NIE has been asked by the Office of Special Programs in OE if, in our follow-up work, we would survey these schools to determine the nature of the course offerings, the topics included in them and the clientele they serve. The product resulting from such a study would be a manual describing the state-of-the-art of sex education and family life courses.

State education agencies. The SEA survey will produce information on the variety of State-funded or State-initiated instructional programs operating in secondary schools, and on the nature and extent of State supervision and monitoring of such programs at the district and school levels. This survey will be administered through the National Center for Education Statistics' Fast Response Survey System.

[FR Doc. 78-10189 Filed 5-3-78; 8:45 am]

[4110-08]

Office of the Assistant Secretary for Health

NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

Meeting

The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research will meet next on June 9 and 10, 1978, in Conference Room 10, C Wing, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. The meeting will convene at 9 a.m. each day and will be open to the public, subject to the limitations of available space. Topics included in the mandate to the Commission under the National Research Act (Pub. L. 93-348), as amended, including the basic ethical principles that should underlie the conduct of research involving human subjects, the protection of patients receiving health services under programs conducted or supported by the Department of Health, Education, and Welfare, the Special Study (section 203 of Pub. L. 93-348), and other matters identified in the legislative mandate to the Commission, will be the agenda for this meeting.

Written materials of any length may be submitted to the Commission at any time. Requests for information should be directed to Ms. Betsy Singer, Information Officer, 301-496-7776, Westwood Building, Room 125, 5333 Westbard Avenue, Bethesda, Md. 20016.

Dated: April 17, 1978.

MICHAEL S. YESLEY,
Staff Director, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.

[FR Doc. 78-12204 Filed 5-3-78; 8:45 am]

[4110-02]

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Meeting

AGENCY: National Advisory Council on Indian Education.

Action: Notice.

SUMMARY: The notice sets forth the schedule and proposed agenda of the forthcoming meeting of the National Advisory Council on Indian Education. It also describes the functions of the Council. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix I, Section 10(a) (2)). This document is intended to notify the general public of their opportunity to attend.

DATES: Full Council meeting: May 19-20, 1978, 9 a.m. to 5 p.m.—Open; and May 21, 1978, 9 a.m. to 3 p.m.—Closed.

ADDRESS: Student Union, Eastern Montana College, 1500 North 30th, Billings, Mont., on May 19-20, 1978, and Warbonnet Flag Inn, 2612 Belknap Avenue, Billings, Mont. 59101, on May 21, 1978.

FOR FURTHER INFORMATION CONTACT:

Stuart A. Tonemah, Executive Director, National Advisory Council on Indian Education, Suite 326, 425 13th Street NW., Washington, D.C. 20004, 202-376-8882.

The National Advisory Council on Indian Education is established under section 442 of the Indian Education Act, Title IV or Pub. L. 92-318 (20 U.S.C 1221g).

The Council is directed to: (1) Submit to the Commissioner of Education a list of nominees for the position of Deputy Commissioner of the Office of Indian Education/OE;

(2) Advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (Pub. L. 81-874) and section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (as added by Title IV of Pub. L. 92-318 and amended by Pub. L. 93-380), and with respect to adequate funding thereof;

(3) Review applications for assistance under Title III of the Act of September 30, 1950 (Pub. L. 81-874), section 810 of Title VIII of the Elementary and Secondary Education Act of 1965 as amended and section 314, of the Adult Education Act (as added by Title IV of Pub. L. 92-318), and make

recommendations to the Commissioner with respect to their approval;

(4) Evaluate programs and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(5) Provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(6) Assist the Commissioner of Education in developing criteria and regulations for the administration and evaluation of grants made under section 303(b) of the Act of September 30, 1950 (Pub. L. 81-874) as added by Title IV, Part A, of Pub. L. 92-318;

(7) Submit to Congress not later than June 30 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include a statement of the Council's recommendations to the Commissioner with respect to the funding of any such program; and

(8) Be consulted by the Commissioner of Education regarding the definition of the term "Indian," as follows:

SEC. 453 [Title IV, Pub. L. 92-318]. For the purpose of this title, the term "Indian" means any individual who: (1) Is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member , or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo, or Aleut, or other Alaska Native, or (4) is determined to be an Indian under regulations promulgated by the Commissioner, after consultation with the National Advisory Council on Indian Education, which regulations shall further define the term "Indian."

The May 19-20, 1978, meeting of the National Advisory Coucil on Indian Education will be open to the public. The May 21, 1978, session shall be closed to the public, since the Council members will be reviewing applications that must be held in confidence, under the authority of section 10(d) of the Federal Advisory Committee Act (5 U.S.C. Appendix I) and under the exemptions contained in the Government in the Sunshine Act, section 552b(c) (4) and (6) of Title 5 U.S.C.

The proposed agenda includes:

(1) Action on previous meeting minutes.
(2) Executive Director's report.
(3) Indian education in the proposed new Department of Education.
(4) Fifth annual report.
(5) Reauthorization of Title IV.
(6) Committee and task force reports and discussions.
(7) Special reports from the field.
(8) Review of NACIE's fiscal year 1978 budget.
(9) Plans for future NACIE activities.
(10) Regular Council business.
(11)Review the Indian education applications submitted under section 423(a) of the act as added by Pub. L. 93-380.
(12) Recommendations to the Commissioner with respect to their approval.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on Indian Education. A summary of the closed session shall be available 14 days after the meeting to the public at the Office of the National Advisory Council on Indian Education located at 425 13th Street NW., Washington, D.C. 20004.

Date signed: Washington, D.C., April 27, 1978.

STUART A. TONEMAH,
Executive Director, National Advisory Council on Indian Education.

[FR Doc. 78-12108 Filed 5-3-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

BOISE, IDAHO, DISTRICT GRAZING ADVISORY BOARD

Meeting

In accordance with Pub. L. 92-463 and Pub. L. 94-579, notice is given that the Boise District Grazing Advisory Board will meet on June 7, 1978. The meeting will begin at 9 a.m. in the Bannock Room of the Rodeway Inn, 29th and Chinden Boulevard, Boise, Idaho.

The agenda for the meeting will include: (1) A discussion of the function of the Board; (2) the expenditure of range betterment and advisory board funds for range improvements; (3) a review of the current policy and program relating to allotment management plans; (4) election of officers; (5) discussion of the board's future involvement in the allotment management plan program; and (6) the arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the board between 2 and 3 p.m. or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 230 Collins Road, Boise, Idaho 83702, by June 1, 1978. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the District Office and be available for public inspection and reproductions (during regular business hours) within 30 days following the meeting.

D. DEAN BIBLES,
District Manager.

[FR Doc. 78-12192 Filed 5-3-78; 8:45 am]

[4310-84]

Bureau of Land Management

[CA 391]

CALIFORNIA

Notice of Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

APRIL 24, 1978.

The Department of Agriculture, Forest Service, filed application Serial No. CA 391 on May 10, 1973, for a withdrawal in relation to the following described lands:

SIX RIVERS NATIONAL FOREST

SAYLER ROADSIDE REST

HUMBOLDT MERIDIAN, CALIFORNIA

T. 6 N., R. 6 E.,
Portion of unsurveyed Section 19, described as follows:
Beginning at Corner 4B of Tract 51; then S. 0°14'00" E., 89.07 feet; then N. 69°03'53" W., 246.64 feet; then N. 32°09'30" W., 686.59 feet; then S. 25°20'30" W., 250.00 feet; then S. 40°34'19" W., 471.94 feet; then S. 0°14'00" E., 100.00 feet; then S. 89°46'00" W., 378.00 feet; then N. 56°40'00" W., 74.22 feet; then S. 53°41'43" W., 382.37 feet; then S. 62°40'07" W., 177.56 feet; then S. 49°11'02" W., 127.14 feet; then S. 17°25'56" W., 121.22 feet; then S. 72°34'04" E., 50.00 feet; then S. 17°25'56" W., 200.00 feet; then N. 72°34'04" W., 200.00 feet; then N. 17°25'56" E., 200.00 feet; then S. 72°34'04" E., 50.00 feet; then N. 17°25'56" E., 149.66 feet; then N. 49°11'02" E., 179.56 feet; then N. 62°40'07" E., 177.56 feet; then N. 53°41'43" E., 328.63 feet; then N. 56°40'00" W., 224.72 feet; then S. 51°31'30" W., 425.00 feet; then S. 84°00'00" W., 590.00 feet; then N. 0°00'00", 170.00 feet; then N. 79°00'00" E., 690.00 feet; then N. 51°31'30" E., 510.00 feet; then N. 1°55'30" E., 123.43 feet; then N. 73°54'20" E., 183.85 feet; then N. 51°31'30" E., 129.46 feet; then along a curve to the right with a radius of 690 feet through an angle of 44°56', for a distance of 541.12 feet; then along a nontangent course N. 17°39'40" E., 142.26 feet; then S. 80°11'50" E., 41.53 feet; then S. 7°12'10" E., 175.31 feet; then from a tangent that bears S. 73°59'30" E., along a curve to the right with a radius of 666 feet through an angle of 48°28', for a distance of 563.37 feet; then S. 25°31'30" E., 105.62 feet; then along a curve to the left with a radius of 384 feet through an angle of 33°57', for a distance of 227.54 feet; then S. 59°28'30" E., 75.05 feet; then S. 0°14'00"

E., 111.08 feet to the point of beginning.

The area described totals 26.71 acreas in Trinity County, Calif.

The applicant desires that the land be made available to the State of California, and developed by the State as a roadside rest adjacent to California State Highway 299.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on December 19, 1973, FR Doc 73-26780, pages 34824 and 34825.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing to the undersigned, Bureau of Land Management, E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825, on or before June 5, 1978. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before June 5, 1978.

The above described lands are temporarily segregated from the operation of the United States mining laws (30 U.S.C., Ch. 2), to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications in connection with the pending withdrawal application should be addressed to the undersigned.

JOAN B. RUSSELL,
Chief, Lands Section Branch of Lands and Minerals Operations.

[FR Doc. 78-12191 Filed 5-3-78; 8:45 am]

[4310-84]

[CA 5004]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Land

APRIL 26, 1978.

The Department of the Army submitted a withdrawal application for filing on March 27, 1978, serial number CA 5004, for the following described lands from location, or entry under all of the general land laws, including the mining laws, subject to valid existing rights:

MOUNT DIABLO MERIDIAN

T. 30 S., R. 43 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 and 30;
Sec. 31 (except the south half of Lot 2 in the SW quarter);
Sec. 32, All.

The area described aggregates 7,545.80 acres within San Bernardino County, Calif.

The Department of the Army desires the continued use of the land to provide space necessary for air to ground gunnery training of air crews in the basic fundamentals of conventional and nuclear weapons employment at the Cuddeback Lake Air Force Range, Calif.

On or before June 5, 1978, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the undersigned. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, section 2351.16.B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's, and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(C) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752.

For a period of two years from the date of publication of this notice in the FEDERAL REGISTER, the lands will be segregated from entry as specified above unless the application is rejected or the withdrawal is approved prior to that date. If the withdrawal is approved by the Congress, it will be segregated for a period of 20 years from date of approval, or for such period of time as designated in the Act.

All communications in connection with this proposed withdrawal should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 98525.

JOAN B. RUSSELL,
Chief, Lands Section Branch of Lands and Minerals Operations.

[FR Doc. 78-12190 Filed 5-3-78; 8:45 am]

[4310-84]

[NM 33298 and 33299]

NEW MEXICO

Applications

APRIL 25, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for two 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 25 N., R. 12 W.,
Sec. 5, lot 3.
T. 29 N., R. 12 W.,
Sec. 14, E½SW¼ and SW¼SW¼.

These pipelines will convey natural gas across 0.552 of a mile of public lands in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land

Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Mineral Operations.

[FR Doc. 78-12193 Filed 5-3-78; 8:45 am]

[4310-84]

RAWLINS DISTRICT GRAZING ADVISORY BOARD

Meeting

APRIL 25, 1978.

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Rawlins District Grazing Advisory Board will be held on May 31, 1978, at 11 a.m., in the conference room of the Bureau of Land Management Office at 1300 Third Street, Rawlins, Wyo.

The agenda for the meeting will include: (1) A discussion of the function of the Board; (2) the expenditure of range betterment funds for range improvements; (3) a review of the current policy and program relating to allotment management plans including the ongoing and future grazing environmental statement effort; (4) election of officers; (5) discussion of the Board's future involvement in the allotment management plan program, and; (6) the arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Board between 3:30 and 4:30 p.m., or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, by May 26, 1978. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the Board meeting will be maintained in the District Office and be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

FRED WOLF,
District Manager.

[FR Doc. 78-12195 Filed 5-3-78; 8:45 am]

[4310-84]

[W-62944]

WYOMING

Application

APRIL 27, 1978.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corp. of Salt Lake City, Utah has filed an application for a right-of-way to construct a 4½-inch pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 24 N., R. 111 W.,
Sec. 8, E½SE¼ and NW¼SE¼;
Sec. 16, N½NW¼, SE¼NW¼, NW¼SE¼ and NE¼SW¼;
Sec. 17, NE¼NE¼ and NW¼SE¼;
Sec. 25, W½E½.

The proposed pipeline will transport natural gas which will tie into the existing gathering systems within T. 24 N., R. 111 W., Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyo. 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-12194 Filed 5-3-78; 8:45 am]

[4310-84]

[W-62924]

WYOMING

Application

APRIL 24, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corp. of Salt Lake City, Utah, has filed an application for a right-of-way to construct a 4½ inch pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 23 N., R. 111 W.,
Sec. 10, SW¼;
Sec. 14, S½NE¼ and NW¼ SE¼;
Sec. 15, NW¼NW¼;
Sec. 16, N½NE¼ and SW¼NE¼;
Sec. 18, SW¼SE¼;
Sec. 20, SW¼NE¼, NE¼SW¼, NW¼SE¼ and SE¼SE¼;
Sec. 21, S½SW¼, NE¼SW¼ and NW¼SE¼;
Sec. 28, SW¼SE¼;
Sec. 32, S½NE¼;
Sec. 33, NW¼NE¼ and NW¼.

The proposed pipeline will transport natural gas by tying into the existing gathering systems within T. 23 N., R. 111 W., Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyo. 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-12096 Filed 5-3-78; 8:45 am]

[4310-84]

[W-63222]

WYOMING

Application

APRIL 25, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Co. of Colorado Springs, Colo., filed an application for a right-of-way to construct a 4½-inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 15 N., R. 92 W.,
Sec. 22, S½SE¼;
Sec. 26, NW¼NW¼, S½NW¼, NE¼SW¼ and N½SE¼;
Sec. 27, NE¼NE¼.

The proposed pipeline will transport natural gas from the Sinclair-Hamilton Federal No. 26-1 well located in the SE¼ of section 26, to a point of connection with Colorado Interstate's proposed F13 natural gas pipeline in the SE¼ of section 22, all within T. 15 N., R. 92 W., Carbon County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-12097 Filed 5-3-78; 8:45 am]

[4310-55]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Field Museum of Natural History, Roosevelt Road at Lake Shore Drive, Chicago, Ill. 60605.

The USFWS seeks public comment on the initial development of an Endangered Species "blanket" permit. The purpose of such a permit would be to facilitate the exchange of non-live museum specimens. The permit would authorize the export and import of non-live museum specimens already contained (accessioned) in the collection of a recognized museum. New accessions or loans from foreign institutions would require separate, more restricted and specific Endangered Species permits in order to prevent the unauthorized acquisition of new specimens from the wild.

Previous applications for blanket permits were denied because the applicants were not able to provide all the information required in 50 CFR 17.22 at the time of application. However, the Service recently has developed a method whereby USFWS Agents in the field would validate a copy of the blanket permit when the information is supplied at the time of export. The general permit issued to the museum would be invalid until an Agent has stamped and validated the permit copy. The primary difference between this type of permit and those issued in the past is the waiver of FEDERAL REGISTER publication before each shipment. Instead, the public will be invited to comment on the initial request for the "blanket" permit to export and import non-live museum specimens already accessioned into the museum's collection.

Since this application is the first of its kind to be processed, we are soliciting comments for an extended period of 60 days from the date of publication of this notice. A copy of the proposed permit is included below to indicate the types of conditions and authorizations that are contemplated.

Dated: May 1, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

3-201
(2/78)

FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

2. AUTHORITY - STATUTES
16 USC 1539(a)
REGULATIONS (Attached)
50 CFR 17.22
50 CFR 17.32

3. NUMBER
PRT 2-

4. RENEWABLE	5. MAY COPY
XX YES	XX YES
NO	NO

6. EFFECTIVE | 7. EXPIRES

8. NAME AND TITLE OF PRINCIPAL OFFICER (If not an individual)

9. TYPE OF PERMIT
ENDANGERED and THREATENED SPECIES

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED
Export and import shall be through the designated ports listed here: New York, Miami, Chicago, San Francisco, Los Angeles, New Orleans, Seattle or Honolulu.

11. CONDITIONS AND AUTHORIZATIONS

A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.

B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL OR OTHER FEDERAL LAW.

C. VALID FOR USE BY PERMITTEE NAMED ABOVE.

D. Authorized to export and import, as per Block 10, shipments of non-live museum specimens (excluding plants) previously legally accessioned into the permittee's collection.

E. Acceptance of this permit authorizes inspection in accordance with 50 CFR 13.47. The permittee must maintain records as required by 50 CFR 13.46.

F. Two copies of this permit and a completed Wildlife Declaration (Form 3-177) must be submitted to an agent of the U.S. Fish and Wildlife Service prior to export at the port of exit or upon import at the port of entry as designated in Block 10. This will constitute the reporting requirements of 50 CFR Section 17.22 and 17.32.

G. Import must be accompanied by foreign documentation as required in 50 CFR 14.41, and as required by 50 CFR 23.12 (for Convention imports other than import from the sea).

[ ] ADDITIONAL CONDITIONS AND AUTHORIZATIONS ON REVERSE ALSO APPLY

12. REPORTING REQUIREMENTS
See 11-F for reporting requirements.

ISSUED BY	TITLE	DATE
	Chief, Permit Branch	

DISTRIBUTION

H. This permit is not valid until the information required in Item K is completed by the permittee and the permit has been validated by an agent of the U.S. Fish and Wildlife Service at a port designated in Block 10.

I. To facilitate validation and clearance, the permittee should contact the appropriate SAC office (see enclosed list) prior to export or upon import and advise the SAC of the method of shipment, approximate arrival or exit date, and the country of export.

J. The container in which the authorized wildlife is shipped must be plainly marked giving the names and addresses of the shipper and consignee and an accurate description of the contents including the common and scientific names and number of each within.

K. The following information must be entered on the permit and a validated copy signed in the original shall remain with the shipment as this copy will constitute the import permit upon return of the shipment:

FOR EXPORT

Consignee: (Receiver)

Species (Scientific Names)	Number of Specimens	Description of Specimens

FOR IMPORT

Consignor: (Sender)

Species (Scientific Names)	Number of Specimens	Description of Specimens

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 2-1565. Please refer to the file number when submitted comments.

DATED: _____

Chief, Permit Branch
Federal Wildlife Permit Office
U.S. Fish and Wildlife Service

[FR Doc. 78-12206 Filed 5-3-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Mr. Philip Ellsworth Andrews, Sr., Rt. 3, Box 55A, Denton, Md. 21629.

The applicant requests a permit to purchase in interstate commerce, 2 pairs of Laysan ducks (*Anas laysanensis*) from Jonathan Hanby of Allaway, N.J., for enhancement of propagation. 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 2-2420. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: May 1, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-12207 Filed 5-3-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Boiling Springs Zoo Park and Nature Center, Jack and Viola Kiracofe, Owners, R.D. No. 1, Boiling Springs, Pa. 17007.

The applicant requests a permit to purchase in interstate commerce, one pair of captive-bred Hawaiian geese (*Branta sandvicensis*) from the St. Louis, Mo. Zoo for enhancement of propagation. 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 2-2320. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: May 1, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-12208 Filed 5-3-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Duke University Primate Center, 3705 Erwin Road, Durham, N.C. 27705

The applicant requests a permit to import one male captive-born gray gentle lemur (*Hapalemur griseus*) from Tokyo University for enhancement of propagation and for scientific purposes. 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 2-2416. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: May 1, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-12209 Filed 5-3-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Applicant: Florida Game and Fresh Water Fish Commission, 620 South Meridian, Tallahassee, Fa. 32304.

The applicant requests an amendment to his current endangered species permit to take 25 Okalossa darters (*Etheostoma okaloosae*) per month for scientific purposes instead of the 10 now authorized.

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 2-2119. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: May 1, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-12210 Filed 5-3-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: National Park Service, Hawaii Volcanoes National Park, Hawaii 96718.

The applicant requests a permit to take (capture) and band Hawaiian geese (*Branta sandvicensis*) in the Hawaiian Islands for scientific purposes.

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 2-2255. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: May 1, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-12211 Filed 5-3-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Patuxent Wildlife Research Center, U.S. Fish and Wildlife Service, Laurel, Md. 20811.

The applicant requests a permit to capture, study and release giant anoles (*Anolis roosevelti*) and St. Croix ground lizards (*Ameiva polops*) in their native habitats in the Caribbean for scientific purposes. The applicant also requests permission to capture, band, and release, and capture and hold for propagation, specimens of the Puerto Rican plain pigeon (*Columba inornata wetmorei*) and the Puerto Rico parrot (*Amazona vittata*) for enhancement of propagation and survival.

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 2-1740. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: May 1, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-12212 Filed 5-3-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Dr. Ralph M. Wetzel, University of Connecticut, Storrs, Conn. 06268.

The applicant requests a permit to import 13 Brazilian tapir (*Tapirus terrestris*) skulls and 1 postcranial skeleton, 1 ocelot (*Felis pardalis*) skull and postcranial skeleton, and 3 jaguar (*Panthera onca*) skulls for scientific purposes.

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 2-2410. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: May 1, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-12213 Filed 5-3-78; 8:45 am]

[4310-70]

National Park Service

APPALACHIAN NATIONAL SCENIC TRAIL ADVISORY COUNCIL

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Applachian National Scenic Trail Advisory Council New England Region will be held at 9 a.m. e.d.t. on May 22, 1978 in the Drake Room at the Hanover Inn, Hanover, N.H.

The purpose of the meeting is to discuss new developments in the Applachian Trail programs in Connecticut, Maine, Vermont, New Hampshire, and Massachusetts. The impact of the passage of the new Appalachian Trail legislation on New England will be reviewed as well as the plans for its implementation. Also, Draft Management Principles for the Trail will be reviewed.

The meeting will be open to the public, although space will be limited. Persons will be accommodated on a first-come, first-served basis. Any person may file with the Council a written statement concerning the matters to be discussed. Persons wishing further information concerning this meeting or who will wish to submit written statements may contact David A. Richie, Project Manager, Appalachian Trail Project Office, National Park Service, Harpers Ferry, W.V. 25425; telephone, 304-535-6371, ext. 278.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the Appalachian Trail Project Office, 596 Fillmore Street, Harpers Ferry, W.V. Copies of the Minutes may also be obtained by writing to the Appalachian Trail Project Office, National Park Service, Harpers Ferry Center, Harpers Ferry, W. Va. 25425.

Dated: April 26, 1978.

DAVID A. RICHIE,
Project Manager, Appalachian Trail, National Park Service.

[FR Doc. 78-12217 Filed 5-3-78; 8:45 am]

[4310-70]

CHILDS ASSOCIATES, INC. ET AL

Intention to Extent Four Concession Permits

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on June 5, 1978, the Department of the Interior, through the Director of the National Park Service, proposes to extend interim concession permits with the following concessioners authorizing them to continue to provide concession facilities and services for the public at Gateway National Recreation Area, New York, for a period of ten (10) months from January 1, 1978, through October 31, 1978:

Childs Associates, Inc., Robert F. Rogers, Mooringside Marina, Inc., Shields and Dean Concessions, Inc.

It has been determined that the proposed extension of these permits does not have potential for causing significant environmental impact and, therefore, preparation of an environmental assessment is not required.

The foregoing concessioners have performed their obligations under their former permits to the satisfaction of the National Park Service. Each of these permits provides that:

> • • • the concessioner hereby relinquishes and waives its right of preference in the renewal or extension of this permit and in the negotiation of a new permit or authorization for (this) operation except that this permit may be extended at the discretion of the Superintendent as may be required to permit completion of planning for the continued operation of the facilities.

The Superintendent has determined that in order to provide continuity of operations and service to the public while prospectuses are issued inviting offers to provide these services beginning in 1979, extensions of permits as noted herein are necessary and in the public interest. However, pursuant to the Act of October 9, 1965, the Secretary is required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before June 5, 1978.

Interested parties should contact the Superintendent, Gateway National Recreation Area, Headquarters Building No. 69, Floyd Bennett Field, Brooklyn, N.Y., 11234, area code 212-252-9150, for information as to the requirements of the proposed extensions.

Dated: April 21, 1978.

DANIEL J. TOBIN, Jr.,
Associate Director,
National Park Service.

[FR Doc. 78-12219 Filed 5-3-78; 8:45 am]

[4310-70]

GOLDEN GATE NATIONAL RECREATION AREA ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of Golden Gate National Recreation Area Advisory Commission will be held at 7:30 p.m. (PDS) on Tuesday, May 23, 1978, at Golden Gate National Recreation Area Headquarters (Visitor Center), Building 201, Fort Mason, San Francisco, Calif.

The Advisory Commission was established by Pub. L. 92-589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service system in Marin and San Francisco Counties.

Members of the Commission are as follows:

Mr. Frank Boerger, Chairman
Ms. Amy Meyer, Secretary
Mr. Ernest Ayala
Mr. Richard Bartke
Mr. Fred Blumberg
Ms. Daphne Greene
Mr. Peter Haas, Sr.
Mr. John Jacobs
Ms. Gimmy Park Li
Mr. Joseph Mendoza
Mr. John Mitchell
Mr. Merritt Robinson
Mr. Jack Spring
Dr. Edgar Wayburn
Mr. Joseph Williams

The major agenda items will be presentation of the Fort Mason redesign plan and updates by Advisory Commission Committees on Fort Miley, Fort Mason, Pet Policy, Point Reyes field trip, Trails, and Transportation.

This meeting is open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact Lynn H. Thompson, General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, Calif. 94123, telephone 415-556-2920.

Minutes of the meeting will be available for public inspection by June 22, 1978, in the Office of the General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, Calif.

Date: April 27, 1978.

STANLEY T. ALBRIGHT,
Acting Regional Director,
Western Region.

[FR Doc. 78-12216 Filed 5-3-78; 8:45 am]

[4310-70]

MANAGEMENT POLICIES

Availability

The Management Policies of the National Park Service have been reviewed during the past year and revised to incorporate changes called for by recent legislation and the establishment of the Heritage Conservation and Recreation Service. The Service has also discontinued use of management categories in its administration of the Park System, and this is reflected throughout the policies. Even though still in loose-leaf format, the entire document was reprinted this year to accommodate these changes.

The Management Policies provide guidance to Service managers, and deals with the National Park Service's role in preserving and managing the Nation's natural and cultural resources. The table of contents is as follows: (attached).

Copies of the Management Policies can be obtained after April 30 by writing the nearest regional office:

Mid-Atlantic Regional Office, National Park Service, 143 South Third St., Philadelphia, Pa. 19106.
Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, Nebr. 68102.
North Atlantic Regional Office, National Park Service, 15 State Street, Boston, Mass. 02109.
Pacific Northwest Regional Office, National Park Service, 601 Fourth and Pike Building, Seattle, Wash. 98101.
Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, Colo. 80225.
Southeast Regional Office, National Park Service, 1895 Phoenix Blvd., Atlanta, Ga. 30349.
National Capital Region, National Park Service, 1100 Ohio Drive SW., Washington, D.C. 20242.
Southwest Regional Office, National Park Service, P.O. Box 728, Santa Fe, N. Mex. 87501.
Western Regional Office, National Park Service, 450 Golden Gate Ave., Box 36063, San Francisco, Calif. 94102.

Dated: April 18, 1978.

IRA J. HUTCHISON,
Acting Director.

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[FR Doc. 78-12220 Filed 5-3-78; 8:45 am]

[4310-70]

ROCKY MOUNTAIN OUTFITTERS, INC.

Intention to Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on June 5, 1978, the Department of the Interior, through

the Director of the National Park Service, proposes to negotiate a concession contract with Rocky Mountain Outfitters, Inc., authorizing it to provide concession facilities and services for the public at Glacier National Park for a period of five (5) years from January 1, 1978, through December 31, 1982.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the Office of the Superintendent, Glacier National Park, West Glacier, Mont. 59936.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on December 31, 1977, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision, in effect, grants Rocky Mountain Outfitters, Inc., as the present satisfactory concessioner, the right to meet the terms of responsive offers for the proposed new contract and a preference in the award of the contract, if, thereafter, the offer of Rocky Mountain Outfitters, Inc., is substantially equal to others received. The Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before June 5, 1978.

Interested parties should contact the Assistant Director, Special Services, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: April 21, 1978.

DANIEL J. TOBIN, Jr.
Associate Director,
National Park Service.

[FR Doc. 78-12218 Filed 5-3-78; 8:45 am]

[4510-23]

NATIONAL COMMISSION ON EMPLOYMENT AND UNEMPLOYMENT STATISTICS

PUBLIC HEARING

Notice is hereby given that the National Commission on Employment and Unemployment Statistics will hold a public hearing on May 23, 1978, in Room 3560, 1515 Broadway, New York, N.Y. 10036.

The National Commission on Employment and Unemployment Statistics was established under section 13 of the Emergency Jobs Program Extension Act of 1976, Pub. L. 94-444. Its purpose is to advise the President and the Congress on reliable and comprehensive measurements of employment and unemployment by examining the procedures, concepts and methodology involved in employment and unemployment statistics, and suggesting ways and means of improving them.

Both producers and users of employment and unemployment statistics are invited to testify regarding the adequacy of current concepts and methods involved in producing these statistics for the nation, regions, states, and local areas. Testimony is invited on the usefulness of current statistics to policymaking and the specific needs of users.

The hearing will begin at 9:30 a.m. The public is invited to attend. Persons desiring to testify should submit a written request at least seven days before the hearing date. Written statements should be provided 24 hours in advance of the scheduled appearance. These materials and additional questions regarding the hearings or the National Commission on Employment and Unemployment Statistics may be addressed to:

Marc Rosenblum, Staff Economist, National Commission on Employment and Unemployment Statistics, 2000 K Street NW., Suite 550, Washington, D.C. 20006.

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

SAR A. LEVITAN,
Chairman.

[FR Doc. 78-12202 Filed 5-3-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; SUBCOMMITTEE ON THE VERMONT YANKEE NUCLEAR POWER STATION

Meeting

The ACRS Subcommittee on the Vermont Yankee nuclear power station will hold a meeting on May 19, 1978, at the Governor Hunt House, Governor Hunt Road, Vernon, Vt., to review the operating history and fuel performance.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the designated Federal employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

FRIDAY, MAY 19, 1978, 10 A.M. UNTIL THE CONCLUSION OF BUSINESS

The Subcommittee may meet in executive session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the executive session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC staff, the Vermont Yankee Nuclear Power Corp., and their consultants, pertinent to this review.

The Subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the designated Federal employee for this meeting, Mr. Elpidio G. Igne, telephone 202-634-1920, between 8:15 a.m. and 5 p.m., e.s.t.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vt. 05301.

Dated: April 28, 1978.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc. 78-12174 Filed 5-3-78; 8:45 am]

[7590-01]

[Docket No. 50-10]

COMMONWEALTH EDISON 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 Commonwealth Edison Co. The relief relates to the inservice inspection (testing) program for the Dresden nuclear power station, unit No. 1 (the facility) located in Grundy County, Ill. The ASME code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The relief is granted, on an interim basis, pending completion of our detailed review, from those inservice inspection and testing requirements of the ASME Code that the licensee has determined to be impractical within the limitations of design, geometry, and materials of construction of components, because compliance would result in hardships and unusual difficulties without a compensating increase in the level of quality or safety.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see: (1) The request for relief dated November 2, 1977, and (2) the Commission's letter to the licensee dated April 24, 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 Morris Public Library, 604 Liberty Street, Morris, Ill. 60451. 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 24th day of April 1978.

For The Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-12178 Filed 5-3-78; 8:45 am]

[7590-01]

[Docket Nos. 50-329 and 50-330]

CONSUMERS POWER CO.

Availability of Applicant's Environmental Report; Consideration of Issuance of Facility Operating Licenses; and Opportunity for Hearing

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has docketed the remainder of the application for facility operating licenses from Consumers Power Co. (the applicant) which would authorize the applicant to possess, use, and operate two light water nuclear reactors (the facilities), located on the applicant's site in Midland County, Mich. Each unit would operate at a core power level of 2,452 megawatts thermal with a combined output of approximately 1,300 megawatts electric.

In accordance with an exemption granted the applicant by the Commission on November 10, 1977, and pursuant to the National Environmental Policy Act of 1969, and the regulations of the Commission in 10 CFR Part 51, the applicant tendered his Environmental Report on March 1, 1978. The Environmental Report was docketed on April 14, 1978. The portion of the application docketed by the Commission on November 17, 1977, consisted of the Final Safety Analysis Report, which is currently undergoing review. A notice of receipt of this portion of the application was published in the FEDERAL REGISTER on March 3, 1978 (43 FR 8870). The Environmental Report, which discusses environmental considerations related to the proposed operation of the facility is being made available at the Office of Intergovernmental Relations, Department of Management and Budget, Lewis Cass Building, Lansing, Mich., for distribution to other State agencies that may wish to review the document.

After the Environmental Report has been analyzed by the Commission's Director of Nuclear Reactor Regulation or his designee, a Draft Environmental Statement will be prepared by the Commission's staff. Upon preparation of the Draft Environmental Statement, the Commission will cause to be published in the FEDERAL REGISTER a notice of availability of the draft statement, requesting comments from interested persons on the draft statement. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

The Commission will consider the issuance of facility operating licenses to Consumers Power Co. which would authorize the applicant to possess, use and operate the Midland Plant, Units 1 and 2, in accordance with the provisions of the license and the technical specifications appended thereto, upon: (1) The completion of a favorable safety evaluation on the application by the Office of Nuclear Reactor Regulation; (2) the completion of the environmental review required by the Commission's regulations in 10 CFR Part 51; (3) the receipt of a report on the applicant's application for facility operating licenses by the Advisory Committee on Reactor Safeguards; and (4) a finding by the Commission that the application for the facility licenses, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I. Construction of the facilities was authorized by Construction Permits Nos. CPPR-81 and CPPR-82, issued by the Atomic Energy Commission on December 15, 1972. The applicant anticipates that construction of Unit 1 will be completed by October 1, 1982, and Unit 2 by October 1, 1981.

Prior to issuance of any operating licenses, the Commission will inspect each facility to determine whether it has been constructed in accordance with the application, as amended, and the provisions of the construction permits. In addition, the licenses will not be issued until the Commission has made the findings reflecting its review of the application under the Act and has concluded that the issuance of the licenses will not be inimical to the common defense and security or to the health and safety of the public. As a condition to the licenses, the applicant will be required to execute an indemnity agreement as required by Section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

On or before June 5, 1978, the applicant may file a request for a hearing with respect to issuance of the facility operating licenses and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an Atomic Safety and Licensing Board,

designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR § 2.714. As required in 10 CFR § 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how the interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any other which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularly both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., by June 5, 1978. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Michael I. Miller, Esq., Isham, Lincoln & Beale, Suite 4200, One First National Plaza, Chicago, Ill. 60670, attorney for the applicant.

A petition for leave to intervene which is not timely will not be granted unless the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition determines that the petitioner has made a substantial showing of good cause for failure to file on time and after considering those factors specified in 10 CFR § 2.714(a)(1)-(4) and § 2.714(d).

For further details pertinent to the matters under consideration, see the application for the facility operating licenses dated August 29, 1977, and the applicant's Environmental Report dated March 1, 1978, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Grace Dow Memorial Library, 1710 West St. Andrews Road, Midland, Mich. 48640. As they become available, the following documents may be inspected at the above locations: (1) The Safety Evaluation Report prepared by the Office of Nuclear Reactor Regulation; (2) the Draft Environmental Statement; (3) the Final Environmental Statement; (4) the report of the Advisory Committee on Reactor Safeguards (ACRS) on the application for facility operating licenses; (5) the proposed facility operating licenses; and (6) the technical specifications, which will be attached to the proposed facility operating licenses.

Copies of the proposed operating licenses and the ACRS report, when available, may be obtained by request to the Director, Division of Project Management, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Commission's staff Safety Evaluation Report and Final Environmental Statement, when available, may be purchased at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Va. 22161.

Dated at Bethesda, Md., this 17th day of April 1978.

For the Nuclear Regulatory Commission.

STEVEN A. VARGA,
Chief, Light Water Reactor Branch 4, Division of Project Management.

[FR Doc. 78-11885 Filed 5-3-78; 8:45 am]

[7590-01]

[Project No. M-4]

EXTENSION OF COMMENT PERIOD

Draft Generic Environmental Impact Statement on Handling and Storage of Spent Light Water Power Reactor Fuel

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice has been given (March 24, 1978, 43 FR 12402) that a Draft Generic Environmental Impact Statement prepared by the Commission's Office of Nuclear Material Safety and Safeguards on Handling and Storage of Spent Light Water Power Reactor Fuel is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Notice of the Commission's intent to prepare such a statement was published in the FEDERAL REGISTER on September 16, 1975 (40 FR 42801). The Draft Environmental Statement has also been made available at the State Clearinghouses and local Public Document Rooms. Requests for single copies of the Draft Environmental Statement (identified as NUREG-0404) should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control.

In response to numerous requests that the comment period for the Draft Environmental Statement be extended beyond the present date of May 8, 1978, the period is hereby extended to June 8, 1978.

Comments on the Draft Environmental Statement from interested persons should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Fuel Cycle and Material Safety.

Dated at Silver Spring, Md., this 28th day of April, 1978.

For the Nuclear Regulatory Commission.

RICHARD W. STAROSTECKI,
Chief, Fuel Reprocessing and Recycle Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 78-12173 Filed 5-3-78; 8:45 am]

[7590-01]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT MANUAL OF GUIDANCE

Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is sponsoring the development of a manual of guidance for use by government officials who are responsible for preparing plans to cope with the offsite consequences of radiation accidents at nuclear facilities.

An IAEA Advisory Group has been meeting and preparing drafts of the manual since 1975. Mr. Harold E. Collins of the Nuclear Regulatory Commission is the Chairman of the Advisory Group. He has been assisted by Messrs. F. Raymond Zintz, Department of Energy, and Joe E. Logsdon, Environmental Protection Agency; and by representatives from Austria, Belgium, Denmark, Egypt, France, Hungary, Federal Republic of Germany, Israel, Netherlands, Soviet Union, Switzerland, United Kingdom, and the Nuclear Energy Agency of the Organization for Economic Cooperation and Development.

The IAEA staff has produced the third draft of the manual of guidance based on work of the Advisory Group. This draft has been sent to the Chair-

man of the Advisory Group and the chairmen of four Advisory Group working parties for review. As part of their review of the draft, the Chairman and the other U.S. representatives of the Advisory Group want to consider comments from Federal, State, and local government agencies, and private organizations and individuals.

For that reason, we are asking for comments from interested agencies, individuals and groups on AG-124, Planning for Offsite Response to Radiation Accidents in Nuclear Facilities, International Atomic Energy Agency, Third Revised Draft, February 1978. Comments should be forwarded to Mr. Harold E. Collins, Assistant Director for Emergency Preparedness, Office of State Programs (MS 7109), Nuclear Regulatory Commission, Washington, D.C. 20555, by June 1, 1978.

Copies of the document are available for review at the Nuclear Regulatory Commission Public Document Room, 1717 H Street NW., Washington, D.C. Single copies can be obtained from Mr. Collins, telephone 301-492-7210.

Dated at Bethesda, Md., this 28th day of April 1978.

For the Nuclear Regulatory Commission.

ROBERT G. RYAN,
Director,
Office of State Programs.

[FR Doc. 78-12175 Filed 5-3-78; 8:45 am]

[7590-01]

[Docket No. 50-277/278]

PHILADELPHIA ELECTRIC CO.

Granting an Exemption From the Requirements for Reporting of Defects and Noncompliance

The U.S. Nuclear Regulatory Commission (the Commission) has granted a temporary exemption from the requirements of section 21.31 of 10 CFR 21, "Reporting of Defects and Noncompliance," to Philadelphia Electric Co. (the Licensee).

This exemption relates to the procuring of "Agastat" relays, terminal blocks and locking springs, from the Control Product Division of the Amerace Corp. for installation at Peach Bottom Units 2 and 3. This exemption is effective as of the date of its issuance and will expire on January 27, 1979. The basis for this exemption is set forth in the letter to the licensee granting the exemption dated April 27, 1978.

The Commission has determined that an exemption is authorized by law, will not endanger life or property or the common defense and security and is otherwise in the public interest.

The Commission has determined that the exemption granted neither increases the probability or consequences of accidents previously considered nor decreases safety margins and that, therefore, it does not involve a significant hazards consideration. Thus, prior public notice of the exemption was not required.

The Commission has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR section 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 licensee's request dated March 22, 1978, as supplemented March 28, 1978, and (2) the Commission's letter to the licensee dated April 27, 1978.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pa. 17126. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 27th day of April 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-12179 Filed 5-3-78; 8:45 am]

[7590-01]

[Byproduct Material License No. 29-13613-02]

RADIATION TECHNOLOGY, INC.

Order Postponing Evidentiary Hearing

Radiation Technology, Inc. (Licensee), Lake Denmark Road, Rockaway, N.J. 07866, has through its President requested a postponement of one day of the evidentiary hearing scheduled to convene on May 3 to May 4, 1978, at the same time and place. The Regulatory Staff has no objection.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Nuclear Regulatory Commission, that the evidentiary hearing scheduled to convene on May 3, 1978, is postponed one day and the evidentiary hearing in this proceeding shall convene at 9 a.m. on Thursday, May 4, 1978, in Courtroom No. 4 in the Morris County Courthouse, Morristown, N.J.

Issued: May 2, 1978, Bethesda, Md.

For the Nuclear Regulatory Commission.

SAMUEL W. JENSCH,
Administrative Law Judge.

[FR Doc. 78-12384 Filed 5-3-78; 10:28 am]

[4910-58]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 78-18]

STATISTICAL REPORT; SAFETY RECOMMENDATIONS; AND RESPONSES

Printed copies of the following report have recently been made available to the public by the National Transportation Safety Board:

Aircraft Accident Reports Brief Format, U.S. Civil Aviation, Issue No. 1 of 1977 Accidents (Report No. NTSB-BA-78-1).—This publication contains selected aircraft accident reports, in brief format, occurring in U.S. Civil aviation operations during calendar year 1977. The 897 General Aviation accidents contained in this publication represent a random selection. The brief format presents the facts, conditions, circumstances, and probable cause(s) of each accident. Additional statistical information is tabulated by type of accident, phase of operation, kind of flying, injury index, aircraft damage, conditions of light, pilot certificate, injuries, and casual factors.

NOTE.—The brief reports of accidents in this publication contain essential information; more detailed data may be obtained from the original factual reports on file in the Washington Office of the Safety Board. Upon request, factual reports will be reproduced commercially at an average cost of 25 cents per page for printed matter, $1.50 per page for black-and-white photographs, and $4 per page for color photographs, plus postage. Minimum reproduction charge is $1; an additional $4 user-service charge will be made for each order. Requests should be directed to the Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. The requester is asked to provide this information concerning the accident: (1) Date and place of occurrence, (2) type of aircraft and registration number, and (3) name of pilot.

Copies of Issue No. 1 may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

SAFETY RECOMMENDATIONS

AVIATION

A-78-21-and 22.—During its investigation of the crash of a United Airlines cargoliner near Kaysville, Utah, on December 18, 1977, the Safety Board found that the cockpit voice recorder (CVR) had been inoperative during the entire flight. As a result, valuable accident-related information was lost. Further investigation revealed that the CVR unit, a Sund-

strand Data Control, Inc., model V-557, had been inoperative for several days before the accident. Flightcrews are required to perform a preflight functional check; however, the Safety Board believes that current preflight testing procedures do not insure satisfactory operation of the CVR unit. Therefore, on April 13, the Safety Board recommended that the Federal Aviation Administration:

Review the adequacy of current cockpit voice recorder preflight testing procedures to assure satisfactory system operation. (Class II—Priority Action) (A-78-21)

Review the reliability of cockpit voice recorder units to assure that the mean time between failure is not excessive. (Class II—Priority Action) (A-78-22)

A-78-23 through 26.—On March 11, 1977, an Aerospatiale SA-318C Alouette II helicopter was involved in an accident near Coldfoot, Alaska. The Safety Board's investigation of the accident revealed a design feature of the cyclic grip which may compromise a pilot's ability to handle certain emergency situations. On April 13, the Board recommended that FAA:

Expand its proposed research plans on "Cockpit Human Factors Problems," particularly in the area of Human Capabilities and Limitations and Displays and Controls, to include problems peculiar to helicopter controls and displays. (Class II—Priority Action) (A-78-23)

Amend 14 CFR 133.23(c)(6) to require the pilot to demonstrate his ability to actuate the quick-release switch in normal and simulated emergency operations. (Class II—Priority Action) (A-78-24)

Issue an Advisory Circular advising rotorcraft external load operators that, whenever the cargo quick-release switch location or function on the pilot's primary control (usually the cyclic grip) is modified, the operators again have their pilots demonstrate their ability to actuate the switch in normal and simulated emergency operation without having to assume an unusual finger or thumb position which may induce unwanted control inputs. (Class II—Priority Action) (A-78-25)

Delete 14 CFR 133.23(d) which permits the Administrator to waive pilot test of skill. (Class II—Priority Action) (A-78-26)

A-78-30 through 32.—On September 22, 1976, a Grumman Gulfstream II, N500J, operated by Johnson & Johnson, Inc., crashed while making an instrument landing system approach to Ingalls Field Airport, Hot Springs, Va. During its investigation, the Safety Board discovered that the Johnson & Johnson flight department did not have, nor was it required to have, a flight operations manual which detailed the operational, administrative, and cockpit procedures which Johnson & Johnson required its flightcrew members to follow. Johnson & Johnson pilots conformed to well known, unwritten company procedures during the conduct of their flights. In view of the above, on April 24, the Safety Board recommended that FAA:

Develop the criteria to determine which corporate/executive flight departments are required to operate under formal flight operations manuals. (Class II—Longer Term Action) (A-78-30)

Amend 14 CFR Part 91 to require that corporate/executive flight departments which fall in certain categories be required to maintain and operate under a flight operations manual. (Class III—Longer Term Action) (A-78-31)

Amend 14 CFR Part 91 to establish the criteria for flight operations manuals for those corporate/executive flight departments which are required to have manuals. (Class III—Longer Term Action) (A-78-32)

A-78-33.—On August 25, 1977, the left main landing gear retracted on a Cessna 402, N9900F, as the aircraft turned off the runway onto a taxiway at Clovis Municipal Airport in New Mexico. The aircraft was owned and operated by Crown Aviation, Inc., an air taxi/commercial operator. Although there was no fire and the pilot and passengers were not injured, the aircraft was damaged substantially.

Because of the circumstances of this accident and the potential for future fatal accidents, the Safety Board, on April 27, recommended that the FAA:

Issue an Airworthiness Directive making the provisions of Cessna Service Letter ME 76-2 mandatory for 300/400 Series aircraft. (Class I—Urgent Action) (A-78-33)

PIPELINE

P-78-15, 16 and 17.—On October 14, 1977, an explosion and fire destroyed a two-family house at 4930 West Cortez Street in Chicago, Ill. One person was killed, three persons were injured, and two adjacent houses were damaged. Natural gas had entered the building through a broken service head adapter which was used to connect inserted plastic service lines to the riser and meter set on the inside of the building. The adapter was broken when a contractor, employed by the city to remove street curbs, pulled the 1¼-inch, plastic-encased service line operating at ¼ psig.

As a result of its investigation of this accident, the Safety Board on April 25, made recommendations to the Peoples Gas Light & Coke Co., and to the Mayor of Chicago, respectively.

To the Peoples Gas Light & Coke Co.:

Instruct its employees to respond immediately to reports of gas leaks that require prompt action to protect life and property and monitor its employees' response time to assure that these leaks reports receive immediate attention. (Class I—Urgent Action) (P-78-15)

Instruct its supervisors in each zone to schedule their servicemen so that emergencies can be handled promptly at all times. (Class I—Urgent Action) (P-78-16)

To the Mayor of Chicago:

Instruct its employees who monitor work of contractors performing construction for the city, to ascertain that the contractor has notified utilities of planned construction through use of the one-call notification system. (Class I—Urgent Action) (P-78-17)

RAILROAD

R-78-19 through 22.—On April 6, the Safety Board concluded a 3-day en banc hearing on railroad derailments and the carriage of hazardous materials. The hearing was prompted by the increasing number of derailments nationwide, especially those involving the release of hazardous materials from DOT 112A/114A "jumbo" tank cars. Forty-eight witnesses from the railroad industry, tank car builders and operators, shippers, other Federal agencies, and the public testified at the hearing.

Evidence at the hearing indicated that because tank car owners do not now bear the costs of accidents, they have no incentive to make their cars safe. The Safety Board believes that the Department of Transportation, in cooperation with the responsible regulatory agencies, should work to devise strategies to make safety profitable; and therefore, on April 24, recommended that the Department of Transportation:

Require that shelf couplers be installed on all DOT 112A/114A jumbo tank cars no later than December 25, 1978. (Class I—Urgent Action) (R-78-19)

Require that approved headshields be installed on all DOT 112A/114A tank cars by December 25, 1978. (Class 1—Urgent Action) (R-78-20)

Require that thermal insulation be installed as soon as possible, but in no event later than the original deadline of January 1, 1982, contained in the Materials Transportation Bureau's Docket HM-144. (Class II—Priority Action) (R-78-21)

Assist the responsible Federal regulatory agencies to develop economic regulations that provide a strong economic incentive to install tank car safeguards quickly and a strong economic disincentive for delay. (Class I—Urgent Action) (R-78-22)

RESPONSES

A-76-105 through 115.—A Board letter of April 21 states that these recommendations were forwarded to the FAA as a result of its special study titled "General Aviation Accidents Involving Aerobatics, 1972-1974." Specifically, recommendations A-76-109, 114, and 115 discussed the problems associated with structural failures attributed to aerobatic maneuvers. FAA, on November 19, 1976, advised the Board that the failure rate did not justify action at that time.

The Board believes that the importance of the recommendations based on its study, and two studies on this subject conducted by NASA, merit further indepth review by the FAA, and therefore, requests that FAA reconsider its previous decision concerning these three recommendations.

M-77-7.—A Board letter of February 3, is a followup to the Commerce De-

partment's letter of July 22, 1977. Recommendation M-77-7 asked the Department of Commerce to establish guidelines to provide for the use, at the earliest possible date, of Marine Radar Interrogation Transponders (MRIT) and Collision Avoidance Systems (CAS) by vessels that are navigating by radar on inland waters.

The Safety Board feels strongly that the evaluation of the use of existing CAS installations is necessary to identify problems that have been observed in the CAS equipment, its interface with other shipboard equipment, and in its operational patterns. The board also states that, even though MRIT may be used to augment the performance of both CAS and Vessel Traffic Systems (VTS), a conceptual plan or guide for the integrated use of these systems must be established before the development of MRIT can go further. The Board believes the Maritime Administration does have the proper authority to develop such a conceptual plan for MRIT use, is hopeful that the Maritime Administration will take the lead in developing these much needed guidelines, and awaits their further response.

P-77-24 and 25.—A Board letter of January 24 to the Connecticut Natural Gas Corp. acknowledges their prompt reply of October 31, 1977, to these recommendations, which resulted from the natural gas explosion at Greenwich, Conn., on May 25, 1977. The Board requests a copy of the revised written procedures, implemented by the Connecticut Natural Gas Corp., that require a complete review of existing records prior to beginning work and a previous determination as to whether or not a pipe is a gas carrier.

R-76-16.—In its letter of January 3, 1977, the Massachusetts Bay Transportation Authority (MBTA) responds to this recommendation by the Safety Board endorsing the recommendations made by the MBTA's investigating committee after investigation of the Red Line Collision in Boston on August 1, 1975. The Committee recommended corrections in each area which it determined to be causal in this accident.

MBTA states that dispatchers, master control operators, train starters, inspectors, motormen, guards, and signal maintainers have received reinstruction on operating rules, procedures, radio communications, equipment, emergency procedures, and flagging, as they relate to their specific areas. MBTA further states, among other responses to these recommendations, that the chief dispatcher constantly defines the authority and responsiblities of dispatchers to dispatchers and master control operators; instructors periodically check Rapid Transit personnel on their knowledge of rules, procedures and monitor their performance; flagmen from the Transportation Department flag for signal maintainers; and signal clerks record the actual time a call for a defective signal is received.

MBTA further states that, in the area of communications, attenuation and propagation tests were conducted and train radio reception and transmission is now excellent; and a video tape was prepared and is being used by the Training Department to train all personnel involved in the use of radio communications. New cars on order will be accessible from outside the cars, MBTS states; however, a means of opening side doors from outside the car has not been accomplished on existing equipment. Also, MBTA states that their rule book entitled "Rules for Rapid Transit and Other Employees" has been reviewed and updated.

NOTE.—The above notice summarizes Safety Board Documents recently released. The Board's safety recommendation letters in their entirety are available to the general public; single copies are obtainable without charge.

All requests to the Board for copies must be in writing, identified by the recommendation number and the date of publication of this notice in the FEDERAL REGISTER. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2171 (40 U.S.C. 1903, 1906)).)

BARBARA BUSH,
Acting Federal Register Liaison Officer.

MAY 1, 1978.

[FR Doc. 78-12266 Filed 5-3-78; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

TRANSFER OF RESPONSIBILITY FOR CERTAIN STATISTICAL STANDARDS FROM OMB TO COMMERCE

Notice is hereby given that implementation of certain responsibilities under section 103 of the Budget and Accounting Procedures Act of 1950 (64 Stat. 834) having been transferred from the Office of Management and Budget (OMB) to the U.S. Department of Commerce pursuant to Executive Order 12013, the following OMB Circulars are discontinued:

1. OMB Circular No. A-39, "Providing of Statistical Information to Intergovernmental Organizations";
2. OMB Circular No. A-46, "Standards and Guidelines for Federal Statistics";
3. OMB Circular No. A-65, "Reports to the Department of Commerce on International Transactions"; and
4. OMB Circular No. A-91, "Prompt Compilation and Release of Statistical Information."

The standards associated with these circulars will now be enforced by the Department of Commerce.

A corresponding submission including the statistical policy standards, now called Statistical Policy Directives, issued by the Department of Commerce, appears in today's FEDERAL REGISTER.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc. 78-12039 Filed 5-3-78; 8:45 am]

[3190-01]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

CERTAIN IMPORTED CERAMIC TABLEWARE

Change of Date of Public Hearings in Connection with Consideration of Articles for Modification or Continuance of U.S. Duties or Additional Duties

In the FEDERAL REGISTER of April 27, 1978 (43 FR 18076), there was an announcement that the Trade Policy Staff Committee (TPSC) would hold a public hearing on May 23, 1978, in connection with the current consideration by the TPSC of possible modifications or continuances of U.S. import duties, or possible additional import duties, for certain imported ceramic tableware items. This hearing has been rescheduled, and will now be held on May 31, 1978, in Room 730 at the Office of the Special Representative for Trade Negotiations, 1800 G Street NW, Washington, D.C. 20506.

This hearing will begin at 10 a.m. Information regarding the hearing may be obtained from Mrs. Carolyn Frank, Secretary, Trade Policy Staff Committee, at the address given above, and at telephone number 202-395-7210.

Persons requesting to appear at the hearing should so advise the Secretary of the Trade Policy Staff Committee, in writing, not later than the close of business on May 24, 1978. This deadline replaces the one announced previously, which was May 17, 1978.

WILLIAM B. KELLY, Jr.,
Chairman, Trade Policy Staff Committee.

[FR Doc. 78-12101 Filed 5-3-78; 8:45 am]

[7715-01]

POSTAL RATE COMMISSION

[Docket No. R78-1]

POSTAL RATE AND FEE INCREASES, 1978

United States Postal Service Filing of a Request for a Recommended Decision on a Surcharge for Nonstandard Mail

APRIL 27, 1978.

Notice is hereby given that on April 25, 1978, the United States Postal

Service (Postal Service), pursuant to § 3622 of the Postal Reorganization Act (39 U.S.C. § 3622), filed a request with the Postal Rate Commission for a recommended decision on a surcharge for nonstandard mail. This filing has been assigned Docket No. R78-1.

The Postal Service states that its request is filed in accordance with the Commission's rules of practice and contains such information and data which explain the nature, scope, significance, and impact of the proposed surcharge. The Postal Service further states that the surcharge request of 13 cents per-piece for nonstandard first-class and single-piece third-class mail is designed to meet the additional attributable and reasonably assignable costs incurred in handling nonstandard mail, as defined in Domestic Mail Classification Schedules §§ 100.21 and 300.21. The Postal Service estimates that the implementation of the recommended surcharge will increase postal revenues by $86 million.

Hearings will be held on the proposal submitted by the Postal Service in Docket No. R78-1. Any person desiring to be heard with reference thereto and to become a party to the proceeding, or to participate as a party in any hearing thereon, should file a petition for leave to intervene. Petitions for leave to intervene must be filed with the Secretary, Postal Rate Commission, Washington, D.C. 20268 on or before May 24, 1978, and must be in accordance with § 20 of the Commission's rules of practice (39 CFR § 3001.20). We direct specific attention to § 20(b) which provides that petitions for leave to intervene shall affirmatively state whether or not petitioner requests a hearing or, in lieu thereof, a conference; and further, whether or not the petitioner intends to participate actively in the hearing. Alternatively, persons seeking limited participation, but who do not wish to become parties may, on or before May 24, 1978, file a written request for leave to be heard as a "limited participator," pursuant to § 19a of the Commission's rules of practice (39 CFR § 3001.19a). In addition, persons wishing to express their views informally, and not desiring to become a party or limited participant, may file comments pursuant to § 19b of the Commission's rules, 39 CFR § 3001.19B.

The request of the Postal Service for a recommended decision on a surcharge for nonstandard mail is on file with the Commission and is available for public inspection during regular business hours.

DAVID F. HARRIS,
Secretary.

[FR Doc. 78-12196 Filed 5-3-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

MIRA-PAK, INC.

Suspension of Trading

APRIL 26, 1978.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Mira-Pak, Inc., being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 3:15 p.m. (e.s.t.), April 26, 1978, through May 5, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-12226 Filed 5-3-78; 8:45 am]

[4710-02]

DEPARTMENT OF STATE

Agency for International Development

BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the nineteenth meeting of the Board for International Food and Agricultural Development on May 25, 1978.

The purpose of the meeting is to receive and discuss progress reports of the Joint Research Committee and the Joint Committee on Agricultural Development; to discuss progress in the development of a methodology for Baseline Studies in research, education and extension capabilities in developing countries; and to receive a progress report on the development of a program to strengthen universities' capabilities to participate in Title XII activities.

The meeting will begin at 9 a.m., adjourn at 4:30 p.m., and will be held in Room 1107, State Department Building, 21st and C Street NW., Washington, D.C. The meeting is open to the public. Any interested person may attend, may file written statement with the Board before or after the meeting, or may present oral statements in accordance with procedures established by the Board, and to the extent the time available for the meeting permits.

Dr. Erven J. Long, Director, Office of Title XII Coordination/University Relations, Development Support Bureau, A.I.D., is designated as A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at 703-235-2243.

Dated: April 28, 1978.

ERVEN J. LONG,
A.I.D. Advisory Committee Representative, Board for International Food and Agricultural Development.

[FR Doc. 78-12135 Filed 5-3-78; 8:45 am]

[4710-02]

PROVISION OF PESTICIDES TO LIBERIA

Waiver of Certain Requirements

On March 1, 1978, the Agency for International Development (A.I.D.) provided notice in the FEDERAL REGISTER (43 FR 8320) of its intention to waive certain requirements for provision of pesticides as set forth in the Interim Pesticide Procedures published in the FEDERAL REGISTER on January 7, 1976 (41 FR 1297). The reasons for the waiver were set forth in the notice and the public was requested to provide comments within twenty (20) days of publication. That time period has now elapsed and no comments have been received.

For the reasons set forth in the above mentioned notice published in the FEDERAL REGISTER on March 1, 1978 (43 FR 8320) and no new information having since come to my attention, I approve, under section (a) of the Interim Pesticide Procedures, the financing by A.I.D. of the following pesticides and uses:

Pesticide	Crop	Pest/disease
Cuprous oxide	Cocoa	Black pod disease.
Do	Coffee	Coffee berry disease.
Lindane	Cocoa	Cocoa mirids.

I determine that the benefits of

using such pesticides for the purposes intended outweigh the potential adverse effects and that no preferably alternative is available.

This determination has been made in consultation with the Environmental Protection Agency as required under section (b) of the Interim Pesticide Procedures.

This determination shall be published in the FEDERAL REGISTER.

Dated: April 21, 1978.

JOHN J. GILLIGAN,
A.I.D. Administrator.

[FR Doc. 78-12098 Filed 5-3-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

CONSULTATIVE PLANNING CONFERENCE

Post-1980 Airport and Airway Development Legislation

The purpose of this notice is to announce a Consultative Planning Conference on Post-1980 Airport and Airway Development Legislation. (The establishment of annual consultative planning procedures was originally documented and publicized in 33 FR 1905, dated December 24, 1968, and 35 FR 17798, dated November 19, 1970.)

The Department of Transportation announces that this one day conference will commence at 9 a.m. on Thursday, June 1, 1978, in Room 2230 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The conference will be open to the public and persons who wish to present oral views on this future legislation should notify the FAA no later than the day before the conference. Presentations will be scheduled on a first-come-first-served basis as time permits.

In addition, persons may submit written viewpoints either at the conference or no later than July 14, 1978. Such communications, as well as requests to make presentations or to receive further information, should be addressed to:

Associate Administrator for Policy Development and Review, Attention: ASP-10, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-3912.

BACKGROUND

Current legislative authority for several FAA programs and the Airport and the Airway Trust Fund which provides support for these programs will expire on September 30, 1980. The Trust Fund was created by the Airport and Airway Revenue Act of 1970 (Title II of Pub. L. 910-258) and provides slightly more than one third of FAA's total annual budget. It provides full support for the following agency programs:

Airport Development Aid Program (ADAP)
Planning Grant Program (PGP)
Facilities and Equipment (F&E)
Research, Engineering and Development (R.E. & D.)

It also provides partial support for maintenance of the airway system. If these programs are to be continued, new legislation will be required. Over the next several months, the Department will be formulating Post -FY 1980 Airport and Airway legislation through a high-level task force. The preliminary results of this effort will be briefly addressed at the June 1 conference and agency spokepersons will outline the various options or alternatives being considered and the significant issues which need to be addressed. However, the main purpose of the conference will be to solicit views from the aviation community and the general public on such matters as:

Estimates of future airport and airway system needs;

The appropriate roles for local, State, and Federal governments and for sponsors in planning, capital development, and operations and maintenance;

Financing and delivery systems which could support the level of estimated needs;

Opinions on FAA-developed alternatives or options;

Recommendations on particular legislative provisions (program requirements, administration, eligible items, etc.);

Any further issues that need to be addressed.

To pre-register for the conference, please write to the above address giving: (1) name, (2) address, and (3) company/association, if any.

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

MARY M. ANDERSON,
Associate Administrator for Policy, Development and Review.

[FR Doc. 78-12136 Filed 5-3-78; 8:45 am]

[4910-59]

National Highway Traffic Safety Administration

[Docket No. EX77-3; Notice 3]

BRISTOL CARS, LTD.

Petition for Temporary Exemption From Motor Vehicle Safety Standard

Bristol Cars Ltd. of London, England, has petitioned for a temporary exemption of Bristol 412 passenger cars from 49 CFR 571.215 Motor Vehicle Safety Standard No. 215, Exterior Protection, on the basis that compliance would cause it substantial economic hardship.

Petitioner is a manufacturer whose annual production of motor vehicles has not exceeded 150 units in the past 3 years. In 1977 it applied for (42 FR 16014) and received (42 FR 42942) temporary exemptions from five Federal motor vehicle safety standards. Its request for exemption from Standard No. 215, however, was denied without prejudice on the basis that insufficient information had been submitted to support a finding that the company had, in good faith, attempted to comply with the standard. The company has applied once more for a 3-year exemption from Standard No. 215. It has submitted a drawing which purports to show that its bumper heights meet the impact height requirements of the standard. The bumpers themselves are made of fiberglass backed at the major mounting points by steel spreader plates. The petitioner believes that it is unlikely to experience problems with engine movement damage at low speed impact since it uses a Chrysler engine and motor mounts, and has no radiator fan in the impact area. Cost of engineering and testing for compliance is estimated at $75,000. Bristol had a net loss of approximately $92,000 in 1975 with a total accumulated loss of approximately $156,000 as of the end of that year. It argues that an exemption would be in the public interest in allowing it to continue in business and to purchase engines, transmissions, and drive trains from a U.S. corporation.

This notice of receipt of a petition for temporary exemption is published in accordance with NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition. It should be noted that Standard No. 215 is revoked effective September 1, 1978, and that any exemption which may be granted to Bristol will expire at that time, and will not include exemption from 49 CFR Part 581, Bumper Standard.

Interested persons are invited to submit comments on the petition of Bristol Cars, Ltd. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 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, are available for examination in the docket both before and after closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. If the petition is granted, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: June 5, 1978.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegation 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. 78-11833 Filed 5-3-78; 8:45 am]

[Docket No. LVM 77-05; Notice 1]

EXCALIBUR AUTOMOBILE CORP.

Petition for Exemption From Average Fuel Economy Standards

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

ACTION: Notice of receipt of a petition for exemption from average fuel economy standards.

SUMMARY: This notice announces the receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition submitted by Excalibur Automobile Corp. (Excalibur). The petition requests that the NHTSA exempt model year 1978-80 passenger automobiles manufactured by Excalibur from the generally applicable passenger automobile average fuel economy standards for those model years, and establish lower, alternative standards for those vehicles. In accordance with agency procedures, this notice summarizes the petition, describes the options available to the NHTSA in responding to the petition, and invites written public comment thereon.

COMMENT CLOSING DATE: May 29, 1978.

ADDRESS: Comments on the Excalibur petition should refer to Docket No. LVM 77-05 and 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: Part A of title III of the Energy Policy and Conservation Act (Pub. L. 94-163) amended the Motor Vehicle Information and Cost Savings Act (hereinafter referred to as "the Act") by adding a new title V. That title requires the Secretary of Transportation to implement and administer a program for improving the fuel economy of new automobiles sold in the United States. Authority to administer the program was delegated by the Secretary to the Administrator of the NHTSA; 41 FR 25015, June 22, 1976.

Section 502(a)(1) of the Act establishes average fuel economy standards for passenger automobiles at 18 miles per gallon (mpg) for 1978, 19 mpg for 1979, and 20 mpg for 1980. They then steadily rise to a level of 27.5 mpg for 1985 and thereafter. Under 49 CFR, part 523, Vehicle Classification, published at 42 FR 38362, July 28, 1977, passenger automobiles include station wagons, sedans, coupes, and sport cars.

Section 502(a) of the Act provides that a low volume manufacturer of passenger automobiles may be exempted from the generally applicable average fuel economy standards if those standards are more stringent than the maximum feasible average fuel economy achievable by the low volume manufacturer, and if the NHTSA establishes alternative standards for the low volume manufacturer at the manufacturer's maximum feasible level. A low volume manufacturer under the Act is one which manufactures (within or without the United States) fewer than 10,000 passenger automobiles in the model year for which the exemption is sought (hereinafter "the affected model year"), and which manufactured fewer than 10,000 passenger automobiles in the second model year preceding the affected model year. In its determination of the maximum feasible average fuel economy, the NHTSA is required by 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.

Part 525 of title 49, Code of Federal Regulations, establishes the format and content requirements for petitions requesting exemption from the generally applicable passenger automobile average fuel economy standards and describes the procedures that the NHTSA follows in acting on these petitions (42 FR 38374, July 28, 1977). Section 525.8 of that rule states that the NHTSA will publish a notice announcing receipt of a petition for exemption and summarizing the content of that petition. This notice is published in response to that section.

Publication of this notice of receipt of a petition does not represent any agency decision or other exercise of judgment concerning the merits of Excalibur's petition.

EXCALIBUR'S PETITION

Excalibur, formerly known as SS Automobiles, Inc., is an independent automobile manufacturer headquartered in Milwaukee, Wis. The company produces automobiles which are "reproductions of the classic touring vehicle, i.e., the Mercedes Benz models of 1930-1935". Annual production has been about 250 vehicles, of which about 40 are exported.

In all model years through 1980, the company will manufacture only one vehicle configuration. A vehicle configuration is a classification of automobiles that includes all automobiles produced by the same manufacturer with the same inertia weight and which are equipped with the same engine, emissions control system, transmission type (e.g., manual, automatic, or semi-automatic) and axle ratio. This is a simplification of the Environmental Protection Agency's definition of the term, which can be found at 40 CFR 600.002-77(a)(24). This vehicle will comply with the 49-State emissions standards during each of the affected model years. The average fuel economy of this configuration will be Excalibur's average fuel economy, since there are no other configurations to be averaged with it.

Excalibur has been manufacturing automobiles since 1964. It makes major design changes in its automobiles every 5 years. Excalibur states that it is unable to make major design changes more frequently than every 5 years, for a number of reasons. First, its design staff consists of the company's president and one draftsman. The small staff must be certain that it will be producing a "truly Quality vehicle" before it makes any changes, according to the company. Second, the costs of retooling and remachining in Excalibur's plant are said to make it necessary for Excalibur to use the tools and machines for a sufficiently long production run to allow the company to gradually amortize those costs, rather than absorbing the costs in the space of a few model years. Third, Excalibur urges that its size requires that it depend upon the major manufacturers for technological advances, and that these advances are not generally available to companies like Excalibur as soon as they are applied by the major manufacturers. This lag requires Excalibur to wait for the latest technology.

Excalibur began producing its Series III vehicles in the 1975 model year, and plans to continue producing these through the 1979 model year. No technological changes will be made to the vehicles in the 1978 or 1979 model years. The final fuel economy numbers for 1978 Excaliburs have been reported by the Environmental Protection Agency as 9.7 mpg for the city cycle and 14.7 for the highway cycle, for a combined fuel economy of 11.5 mpg. Hence, Excalibur's 1978 and, barring any test procedure changes, 1979 average fuel economy will be 11.5 mpg.

The Excalibur uses a 454 cubic inch displacement engine in its Series III

vehicles. This engine was selected for use in Excalibur Series III automobiles after the Corvette drivetrain, which had been used in Excalibur before the 1975 model year, was changed to include a catalytic converter to pass the emissions standards for 1975. The design of the Excalibur would not allow Excalibur to simply incorporate the single converter used with the Corvette engine, because there would reportedly not be enough road clearance under the vehicle. Excalibur then modified the design of its cars to accommodate two catalytic converters with the Corvette engine, and prepared to conduct a 50,000 mile durability test. Before it conducted the 50,000 mile durability test on this vehicle, however, Excalibur discovered that General Motors produced a 454 cubic inch engine for its light trucks which would pass the emissions standards without the use of a converter. The company decided to use this engine in its Series III vehicles, since it would not then be required to run a 50,000 mile durability test on its vehicles. International Harvester reportedly told Excalibur that the cost for this test would be $80,000 to $85,000.

The other design factors of the Excalibur are constrained by the fact that the automobile is a full scale reproduction of the 1930-35 models of Mercedes-Benz, which limits changes in the body design or the concept of the vehicle. Excalibur also argues that it is unable to make any changes on its 1978 automobiles at this time, since it has ordered or bought all the components to be used on its 1978 vehicles. The value of the company's present inventory is estimated by the company to be $800,000.

For the 1980 model year, Excalibur projects an increase in its average fuel economy to 14.1 mpg. This increase will result from a redesign of the vehicle to permit the use of catalytic converters in that model year. The company did not specify any further improvements as necessary to achieve this increased fuel economy, although it did mention plans to use "catalytic converters and its greater designed efficiency systems in 1980."

Excalibur argues that its projected average fuel economy for each of the affected model years is its maximum feasible fuel economy for each model year. After pointing out its technological efforts, Excalibur notes that it already uses 222½ pounds of aluminum in its automobiles which is more than 5.1 percent of the vehicle curb weight. Further weight reduction is not possible, according to Excalibur, in the structural steel used in its automobiles. Excalibur uses type 1020 structural steel materials, which has relatively low strength values, and, therefore, requires greater section thickness and section size per piece to meet minimum strength requirements. Structural steel with greater strength, would would allow lesser thickness and size, is not available in standard tubing, channel, angle, and flat stock. Excalibur states that the costs associated with special ordering and tooling for the stronger structural steel would be prohibitive.

Excalibur presently uses a 2.73:1 axle ratio, which is the lowest gear ratio made by General Motors to fit the differential housing used by Excalibur. General Motors has discontinued use of the 2.73 ratio on new vehicles, but is still manufacturing it as replacement parts. Excalibur indicates in its petition that it will continue to use the lowest axle ratio manufactured by General Motors which is available to it and is compatible with the presently used differential housing.

The use of a smaller engine by Excalibur in the 1978 and 1979 model years is said to be impracticable because of leadtime considerations and the emissions certification situation described above. With respect to the 1980 model year, Excalibur states that it "has insufficient information at this time to indicate whether a reduction in engine displacement could be made consistent with 1980 emissions standards and the horsepower required to propel the vehicle."

Excalibur argues that it is unable to make any significant capital investments to improve fuel economy. It states that it showed a net loss of over $1,000,000 on the shareholders' original investment at the end of 1976. More current information was not provided.

Excalibur argues that other Federal standards have also reduced its potential fuel economy. Specifically, Excalibur argues that Federal safety and damageability standards have increased the weight of an Excalibur automobile by 1,325 pounds—causing increases of 875 pounds in the frame, 25 pounds in the bumpers, 150 pounds in the doors, 200 pounds in the engine, and 75 pounds in the side mount tire assembly.

Further, Excalibur urges that the Federal emissions standards have caused a decrease in its Series III automobiles' fuel economy, since it now must use a larger engine without a catalytic converter to comply with the emissions standards.

Regarding the need of the Nation to conserve energy, Excalibur states that it has conducted a survey of 200 owners of its automobiles which indicates that the average number of miles an Excalibur is driven annually is 5,000. Based on this figure, and a projected production of 250 vehicles in each of the affected model years, Excalibur estimates that its automobiles will consume approximately five additional barrels per day if they achieve the projected average fuel economy in each model year rather than the generally applicable average fuel economy standard.

Because of all these factors, Excalibur states that its currently planned average fuel economy is its maximum feasible average fuel economy for each of the affected model years, and thus petitions the NHTSA to exempt it from the generally applicable average fuel economy standards and establish alternative average fuel economy standards for Excalibur of 11.5, 11.5, and 14.1 mpg for model years 1978, 1979, and 1980, respectively.

NHTSA Options

The NHTSA will carefully evaluate the Excalibur petition and all comments received thereon. Following this evaluation, the NHTSA could find that Excalibur plans to use all reasonably available means and strategies for improving its average fuel economy and that its projected average fuel economy for each affected model year is its maximum feasible average fuel economy for that model year. Alternatively, the NHTSA could find that Excalibur has some additional means and strategies available to it to improve its average fuel economy above the projected level for one or all of the affected model years, and make a determination of the maximum feasible average fuel economy that could be achieved for each affected model year if those means and strategies were implemented.

If Excalibur's maximum feasible average fuel economy for any affected model year is determined by this agency to be equal to or greater than the generally applicable standard, Excalibur's petition will be denied for that model year. If Excalibur's maximum feasible average fuel economy for any affected model year is determined to be less than the generally applicable standard, Excalibur's petition may be granted for that model year.

If Excalibur's petition is granted for any affected model year, the NHTSA will establish an alternative average fuel economy standard applicable to Excalibur during that model year. The Act permits the NHTSA to establish that standard in one of three ways: (1) a standard may be established specifically for Excalibur; (2) classes, based on design, size, 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.

Copies of the Excalibur petition, as well as supporting materials, other information, and any comments received, are available for public inspection in the docket section between 8

a.m. and 4 p.m., Monday through Friday.

Comments on the Excalibur petition are invited from the public. These comments must be in writing, refer to Docket No. LVM 77-05, be submitted to the address for comments, and 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 sucinct and concise fashion. It is requested, but not required, that five copies of the comments be submitted.

All comments received before the close of business on the comment closing date indicated above will be considered. Comments received after the closing date will be considered to the extent practicable. Comments received too late for consideration in developing a proposed decision on this petition will be considered in reaching a final decision.

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

MICHAEL M. FINKELSTEIN,
Acting Associate Administrator for Rulemaking.

[FR Doc. 78-12223 Filed 5-3-78; 8:45 am]

[4910-59]

[Docket No. IP78-5; Notice 1]

GENERAL MOTORS CORP.

Receipt of Petition for Determination of Inconsequentiality

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 571.205 Motor Vehicle Safety Standard No. 205, Glazing Materials. 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 S6.4 of Standard No. 205 requires each manufacturer who cuts a section of glazing material to which S6 applies, for use in a motor vehicle, to mark that material in accordance with section 6 of American National Standard Requirements Z26. General Motors has manufactured 36 Rapid Transit System coaches between September 1977 and January 1978 incorporating a rigid plastic partition behind the driver's seat that it failed to mark. The correct designation is "AS5" and the material is represented as meeting all other requirements of Standard No. 205 applicable to AS5 glazing materials. The company argues that the protection from injury intended by the standard is provided by the plastic which was installed, and that the nonconformance is therefore inconsequential as it relates to motor vehicle safety.

Interested persons are invited to submit written data, views and arguments on the petition of General Motors Corp. described above. Comments should refer to the docket number and be submitted to: 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 19, 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. 78-11834 Filed 5-3-78; 8:45 am]

[4910-60]

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

Change in Meeting Time and Place

As published in the FEDERAL REGISTER on April 24, 1978, the National Highway Safety Advisory Committee's Executive Subcommittee is scheduled to meet on May 15. The time and place of the meeting has been changed from 3 to 7 p.m. on May 15. The meeting will be held at the Channel Inn, 650 Water Street SW., Washington, D.C., in room 250 in lieu of room 2230 of the DOT Headquarters Building as originally published.

This meeting is subject to the approval of the appropriate DOT officials. Additional information may be obtained from the NHTSA Executive Secretary, Room 5215, 400 Seventh Street SW., Washington, D.C. 20590, telephone 202-426-2872.

Issued in Washington, D.C., on May 1, 1978.

WM. H. MARSH,
Executive Secretary.

[FR Doc. 78-12250 Filed 5-3-78; 8:45 am]

[4910-59]

WASHINGTON STATE COMMISSION ON EQUIPMENT

Denial of Petition for Rulemaking

This notice sets forth the reasons for denial of a petition for rulemaking to amend 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices, and Associated Equipment. It is published in accordance with section 124 of the National Traffic and Motor Vehicle Safety Act which provides that the National Highway Traffic Safety Administration must grant or deny such petitions within 120 days, and that if a petition is denied the reasons for it shall be published in the FEDERAL REGISTER (sec. 124(d)).

On October 20, 1977, the Washington State Commission on Equipment petitioned for an amendment of Motor Vehicle Safety Standard No. 108 that would "allow the individual states to adopt ECE headlamp standards for motor vehicles registered with their State." The Commission was presented with the dilemma that the Washington Legislature had authorized it to approve such headlamps while NHTSA had informed it that the State was preempted from such authorization by 15 U.S.C. 1392(d). ECE headlamps do not meet the requirements of Standard NO. 108 in major respects. They are of unsealed construction, lack mechanical aiming capability, are available in such a proliferation of shapes and sizes that replacement may be difficult, and frequently exceed maximum allowable candlepower limits. Accordingly, the petition was denied on December 9, 1977, on the basis that to grant it would encourage States to adopt laws that differed from the Federal standards, with corresponding petitions to amend the standards to allow the States to maintain such laws, and that this would eventually result in a "multiplicity of diverse standards" rather than the "one set of criteria" envisioned as the beneficial result of the preemption clause (H. Rept. No. 1776, p 17, 89th Cong., 2nd Sess).

(Secs. 103, 119, Pub. L. 89-563, 80 Stat 718 15 U.S.C. 1392, 1907); Sec. 106 Pub. L. 93-492, 88 Stat. 1482 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on April 27, 1978.

MICHAEL M. FINKELSTEIN,
Acting Associate Administrator for Rulemaking.

[FR Doc. 78-12029 Filed 5-3-78; 8:45 am]

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 100 (Rev. 1)]

ASSISTANT COMMISSIONER (PLANNING AND RESEARCH) ET AL.

Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: This delegation order authorizes certain officials of the Internal Revenue Service to enter into agreements to provide statistical and other information, services, or training and training aids on a reimbursable basis pursuant to Internal Revenue Code sections 6108, 6103, and 7516. The text of the delegation order appears below.

EFFECTIVE DATE: May 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Gayle Morin, 1111 Constitution Avenue NW., Room 3238, Washington, D.C. 20224, telephone 202-566-4693.

R. C. BLANKENSHIP,
Director, Legislative Analysis Division.

1. The authority to furnish information on a reimbursable basis, provided by 26 U.S.C. 6108 and delegated to the Commissioner of Internal Revenue by Treasury Department Order No. 150-37, is hereby redelegated to the Assistant Commissioner (Planning and Research). Upon written request of any person and agreement by such person to pay the cost of the work or services to be performed, the Assistant Commissioner (Planning and Research) is authorized to provide special statistical studies and compilations involving return information (as defined in 26 U.S.C. 6103(b)(2)). Whereas these special statistical studies and compilations may be derived from return information, they do not, in and of themselves, constitute return information. No publication or disclosure of statistics or other information authorized under this delegation shall permit the disclosure of any information that would be associated with or otherwise identify, directly or indirectly, a particular taxpayer. This authority may not be redelegated below the level of Division Director.

2. The authority to enter into contracts to furnish information on a reimbursable basis under 26 U.S.C. 6103, and delegated to the Commissioner of Internal Revenue by Treasury Department Order No. 150-37, is hereby redelegated to the Assistant Commissioner (Data Services) (Accounts, Collection, and Taxpayer Service) (Compliance) or (Planning and Research). Upon written request by any person and agreement by such person to pay the cost of work to be performed, the Assistant Commissioner having functional responsibility over the resources to be utilized in filling this request may authorize the providing of services or the furnishing of return and return information upon determination by the Commissioner or his/her delegate that information to be furnished is disclosable under 26 U.S.C. 6103. Any return or return information (as defined in 26 U.S.C. 6103(b)(1) and (2)) provided under this paragraph is subject to disclosure laws, regulations, and internal operating instructions covering 26 U.S.C. 6103. Joint authorization may be appropriate if filling the request requires utilization of resources in more than one Assistant Commissioner area. This authority may not be redelegated below the level of Division Director.

3. The authority delegated to the Commissioner of Internal Revenue by 26 CFR 301.7516-1 is hereby redelegated to the Assistant Commissioner (Administration), within his/her discretion, upon written request, to admit employees and officials of any State, the Commonwealth of Puerto Rico, any possession of the United States, any political subdivision or instrumentality of any of the foregoing, the District of Columbia, or any foreign government to training courses conducted by the Internal Revenue Service and to authorize that they be supplied with texts and other training aids. The Assistant Commissioner (Administration) may require payment from the party or parties making the request of a reasonable fee not to exceed the cost of the training and training aids supplied pursuant to such request. This authority may not be redelegated below the level of Division Director.

4. Delegation Order No. 100, issued January 26, 1965, is superseded.

Issued: May 1, 1978.

Effective: May 1, 1978.

JEROME KURTZ,
Commissioner.

[FR Doc. 78-12237 Filed 5-3-78; 8:45 am]

[4830-01]

[Delegation Order No. 156, Amdt. 7]

DEPUTY COMMISSIONER ET AL.

Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: This Amendment permits the Deputy Commissioner, Assistant Commissioner (Compliance), Deputy Assistant Commissioner (Compliance), and Director, Disclosure Operations Division, to disclose or authorize the disclosure of returns and return information to Committees of Congress and the Comptroller General pursuant to the provisions of IRC 6103 (f) and (i)(6). The text of the Amendment appears below:

EFFECTIVE DATE: April 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Howard T. Martin, CP:D, 1111 Constitution Avenue NW., Room 1603, Washington, D.C. 20224, telephone 202-566-3370 (not a toll-free telephone number).

HOWARD T. MARTIN,
Director, Disclosure Operations Division.

APRIL 27, 1978.

Pursuant to the authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150-37, dated March 17, 1955, authority is hereby delegated as follows:

(1) The Deputy Commissioner, Assistant Commissioner (Compliance), Deputy Assistant Commissioner (Compliance), and the Director, Disclosure Operations Division:

(a) May disclose or authorize the disclosure of returns and return information to Congressional Committees, subject to the conditions prescribed in IRC 6103(f). This authority may not be redelegated.

(b) May disclose or authorize the disclosure of returns and return information to officers and employees of the General Accounting Office, subject to the conditions prescribed in IRC 6103(i)(6). This authority may not be redelegated.

(2) To the extent that authority previously exercised consistent with this Amendment may require ratification, it is hereby affirmed and ratified.

(3) This Amendment supplements Delegation Order No. 156. Delegation Order No. 156, issued May 19, 1976, is printed in the FEDERAL REGISTER dated May 21, 1976, Vol. 41, No. 100, Page 20898.

Issued: April 27, 1978.

Effective: April 27, 1978.

JEROME KURTZ,
Commissioner.

[FR Doc. 78-12236 Filed 5-3-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 652]

ASSIGNMENT OF HEARINGS

MAY 1, 1978.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be pub-

lished 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.

No. MC 141804 (Sub-No. 77), Western Express, Division of Interstate Rental, Inc., now assigned for hearing May 31, 1978, at San Francisco, Calif., is cancelled; application dismissed.

No. MC 109533 (Sub-No. 88), Overnite Transportation Co., is now assigned for continued hearing August 28, 1978, at the offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 136786 (Sub-No. 113), Robco Transportation, Inc., now assigned May 16, 1978, at Des Moines, Iowa, June 13, 1978, at Greensboro, N.C., and June 26, 1978, at Washington, D.C., is cancelled and transferred to unopposed modified procedure.

No. MC 120781 (Sub-No. 6), Kraftours Corp., now assigned June 6, 1978, at Tulsa, Okla., is reassigned for June 6, 1978 (9 days), at Oklahoma City, Okla., in a hearing room to be later designated.

No. MC 94350 (Sub-No. 402), Transit Homes, Inc., now assigned May 9, 1978, at Washington, D.C., is cancelled and transferred to modified procedure.

No. AB 43 (Sub-No. 38), Illinois Central Gulf Railroad Co. abandonment near Rosedale and Greenville, in Washington and Bolivar Counties, Miss., now assigned June 5, 1978, at Rosedale, Miss., is postponed indefinitely.

No. MC-F-13314, Consolidated Freightways Corp. of Delaware—purchase (portion)—M & M Transportation Co.; MC 42487 (Sub-No. 873F), Consolidated Freightways Corp. of Delaware; MC-F-13333, Smith's Transfer Corp.—purchase (portion)—Nelson Freightways, Inc., and MC 110683 (Sub-No. 128F), Smith's Transfer Corp., are now assigned for hearing September 11, 1978 (2 weeks), at the Parker House, 60 School Street, Boston, Mass.

No. MC 138875 (Sub-No. 58), Shoemaker Trucking Co., now assigned May 3, 1978 at Portland, Oreg., is canceled and transferred to modified procedure.

No. MC 133841 (Sub-No. 4), Dan Barclay, now assigned June 5, 1978, at New York, N.Y., is postponed indefinitely.

No. MC 120981 (Sub-No. 24), Bestway Express, Inc., is assigned for hearing June 5, 1978 at Frankfort, Ky., and will be held at Holiday Inn, U.S. Highway 60 East.

No. MC 143589, Randleman's Pick-up & Delevery Service, Inc., is now assigned for hearing June 6, 1978, at the offices of the Interstate Commerce Commission, Washington, D.C.

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

[FR Doc. 78-12230 Filed 5-3-78; 8:45 am]

[7035-01]

DECISIONS VOLUME NO. 1

Order-Notice

The following applications are governed by Special Rule 247 of the Commission's Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement's of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission notice, order or letter which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication.

We find preliminarily that, with the exception of those applications involving duly noted impediments (e.g., unapproved common control, unresolved fitness questions, and jurisdictional problems) to authorization or proposed services, each applicant has demonstrated, in accordance with the applicable provisions of the Interstate Commerce Act and with the Commission's rules and regulations, that its proposed service should be authorized. This decision 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.

It is ordered: In the absence of legally sufficient protests, filed within 30 days of publication of this order-notice (or, if at any prescribed time thereafter, the application becomes unopposed), an appropriate certifiate, permit, or license (which subsequently may reflect administratively acceptable restrictive amendments to the service proposed below) will be issued to each applicant upon compliance with certain requirements which will be set forth in a notification of effectiveness of this order-notice.

To the extent that the authority sought by each applicant below may duplicate its existing authority, such duplicating authorities shall be construed, for all purposes, as a single operating right. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Dated: April 24, 1978.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

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

No. MC 107403 (Sub-No. 1074F), filed April 10, 1978. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: Martin C. Hynes, Jr., (same address as applicant). Authority granted to operate as a *common carrier,* over irregular routes, transporting: *Plastic granules, flakes, and powder,* in bulk, in tank vehicles, from Allyn's Point, CT, to points in MN, WI, IL, KY, TN, MS, AL, FL, GA, SC, LA, NC, VA, IN, OH, MI, PA, NY, WV, VA, MD, DE, NJ, CT, MA, RI, NH, VT, ME, and DC. (Hearing site: Washington, DC.)

No. MC 134369 (Sub-No. 10F), filed April 13, 1978. Applicant: CARLSON TRANSPORT, INC., P.O. Box R, Byron, IL 61010. Applicant's representative: Donald B. Levine, 39 South La Salle Street, Chicago, IL 60603. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foundry compound and premix,* from Neenah, WI to Waterloo, IA. (Hearing site: Chicago, IL.)

No. MC 141878 (Sub-No. 5F), filed April 3, 1978. Applicant: DIRECT COURIER, INC., 2780 South Jefferson Davis Hwy, Arlington, VA 22202. Applicant's representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. Authority granted to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Biological research products and equipment, medical reagents, plasma, sera, cell and tissue cultures, and laboratory equipment and apparatus,* (1) from Kalamazoo, MI to points in IL. (2) Between Washington, DC, and points in Montgomery and Frederick Counties, MD, on the one hand, and, on the other, Cleveland and Cincinnati, OH, Indianapolis, IN, and Chicago, IL. (3) Between Chicago, IL, on the one hand, and, on the other, Indianapolis, IN, and points in IL. (4) Between Jacksonville, Tampa, Orlando, and Miami, FL, on the one hand, and, on the other, points in FL. (5) From Pittsburgh, PA, to points in OH. (6) Between St. Louis and Kansas City, MO, on the one hand, and, on the other, points in MO. (7) Between San Francisco, CA, on the one hand, and, on the other, points in Marin, Sonoma, Lake, Colusa, Sutter, Butte, Sierra, Yuba, Placer, El Dorado, Alpine, Sacramento, Contra Costa, Alameda, San Mateo, Santa Cruz, San Joaquin, Calaveras, Tuolumne, Stanislaus, Mariposa, Madera, Merced, Santa Clara, San Francisco, Fresno, San Benito, and Monterey Counties, CA. (8) From Wilmington, MA, to New York, NY, and Philadelphia, PA. (9) Between Seattle, WA, on the one hand, and, on the other, points in King, Pierce, Kitsap, Jefferson, Clallam, Mason, Grays Harbor, Pacific, Thurston, Lewis, Yakima, Kittitas, Chelan, Snohomish, Skagit, San Juan, Whatcom, Okanogan, Douglas, Skamania, Cowlitz, and Wahkiakum Counties, WA. (10) Between Los Angeles, CA, on the one hand, and, on the other, points in CA in and south of San Bernardino, Kern, and San Luis Obispo Counties, CA. (Hearing site: Washington, DC.)

No. MC 141878 (Sub-No. 6F), filed April 3, 1978. Applicant: DIRECT COURIER, INC., 2780 South Jefferson Davis Hwy, Arlington, VA 22202. Applicant's representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *live laboratory animals,* (1) from Kalamazoo, MI, to points in IL. (2) Between Washington, DC, and points in Montgomery and Frederick Counties, MD, on the one hand, and, on the other, Cleveland and Cincinnati, OH, Indianapolis, IN, and Chicago, IL. (3) Between Chicago, IL, on the one hand, and, on the other, Indianapolis, IN, and points in IL. (4) Between Jacksonville, Tampa, Orlando, and Miami, FL, on the one hand, and, on the other, points in FL. (5) From Pittsburgh, PA, to points in OH. (6) Between St. Louis and Kansas City, MO, on the one hand, and, on the other, points in MO. (7) Between San Francisco, CA, on the one hand, and, on the other, points in Marin, Sonoma, Lake, Colusa, Sutter, Butte, Sierra, Yuba, Placer, El Dorado, Alpine, Sacramento, Contra Costa, Alameda, San Mateo, Santa Cruz, San Joaquin, Calaveras, Tuolumne, Stanislaus, Mariposa, Madera, Merced, Santa Clara, San Francisco, Fresno, San Benito, and Monterey Counties, CA. (8) From Wilmington, MA, to New York, NY, and Philadelphia, PA. (9) Between Seattle, WA, on the one hand, and, on the other, points in King, Pierce, Kitsap, Jefferson, Clallam, Mason, Grays Harbor, Pacific, Thurston, Lewis, Yakima, Kittitas, Chelan, Snohomish, Skagit, San Juan, Whatcom, Okanogan, Douglas, Skamania, Cowlitz, and Wahkiakum Counties, WA. (10) Between Los Angeles, CA, on the one hand, and, on the other, points in CA in and south of San Bernardino, Kern, and San Luis Obispo Counties, CA. (Hearing site: Washington, DC.)

[FR Doc. 78-11780 Filed 5-3-78; 8:45 am]

[7035-01]

[Notice No. 35]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before June 5, 1978. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-F-C 77489, filed April 11, 1978. Transferee: GAIN'S EXPRESS, INC., 1635 Main Street, Jefferson, MA 01522. Transferor: Gain's Express, Inc., 84 Westborough Street, Worcester, MA 01604. Applicants' representative: Carl E. Baylis, 390 Main Street, Worcester, MA, 01608. Authority sought for purchase by transferee of the operating rights of transferor as set forth in certificate No. MC 55665, issued March 24, 1976, as follows: *General commodities,* with certain exceptions, over specified regular routes, between Jefferson, MA, and Worcester, MA, serving the intermediate point of Holden, MA. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-C77607, filed April 3, 1978.

Transferee: DUANE E. WILKEN, doing business as DEW FILM SERVICE, Route No. 4, 110 North 4th, Norfolk, NE 68701. Transferor: Dale Hitz, Carol Gast, and Viola Retzlaff; a partnership, doing business as Pierce Film Service, 511 South 2nd Street, Pierce, NE 68767. Applicants' representative: Duane E. Wilken (same as transferee). Authority sought for purchase by transferee of the operating rights of transferor, as set forth in certificate No. MC 107473, issued November 26, 1965, as follows: *Motion picture films, repairs, and supplies and magazines and motion picture advertising,* over specified regular and irregular routes in NE. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-C77609, filed April 3, 1978. Transferee: BARNETT TRANSPORTATION, INC., Route No. 2, Box 183, Talladega, AL 35160. Transferor: Consolidated Freightways Corp. of Delaware, 175 Linfield Drive, Menlo Park, CA 94025. Applicants' representative: John P. Carlton, Attorney at Law, 727 Frank Nelson Building, Birmingham, AL 35203. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in certificates No. MC 76177 and sub numbers 250, 264, 265, 289, 299, 316, 323, and 327 issued in the name of Baggett Transportation Co. and acquired by transferor pursuant to MC-F 13224 granted December 19, 1977, and consummated January 3, 1978, as follows: Irregular routes: *Packinghouse products, groceries, and fresh fruits and vegetables,* from Gadsden, AL, to points within 35 miles of Gadsden, AL; *cotton yarn* from Sylacauga and Talladega, AL, to

Port Ewen, NY; Reynolds, White Haven, Reading, and Hazleton, PA, and Pompton Lakes, Yardville, and Mount Holly, NJ; *fruit juices,* from points in FL and TX to Birmingham, AL; *methyl vinyl pyridine,* in bulk, in tank vehicles, from Pasadena, TX, to Decatur, AL; *methyl vinyl pyridine,* in bulk, in tank vehicles, between Pace, FL, and Pasadena, TX; *nylon salt solution,* in bulk, in tank vehicles equipped with mechanical temperature-control devices, from Gonzalez FL, to Decatur, AL; *synthetic fibre yarn and containers* used for the transportation thereof, between Gonzales and Pensacola, FL, on the one hand, and, on the other, Atlanta, GA, with service at Atlanta, restricted as an interchange point; *tire cord yarn and containers* used in the transportation thereof, between Gonzales and Pensacola, FL, on the one hand, and, on the other, Barnesville, GA; *synthetic fiber, synthetic fiber yarns, and tire cord yarn,* from Decatur, AL, to points in GA, LA, MS, and TN; *synthetic fiber and synthetic fiber yarn,* from the plantsites and warehouses of Monsanto Co. at Decatur and Huntsville, AL, to points in NC, SC, and VA; from the plantsites and warehouses of Monsanto Co. at Gonzalez and Pensacola, FL, to points in GA, NC, VA, and SC; *textiles, textile products, equipment, materials, and supplies* used in the manufacture and distribution of textiles (except commodities in bulk and those which require the use of special equipment), between the plantsite of Monsanto Co. in Marshall county, AL, on the one hand, and, on the other, points in AL, GA, LA, MS, NC, SC, TN, and VA, (1) textiles and textile products, and (2) equipment, materials, and supplies, used in the manufacture and distribution of textiles, (except commodities in bulk and commodities requiring the use of special equipment in both (1) and (2) above), from the facilities of Monsanto Textiles Co., a division of the Monsanto Co., at Gonzalez and Pensacola, FL, to points in GA, NC, SC, and VA. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-C 77612, filed April 5, 1978. Transferee: CARGO TRANSPORT, INC., 3101 Vera Street, Baltimore, MD 21226. Transferor: Carlton Reay Allender, doing business as Cargo Transport, 3101 Vera Street, Baltimore, MD 21226. Applicant's representative: Edward G. Wyatt, 2 East Fayette Street, Suite 501, Jefferson Building, Baltimore, MD 21202. Authority sought for purchase of the operating rights set forth in certificates Nos. MC 110461 and MC 110461 (Sub-No. 2), issued February 1, 1954, and February 12, 1957, respectively, as follows: *Specified commodities,* from specified points in MD to points in VA, WV, PA, MD, NY, DE, KY, OH, SC, TN, NC, AL, CO, FL, GA, IL, IA, ME, MA, MI, MN, MS, MO, NH, RI, VT, WI, and DC. Transferee holds no Commission authority and does not seek section 210a(b) authority.

No. MC-F-C 77615, filed April 7, 1978. Transferee: DEATH VALLEY TRUCKING, INC., 130 South Washington, P.O. Box 296, Lone Pine, CA. Transferor: V. B. Morgan Co., a corporation, 6106 Paramount Boulevard, Long Beach, CA. Applicant's representative: R. Y. Schureman, Attorney at Law, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought for purchase by transferee of the operating rights of transferor as set forth in certificates Nos. MC 106022 (Sub-No. 9) and MC 106022 (Sub-No. 12), issued January 16, 1973, and July 6, 1972, respectively, as follows: *Bentonite,* in dump vehicles, between the facilities of New Discovery Mine, at or near Beatty, NV; Blanco Mine, at or near Coaldale Junction (Esmeralda County), NV; Vanderbilt Mine, at or near Lovelock, NV; and the Vanderbilt Mine, near Las Vegas, NV, on the one hand, and, on the other, Dunn Siding, at Rail Mill, near Baker, CA; and *raw talc,* from the site of the Nevada Talc Mine near Lida, NV, to Dunn Siding at Rail Mill near Baker, CA. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-C 77620, filed April 27, 1978. Transferee: L. D. FONTAINE, doing business as L. D. FONTAINE TRUCKING, 504 Riverview Boulevard, Great Falls, MT 59404. Transferor: Western General Trucking, Inc., Internal Revenue Service, successor in interest, P.O. Box 20374, Billings, MT 59104. Applicant's representative: L. D. Fontaine, 504 Riverview Boulevard, Great Falls, MT 59404. Authority sought for purchase of the operating rights set forth in certificate No. MC 138988 (Sub-No. 2), issued May 2, 1975, as follows: *Fresh and frozen meat and fresh and frozen packinghouse products* from points of entry on the international boundary line between the United States and Canada and or near Peace Garden and Pembina, ND, and Noyes, MN, to points in AZ, CA, ID, NV, OR, UT, and WA. Transferee hold authority as a common carrier under certificate No. MC 142543 and does not seek temporary authority under section 210a(b).

No. MC-F-C 77630, filed April 17, 1978. Transferee: DAVID LLOYD WALLACE, doing business as DAVID WALLACE TRUCKING, 1829 7th Avenue, Belle Fourche, SD 57717. Transferor: Robert Wallace, Rural Route 1, West National Street, Belle Fourche, SD 57717. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in certificate Nos. MC 100404 and MC 100404 (Sub-No. 2), issued August 8, 1967, and September 18, 1969, as follows: *Bentonite,* in bulk, not milled, from points in MT south of U.S. Hwy 12, and those in Crook, Webster, and Campbell Counties, WY, to points in Pennington, Lawrence, Butte, Custer, and Meade Counties, SD; and *sand, gravel, aggregates, and crushed rock,* between points in Carter and Powder River Counties, MT, Crook County, WY, and Butte, Lawrence, Meade, and Pennington Counties, SD. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-12231 Filed 5-3-78; 8:45 am]

[7035-01]

[Volume No. 86]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

Motor Carrier, Broker, Water Carrier and Freight Forwarder Operating Rights Applications

April 26, 1978.

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the Federal Register. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use a such authority to provide all or part of the service proposed), and shall specify with particularly the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protest not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served con-

currently upon applicant's representative, or applicant if not representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(e)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the* FEDERAL REGISTER *of a notice that the proceeding has been assigned for oral hearing.*

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 340 (Sub-No. 48F), filed March 10, 1978. Applicant: QUERNER TRUCK LINES, INC., 1131-33 Austin Street, San Antonio, TX 78208. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Paint,* from Chicago, IL to Laredo, TX. (Hearing site: San Antonio, TX or Chicago, IL.)

No. MC 2202 (Sub-No. 557F), filed March 17, 1978. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Applicant's representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment serving the Black Fox Nuclear Plant located at or near Inola, OK as an off-route point in connection with applicant's regular routes. (Hearing site: Oklahoma City, OK or Dallas, TX.)

NOTE.—Common control may be involved.

No. MC 2202 (Sub-No. 558F), filed March 16, 1978. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Applicant's representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the facilities of Electric Hose & Rubber Co. located at or near Olney, TX, as an off-route point in connection with applicant's present regular routes. (Hearing site: Washington, DC.)

NOTE.—Common control may be involved.

No. MC 2860 (Sub-No. 167F), filed March 10, 1978. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, NJ 08360. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, IL 60602. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Containers, container closures and assessories, and materials, equipment and supplies* in the manufacture, sale and distribution of the described commodities (except commodities in bulk or those which because of size or weight require the use of special equipment), between Tempe, Phoenix and Tuscon, AZ, Fort Smith, Jacksonville, and Rogers, AR, Denver and Pueblo, CO, Kansas City and Lenexa, KS, Harahan, Kenner, Shreveport, New Orleans, and Port Allen, LA, Omaha, NE, Ponca City, OK, Carrolton, Arlington, Fort Worth, Dallas, Houston, Weslaco, Galveston, San Antonio, Longview, Jacinto City and Tyler, TX, on the one hand, and, on the other, points in AZ, AR, CO, KS, LA, NM, NE, OK and TX. (Hearing Site: Chicago, IL.)

NOTE.—Common control may be involved.

No. MC 2900 (Sub-No. 330F), filed March 8, 1978. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lawn and garden products,* from the facilities of O. M. Scott & Sons at or near Marysville, and Columbus, OH, to points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV and WI. (Hearing site: Columbus, OH or Washington DC.)

NOTE.—Common control may be involved.

No. MC 2900 (Sub-No. 332F), filed March 16, 1978. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Applicant's representative: John Carter (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Air conditioning machines and machinery,* from Salisbury, NC to points in the United States (except AK and HI), restricted to the transportation of shipments originating at named origin and destined to points in named territory. (Hearing site: Charlotte NC or Atlanta, GA.)

NOTE.—Common control may be involved.

No. MC 29910 (Sub-No. 188F), filed March 13, 1978. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Applicant's representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Plant Vogtle facilities of GA Power Co., located in Burke County, GA, as an off-route point in connection with applicant's authorized regular route operations at Augusta, GA. (Hearing site: Atlanta, GA or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 41406 (Sub-No. 65F), filed March 15, 1978. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lead oxides,* from Hammond, IN to Zanesville, OH and points in KS, IA, MO and PA. (Hearing site: Chicago, IL.)

No. MC 42487 (Sub-No. 874F), filed March 17, 1978. Applicant: CONSOLIDATED FREIGHTWAYS CORP., OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Authority is sought to operate as a *common carrier,* by motor vehicle, over regular routes transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the site of the K-Mart Distribution Center in Coweta County, GA as an off-route point in connection with carrier's authorized regular route operations. (Hearing site: Detroit, MI or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 49387 (Sub-No. 52F), filed March 16, 1978. Applicant: ORS-

CHELN BROS. TRUCK LINES, INC., U.S. Hwy 24 East, P.O. Box 658, Moberly, MO 65270. Applicant's representative: George A. Vitt, P.O. Box 658, Moberly, MO 65270. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment), (1) Between Fort Madison, IA and Chicago, IL, as an alternate route for operating convenience only serving no intermediate points: from Chicago over Interstate Hwy 80 to junction Interstate Hwy 74, then over Interstate Hwy 74 to junction U.S. Hwy 34, then over U.S. Hwy 34 to junction U.S. Hwy 61, then over U.S. Hwy 61 to Fort Madison, and return over the same route; from Chicago over Interstate Hwy 80 to junction U.S. Hwy 34, then over U.S. Hwy 34 to junction U.S. Hwy 61, then over U.S. Hwy 61 to Fort Madison, and return over the same route; (2) between Peoria, IL and St. Louis, MO as an alternate route for operating convenience only serving no intermediate points: From Peoria over IL Hwy 29 to junction Interstate Hwy 55, then over Interstate Hwy 55 to St. Louis and return over the same route; from Peoria over Interstate Hwy 74 to junction IL Hwy 121, then over IL Hwy 121 to junction Interstate Hwy 55, then over Interstate Hwy 55 to St. Louis, and return over the same route; and (3) between the junction of U.S. Hwy 65 and Interstate Hwy 70 and Sedalia, MO, as an alternate route for operating convenience only serving no intermediate points from the junction of Interstate Hwy 70 and U.S. Hwy 65, then over U.S. Hwy 65 to Sedalia, and return over the same route. (Hearing site: Kansas City or St. Louis, MO.)

No. MC 50069 (Sub-No. 533F), filed March 20, 1978. Applicant: REFINERS TRANSPORT & TERMINAL CORP., 445 Earlwood Avenue, Oregon, OH 43616. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases,* in shipper-owned trailers, from East Chicago, IN, and Muskegon, MI, to points in the United States (except AK, AZ, CA, CO, HI, ID, MT, NV, NM, OR, UT, WA, and WY). (Hearing site: Washington, DC.)

NOTE.—Common control may be involved.

No. MC 50935 (Sub-No. 16F), filed March 14, 1978. Applicant: WOLVERINE TRUCKING CO., a corporation, 1020 Doris Road, Pontiac, MI 48057. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, in the transportation of (1) *Malt beverages and related advertising materials* (a) from the facilities of Pabst Brewing Co. at Peoria, IL, to Detroit, MI and points in its commercial zone; Saginaw, MI and points in its commercial zone; and Toledo, OH and points in its commercial zone; (b) and from the facilities of Pabst Brewing Co. at Milwaukee, WI, to Toledo, OH and points in its commercial zone; and, (2) *empty malt beverage containers, pallets and rejected shipments of malt beverages* (a) from Detroit, MI and points in its commercial zone; Saginaw, MI and points in its commercial zone; and Toledo, OH and points in its commercial zone to the facilities of Pabst Brewing Co. at Peoria, IL, (b) and from Toledo, OH and points in its commercial zone to the facilities of Pabst Brewing Co. at Milwaukee, WI. (Hearing site: Milwaukee, WI, Chicago, IL, or Detroit, MI.

No. MC 51004 (Sub-No. 9F), filed March 13, 1978. Applicant: PAUL H. LISKEY, R.F.D. 1, Kearneysville, WV 25430. Applicant's representative: Daniel B. Johnson, 4304 East-West Hwy, Washington, DC 20014. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Stone and stone products,* from Berkeley County, WV to points in PA, MD, WV, and DC; and (2) *water treatment plants,* (a) between Hagerstown and Frederick, MD, and Martinsburg, WV, and (b) from Martinsburg, WV to points in PA, MD, VA, WV, and DC. (Hearing site: Martinsburg, WV.)

No. MC 51146 (Sub-No. 586F), filed March 20, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Applicant's representative: Neil A. DuJardin (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Animal poultry feed,* prepared (except in bulk) from the facilities of Doane Products Co. located at or near Muscatine, IA to points in MD, PA, DE, NJ, NY, CT, RI, MA, VT, NH, ME, and DC. (Hearing site: Chicago, IL.)

NOTE.—Common control may be involved.

No. MC 52460 (Sub-No. 209F), filed March 10, 1978. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th Street, P.O. Box 9637, Tulsa, OK 74107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Bags and polyethylene plastic rolls,* from the plantsite of Great Plains Bag Corp. at Jacksonville, AR, to points in AL, KS, LA, MS, MO, NM, OK, TN, and TX, and (2) *Equipment, materials, and supplies* used in the manufacture of bags and polyethylene plastic rolls, from points in AL, KS, LA, MS, MO, NM, OK, TN, and TX, to the plantsite of Great Plains Bag Corp. at Jacksonville, AR. (Hearing site: Little Rock, AR or Memphis, TN.)

No. MC 52460 (Sub-No. 210F), filed March 20, 1978. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th Street, P.O. Box 9637, Tulsa, OK 74107. Applicant's representative: Mr. Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from Chickasha, OK to points in AL, AR, GA, KS, LA, MS, MO, TN, and TX. (Hearing site: St. Louis or Kansas City, MO.)

No. MC 52460 (Sub-No. 211F), filed March 20, 1978. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th Street, P.O. Box 9637, Tulsa, OK 74107. Applicant's representative: Mr. Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles* distributed by meat packinghouses as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Dodge City, KS to points in AL, AR, FL, GA, LA, MS, MO, NM, NC, OK, SC, TN, and TX. (Hearing site: Oklahoma City, OK or Denver, CO.)

No. MC 52926 (Sub-No. 9F), filed March 16, 1978. Applicant: GREEN TRANSFER & STORAGE CO., a corporation, 9040 North Columbia Boulevard, Portland, OR 97203. Applicant's representative: John G. McLaughlin, Suite 1440-200 Market Building, 200 Southwest Market Street, Portland, OR 97201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles,* between points in Multnomah, Clackamas, and Washington Counties, OR, and Clark and Cowlitz Counties, WA, on the one hand, and, on the other, points in OR and WA. (Hearing site: Portland, OR.)

No. MC 59367 (Sub-No. 118F), filed March 16, 1978. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, Fort Dodge, IA 50501. Applicant's representative: William L. Fairbank, 1980

Financial Center, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* from Chicago, IL to points in IA on and north of U.S. Hwy 30 and on and west of U.S. Hwy 63. (Hearing site: Chicago, IL or Des Moines, IA.)

No. MC 65941 (Sub-No. 51F), filed March 16, 1978. Applicant: TOWER LINES, INC., Third and Warwood Avenue (Box 6010), Wheeling, WV 27003. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of St. Joe Minerals Corp., Josephtown (Potter Township, Beaver County), PA, on the one hand, and, on the other, points in AL, FL, GA, KY, MS, NC, SC, and TN, (2) *zinc, zinc oxide and zinc dust*, from the facilities utilized by St. Joe Minerals Corp. at Chattanooga, TN, to points in AL, FL, GA, KY, and MS. Restriction: Restricted to the transportation of traffic originating at and destined to points named in (1) and (2) above. (Hearing site: Pittsburgh, PA.)

No. MC 67419 (Sub-No. 5F), filed March 17, 1978. Applicant: PHILIP STINGER, INC., northeast corner 35th and Moore Streets, Philadelphia, PA 19145. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, PA 19103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials and supplies, and supplies and materials* used in the manufacture thereof from Philadelphia, PA, to points in CT, ME, MA, NH, NY, OH, RI, VT, VA, WV, NC, and SC, and the return of returned shipments under a continuing contract or contracts with the Celotex Corp. (Hearing site: Philadelphia, PA.)

No. MC 69116 (Sub-No. 201F), filed March 16, 1978. Applicant: SPECTOR INDUSTRIES, INC., doing business as Spector Freight System, 1050 Kingery Hwy, Bensenville, IL 60106. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles* from Johnstown, PA, to points in TN. (Hearing site: Pittsburgh, PA, or Chicago, IL).

No. MC 82079 (Sub-No. 59F), filed March 17, 1978. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Avenue SW., Grand Rapids, MI 49508. Applicant's representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, MI 49503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk), in mechanically refrigerated vehicles, from the facilities of Ore-Ida Foods, Inc., in Massilon, OH, to the facilities of Ore-Ida Foods, Inc., in Greenville, MI. Authority is restricted to traffic originating at origin point and destined to destination point. (Hearing site: Lansing or Detroit, MI.)

NOTE.—Applicant holds motor contract carrier authority in MC 114608 and other subs, therefore, dual operations may be involved. Common control may also be involved.

No. MC 82492 (Sub-No. 186F), filed March 16, 1978. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper articles, and polyethylene articles*, from the facilities of Jemco Packaging Products Co. at or near Jackson, TN, to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, WI, those points in NY in and west of Allegany, Livingston, and Monroe Counties and those points in PA on and west of U.S. Hwy 219; (2) *materials, equipment, and supplies* useful or used in the manufacture, sale, or distribution of paper, paper articles, and polyethylene articles, from points in IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, WI, those points in NY in and west of Allegany, Livingston, and Monroe Counties and those points in PA on and west of U.S. Hwy 219, to the facilities of Jemco Packaging Products Co. at or near Jackson, TN. (Hearing site: Washington, DC.)

No. MC 87103 (Sub-No. 24F), filed March 17, 1978. Applicant: MILLER TRANSFER & RIGGING CO., a corporation, P.O. Box 6077, Akron, OH 44312. Applicant's representative: Paul F. Beery, 275 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal working press, metal drawing press, metal rolling machinery, machine parts, wrought castings, weldings and gears, and materials and supplies* used in the manufacture of the above-named items, between Salem, OH, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Columbus, OH, or Washington, DC.)

NOTE.—Applicant holds common carrier authority in No. MC 119302 and sub numbers thereunder, therefore dual operations may be involved. Common control may be involved.

No. MC 94201 (Sub-No. 159F), filed March 13, 1978. Applicant: BOWMAN TRANSPORTATION INC., P.O. Box 17744, Atlanta, GA 30316. Applicant's representative: Maurice F. Bishop, 601-09 Frank Nelson Building, Birmingham, AL 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Meridian, MS, and the facilities of the Richardson Co. at or near Philadelphia, MS, over the following route and serving no intermediate points; from Meridian over MS Hwy 19 and return over the same route. Restricted to traffic originating at or destined to the facilities of the Richardson Co. at or near Philadelphia, MS. (Hearing site: Jackson, MS or Atlanta, GA.)

No. MC 95540 (Sub-No. 1001F), filed March 10, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Applicant's representative: Benjy W. Fincher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, in tank vehicles), from the plantsite and warehouse facilities of Paramount Foods, Inc., at or near Louisville, KY, to points in AR, AL, FL, GA, LA, MS, NJ, NY, PA, TX, SC, TN, and VA. (Hearing site: Louisville, KY, Washington, DC, or Tampa, FL.)

NOTE.—Common control may be involved.

No. MC 95540 (Sub-No. 1002F), filed March 10, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Applicant's representative: Benjy W. Fincher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles* distributed by meat packinghouses as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities of Wilson Foods Corp. located at or near Cedar Rapids, IA, to points in AR. Restricted to the transportation of traffic originating at the above-named origins and destined to the named destinations. (Hearing site: Oklahoma City, OK, Washington, DC, or Tampa, FL.)

NOTE.—Common control may be involved.

No. MC 95540 (Sub-No. 1003F), filed March 20, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Applicant's representative: Benjy W. Fincher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities of Chef Pierre, Inc., located at or near Forest, MS, to points in the United States (except AK and HI). (Hearing site: Detroit, MI, or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 103993 (Sub-No. 932F), filed March 17, 1978. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, fittings, valves, hydrants, and materials and supplies* used in the installation thereof (except commodities in bulk), from the facilities of Clow Corp., at or near Buckhannon, WV, to points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Chicago, IL.)

No. MC 104149 (Sub-No. 201F), filed March 20, 1978. Applicant: OSBORNE TRUCK LINE, INC., 510 North 21st Street, Birmingham, AL 35203. Applicant's representative: Maurice F. Bishop, 601-09 Frank Nelson Building, Birmingham, AL, 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the facilities of Republic Steel Corp. at or near Gadsden, AL, to points in AL, GA, MS, TN, LA, SC, NC, KY, and FL; (2) *materials and supplies* used in the manufacture or production of iron and steel and iron and steel articles, from the destination territory, to the origin specified in paragraph (1) above. (Hearing site: Birmingham, AL.)

No. MC 106644 (Sub-No. 253F), filed March 20, 1978. Applicant: SUPERIOR TRUCKING CO., INC., P.O. Box 916, Atlanta, GA 30301. Applicant's representative: Frank Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, over irregular routes, by motor vehicle, transporting: (1) *Cranes, draglines, backhoes, shovels, and loaders;* (2) *incidental machinery, attachments, assessories, and parts* used in connection with the commodities in (1) above, between points in the United States (except AK and HI), in nonradial movements. Restricted to the transportation of shipments originating at or destined to the facilities of Gleason Equipment, Inc., Gleason Crane Rental Inc., Gleason Service, Inc., or their affiliates, subsidiaries, distributors, customers, or equipment lessees. (Hearing site: Chicago, IL.)

No. MC 106674 (Sub-No. 297F), filed March 17, 1978. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Applicant's representative: Linda J. Sundy, P.O. Box 123, Remington, IN 47977. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Scrap or waste paper* (1) from points in AL, CT, GA, KY, FL, LA, MD, MS, NJ, NY, PA, SC, TN, VA, WV, and DC to the facilities of the U.S. Fiber Corp. at Jonesville, NC and (2) from points in CT, NJ, NY, and PA to the facilities of the U.S. Fiber Corp. at Lee, MA. (Hearing site: Chicago, IL or Indianapolis, IN.)

No. MC 107107 (Sub-No. 463F), filed March 15, 1978. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 Northwest 42nd Avenue, Opa Locka, FL 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought as a *common carrier*, by motor vehicle over irregular route transporting: *Such commodities* as are used by, dealt in by, or distributed by wholesale, retail, or chain groceries or grocery houses (except commodities in bulk), from points in CT, MA, NJ, NY, RI, and those in PA east of the channel of the Susquehanna River extending from the NY State line near Sayre, PA, to the MD State line near Peach Botton, PA, to points in FL. (Hearing site: Miami, FL.)

No. MC 107107 (Sub-No. 464F), filed March 17, 1978. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 Northwest 42nd Avenue, Opa Locka, FL 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought as a *common carrier*, by motor vehicle over irregular routes transporting: *Candy and confectionery and related advertising and promotional materials and premiums* (including empty cartons) when shipped with candy and confectionery, in vehicles equipped with mechanical refrigeration, from Norwalk, OH to points in AL, FL, GA, LA, MS, NC, and SC. (Hearing site: Washington, DC.)

No. MC 107295 (Sub-No. 876F), filed March 17, 1978. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, IL 62707. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Buildings, building panels, building parts*, and *materials, accessories, and supplies* used in the installation, erection, and construction of buildings, building panels, and building parts (except commodities in bulk), from the facilities of Butler Manufacturing Co. at or near Annville, Lebanon County, PA, to points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, LA, MI, MN, MS, MO, MT, NE, NV, NM, ND, OK, OR, SC, SD, TX, UT, WA, WI and WY. (Hearing site: Washington, DC.)

No. MC 108046 (Sub-No. 9F), filed March 20, 1978. Applicant: CURATOLA BROS. TRUCKING, INC., 180 Atlantic Avenue, Garden City Park, NY 11040. Applicant's representative: Edward M. Alfano, 550 Mamoroneck Avenue, Harrison, NY 10580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by a manufacturer of furniture, including equipment, materials, and supplies used in the conduct of such business (except commodities in bulk), between points in the States of AL, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MS, NH, NJ, NY, NC, OH, PA, RI, TN, and VA. Restriction: Under a continuing contract or contracts with Castro Convertible Corp. of New Hyde Park, NY. (Hearing site: New York, NY.)

No. MC 108341 (Sub-No. 91F), filed March 16, 1978. Applicant: MOSS TRUCKING CO., INC., 3027 North Tryon St., P.O. Box 8409, Charlotte, NC 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, fittings, valves, hydrants, and materials and supplies* used in the installation thereof (except commodities in bulk), from the facilities of Clow Corp. at or near Birmingham, AL to points in FL, GA, KY, MD, NC, SC, TN, VA, and WV. (Hearing site: Chicago, IL or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 108341 (Sub-No. 92F), filed March 17, 1978. Applicant: MOSS TRUCKING CO., INC., 3027 North Tryon St., P.O. Box 8409, Charlotte, NC 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled vehicles, backhoes, cranes, and lift trucks;* (2) *attachments and accessories* for (1) above; and (3) *parts* for (1) and (2) above, from Tifton, GA to points in the United States (except AK and HI). (Hearing site: Atlanta, GA or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 109633 (Sub-No. 31F), filed March 20, 1978. Applicant: ARBET

TRUCK LINES, INC., 222 East 135th Place, Chicago, IL 60627. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Electrical and gas appliances, parts of electrical and gas appliances and equipment, materials and supplies* used in the manufacture, distribution and repair of electrical and gas appliances, from the facilities of Whirlpool Corp. at Evansville, IN; Clyde, OH; Marion, OH; Findlay, OH, and St. Joseph, MI to all points in the States of AR, IL, IA, IN, KY, MI, MN, MO, NJ, NY, OH, PA, TN, VA, WV and WI, on the other. (Hearing site: Chicago, IL.)

No. MC 110525 (Sub-No. 1231F), filed March 13, 1978. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicles over irregular routes transporting: *Anhydrous aluminum chloride,* in bulk, in hopper vehicles from (1) LaPorte, TX to West Elizabeth, PA and Baton Route, LA and (2) from Brainards, NJ to LaPorte, TX. (Hearing site: Houston, TX.)

No. MC 111201 (Sub-No. 29F), filed March 13, 1978. Applicant: J. N. ZELLNER & SON TRANSFER CO., P.O. Box 91247, East Point, GA 30364. Applicant's representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Glass and plastic containers and container accessories,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of glass and plastic containers and container accessories (except commodities in bulk), between the facilities of Brockway Glass Co. located in Pittsylvania County, VA on the one hand and, on the other, points in the States of AL, FL, GA, KY, MS, NC, SC, and TN. (Hearing site: Atlanta, GA.)

No. MC 111812 (Sub-No. 560F), filed March 17, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment other than refrigerated equipment), from Berlin, CT and Springfield, MA to points in FL, GA, NC, and SC. Restricted to traffic moving on bills of lading of The Charter Oak Shippers Cooperative Association, Inc. (Hearing site: Boston, MA.)

NOTE.—Common control may be involved.

No. MC 111828 (Sub-No. 7F), filed February 21, 1978. Applicant: FETTES MOTOR FREIGHT, P.O. Box 1247, Fargo, ND 58101. Applicant's representative: Mike Miller, P.O. Box 1897, Fargo, ND 58102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods* (1) between points in ND on the one hand and, on the other, points in DA, MN, IA, WI, IL, and IN; (2) between points in SD on the one hand and, on the other, points in ND, MN, IA, WI, IL, and IN; (3) between points in MN within 50 miles of Moorhead, MN on the one hand and, on the other, points in IA, WI, IL, and IN; (4) between points in MN within 50 miles of New York Mills, MN on the one hand and, on the other, points in IA, WI, IL, and IN; (5) between points in MN within 75 miles of Breckenridge, MN on the one hand and, on the other, points in IA, WI, IL, and IN. (Hearing site: Fargo, ND.)

Docket No. MC 112223 (Sub-No. 109 F), filed March 17, 1978. Applicant: QUICKIE TRANSPORT CO., A Corporation, 1700 New Brighton Boulevard, Minneapolis, MN 55413. Applicant's representative: Earl Hacking, 1700 New Brighton Boulevard, Minneapolis, MN 55413. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes transporting: *Petroleum products,* in bulk, in tank vehicles, from Superior, WI to points in MN. (Hearing site: Minneapolis, MN, or St. Paul MN.)

No. MC 112963 (Sub-No. 73F), filed March 20, 1978. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, MA 01866. Applicant's representative: Leonard E. Murphy, (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *liquid and dry commodities,* in bulk, in tank vehicles (except gasoline, cement, kerosene, lubricating oil, heating oils, jet fuel, fuel oil, liquified natural and petroleum gases, road oils asphalt and tars), (1) from Providence, RI and its Commercial zone, to points in CT, ME, MA, NH, and VT and (2) from Fall River, MA to points in CT. (Hearing site: Boston, MA or Providence, RI.)

No. MC 113434 (Sub-No. 91 F), filed March 14, 1978. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), (1) From Frankfort, IN to MI, KY, WV, and (2) From Rochelle, DeKalb and Mendota, IL to MI, OH, and that part of PA on and west of U.S. 15. (Hearing site: Chicago, IL or Washington, DC.)

No. MC 113666 (Sub-No. 124F), filed March 14, 1978. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Daniel R. Smetanick, (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *sulphuric acid,* in bulk, from Josephtown, Langeloth, and Newell, PA, to Front Royal, VA. (Hearing site: Washington, DC or Pittsburgh, PA.)

No. MC 113855 (Sub-No. 414F), filed March 20, 1978. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *compressors* and *compressor pumps;* (2) *attachments and parts* for (1) above, from Albany County, NY, to points in the United States (including AK, but excluding HI). (Hearing site: Washington, DC.)

NOTE.—Common control may be involved.

No. MC 114457 (Sub-No. 365F), filed March 20, 1978. Applicant: DART TRANSIT CO., a corporation, 2102 University Avenue, Saint Paul, MN 55114. Applicant's representative: James H. Wills, (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *containers and pulpboard,* from Atlanta, GA and Chattanooga, TN to points in AR, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, ND, OH, PA, SD, TX, and WI. (Hearing site: St. Paul, MN or Atlanta, GA.)

No. MC 114533 (Sub-No. 366F), filed March 6, 1978. Applicant: BANKERS DISPATCH CORP., 1106 West 35th Street, Chicago, IL 60609. Applicant's representative: Melvin L. Rosenbloom (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Drinking water and wastewater samples, supplies, and business reports* (except in bulk or tank vehicles) between Topeka, KS, on the one hand, and, on the other, points in MO on and west of U.S. Hwy 63. (Hearing site: Topeka, KS.)

NOTE.—Applicant holds motor contract authority in MC 128616 and sub-numbers, therefore dual operations may be involved.

No. MC 114552 (Sub-No. 157F), filed March 17, 1978. Applicant: SENN

TRUCKING CO., a corporation, P.O. Drawer 220, Newberry, SC 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, concrete forms, accessories therefore, and materials and supplies* used in the manufacture or distribution of the foregoing commodities (except in bulk), between Dallas, TX, on the one hand, and, on the other, points in PA, MD, the DC, VA, KY, NC, SC, TN, GA, FL, AL, MS, AR, and LA. (Hearing site: Dallas, TX.)

No. MC 115162 (Sub-No. 410F), filed March 21, 1978. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate, P.O. Drawer 500, Evergreen, AL 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, building board, insulation board, urethane and urethane products, roofing and roofing materials, insulating materials, gypsum products and materials used in the installation thereof, plywood and panels* (except chemicals and commodities in bulk, in tank vehicles) from Camden County, NJ, to points in the United States in and east of the States of ND, SD, NE, KS, OK, and TX (except AK and HI). (Hearing site: Washington, DC.)

No. MC 115311 (Sub-No. 271F), filed March 16, 1978. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials* (except in bulk), from the facilities of United States Gypsum Co. at Chamblee and Morrow, GA, to points in KY and WV. (2) *Materials, supplies, and equipment* used in the manufacture, installation or distribution of building materials from points in AL, AR, FL, GA, IL, IN, KY, LA, MS, MO, NC, OH, PA, SC, TN, and VA to facilities of United States Gypsum Co. at Chamblee and Morrow, GA. (Hearing site: Atlanta, GA.)

No. MC 115311 (Sub-No. 272F), filed March 20, 1978. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Applicant's representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, vehicle body sealer and/or sound deadener compound* (except in bulk) and filters from Congo and St. Marys, WV to points in NC, SC, TN, MS, LA, AL, GA, and FL. (Hearing site: Norfolk, VA, or Pittsburgh, PA.)

No. MC 115570 (Sub-No. 11F), filed March 15, 1978. Applicant: WALTER A. JUNGE, INC., 2112 South 90th Street, Tacoma, WA 98444. Applicant's representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. Authority sought to operate as a *contract carrier*, over irregular routes in the transportation of: *Paper, paper products*, and such commodities as are manufactured or distributed by manufacturers or convertors of cellulose materials and products, between points in AZ, CA, ID, NV, OR, UT, and WA, under a continuing contract or contracts with St. Regis Paper Co. (Hearing site: Seattle, WA.)

NOTE.—Applicant holds common carrier authority under MC No. 141952 Sub 1; therefore, dual operations may be involved.

No. MC 115841 (Sub-No. 617F), filed March 20, 1978. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Suite 110, Building 100, 9041 Executive Park Drive, Knoxville, TN 37919. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain grocery, and food business houses (except in bulk), from the facilities of Kraft, Inc., at Atlanta, Decatur, and Tucker, GA, to points in AL, LA, and MS. (Hearing site: Atlanta, GA, or Chicago, IL.

NOTE.—Common control may be involved.

No. MC 115931 (Sub-No. 57F), filed March 20, 1978. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59801. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, corn cribs, unmounted front end loaders, scraper blades, and parts and attachments* for the above from Richmond, IN, to points in UT, ID, MT, OR, and WA. (Hearing site: Indianapolis, IN, or Chicago, IL.)

No. MC 115931 (Sub-N. 58F), filed March 20, 1978. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59801. Applicant's Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Agricultural material handling equipment, and parts and attachments* for agricultural material handling equipment from the facilities of Balzer Manufacturing Corp. located at or near Mountain Lake, MN, to points in the United States (except AK and HI). Restriction: Restricted to traffic originating and destined to the named points. (Hearing site: Minneapolis or St. Paul, MN.)

No. MC 116763 (Sub-No. 404F), filed March 13, 1978. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters, North West Street, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen and commodities in bulk, in tank vehicles), from Coloma, MI, to points in WI. Restricted to traffic originating at and destined to the named points. (Hearing site: Chicago, IL.)

No. MC 117068 (Sub-No. 92F), filed March 16, 1978. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, Rochester, MN 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air compressors and parts and attachments* for such articles from Michigan City, IN, to points in MO, KS, NE, SD, ND, CO, WY, and MT. (Hearing site: Chicago, IL or Washington, DC.)

No. MC 117503 (Sub-No. 12), filed March 16, 1978. Applicant: HATFIELD TRUCKING SERVICE, INC., 1625 North C Street, Sacramento, CA 95814. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* in packages weighing less than 100 lbs., with no more than 500 lbs. from one consignor to one consignee on any one day, restricted against the transportation of classes A and B explosives; between points in Washoe, Storey, Douglas, and Lyon Counties and Carson City, NV, on the one hand, and, on the other hand, points in the counties of Alameda, Butte, Colusa, Contra Costa, Glenn, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Shasta, Stanislaus, Sutter, Tehama, Yolo, and Yuba, CA. (Hearing site: Reno, NV or San Francisco, CA.)

No. MC 117574 (Sub-No. 299F), filed March 20, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Applicant's representative: James W. Hagar, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Bituminous fiber pipe and conduit, and accessories,*

from West Bend, WI to points in FL and GA. (Hearing site: Chicago, IL or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 117820 (Sub-No. 20F), filed March 20, 1978. Applicant: AURELIA TRUCKING CO., 2136 Pine Grove Avenue, Port Huron, MI 48060. Applicant's representative; Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foodstuffs*, in vehicles equipped with mechanical refrigeration, from the facilities of the Kitchens of Sara Lee at Deerfield, IL to points in CT, MA, NJ, and NY. Restricted to the transportation of traffic originating at and destined to the named origin and destination. (Hearing site: Chicago, IL or Washington, DC.)

No. MC 118535 (Sub-No. 117F), filed March 16, 1978. Applicant: TIONA TRUCK LINE, INC., 111 South Prospect, Butler; MO 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, pet foods, dry feeds and feed ingredients* from, (1) Mattoon, IL to all points in AR, AZ, CO, IA, KS, LA, MN, MO, NE, ND, NM, OK, SD, TX, and WI, (2) Hutchinson, KS to all points in AR, AZ, CO, IA, IL, LA, MN, MO, NE, ND, NM, OK, SD, TX, and WI. (Hearing site: Kansas City, MO.)

No. MC 118569 (Sub-No. 7F), filed March 17, 1978. Applicant: HALBERG CONSTRUCTION & SUPPLY, INC., d.b.a. KIRSCHER TRANSPORT CO., a corporation, Virginia, MN 55792. Applicant's representative: Earl Hacking, 1700 New Brighton Boulevard, Minneapolis, MN 55413. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Superior, WI, to points in MN. (Hearing site: Minneapolis or St. Paul, MN.)

No. MC 118806 (Sub-No. 60F), filed February 23, 1978. Applicant: ARNOLD BROS. TRANSPORT, LTD., 851 Lagimodiere Boulevard, Suite No. 200, Winnipeg, Manitoba, Canada R25 3K4. Applicant's representative: Daniel C. Sullivan, 10 South LaSalle Street Ste. 1600, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by agricultural equipment, industrial equipment, and lawn and leisure products manufacturers and dealers (except commodities in bulk), from Canton, East Moline, Moline, and Rock Island, IL, Memphis, TN, and Louisville, KY, to all ports of entry on the international boundary line between the United States and Canada (except AK). Restriction: Restricted to traffic originating at the named origins and destined to the dealers of or the facilities utilized by International Harvester Co. of Canada, Ltd., and further restricted to traffic moving in foreign commerce. (Hearing site: Chicago, IL.)

No. MC 119399 (Sub-No. 76F), filed March 20, 1978. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64801. Applicant's representative: David L. Sitton, P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass* from Dearborn, MI, to points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MN, MS, MO, NE, NC, ND, OH, OK, SC, SD, TN, TX, and WI. (Hearing site: Detroit, MI or Tulsa, OK.)

No. MC 119496 (Sub-No 11F), filed March 20, 1978. Applicant: THE JAMES GIBBONS CO., 1700 Sutton Avenue, Baltimore, MD 21227. Applicant's representative: L. C. Major, Jr., Suite 400 Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oils (grades 1, 2, 4, 5, and 6)*, in bulk, in tank vehicles, from Baltimore, MD to points in the State of PA. (Hearing site: Baltimore, MD or Washington, DC.)

No. MC 121470. (Sub-No. 14F), filed March 13, 1978. Applicant: TANKSLEY TRANSFER CO., a corporation, 801 Cowan Street, Nashville, TN, 37207. Applicant's representative: Roy L. Tanksley, 801 Cowan Street, Nashville, TN, 37207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *zinc, zinc alloy and zinc products*, from Montgomery County, TN, to points in and east of ND, SD, NE, KS, OK, and TX; and (2) *equipment, machinery, materials and supplies* (except commodities in bulk), used in the manufacture, process, or distribution of commodities in (1) above, from points in and east of ND, SD, NE, KS, OK, and TX, to points in Montgomery County, TN, restricted to the transportation of traffic originating at or destined to the named origins and named destinations in (1) and (2) above, except traffic moving in foreign commerce. (Hearing site: Nashville, TN or Washington, DC.)

No. MC 123255 (Sub-No. 143F), filed March 20, 1978. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Applicant's representative: C. F. Schnee, Jr., 140 Everett Avenue, Newark, OH 43055. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting *glass containers and container accessories and materials, equipment, and supplies* used in the manufacture and distribution of containers and container accessories, (except commodities in bulk), between the facilities of Brockway Glass Co., Inc., in Madison County, IN on the one hand and, on the other, points in NC and VA. (Hearing site: Columbus, OH.)

NOTE.—Common control may be involved.

No. MC 123407 (Sub-No. 445F), filed March 13, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Applicant's representative: H. E. Miller, Jr., (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *flat glass*, from Toledo, OH, to the port of entry on the International Boundary line between the United States and Canada located at or near Detroit, MI for furtherance into ON, Canada. (Hearing site: Toledo, OH.)

NOTE.—Common control may be involved.

No. MC 124078 (Sub-No. 785F), filed March 20, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement mill waste*, from the plantsite of the Marquette Co. at or near Catskill, NY to points in CT, ME, MA, NH, NJ, NY, PA, RI and VT. (Hearing site: Nashville, TN.)

NOTE.—Common control may be involved.

No. MC 124078 (Sub-No. 787F), filed March 17, 1978. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid aluminum sulfate (alum)* from East Point, GA, to points in NC, SC and TN. (Hearing site: Charleston, SC.)

NOTE.—Common control may be involved.

No. MC 124170 (Sub-No. 81F), filed March 20, 1978. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. Authority sought to operate as a *common carri-*

er, by motor vehicle, over irregular routes, in the transportation of: *"Confectionery and Related Products*, from the facilities of M & M Mars, a Division of Mars, Inc. at or near Elizabeth, NJ; Hackettstown, NJ; and Elizabethtown, PA to points in OH, IL, MI; and from Chicago, IL to points in OH and MI in vehicles equipped with mechanical refrigeration." (Hearing site: New York City, NY.)

No. MC 124692 (Sub-No. 198F), filed March 14, 1978. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59801. Applicant's representative: James B. Hovland, P.O. Box 1680, 414 Gate City Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *aluminum sheet and metal*, from Trentwood, WA to points in CA. Restricted to shipments originating at the facilities of Kaiser Aluminum and Chemical Corp. (Hearing site: San Francisco, CA or Spokane, WA.)

No. MC 125433 (Sub-No. 152F), filed March 16, 1978. Applicant: F-B TRUCK LINE CO., a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, UT 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) Bentonite, (except in bulk) and lignite coal, from the facilities of American Colloid Co., located in Crook County, WY, to points in the United States (except AK and HI); (2) Bentonite, (except in bulk) lignite coal, and foundation water impedance boards, from the facilities of American Colloid Co., located in Butte County, SD to PA, NY, VT, NH, ME, MA, RI, CT, NJ, DE, MD, DC, VA, NC, SC, GA, FL, KY, TN, AL, MS, LA, AR, OK, TX, NM, AZ, and CA; and (3) Bentonite, (except in bulk) and lignite coal, from the facilities of American Colloid Co., located in Weston County, WY to PA, NY, VT, NH, ME, MA, RI, CT, NJ, DE, MD, DC, VA, NC, SC, GA, FL, KY, TN, AL, MS, LA, AR, OK, TX, NM, AZ, and CA. (Hearing site: Salt Lake City, UT.)

NOTE.—Common control may be involved.

No. MC 125952 (Sub-No. 30F), filed March 16, 1978. Applicant: INTERSTATE DISTRIBUTOR CO., a corporation, 8311 Durango SW., Tacoma, WA 98499. Applicant's representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. Authority sought to operate as a *contract carrier* over irregular routes in the transportation of *industrial chemicals* (except commodities in bulk), from Denver, CO, to points in CA, ID, NV, OR, UT and WA. Under a continuing contract, or contracts, with Van Waters & Rogers of Kent, WA. (Hearing site: Seattle, WA.)

NOTE.—Applicant holds motor common carrier authority in MC-117201 and Sub-No. 8, therefore, dual operations may be involved.

No. MC 127840 (Sub-No. 66F), filed March 17, 1978. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, P.O. Box 382, Lansing, IL 60438. Applicant's representative: William H. Towle, 189 North LaSalle Street, Chicago, IL 60601. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *inedible fats and oils and fatty acids*, between Ft. Worth, TX on the one hand and, on the other, points in LA, AR, MS, AL, TN, OK, KS, MO, IL, IN, IA, NE, SD, MN, MI, NM and CO. (Hearing site: Dallas, TX.)

No. MC 128469 (Sub-No. 5F), filed March 17, 1978. Applicant: A & A TRANSFER & STORAGE, INC., 113 Hollywood Boulevard, NW., Fort Walton Beach, FL 32548. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, DC 20006. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Used household goods*, between (1) Jacksonville, FL on the one hand and, on the other, points in GA; (2) Pensacola and Fort Walton Beach, FL on the one hand and, on the other, points in AL, and (3) points in AL and GA, restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery services in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic. (Hearing site: Fort Walton Beach, FL.)

No. MC 129624 (Sub-No. 14F), filed March 13, 1978. Applicant: ROUTE MESSENGERS OF PENNSYLVANIA, INC., 2425 Bainbridge Street, Philadelphia, PA 19146. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadephia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *household and industrial cleaning products, toilet preparations, insect control products, air fresheners, brooms, brushes, mops, and advertising material* related to the foregoing: from Philadelphia, PA to points in Adams, Carbon, Columbia, Cumberland, Dauphin, Franklin, Lebanon, Lycoming, Lancaster, Monroe, Northumberland, Luzerne, Montour, Schuylkill, and York Counties, PA. Restricted to traffic having a prior movement by motor carrier. (Hearing site: Washington, DC or Philadelphia, PA.)

No. MC 129631 (Sub-No. 61F), filed March 16, 1978. Applicant: PACK TRANSPORT, INC., 3975 South 300 West Street, Salt Lake City, UT 84107. Applicant's representative: G. D. Davidson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap paper* and *scrap paper products* and *scrap cardboard*, from points in UT to CA, OR, and WA. (Hearing site: Salt Lake City, UT.)

No. MC 129759 (Sub-No. 22F), filed March 17, 1978. Applicant: TRIANGLE TRUCKING CO., A Corporation, P.O. Box 490, McKees Rocks, PA 15136. Applicant's representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roof deck, bridge deck, Metal roofing* and *siding*, and *equipment, materials* and *supplies used in the manufacture and installation thereof* between Los Angeles, CA, Atlanta, GA, and Cambridge, OH, on the one hand, and, on the other, points in the United States (except AK and HI) restricted to service performed under a continuing contract or contracts with Elwin G. Smith Division, Cyclops Corp. (Hearing Site: Pittsburgh, PA.)

No. MC 133095 (Sub-No. 182F), filed March 21, 1978. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Applicant's representative: Rocky Moore, P.O. Box 434, Euless, TX 76039. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Doors material and supplies* used in the manufacture thereof, between Avery, TX, on the one hand, and on the other, points in LA, OK, and KS. (Hearing site: Dallas, TX.)

No. MC 134405 (Sub-No. 47F), filed March 16, 1978. Applicant: BACON TRANSPORT CO., P.O. Box 1134, Ardmore, OK 73401. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Crude tall oil*, in bulk, from Valliant, OK to Hattiesburg, MS. (Hearing site: Oklahoma City, OK).

No. MC 134574 (Sub-No. 28F), filed March 2, 1978. Applicant: FIGOL DISTRIBUTORS LTD., 11233—156 Street, Edmonton, Alberta, Canada T5M 1Y2. Applicant's representative: Richard S. Mandelson, 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, CO 80264. Authority sought to operate as a *Common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles by*

meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, from the port of entry on the international boundary line between the United States and Canada located at or near Sweetgrass, MT, to points in AZ, NE, NM AND UT. (Hearing Site: Great Falls or Billings, MT.)

NOTE.—Common control may be involved.

No. MC 134755 (Sub-No. 137F), filed March 16, 1978. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the facilities of American Home Foods Division of American Home Products Corp., at or near LaPorte, IN, to points in AR, MO, TN, OK, TX, KS, and East St. Louis, IL. (Hearing site: Kansas City, MO or Chicago, IL.)

NOTE.—Applicant holds motor contract carrier authority in No. MC 138398 (Sub-No. 2), therefore, dual operations may be involved. Common control may be involved.

No. MC 134922 (Sub-No. 250F), filed March 16, 1978. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Candy* and *confectionery* and *related products* (except in bulk) in vehicles equipped with mechanical refrigeration, from Hackettstown, NJ and Elizabethtown, PA, to points in LA, TX, NM, AZ, CA, OR, WA, UT, and NE. Restriction: Restricted to traffic originating at the plantsites and storage facilities of M&M/Mars at the named origin points and destined to points in the named destination States. (Hearing site: Washington, DC or Little Rock, AR.)

NOTE.—Common control may be involved. Applicant states the purpose of this application is to replace existing interline service it is now providing with it's affiliated company.

No. MC 135553 (Sub-No. 14F), filed March 13, 1978. Applicant: HENRY ANDERSEN, INC., P.O. Box 75, King George, VA 22485. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, DC 20005. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Plastic film,* in vehicles equipped with mechanical refrigeration, from the facilities of Reynolds Metals Co. at or near Grottoes, VA, to points in AZ; CA; ID; IL; IN; IA; MI; MN; MT; NV; NM; ND; OH; OR; SD; UT; WA; WV; WI; and WY, under a continuing contract or contracts with Reynold Metals Co., Richmond, VA. (Hearing site: Washington, DC.)

No. MC 135874 (Sub-No. 104F), filed March 15, 1978. Applicant: LTL PERISHABLES, INC., 550 East Fifth Street South, South St. Paul, MN 55075. Applicant's representative: K. O. Petrick, 550 East Fifth Street South, South St. Paul, MN 55075. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the facilities of American Home Foods at or near LaPorte, IN, to points in IA, KS, MN, MO, NE, ND, SD, and WI. (Hearing site: New York City, NY or Minneapolis/St. Paul, MN.)

NOTE.—Common control may be involved.

No. MC 135874 (Sub-No. 105F), filed March 16, 1978. Applicant: LTL PERISHABLES, INC., 550 East Fifth Street South, South St. Paul, MN 55075. Applicant's representative: K. O. Petrick, 550 East Fifth Street South, South St. Paul, MN 55075. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses,* as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from East St. Louis and National Stockyards, IL and St. Louis, MO to points in CT, DE, DC, IN, KY, ME, MD, MA, Lower Peninsula of MI, NH, NJ, NY, OH, PA, RI, VT, VA, and WV. (Hearing site: St. Louis, MO.)

NOTE.—Common control may be involved.

No. MC 136268 (Sub-No. 8F), filed March 16, 1978. Applicant: WHITEHEAD SPECIALTIES, INC., 1017 Third Avenue, Monroe, WI 53566. Applicant's representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic articles and materials, equipment, or supplies* used or useful in the manufacture, sale or distribution of plastic articles, between Warren, IL and Mount Horeb, WI, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Madison, WI, Milwaukee, WI or Chicago, IL.)

NOTE.—Common control may be involved.

No. MC 136268 (Sub-No. 9F), filed March 16, 1978. Applicant: WHITEHEAD SPECIALTIES, INC., 1017 Third Avenue, Monroe, WI 53566. Applicant's representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Automobile, truck, and tractor parts,* and (2) *materials, equipment, and supplies* used in the manufacture, sale, distribution, and production of such parts between Edgerton and Janesville, WI, and Fort Wayne, IN, on the one hand, and, on the other, points in IL, IN, MI, OH, PA, MO, KY, and Morganton, NC. (Hearing site: Madison, WI, Chicago, IL.)

NOTE.—Common control may be involved.

No. MC 136348 (Sub-No. 4F), filed March 15, 1978. Applicant: ANTHONY G. FRANCIS and JOSEPH G. FRANCIS, d.b.a. FRANCIS WHOLESALE CO., 101 Welborn Street, Greenville, SC 29601. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fiberglass cloth* from Anderson, SC to points in CA. (Hearing site: Chicago, IL or Washington, DC.)

No. MC 136496 (Sub-No. 4F), filed March 17, 1978. Applicant: ALLEN F. SEESHOLTZ, Rural Delivery No. 3, Box 3755, Berwick, PA 18603. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Insulated electrical wire and electrical wiring devices* from Doylestown, PA to Los Angeles, CA, under a continuing contract, or contracts, with Triboro Electric Corp., of Doylestown, PA. (Hearing site: Harrisburg, PA or Philadelphia, PA.)

No. MC 136511 (Sub-No. 19F), filed March 15, 1978. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Road, Lynchburg, VA 24502. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts,* from Henry and Smyth Counties, VA to points in TX and OK. (Hearing site: Washington, DC.)

No. MC 136605 (Sub-No. 44F), filed March 14, 1978. Applicant: DAVIS BROS. DIST., INC., MC 136605, P.O. Box 8058, Missoula, MT 59807, Missoula, MT 59807. Applicant's representative: W. E. Seliski, P.O. Box 8058, Missoula, MT 59807. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Knocked down prefabricated homes* from Chehalis, WN to points in CA, NV, AZ, NM, CO, NE, and KS. (Hearing site: Seattle, WA or Billings, MT.)

No. MC 136605 (Sub-No. 45F), filed March 14, 1978. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, MT 59807. Applicant's representative: Joe Gerbase, 100 Transwestern Building, Billings, MT 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel, a division of Nucor Corp., located at or near Norfolk, NE, to points in CO, WY, ID, MT, NV, CA, OR, UT, and WA. (Hearing site: Omaha or Lincoln, NE.)

No. MC 136828 (Sub-No. 21F), filed March 15, 1978. Applicant: COOK TRANSPORTS, INC., 214 South Tenth Street, Birmingham, AL 35233. Applicant's representative: Robert M. Pearce, P.O. Box 1899, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit and tubing* from Rosenberg, TX to points in and east of MN, IA, MO, AR, and LA. (Hearing Site: Dallas, TX or Washington, DC.)

No. MC 136828 (Sub-No. 22F), filed March 17, 1978. Applicant: COOK TRANSPORTS, INC., 214 South Tenth Street, Birmingham, AL 35233. Applicant's representative: Robert M. Pearce, P.O. Box 1899, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Post, poles, and parts, materials, equipment, supplies, and attachments* used in connection therewith, from Houston, TX to points in the United States in and east of MN, IA, MO, AR, LA. (Hearing site: Dallas, TX or Washington, DC.)

No. MC 138415 (Sub-No. 17F), filed March 16, 1978. Applicant: TRAILER EXPRESS, INC., P.O. Box 327, Topeka, IN 46571. Applicant's representative: Michael M. Yoder, P.O. Box 157, Topeka, IN 46571. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Truck campers* from the plantsite of The Coleman Co., Inc. at Somerset, PA to points in the United States (except AK and HI); (B) *camping trailers* between points in the United States (except AK and HI); under a continuing contract or contracts with The Coleman Co., Inc. (Hearing site: Chicago, IL; Indianapolis, IN; Washington, DC.)

NOTE.—Common control and dual operations may be involved.

No. MC 138875 (Sub-No. 82F), filed March 6, 1978. Applicant: SHOEMAKER TRUCKING CO., a corporation, 11900 Franklin Road, Boise, ID 83705. Applicant's representative: F. L. Sigloh, 11900 Franklin Road, Boise, ID 83705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recyclables, (1) Scrap metals; (2) junk; (3) waste paper; (4) crushed automobiles, engines, and parts; (5) glass bottles*, from points in WA to points in OR. (Hearing site, Portland, OR.)

No. MC 139193 (Sub-No. 70F), filed March 17, 1978. Applicant: ROBERTS & OAKE, INC., 527 East 52nd Street North, Sioux Falls, SD 57101. Applicant's representative: Terrence D. Jones, 2033 K Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: (*1*) *Such merchandise* as dealt in by discount and variety stores (except foodstuffs, furniture, and commodities in bulk) and (*2*) *foodstuffs* (except in bulk) and *furniture*, in mixed loads with the commodities in (1) above, from points in NC, and GA to points in KS, MO, IN, MI, OH, IL, TX, MN, WI, NE, IA, OK, AR and LA, restricted to the transportation of traffic originating at or destined to the facilities of K mart Corp. and restricted to a transportation service performed under a continuing contract or contracts with K mart Corp. (Hearing site: Washington, DC.)

No. MC 139193 (Sub-No. 70F), filed March 17, 1978. Applicant: ROBERTS & OAKE, INC., 527 East 52nd Street North, Sioux Falls, SD 57101. Applicant's representative: Terrence D. Jones, 2033 K Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: (*1*) *Such merchandise* as dealt in by discount and variety stores (except foodstuffs, furniture, and commodities in bulk) and (*2*) *foodstuffs* (except in bulk) and *furniture*, in mixed loads with the commodities in (1) above, from points in NY, NJ, CT, PA, MA, ME, NH, VT, and RI, to points in KS, MO, IN, MI, OH, IL, TX, MN, WI, NE, and IA, restricted to the transportation of traffic originating at or destined to the facilities of K mart Corp. and restricted to a transportation service performed under a continuing contract or contracts with K mart Corp. (Hearing site: Washington, DC.)

No. MC 139495 (Sub-No. 322F), filed March 9, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Oklahoma City and Tulsa, OK, Amarillo, Dallas, and Ft. Worth, TX, Kansas City, MO, and Denver, CO to points in Seward County, KS and the commercial zone of Liberal, KS. (Hearing site: Liberal, KS.)

No. MC 139495 (Sub-No. 327F), filed March 16, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum, aluminum products, and magnesium products* from Reed City, MI to points in CO, GA, IL, IN, IA, KS, KY, MA, MO, NJ, NY, OH, OK, PA, TN, and TX. (Hearing site: Washington, DC.)

No. MC 139577 (Sub-No. 15F), filed March 16, 1978. Applicant: ADAMS TRANSIT, INC., P.O. Box 338, Friesland, WI 53935. Applicant's representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: A. *Foodstuffs* (except commodities in bulk), originating at the facilities utilized by the Green Giant Co. located in the counties of Dodge, Fond du Lac, Jefferson, Waushara, Milwaukee, and Columbia, WI destined to all points in the States of IL, IN, OH, MI, KY, TN, and MO; B. *foodstuffs* (except commodities in bulk), originating at the facilities of the Green Giant Co. located at or near Belvidere, IL, destined to all points in the States of OH, IN, MI, KY, WV, WI, MO, TN, MS, NJ, and Sharon, PA; C. *materials and supplies* used by canning factories and frozen food plants originating at the facilities utilized by the Green Giant Co. located in the counties of Dodge, Fond du Lac, Jefferson, Waushara, and Columbia, WI destined to Belvidere, IL. (Hearing site: Minneapolis, MN or Madison, WI.)

No. MC 139577 (Sub-No. 16F), filed March 20, 1978. Applicant: ADAMS TRANSIT, INC., P.O. Box 338, Friesland, WI 53935. Applicant's representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container ends* from Rockford, IL, to points in MI, MN, and WI. Restriction: Restricted to traffic originating at the facilities of Rockford Can Co. at Rockford, IL, and destined to the named States.

NOTE.—If a hearing is deemed necessary applicant requests it be held at either Madison, WI or Rockford, IL.

No. MC 139587 (Sub-No. 10F), filed March 20, 1978. Applicant: BROWN

REFRIGERATED EXPRESS, INC., P.O. Box 603, Fort Scott, KS 66701. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bedsprings, bedstead rails, cots and cot frames, unupholstered daybeds, bed frames, springs and spring assemblies, metal sleeper fixtures, and materials* used in the manufacture of the above commodities, (1) from Carthage, MO, to points in AL, FL, GA, MS, NC, SC, TN, and VA, (2) from Eaton Park, FL, to points in AL, GA, MS, NC, SC, TN, VA, and Carthage, MO, (3) from Brenham, TX, to points in MS, OK, and Atlanta, GA, and Carthage, MO. (Hearing site: Kansas City, MO.)

NOTE.—Applicant holds contract carrier authority in MC 134142 (Sub-No. 2), therefore, dual operations may be involved.

No. MC 139973 (Sub-No. 41F), filed March 13, 1978. Applicant: J. H. WARE TRUCKING INC. P.O. Box 398, Fulton, MO 65251. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical appliances, equipment, and parts; and poleline hardware* (except commodities the transportation of which because of their size or weight require the use of special equipment), from the facilities of Central Electrical Co. at or near Fulton, MO, to points in IL, KS, OK, AR, KY, AL, GA, WI, IN, WY, ND, SD, LA, NY, and PA.

NOTE.—Applicant holds motor contract carrier authority in MC 138375 and sub numbers thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Kansas City or St. Louis, MO.

No. MC 140078 (Sub-No. 3F), filed March 3, 1978. Applicant: JAMES F. STRASSER AND JAMES A. STRASSER d.b.a. TRAVELERS LIMOUSINE SERVICE, 2222 West Sixth Street, Lawrence, KS 66044. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Packages*, weighing 100 pounds or less (1) between an area in Douglas County, KS, bounded on the south by U.S. Hwy No. 56 and in Jefferson County, KS, bounded on the north by KS State Hwy No. 92, on the one hand, and the Kansas City International Airport, Kansas City, MO, serving the intermediate point of Kansas City Municipal Airport, Kansas City, MO, on the other: From Lawrence, KS, over U.S. Hwys 24-40 to junction KS Hwy 32, thence over KS Hwy 32 to turnpike extension, thence over Interstate Hwy 70 to Kansas City, MO, thence over Broadway Street in Kansas City, MO, to junction Interstate Hwy 29, and thence over Interstate Hwy 29 to Kansas City International Airport, and return over the same route. (2) Between an area in Douglas County, KS, bounded on the south by U.S. Hwy No. 56 and in Jefferson County, KS, bounded on the north by KS State Hwy No. 92, on the one hand, and Kansas City International Airport, Kansas City, MO, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's authorized regular route operations: From Lawrence, KS, over KS Turnpike to Kansas City, MO, thence over Broadway Street in Kansas City, MO, to junction Interstate Hwy 29, thence over Interstate Hwy 29 to Kansas City International Airport, and return over the same route, restricted to traffic having prior or subsequent movement by air. (Hearing site: Kansas City, MO.)

No. MC 140389 (Sub-No. 25F), filed March 16, 1978. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, AL 35902. Applicant's representative: Clayton R. Byrd, P.O. Box 12566, Atlanta, GA 30315. Authority sought to operate as a *common carrier* over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, in tank vehicles), in mechanically refrigerated equipment, from points in ID to facilities utilized by Kraft, Inc., at Atlanta, Decatur, and Tucker, GA. (Hearing site: Atlanta, GA.)

NOTE.—Common control may be involved.

No. MC 140452 (Sub-No. 10F), filed March 15, 1978. Applicant: ROSE BROTHERS TRUCKING, INC., 2425 U.S. Business Hwy 41 North, Suite 204, Evansville, IN 47711. Applicant's representative: David Konnersman, 5101 Madison Avenue, Indianapolis, IN 46227. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk*, in dump vehicles, between points in IN, IL, and KY, on the one hand; and, on the other hand, points in OH, TN, AR, MO, and IA. (Hearing site: Evansville or Indianapolis, IN or Louisville, KY.)

No. MC 140829 (Sub-No. 85F), filed March 13, 1978. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Hwy 20, Sioux City, IA 51102. Applicant's representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Abrasives—Natural or synthetic*, and *insultation*, from the facilities of the Carborundum Co. at or near Niagara Falls, NY, to IL, IN, KY, MI, MN, and WI, restricted to traffic originating at the named origin and destined to points in the named destination States. (Hearing site: Washington, DC.)

NOTE.—Applicant holds contract carrier authority in MC 136408 and subs thereunder; therefore dual operations may be involved.

No. MC 140829 (Sub-No. 86F), filed March 15, 1978. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Hwy 20, Sioux City, IA 51102. Applicant's representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tape, tape products and materials, equipment and supplies* used in the manufacture of tape and tape products, (1) from Beacon, NY, and Passaic, NJ, to points in IL, OH, IN, MO, TX, AZ, CO, CA, and NV, and (2) from Carbondale, IL, to points in OH, MO, TX, AZ, CO, CA, NV, NY, NJ, MA, and PA, restricted to traffic originating at the named origins and destined to points in the named destination States. (Hearing site: Washington, DC.)

NOTE.—Applicant holds contract carrier authority in MC 136408 and subs thereunder; therefore dual operations may be involved.

No. MC 141167 (Sub-No. 4-F), filed March 20, 1978. Applicant: LANGDON TRANSPORTATION, INC., 14625 Carmenita, Norwalk, CA 90650. Applicant's representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite 300, Los Angeles, CA 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coil steel*, in vehicles equipped with mechanical refrigeration, from the facilities of Whittaker Steel Strip, Division of Whittaker Corp., located at or near Detroit, MI, to Los Angeles, Anaheim, and Irvine, CA, under a continuing contract or contracts with Whittaker Steel Strip, Division of Whittaker Corp., located at or near Detroit, MI. (Hearing site: Los Angeles, CA.)

No. MC 142062 (Sub-No. 10F), filed March 20, 1978. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box 62, Sellersburg, IN 47172. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *contract carrier* over irregular routes, transporting: (1) *Liquid plastic materials* (except in bulk), *and such other commodities* as are manufactured, distributed, or dealt in by a manufacturer of liquid plastic materials (except in bulk), from the facilities of Celanese Polymer Specialties Co., Inc., at Louisville, KY, to points in CA,

OR, WA, and AZ; and (2) *materials, equipment, and supplies* (except in bulk) used in the manufacture or distribution of commodities named in (1) above, from points in CA, OR, WA, and AZ to the facilities of Celanese Polymer Specialties Co., Inc., at Louisville, KY. Restriction: Restricted to the transportation of shipments under a continuing contract or contracts with Celanese Polymer Co., Inc. (Hearing site: Louisville, KY.)

No. MC 143259 (Sub-No. 1F), filed March 6, 1978. Applicant: TOM DURKIN TRUCKING, 36 East Chestnut, Walla Walla, WA 99362. Applicant's representative: Robert G. Gleason, 1127 10th East, Seattle, WA 98102. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Floor coverings*—tile and linoleum, from the plantsite of Dowdflor Corp., at or near Miami, FL, to points in the States of UT, ID, OR, and WA, under a continuing contract or contracts with Dowdflor Corp. (Hearing site: Seattle, WA, or Miami, FL.)

No. MC 143616 (Sub-No. 7F), filed March 13, 1978. Applicant: M & S TRANSPORT LINES, INC., P.O. Box 417, Sultana, CA 93666. Applicant's representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Adhesive cements,* in containers, from New Philadelphia, OH, to points in the United States, in and west of MN, IA, MO, AR, and LA (except Portland, OR, Oklahoma City and Tulsa, OK, San Jose, Santa Clara, and San Leandro, CA, and El Paso and Lubbock, TX), under a continuing contract or contracts with Miracle Adhesives Co., at New Philadelphia, OH. (Hearing site: Pittsburgh, PA, or Washington, DC.)

No. MC 144041 (Sub-No. 8F), filed March 13, 1978. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle NE., Atlanta, GA 30345. Applicant's representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe and pipe fittings* (except in bulk) from Geneva County, AL, to points in the United States (except AK and HI); (2) *equipment, materials, and supplies* utilized in the manufacture and distribution of pipe and pipe fittings (except in bulk) from points in the United States (except AK and HI) to Geneva County, AL. (Hearing site: Atlanta, GA.)

NOTE.—Applicant holds contract carrier authority in MC 140883 and subs thereto; therefore, dual operations may be involved.

No. MC 144090 (Sub-No. 1F), filed March 13, 1978. Applicant: RED LETTER TRUCKING CO., a corporation, 250 Mount Lebanon Boulevard, Pittsburgh, PA 15234. Applicant's representative: Stanley E. Levine, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed and feed ingredients,* from Frankfort, Indianapolis, Logansport, and Decatur, IN; Danville, IL; Bellevue, Delphos, Fostoria, Marion, Perrysburg, and Sidney, OH; Blissfield and Hillsdale, MI; and ports of entry on the international boundary line between Canada and the United States on the Detroit River, restricted to international traffic, to points in PA, points in Chatauqua, Cattaraugus, and Erie Counties, NY, and points in Washington and Frederick Counties, MD; (2) *fertilizer,* from Maumee and Washington Court House, OH, to the destination area described in (1) above, under a continuing contract or contracts with Jesse C. Stewart Co., of Pittsburgh, PA. (Hearing site: Pittsburgh, PA, or Washington, DC.)

By the Commission.

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

[FR Doc. 78-12064 Filed 5-3-78; 8:45 am]

[7035-01]

Section 5a—Application No. 46; Amdt. No. 13]

SOUTHERN MOTOR CARRIERS RATE CONFERENCE, INC.

Agreement

APRIL 26, 1978.

The Commission is in receipt of an application in the above proceeding for approval of amendments to the approved agreement.

Filed April 16, 1978, by: L. Vernon Farriba, Attorney-in-Fact, Southern Motor Carriers Rate Conference, Inc., 1307 Peachtree Street, NE., Atlanta, Ga. 30309; Sherman D. Schwartzberg, General Counsel, Southern Motor Carriers Rate Conference, Inc., 1307 Peachtree Street, NE., Atlanta, Ga. 30309.

The amendments involve: Changes to comply with Ex Parte No. 297, 349 ICC 811 and 351 ICC 437.

The complete application may be inspected at the Office of the Commission, in Washington, D.C.

Anny interested person desiring to protest and participate in this proceeding shall notify the Commission in writing on or before May 24, 1978. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

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

[FR Doc. 78-12229 Filed 5-3-78; 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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[6210-01]

1

FEDERAL RESERVE SYSTEM (Board of Governors).

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 17907, April 26, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Monday, May 1, 1978.

CHANGES IN THE MEETING: Addition of the following closed item to the meeting:

Discussion of issues to be considered in the preparation of comments on H.R. 12208, the "Safe Banking Act of 1978."

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: May 1, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-929-78 Filed 5-2-78; 8:55 am]

[6750-01]

2

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, May 10, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission has not yet scheduled any matters for discussion at this meeting. If no item is placed on the agenda by 10 a.m., on Wednesday, May 10, 1978, the meeting will automatically be cancelled. Any item that is placed on the agenda before that time will be announced in accordance with the Additional Information procedures posted with Commission Meeting Notices outside Room 130 of the Federal Trade Commission.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830. Recorded Message: 202-523-3806.

[S-934-78 Filed 5-2-78; 2:11 pm]

[6750-01]

3

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, May 9, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The Commission has not yet scheduled any matters for discussion at this meeting. If no item is placed on the agenda by 10 a.m., on Tuesday, May 9, 1978, the meeting will automatically be cancelled. Any item that is placed on the agenda before that time will be announced in accordance with the Additional Information procedures posted with Commission Meeting Notices outside Room 130 of the Federal Trade Commission.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830. Recorded Message: 202-523-3806.

[S-933-78 Filed 5-2-78; 2:11 pm]

[7035-01]

4

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, May 4, 1978.

PLACE: Room 4225, Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D.C.

STATUS: Short notice—Open special conference.

MATTERS TO BE CONSIDERED:

MANAGEMENT ISSUES BRIEFING

(1) Administrative technologies. Resource requirements and recommendations of RLA (Managing Director).

(2) Quarterly performance review (Office of Proceedings, Managing Director).

CONTACT PERSON FOR MORE INFORMATION:

Douglas Baldwin, Director, Office of Communications, telephone 202-275-7252.

The Commission's professional staff will be available to brief news media representatives on conference issues at the conclusion of the meeting.

[S-930-78 Filed 5-2-78; 8:55 am]

[7590-01]

5

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of May 8, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

MONDAY, MAY 8, 2:30 P.M.

Discussion of testimony on proposed licensing legislation (approximately 1½ hours.) (Open and closed status to be determined.)

TUESDAY, MAY 9, 1:30 P.M.

1. Discussion of testimony on proposed licensing legislation (approximately 1½ hours). (Open and closed status to be determined.)

2. Discussion of OIA/OGC Investigation of Testimony of the Executive Director for Operations (approximately 1½ hours). (Closed—Exemption 1)

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

ROGER M. TWEED,
Office of the Secretary.

MAY 1, 1978.

[S-931-78 Filed 5-2-78; 10:07 am]

[7910-01]

6

RENEGOTIATION BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 18401, April 28, 1978.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Tuesday, May 2, 1978; 10 a.m.

CHANGE IN MEETING: Cancellation.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: May 1, 1978.

HARRY R. VAN CLEVE,
Acting Chairman.

[S-932-78 Filed 5-2-78; 2:11 pm]

[8010-01]

7

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of May 8, 1978, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, May 9, 1978, at 10 a.m. and on Thursday, May 11, 1978, immediately following the open meeting. An open meeting will be held on Thursday, May 11, 1978, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(8)(9)(i) and (10).

Commissioners Loomis, Evans, and Karmel determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, May 9, 1978, at 10 a.m., will be:

Formal orders of investigation.
Referral of investigatory files to Federal, State, or Self-Regulatory authorities.
Institution of administrative proceedings of an enforcement nature.
Settlement of administrative proceedings of an enforcement nature.
Institution of injunctive actions.
Settlement of injunctive actions.
Chapter XI proceeding.
Freedom of Information Act appeals.

Other litigation matters.

The subject matter of the closed meeting scheduled for Thrusday, May 11, 1978, immediately following the open meeting, will be:

Opinion.

The subject matter of the open meeting scheduled for Thursday, May 11, 1978, at 10 a.m., will be:

1. Proposed adoption of an amendment to Rule 145 under the Securities Act of 1933, which would eliminate the indefinite underwriter status attached to former affiliates of entities acquired under the rule, provided certain conditions are met.
2. Consideration of an application filed by Real Estate Investment Trust of California for an exemptive order from certain registration provisions of the Securities Exchange Act of 1934.
3. Consideration of a request by Liquid Transporters, Inc., for an extension of time within which to file an annual report on Form 10-K for the fiscal year ended December 31, 1977.
4. Affirmation of duty officer action concerning the extension of comment period on proposed Rule 17j-1 under the Investment Company Act of 1940 until May 30, 1978. The proposed rule would prohibit certain activities on the part of persons affiliated with registered investment companies or their investment advisers or principal underwriters.
5. Consideration of the issuance of an advance notice of proposed rulemaking, requesting public comment with regard to the conditions under which mutual funds might be permitted to bear distribution expenses.
6. Proposed issuance of a monitoring report incorporating data relating to recent financial experience of broker-dealers, trends in commission rates, and the financial condition of self-regulatory organizations.
7. Proposed release concerning the sale of foreign options in the United States.

FOR FURTHER INFORMATION CONTACT:

Lawrence A. Horn at 202-755-1286 or Margaret M. Topps at 202-376-8016

MAY 1, 1978.

[S-926-78 Filed 5-2-78; 8:55 am]

federal register

THURSDAY, MAY 4, 1978
PART II



DEPARTMENT OF STATE

■

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits to Fish off Coasts of U.S.

[4710-09]

DEPARTMENT OF STATE

[Public Notice 607]

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits to Fish Off the Coasts of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to Section 204 of the Act.

The Act also requires that all applications for such permits be published in the FEDERAL REGISTER.

Applications for fishing during 1978 have been received from the Governments of Korea and Mexico, and are published herewith.

Dated: April 25, 1978.

JAMES A. STORER,
Director,
Office of Fisheries Affairs.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. MX-78-0027

1. Name of Vessel MONTE FURADO 2. Vessel Identifier (Call Sign) XCMY
3. Type of Vessel STERN TRAWLER 4. Length 44 MTS. Maximum
5. Gross Tonnage 512 Tons 6. Net Tonnage 440 7. Speed (knots) 15
8. Owner's Name and Address MEXICANA-ESPAÑOLA DE PESCA Y CONSERVAS, S.A.
HOMERO # 1804 7° PISO, MEXICO, D.F.
9. Types of Processing Equipment FREEZER

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
NWA	Long-finned squid	Bottom Trawl	X	X	
NWA	Short-finned squid	Mid-water Trawl	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. MX-78-0028

1. Name of Vessel CARVISA I 2. Vessel Identifier (Call Sign) XCCS
3. Type of Vessel STERN TRAWLER 4. Length 29.9 mts. Maximum
5. Gross Tonnage 280 6. Net Tonnage 135 7. Speed (knots) 11
8. Owner's Name and Address MEXICANA-ESPAÑOLA DE PESCA Y CONSERVAS, S.A.
Homero # 1804 7° piso, MEXICO, D.F.
9. Types of Processing Equipment FREEZER

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
NWA	Long-finned squid	Bottom Trawl	X	X	
NWA	Short-finned squid	Mid-water Trawl	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. MX-78-0029

1. Name of Vessel CARVISA II 2. Vessel Identifier (Call Sign) XEEV
3. Type of Vessel STERN TRAWLER 4. Length 29.9 mts. Maximum
5. Gross Tonnage 280 6. Net Tonnage 135 7. Speed (knots) 11
8. Owner's Name and Address MEXICANA-ESPAÑOLA DE PESCA Y CONSERVAS, S.A.
HOMERO # 1804 7° piso, MEXICO, D.F.
9. Types of Processing Equipment FREEZER

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
NWA	Long-finned SQUID	BOTTOM TRAWL	X	X	
NWA	Short-finned	Mid-water Trawl	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. MX-78-0030

1. Name of Vessel MONTE GALIÑEIRO 2. Vessel Identifier (Call Sign) XCNW
3. Type of Vessel STERN TRAWLER 4. Length 44 mts. Maximum
5. Gross Tonnage 512 6. Net Tonnage 440 7. Speed (knots) 15
8. Owner's Name and Address MEXICANA-ESPAÑOLA DE PESCA Y CONSERVAS, S.A.;
HOMERO # 1804 7° piso, MEXICO, D.F.
9. Types of Processing Equipment FREEZER

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
NWA	Long-finned squid	Bottom Trawl	X	X	
NWA	Short-finned squid	Mid-water Trawl	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. MV-78-0031

1. Name of Vessel MONTE CONFURCO 2. Vessel Identifier (Call Sign) XCMZ
3. Type of Vessel STERN TRAWLER 4. Length 44 mts.
5. Gross Tonnage 512 6. Net Tonnage 440 7. Maximum Speed (knots) 15
8. Owner's Name and Address MEXICANA-ESPAÑOLA DE PESCA Y CONSERVAS, S.A.; HOMERO # 1804 7° piso , MEXICO, D.F.
9. Types of Processing Equipment FREEZER

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
NWA	Long-finned squid	Bottom Trawl	X	X	
NWA	Short-finned squid	Mid-water Trawl	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. MV-78-0032

1. Name of Vessel CAMPA DE TORRES 2. Visual Identifier (Call Sign) XCCY
3. Type of Vessel STERN TRAWLER 4. Length 47 M
5. Gross Tonnage 455 6. Net Tonnage 163 7. Maximum Speed (knots) 11
8. Owner's Name and Address COMPAÑIA CALAMARERA DEL SURESTE, S. A. MONTE CAUCASO 915 - 4to Piso - MEXICO 10, D. F. - MEXICO
9. Types of Processing Equipment FREEZER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
NWA	LONG & SHORT FINNED SQUID	BOTTOM & OFF-BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. MV-78-0033

1. Name of Vessel COSTA DE NORMANDIA 2. Visual Identifier (Call Sign) XCCZ
3. Type of Vessel STERN TRAWLER 4. Length 46.2 M
5. Gross Tonnage 411 6. Net Tonnage 113 7. Maximum Speed (knots) 10
8. Owner's Name and Address COMPAÑIA CALAMARERA DEL SURESTE S. A. MONTE CAUCASO 915 - 4to PISO - MEXICO 10, D. F. - MEXICO
9. Types of Processing Equipment FREEZER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
NWA	LONG & SHORT FINNED SQUID	BOTTOM & OFF-BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

[FR Doc. 78-12019 Filed 5-3-78; 8:45 am]

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