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federal register

WEDNESDAY, MAY 17, 1978

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

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

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

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

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

[Last listing: May 15, 1978]

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To authorize the Secretary of the Treasury to designate an Assistant Secretary to serve in his place as a member of the Library of Congress Trust Fund Board. (May 12, 1978; 92 Stat. 236) Price: $.50.

S. 917 ..... Pub. L. 95–278
To provide for conveyance of certain lands adjacent to the Grand Ranch, Grass Valley, Nevada to the University of Nevada. (May 12, 1978; 92 Stat. 237) Price: $.50.

presidential documents

[3195-01]

Title 3—The President

PROCLAMATION 4571

Armed Forces Day, 1978

By the President of the United States of America

A Proclamation

The men and women of the Army, Navy, Air Force, Marine Corps and Coast Guard serve their country with pride and dignity. Each day we enjoy peace is a reminder of their important role.

It is with equal pride that we Americans set aside one day each year to pay tribute to these patriotic volunteers, stationed throughout the world.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States and Commander-in-Chief of the Armed Forces of the United States, continuing the precedent of my six immediate predecessors in this Office, do hereby proclaim the third Saturday of each May as Armed Forces Day.

I direct the Secretary of Defense on behalf of the Army, the Navy, the Air Force, and the Marine Corps, and the Secretary of Transportation on behalf of the Coast Guard, to plan for appropriate observances each year, with the Secretary of Defense responsible for soliciting the participation and cooperation of civil authorities and private citizens.

I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States, to provide for the observance of Armed Forces Day within their jurisdiction each year in an appropriate manner designed to increase public understanding and appreciation of the Armed Forces of the United States.

I also invite national and local veterans, civic and other organizations to join in the observance of Armed Forces Day each year.

I call upon my fellow Americans not only to display the flag of the United States at their homes on Armed Forces Day, but also to learn about our system of defense, and about the men and women who sustain it, by attending and participating in the local observances of the day.

Proclamation 4492 of March 22, 1977, is hereby superseded.

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

Jimmy Carter

[FR Doc. 78-13545 Filed 5-15-78; 4:15 pm]

[3195-01]

Executive Order 12060 **May 15, 1978**

Relating to Certain Positions in Levels IV and V of the Executive Schedule

By virtue of the authority vested in me by Section 5317 of Title 5 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. Section 1 of Executive Order No. 11861, as amended, placing certain positions in level IV of the Executive Schedule, is further amended by inserting in numerical sequence "(6) Assistant Attorney General, United States Attorneys and Trial Advocacy, Department of Justice." and by deleting "Counselor to the Secretary for Congressional Affairs" in subsection (10) and inserting in lieu thereof, "Deputy Under Secretary for Regional Affairs".

SEC. 2. Section 2 of Executive Order No. 11861, as amended, placing certain positions in level V of the Executive Schedule, is further amended by deleting "(13) Executive Director, Federal Personnel Management Systems Study, United States Civil Service Commission.".

SEC. 3. Executive Order No. 11189 of November 23, 1964, Executive Order No. 11195 of January 30, 1965, and Executive Order No. 11995 of June 8, 1977 are revoked.

Jimmy Carter

THE WHITE HOUSE,
May 15, 1978.

[FR Doc. 78-13574 Filed 5-16-78; 10:14 am]

rules and regulations

[3410-05]

Title 7—Agriculture

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 1]

PART 1435—SUGAR

Subpart—Price Support Loan Program for 1977 Crop Sugarbeets and Sugarcane

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The price support loan regulations are hereby amended to (1) change the designated 1977 crop harvesting period for the Puerto Rico sugar producing area; (2) clarify provisions on the storage space that may be used for eligible collateral to be placed and maintained under loan; (3) increase the 1977 loan rate for refined beet sugar; and (4) specify a retention period for records used by processors to support loan collateral eligibility, quantity, and quality. The definition of "1977 crop" is amended to designate the sugarcane harvested in Puerto Rico during the calendar year 1977 as the 1977 crop. An entire storage facility need not be solely for a single processor's use if it is safe and has sufficient space committed for his loan quantity. The loan rate for refined beet sugar is increased from 14.24 cents per pound to 15.57 cents per pound. Records required by this subpart must be retained by processors for not less than 3 years.

The intended effect of this action is to increase the loan rate for refined beet sugar.

EFFECTIVE DATE: May 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert R. Stansberry, Jr., ASCS, 202-447-7561 or 202-447-3517, P.O. Box 2415, Washington, D.C. 20013.

SUPPLEMENTARY INFORMATION: On November 11, 1977, a final rule was published in the FEDERAL REGISTER (42 FR 58734) implementing a program, effective as of November 8, 1977, to support prices in the marketplace for producers of 1977 crop sugarbeets and sugarcane through loans made to sugar processors. The loan program was designed to support sugar prices to producers under section 201 of the Agricultural Act of 1949, as amended by section 902 of the Food and Agriculture Act of 1977. On December 28, 1977 (42 FR 64677) the regulations for the conduct of the price support payment program were amended to define the "1977 crop" of sugarcane for Puerto Rico as that harvested during calendar year 1977. Since the combined objective of the price support payment program and the price support loan program is to support the price of sugarbeets and sugarcane in the marketplace for the 1977 crop, it is necessary that definition of the 1977 crop be the same under both programs for all producing areas.

According to information supplied to the Department, some domestic processors of sugar crops, who are otherwise eligible,will be severely limited as to the quantities they can place under loan unless they can rent only such portions of available storage as they need and unless their production can be therein commingled with that of other processors. It is the intent of the Department to permit such commingled production, if it is otherwise eligible, to be placed under loan since the economical utilization of available storage space increases the availability of price support benefits to producers.

Section 1435.19 of this part requires beet sugar processors, as a condition of loan eligibility, to pay eligible producers not less than $22.84 per ton of average quality sugarbeets. Most purchase contracts between beet processors and producers establish a scale of prices per ton of beets based upon the relationship between the level of sucrose in the beets and the net selling price received for the sugar. This relationship indicates that processors need, on average, to net 14.24 cents per pound of refined beet sugar to be able to pay producers $22.84 per ton. The net selling price is determined by deducting from the gross selling price all expenses properly chargeable to the marketing of sugar. Included in the properly chargeable expenses are insurance, taxes, advertising, sales promotion and salaries, storage warehousing, handling, and other related costs which are incurred by a processor regardless of the disposition of a loan. These costs averaged 0.57 cent per pound in 1975, 0.64 cent in 1976 and are estimated to be 0.72 cent for the 1977 crop. Only by increasing the 1977 crop loan rate for refined beet sugar by 0.72 cent per pound can a net selling price of 14.24 cents per pound, which is necessary for payment to sugarbeet producers of the minimum 52.5 percent of parity required by law ($22.84 per ton of average quality sugarbeets), be ensured.

While increasing the refined beet sugar loan rate by more than 0.72 cent per pound could result in price support for some beet producers at more than 52.5 percent of parity while cane producers remain at 52.5 percent on average, experience with the 14.24-cent per pound rate makes it likely that failure to do so will contribute toward low refined cane sugar prices and, consequently, low raw sugar prices. Major buyers of beet sugar have been able to buy at ceiling prices which generally reflect the loan rate plus 2.00 to 2.25 cents per pound total marketing expense. Such arrangements tend to force cane refiners to sell at the same price in order to remain competitive; and at such prices for refined cane sugar, raw sugar processors and cane producers will not realize the minimum 13.5-cent support price.

It is essential, therefore, to establish a representative relationship between refined beet sugar net selling prices (NSP) and raw sugar prices, and to further adjust the refined beet sugar loan rate accordingly. It is believed that a proper long-term ratio can be established by using the actual average relationship which existed during the 15-year period 1962 through 1976. This indicates that the net selling price for refined beet sugar should be 110 percent of the price for raw cane sugar.

Use of the indicated relationship between the raw sugar support price of 13.50 cents and the net selling price for beet processors gives a beet sugar loan rate of 14.85 cents (13.50×1.10) which, when increased by the 0.72 cent necessary to achieve the proper support level to producers, results in the herein established beet sugar loan rate of 15.57 cents per pound for the 1977 crop.

No specific record maintenance period had previously been established

for processor records. A 3-year period is felt to be reasonable to processors and adequate to protect the interests of CCC.

A regulatory analysis which describes the impact of this amendment has been prepared in accordance with Executive Order 12044, dated March 23, 1978. Copies are available by contacting the Office of the Director of Economics, Policy Analysis and Budget, Room 102, Administration Building, USDA, Washington, D.C. 20250.

Accordingly, 7 CFR Part 1435 is amended as follows:

1. Section 1435.17 is amended by changing the harvesting period designation for Puerto Rico in paragraph (a) to read as follows:

§ 1435.17 Definitions.

(a) "1977 crop" * * *

Sugar-Producing Area	Harvesting Period
* * * * *	
Puerto Rico	Calendar Year 1977
* * * * *	

2. Section 1435.18 is amended by revising that portion of the third sentence immediately preceding the proviso to read as follows:

§ 1435.18 Level and method of support, and loan rate.

* * * Loan rates for the 1977 crop shall be 15.57 cents per pound for refined beet sugar, and 13.50 cents per pound for cane sugar, raw value, including the cane sugar, raw value, equivalent contained in cane syrup and edible molasses: * * *

3. Section 1435.19 is amended by revising paragraph (d) to read as follows:

§ 1435.19 Eligibility requirements.

* * * * *

(d) Eligible storage shall consist of a storage structure or space which is determined by the State committee to be committed to the storage of such quantity of the processor's eligible sugar as is offered for loan or maintained under loan and which is safe for storage of the product.

4. Section 1435.24 is amended by adding the following sentence to the end of the text in paragraph (f) to read as follows:

§ 1435.24 Miscellaneous provisions.

* * * * *

(f) *Records and inspection thereof.* * * *

Such books, records, accounts and other written data shall be retained by the processor for not less than 3 years.

* * * * *

NOTE.—It is hereby certified that a regulatory analysis of this action has been prepared in accordance with Executive Order 12044.

Signed at Washington, D.C. on May 5, 1978.

STEWART N. SMITH,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 78-13352 Filed 5-16-78; 8:45 am]

[6210-01]

Title 12—Banks & Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

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

PART 202—EQUAL CREDIT OPPORTUNITY

Amendment to Procedures for Issuing Official Staff Interpretations; Correction

MAY 12, 1978.

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Correction.

SUMMARY: The correction document appearing in FR Doc. 78-12402 on page 19644 of the issue for May 8, 1978, is being corrected due to an error in the Part number and heading. "PART 226—TRUTH IN LENDING", should have read, "PART 202—EQUAL CREDIT OPPORTUNITY", and "§ 226.1(d)(2)(1)" should have read, "§ 202.1(d)(2)(i)."

FOR FURTHER INFORMATION CONTACT:

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

In FR Doc. 78-11758 appearing at page 18540 of the issue for Monday, May 1, 1978, § 202.1(d)(2)(i) should have read,

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

Board of Governors of the Federal Reserve System, May 11, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-13419 Filed 5-16-78; 8:45 am]

[6210-01]

[Reg. Z; Docket No. R-0159]

PART 226—TRUTH IN LENDING

Supplement VI

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: This supplement to Regulation Z prescribes the criteria and procedures under which a State may apply for an exemption from the requirements of Chapter 5 (Consumer Leases) of the Truth in Lending Act (the Act) or for a determination that a State law is not inconsistent with or preempted by the consumer leasing provisions of Truth in Lending and Regulation Z. The Board has issued this supplement to provide procedures and criteria under which it will grant exemptions under the Act.

EFFECTIVE DATE: May 17, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: (1) Section 186(b) of Chapter 5 of the Truth in Lending Act authorizes the Board to grant exemptions from Chapter 5 to States, if the Board determines that the State law imposes requirements substantially similar to those of Chapter 5 or that the State law provides greater protection and benefit to consumers than is provided therein. In addition, the Board must determine that there is adequate provision for enforcement of the State law. Section I of the Supplement sets forth the criteria and procedures under which a State may secure such an exemption.

Section 186(a) authorizes the Board to make determinations whether a State law is inconsistent with or preempted by Chapter 5 of the Federal law in any respect. The Board is prohibited from determining that a State law is inconsistent with any provision of Chapter 5 when the State law provides greater protection and benefit to consumers than does Chapter 5. Section II of the Supplement prescribes the criteria and procedures under which a State may secure such a determination.

(2) The provisions of 5 U.S.C. § 553, relating to notice, public participation

and deferred effective dates have not been followed in connection with the adoption of this rule because it relates to agency procedures.

(3) Pursuant to the authority granted in 15 U.S.C. § 1604 (1968), the Board hereby files the following Supplement VI as part of the original document, and it will not be carried in 12 CFR Part 226, effective May 17, 1978.

SUPPLEMENT VI TO REGULATION Z

TRUTH IN LENDING

(SECTIONS 226.12 & 226.6(B)(3)—SUPPLEMENT)

SECTION I—EXEMPTIONS

Procedures and criteria under which any State may apply for exemption from the provisions of Chapter 5 of the Truth in Lending Act pursuant to paragraph (a) of § 226.12.

(a) *Application.* Any State may make application to the Board, pursuant to the terms of Section I of this supplement and the Board's Rules of Procedure (12 CFR 262), for a determination that under the laws of that State,[1] consumer lease transactions, as provided in section 181(1) of the Act and § 226.2(mm) of this Part, within that State are subject to requirements which are substantially similar to those imposed under Chapter 5 of the Act[2] or which provide greater protection and benefit to lessees than those provided under Chapter 5, and that there is adequate provision for enforcement of such requirements. Such application shall be made by letter addressed to the Board signed by the Governor, the Attorney General, or any official of the State having responsibilities under the State laws which are applicable to the relevant class of transactions.

(b) *Supporting documents.* The application shall be accompanied by

(1) A copy of the full text of the laws of the State which are claimed by the applicant to impose requirements substantially similar to those imposed under Chapter 5 or to provide greater protection and benefit to lessees than does Chapter 5 with respect to consumer lease transactions as defined in § 226.2(mm) of this Part.

(2) A comparison of each requirement of State law with the corresponding requirement of Chapter 5, together with reasons to support the claim that the requirements of State law are substantially similar to or provide greater protection and benefit to lessees than requirements of Chapter 5 with respect to the class of consumer lease transactions. It shall also demonstrate that any differences are not inconsistent with and do not result in a diminution in the protection and benefit afforded lessees under Chapter 5 and state that there are no other State laws which, due to their relation to the State law under consideration, should be considered by the Board in making its determination.

(3) A copy of the full text of the laws of the State which provide for enforcement of the State laws referred to in subparagraph (1) of this paragraph.

(4) A comparison of the provisions of State law with the provisions of Sections 108, 112, 130, 131, 183(a), 183(b), 185(a) and 185(c) of the Act, together with reasons to support the claim that such State laws provide for

(i) Administrative enforcement of the State laws referred to in subparagraph (1) of this paragraph which is equivalent to the enforcement provided under Section 108 of the Act;

(ii) Criminal liability for willful and knowing violation of the State law with penalties substantially similar to those prescribed under Section 112 of the Act, except that more severe penalties may be provided;

(iii) Civil liability for failure to comply with the requirements of the State law, including class action liability, which is substantially similar to that provided under Sections 130, 131 185(b) except that more severe penalties may be provided;

(iv) In leases where the lessee's liability at the end of the lease term is based on the estimated value of the leased property, a limitation on the lessee's liability at the end of the least term substantially similar to that provided by paragraph (a) of Section 183 of the Act, except that a stricter limitation may be provided;

(v) A provision prescribing that all penalties and other charges for delinquency, default or early termination specified in the lease must be reasonable substantially similar to that provided in paragraph (b) of Section 183 of the Act, except that a stricter provision may be provided.

(vi) A statute of limitations that prescribes a period in which to institute civil actions of substantially similar duration as that provided under paragraph (c) of Section 185 of the Act, except that a longer period may be provided.

(5) A statement identifying the office designated or to be designated to administer the State laws referred to in subparagraph (1) of this paragraph, together with complete information regarding the fiscal arrangements for administrative enforcement (including the amount of funds available or to be provided), the number and qualifications of personnel engaged therein, and a description of the procedures under which such State laws are to be administratively enforced, including administrative enforcement with respect to Federally-chartered lessors.[3] The foregoing statement should include reasons to support the claim that there is adequate provision for enforcement of such State laws.

(c) *Criteria for Determination.* The Board will consider the following criteria along with any other relevant information in making a determination whether the laws of a State impose requirements substantially similar to or provide greater protection and benefit to lessees than under Chapter 5, and whether there is adequate provision for enforcement of such laws:

(1) In order for provisions of State law to be substantially similar to or provide greater protection and benefit to lessees than the provision of Chapter 5, the provisions of State law[4] shall require that:

(i) Definitions and rules of construction import the same meaning and have the same application as those prescribed under § 226.2 of this Part;

(ii) Lessors make all of the applicable disclosures required by this Part and within the same (or more stringent) time periods as are prescribed by this Part;

(iii) Lessors abide by obligations substantially similar to those prescribed by Chapter 5, under conditions substantially similar to (or more stringent than those prescribed in Chapter 5;

(iv) Lessors abide by the same (or more stringent) prohibitions as are provided by Chapter 5;

(v) Lessees need comply with no obligations or responsibilities which are more costly or burdensome as a condition of exercising any of the rights or gaining the benefits and protections in the State law which correspond to those afforded by Chapter 5, than those obligations or responsibilities imposed upon lessees in Chapter 5;

(vi) Substantially similar or more favorable rights and protections are provided to lessees under conditions substantially similar to or more favorable (to lessees) than those afforded by Chapter 5.

(2) In determining whether the provisions for enforcement of the State law referred to in paragraph (b)(1) are adequate, consideration will be given to the extent to which, under the laws of the State, provision is made for

(i) Administrative enforcement, including necessary facilities, personnel and funding;

(ii) Criminal liability for willful and knowing violation with penalties substantially similar to those prescribed under Section 112, except that more severe criminal penalties may be prescribed.

(iii) Civil liability for failure to comply with the provisions of the State law substantially similar to that provided under sections 130, 131 and 185(b), except that more severe civil liability penalties may be prescribed;

(iv) In leases where the lessee's liability at the end of the lease term is based on the estimated value of the leased property, a limitation on the lessee's liability at the end of the lease term substantially similar to that provided in section 183(a), and a provision requiring that penalties be reasonable substantially similar to that provided in section 183(b), except that stricter standards on end-term liability and penalty provisions may be prescribed;

(v) A statute of limitations with respect to civil liability of substantially similar duration to that provided under section 185(c), except that a longer duration may be provided.

(d) *Public notice of filing and proposed rule making.* Following initial review of an application filed in accordance with the re-

[1] Any reference to State law in Supplement VI includes a reference to any regulations which implement State law and formal interpretations thereof by a court of competent jurisdiction or a duly authorized agency of that State.

[2] Any reference in Supplement VI to Chapter 5 of the Act or any section thereof includes a reference to the implementing provisions of this Part and the Board's formal interpretations thereof.

[3] Transactions within a State in which a Federally-chartered institution is a lessor shall not be subject to the exemption, and such Federally-chartered lessors shall remain subject to the requirements of the Act and administrative enforcement by the appropriate Federal authority under section 108, unless it is established to the satisfaction of the Board that appropriate arrangements have been made with such Federal authorities to assure effective enforcement of the requirements of State laws with respect to such lessors.

[4] This paragraph is not to be construed as indicating that the Board would consider adversely any additionaly requirements of State law which are not inconsistent with the purpose of the Act or the requirements imposed under Chapter 5.

quirements of paragraphs (a) and (b) of section I, notice of such filing and proposed rule making will be published by the Board in the FEDERAL REGISTER, and a copy of such application will be made available for examination by interested persons during business hours at the Board and at the Federal Reserve Bank of each Federal Reserve District in which any part of the State of the applicant is situated. A reasonable period of time will be allowed from the date of such publication for the Board to receive written comments from interested persons with respect to that application.

(e) *Exemption from requirements of Chapter 5.* If the Board determines that under the law of a State consumer lease transactions are subject to requirements which are substantially similar to or which provide greater protection and benefit to lessees than those imposed under Chapter 5 and that there is adequate provision for enforcement, the Board will exempt such class of transactions in that State from the requirements of Chapter 5 in the following manner and subject to the following conditions:

(1) Notice of the exemption will be published in the FEDERAL REGISTER, and the Board will furnish a copy of such notice to the official who made application for such exemption and to each Federal authority responsible for administrative enforcement of the requirements of Chapter 5.

(2) The appropriate official of any State which receives an exemption shall inform the Board within 30 days of the occurrence of any change in its related law (including regulations). The report of any such change shall contain the full text of that change together with statements setting forth the information and opinions with respect to that change as specified in subparagraphs (2) and (4) of paragraph (b). The official who has received an exemption shall file with the Board from time to time such reports as the Board may require.

(3) The Board will inform the official of any subsequent amendments to Chapter 5 (including the implementing provisions of this Part and the Board's formal interpretations) which might call for amendment of State law, regulations or formal interpretations thereof.

(f) *Adverse Determination.* (1) If the Board denies the application for exemption, it will notify the appropriate State official of the facts upon which its decision is based and shall afford that State a reasonable opportunity to demonstrate or achieve compliance.

(2) If, after giving the State an opportunity to demonstrate or achieve compliance, the Board finds that it still cannot grant the exemption, the Board will publish in the FEDERAL REGISTER a notice of its decision and will furnish a copy of such notice to the official who made application for such exemption.

(g) *Revocation of exemption.* (1) The Board reserves the right to revoke any exemption if at any time it determines that the State law does not, in fact, impose requirements which are substantially similar to or provide greater protection and benefit to lessees than those imposed under Chapter 5, or that there is not, in fact, adequate provision for enforcement.

(2) Before revoking any State exemption, the Board will notify the appropriate State official of the facts or conduct which in the opinion of the Board warrants such revocation and shall afford that State such opportunity as the Board deems appropriate to demonstrate or achieve compliance.

(3) If, after having been afforded the opportunity to demonstrate or achieve compliance, the Board determines that the State has not done so, notice of the Board's intention to revoke such exemption shall be published as a notice of proposed rulemaking in the FEDERAL REGISTER. A period of time will be allowed from the date of such publication for the Board to receive written comments from interested persons.

(4) In the event of revocation of such exemption, notice of such revocation shall be published by the Board in the FEDERAL REGISTER, and a copy of such notice shall also be furnished to the appropriate State official and to the Federal authorities responsible for enforcement of requirements of Chapter 5, and the class of transactions affected within that State shall then be subject to the requirements of Chapter 5, to administrative enforcement as provided under section 108, to criminal liability as provided under section 112, and to civil liability as provided under sections 130, 131 and 185(b).

SECTION II—PREEMPTION

Procedures and criteria under which any State may apply for a determination that a State law is not inconsistent with and not preempted by a provision of Chapter 5 of the Act pursuant to § 226.6(b)(3) of this Part.

(a) *Application.* Any State may make application to the Board pursuant to the terms of section II of this supplement and the Board's Rules of Procedure (12 CFR 262), for a determination that a law of such State is consistent[5] with a provision of Chapter 5 of the Act, because such State law provides greater protection and benefit to lessees than does the provision of Chapter 5, that such law is consistent with a provision of Chapter 5 for any other reason, or for a determination of any issues not clearly covered by § 226.6(b) with regard to the relationship of the Federal law to the State law. Such application shall be made by letter addressed to the Board signed by the Governor, Attorney General or any official of the State having responsibilities under the State law put forward for consideration.

(b) *Supporting Documents.* The application shall be accompanied by:

(1) A copy of the full text of the laws of the State which are claimed by the applicant to be consistent with a provision of Chapter 5 or whose relationship (with regard to consistency or inconsistency) to a provision of Chapter 5 is claimed by the applicant to be not clearly covered by the standards and criteria for comparison set forth in § 226.6(b) of this Part.

(2) A comparison of each requirement of the State law with the corresponding requirement of Chapter 5, with reasons to support the claim that the State law is consistent with a provision of Chapter 5 or that the relationship (with regard to consistency or inconsistency) between the State law and Chapter 5 is not clearly covered by the standards and criteria set forth in § 226.6(b) of this Part.

(3) A copy of the full text of any provisions of State law corresponding to sections 112, 130, 131, 183(a), 183(b), 185(b), and 185(c) (if applicable), together with reasons for the applicant's claim that such State provisions are not inconsistent (because they provide greater protection and benefit to lessees or for other reasons) with the Act.

(4) A statement that there are no State laws (including administrative or judicial interpretations) other than those submitted to the Board which have any bearing on whether or not the State law is consistent with a provision of Chapter 5.

(5) A statement identifying the office designated or to be designated to administer the State laws referred to in subparagraph (1) of this paragraph. If no such administrative office exists, then a statement identifying the office to which the Board can address any correspondence regarding the request for such determination shall accompany the application.

(c) *Criteria for Determination.* The Board will consider the following criteria along with any other relevant information, in addition to the criteria set forth in § 226.6(b) of this Part, in making a determination of whether or not State law is inconsistent with a provision of Chapter 5. In order for provisions of State law to be determined to be consistent with a provision of Chapter 5, the provisions of State law[6] shall, to the extent relevant to the determination, require that:

(1) Definitions and rules of construction import the same meaning and have the same application as those prescribed by this Part;

(2) Lessors make all of the applicable disclosures required by the corresponding provision of Chapter 5 and this Part, and within the same (or more stringent) time periods as those prescribed by this Part;

(3) Lessors abide by obligations substantially similar to those prescribed by a provision of Chapter 5 under conditions substantially similar (or more stringent) to those in Chapter 5;

(4) Lessors abide by the same (or more stringent) prohibitions as are provided by Chapter 5;

(5) Lessees need comply with no obligations or responsibilities which are more costly or burdensome as a condition of exercising any of the rights or gaining the benefits and protections provided in the State law, which correspond to those afforded by Chapter 5, than those obligations or responsibilities imposed on lessees in Chapter 5;

(6) Lessees are to have rights and protections substantially similar to or more favorable than those provided by the corresponding provisions of Chapter 5 under conditions and within time periods which are substantially similar to or more favorable (to lessees) than those prescribed by Chapter 5.[7]

(d) *Public notice of filing and proposed rulemaking.* In connection with any application which has been filed in accordance with the requirements of paragraphs (a) and (b)

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[5] For purposes of this supplement, the terms "consistent" and "not inconsistent" shall convey the same meaning and shall involve the same evidentiary showing.

[6] This paragraph is not to be construed as indicating that the Board would consider adversely any additional requirements of State law which are not inconsistent with the purposes of the Act or the requirements imposed under Chapter 5.

[7] A State may make a showing that in certain limited readily identifiable circumstances a law which may otherwise be inconsistent with a provision of Chapter 5 is not inconsistent under the criteria set forth in paragraph (c) of Section II of this supplement. The Board may determine such State law to be consistent only under those circumstances but will make no such determination if doing so would mislead or confuse lessees.

of section II of this supplement, notice of such filing and proposed rulemaking will be published by the Board in the FEDERAL REGISTER, and a copy of such application will be made available for examination by interested persons during business hours at the Board and at the Federal Reserve Bank of each Federal Reserve District in which any part of the State of the applicant is situated. A period of time will be allowed from the date of such publication for the Board to receive written comments from interested persons with respect to that application.

(e) *Determination that a State Law is consistent with chapter 5.* If the Board determines on the basis of the information before it that the law of a State is consistent with a provision of chapter 5, notice of such determination shall be published in the following manner and shall be subject to the following conditions:

(1) Notice of the determination will be published in the FEDERAL REGISTER, and the Board will furnish a copy of such notice to the official who made application for such exemption and to each Federal authority responsible for administrative enforcement of the requirements of Chapter 5.

(2) The appropriate official of any State which receives such a determination shall inform the Board within 30 days of the occurrence of any change in its related law (or regulations). The report of any such change shall contain copies of the full text of the law, as changed, together with statements setting forth the information and opinions with respect to that change as specified in subparagraphs (2) and (4) of paragraph (b) of section II. The appropriate official of any State which has received such a determination shall file with the Board from time to time such reports as the Board may require.

(3) The Board will inform the appropriate official of any State which receives such a determination of any subsequent amendments to chapter 5 (including the implementing provisions of this part and the Board's formal interpretations) which might call for amendment of State law, regulations, or formal interpretations.

(f) *Adverse determination.* (1) If, after publication of notice in the FEDERAL REGISTER as provided under paragraph (d), the Board finds that such State law is inconsistent with a provision of chapter 5, it will notify the appropriate State official of the facts upon which such finding is based and shall afford that State official a reasonable opportunity to demonstrate further that such State law is not inconsistent with the corresponding provisions of chapter 5, if such State official desires to do so.

(2) If, after having afforded the State official such further opportunity to demonstrate that the State law is consistent with a provision of chapter 5, the Board finds that the State law is inconsistent, it will publish in the FEDERAL REGISTER a notice of its decision with respect to such application and will furnish a copy of such notice to the official who made application for the determination.

(g) *Reversal of determination.* (1) The Board reserves the right to reverse any determination made under section II of this supplement to the effect that a State law is consistent with a provision of chapter 5 because of subsequently discovered facts, a change in the State or Federal law (by amendment or administrative or judicial interpretation or otherwise) or for any other reason bearing on the coverage or impact of the State or Federal law.

(2) Before reversing any such determination, the Board will notify the appropriate State official of the facts or conduct which, in the opinion of the Board, warrants such reversal and shall afford that State such opportunity as the Board deems appropriate under the circumstances to demonstrate that the determination should not be reversed.

(3) If, after having been afforded the opportunity to demonstrate that its law is consistent with a provision of chapter 5, the Board determines that the State has not done so, notice of the Board's intention to reverse such determination shall be published as a notice of proposed rulemaking in the FEDERAL REGISTER. A reasonable period of time will be allowed from the date of such publication for the Board to receive written comments from interested persons.

(4) In the event of reversal of such determination, notice shall be published by the Board in the FEDERAL REGISTER, and a copy of such notice shall also be furnished to the appropriate State official and to the Federal authorities responsible for enforcement of the requirements of chapter 5, and the State law affected shall then be considered inconsistent with and preempted by chapter 5 within the meaning of section 186(a).

By order of the Board of Governors, May 1, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-12930 Filed 5-16-78; 8:45 am]

[6210-01]

[Reg. Z; FC-0148]

PART 226—TRUTH IN LENDING

Official Staff Interpretation

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Official Staff Interpretation.

SUMMARY: The Board is publishing the following official staff interpretations of Regulation Z, issued by a duly authorized official of the Division of Consumer Affairs.

EFFECTIVE DATE: June 16, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: (1) Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copyiny a current index providing identifying information for the public subject to certain limitations stated in 12 CFR part 261.6.

(2) An opportunity for public comment on an official staff interpretation may be provided upon request of interested parties and in accordance with 12 CFR part 226.1(d)(2)(ii). As provided by 12 CFR part 226.1(d)(3) every request for public comment must be in writing, should clearly identify the number of the official staff interpretation in question, should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 and must be postmarked or received by the Secretary's office before the effective date of the interpretation. The request must also state the reasons why an opportunity for public comment would be appropriate.

(3) 15 U.S.C. 1640(f).

Therefore, T12 CFR Part 226 is amended by adding the following staff interpretation to the appendix:

[FC-0148]

Sec. 226.7(k) Debiting date should be substituted for date required to be disclosed (usually, date of transaction) only when primarily required date is unavailable, not when other required information is unavailable.

APRIL 27, 1978.

This is in response to your letter of * * *, in which you request an official staff interpretation with regard to § 226.7(k)(4) of Regulation Z. You request clarification of the circumstances under which a debiting date is to be substituted for a transaction date. You express concern that, read literally, the language of subsection (k)(4) could lead a creditor to use the debiting date in place of the transaction date any time an item of required information (such as the State in which the transaction occurred) is unavailable.

As noted in the FEDERAL REGISTER explanatory material that accompanied publication of § 226.7(k)(4), 41 FR 36662 (August 31, 1976), creditors that use descriptive billing systems are required to substitute the debiting date (that is, the date on which the amount of a transaction is debited to the customer's account) for the primarily required date (usually the date on which the transaction took place) "whenever the primarily required date is not available." The provision does not mean that the creditor should substitute the debiting date whenever any information required by § 226.7(k)(1), (2), or (3) is unavailable.

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) and limited in its application to the facts and issues set forth above. I trust this is responsive to your inquiry.

Sincerely,

NATHANIEL E. BUTLER,
Associate Director.

Board of Governors of the Federal Reserve System, May 5, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-13416 Filed 5-16-78; 8:45 am]

[6210-01]

[Docket No. R-0160]

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Delegation of Authority to Grant Exemptions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: This rule delegates to the Director of the Division of Consumer Affairs the authority to grant (but not deny or revoke) exemptions to States from the requirements of Chapter 5 (Consumer Leases) of the Truth in Lending Act (the Act), when State law imposes substantially similar requirements or provides greater protection and benefit to the consumer, and there is adequate provision for enforcement. In addition, a technical amendment to the existing delegation of authority has been made. The delegation will add the authority to grant exemptions to States from the requirements of the consumer leasing provisions of the Act to the existing delegation of authority.

EFFECTIVE DATE: May 17, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: (1) The Board has delegated authority to the Director of the Division of Consumer Affairs to grant (but not deny or revoke) exemptions to States from the requirements of Chapter 5 (Consumer Leases) of the Truth in Lending Act, 15 U.S.C. § 1667(e) (1976), and its implementing regulation. The procedures and criteria by which such exemptions may be granted are contained in Supplement VI to Regulation Z. Such delegations have been made to the Director of the Division of Consumer Affairs for the other chapters of Truth in Lending.

In addition, a minor technical amendment has been made to the existing delegation to insure its conformity with the statute.

(2) The provisions of 5 U.S.C. 553, relating to notice, public participation and deferred effective dates have not been followed in connection with the adoption of this rule because it relates to agency procedures.

(3) Pursuant to the provisions of the Section 11(k) Federal Reserve Act (12 U.S.C. 248(k)), the Board hereby revises 12 CFR Part 265.2(h)(2) to read as follows, effective May 17, 1978.

§ 265.2 Specific functions delegated to Board employees and to the Federal Reserve Bank.

* * * * *

(h) * * *

(2) Pursuant to Sections 123, 171(b) and 186(b) of the Truth in Lending Act (15 U.S.C. 1633, 1666(j) and 1667(e)) and the Board's Regulation Z, 12 CFR Part 226.12, to grant, but not deny or revoke, exemptions to States from the requirements of

(i) Chapter 2 (15 U.S.C. 1631-1644), where State law imposes substantially similar requirements and there is adequate provision for enforcement,

(ii) Chapter 4 (15 U.S.C. 1666), where State law imposes substantially similar requirements or gives greater protection to the consumer and there is adequate provision for enforcement, and

(iii) Chapter 5 (15 U.S.C. 1667), where State law imposes substantially similar requirements or gives greater protection and benefit to the consumer, and there is adequate provision for enforcement.

By order of the Board of Governors, May 1, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-13446 Filed 5-16-78; 8:45 am]

[8025-01]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Amdt. 6]

PART 112—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF SMALL BUSINESS ADMINISTRATION—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Addition of a Federal Financial Assistance Program Which is Covered by This Part to Appendix A

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This rule adds a new financial assistance program, the disaster loan program based on economic dislocation, to the listing of programs which are subject to the nondiscrimination regulations of the Small Business Administration.

EFFECTIVE DATE: May 17, 1978.

FOR FURTHER INFORMATION CONTACT:

J. Arnold Feldman, Chief, Compliance Division, Small Business Administration, 1441 L Street NW, 12th Floor, Vermont Building, Washington, D.C. 20416, 202-653-6054.

SUPPLEMENTARY INFORMATION: 1In accordance with the requirements of 28 CFR § 42.403(d), published December 1, 1976, there was published in the FEDERAL REGISTER (43 FR 9488) on March 8, 1978, a notice that the Small Business Administration proposed the amendment of Appendix A by adding a new financial assistance program of the Agency thereto, which is subject to the nondiscrimination provisions of this part. Interested parties were given until April 7, 1978, to submit comments, suggestions or objections regarding this proposed amendment. No comments were received.

Therefore, Part 112 of Chapter 1 of Title 13 CFR is hereby amended by: Adding the following financial assistance program to Appendix A.

Disaster Loans: Small Business Act Section 7(b)(9): Economic Dislocation.

Dated: May 9, 1978.

A. VERNON WEAVER
Administrator.

[FR Doc. 78-13227 Filed 5-16-78; 8:45 am]

[6320-01]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-1049; Amdt. No. 42]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Editorial Amendment

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This amendment conforms the heading to Subpart P of Part 221 of our regulations with the current statutory notice requirements for tariff filings before the Board.

DATES: Effective: June 16, 1978. Adopted: May 12, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard Juhnke, Associate General Counsel, Rates and Agreements, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5436.

SUPPLEMENTARY INFORMATION: Pub. L. 95-163 changed the former 30-day notice period for tariff filings to 45 or 60 days, depending upon the category of tariff involved. ER-1038 (December 30, 1977), amended Part 221 of the Board's Economic Regulations to conform with these new statutory notice requirements. The reference to the former 30-day notice period was inadvertently left in the title to Subpart P, which deals with special tariff permission. This editorial amendment merely changes the wording to reflect the notice periods presently in effect.

Accordingly, Part 221 of the Board's Economic Regulations (14 CFR Part 221) is amended as follows:

1. The title to Subpart P is amended to read as follows:

Subpart P—Specic Tariff Permission to File on Less Than Statutory Notice

* * * * *

2. The title to Subpart P as it appears in the index to Part 221 is amended to read as follows:

* * * * *

Subpart P—Special Tariff Permission to File on Less Than Statutory Notice

* * * * *

(Secs. 204 and 403, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758, as amended (49 U.S.C. 1324, 1373).)

By the Civil Aeronautics Board.

PHILIP J. BAKES, Jr.,
General Counsel.

[FR Doc. 78-13468 Filed 5-16-78; 8:45 am]

[3510-25]

Title 15—Commerce and Foreign Trade

CHAPTER III—INDUSTRY AND TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

Revision of Information Required on License Applications for Numerical Control Systems

AGENCY: Office of Export Administration, Bureau of Trade Regulation, Commerce.

ACTION: Final rule.

SUMMARY: This rule revises § 376.11(b) of the Export Administration regulations which requires certain technical information to be provided with applications to export or reexport numerical control systems to certain destinations. The specifications in that section have become outdated by rapidly advancing technology, and are revised to require more meaningful information in light of the current state of technology.

EFFECTIVE DATE: May 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-4196.

Accordingly, part 376 of the Export Administration regulations (15 CFR Part 376) is revised as follows:

§ 376.11(b) is revised to read as follows:

§ 376.11 Machine tools and/or numerical controls.

* * * * *

(b) *Control systems*—(1) Name and model number;

(2) Type (hardwired, firmware, software);

(3) Word size;

(4) Size of internal memory;

(5) Number of simultaneously controlled contouring axes and type of interpolation (linear, circular, other);

(6) Number of simultaneously controlled contouring axes and type of interpolation (linear, circular, other) which may be optionally procured;

(7) The minimum programmable increment for each axis;

(8) Interface for direct computer input;

(9) Describe features being provided as part of transaction, (e.g., cutter compensation, program edit, variable pitch threading, etc.);

(10) Describe optional accessories included in transaction;

(11) Describe software being supplied with unit; and

(12) Describe documentation being supplied with unit.

* * * * *

(Sec. 4, Pub. L. 91-184, 83 Stat. 842 (50 U.S.C. App. 2403), as amended; E.O. 12002, 42 FR 35623 (1977); Department Organization Order 10-3, dated December 4, 1977, 42 FR 64721 (1977); and Industry and Trade Administration Organization and Function Order 45-1, dated December 4, 1977, 42 FR 64716 (1977).)

Dated: May 12, 1978.

RAUER H. MEYER,
Acting Deputy Assistant Secretary for Trade Regulation.

[FR Doc. 78-13415 Filed 5-16-78; 8:45 am]

[6750-01]

Title 16—Commercial Practices

CHAPTER 1—FEDERAL TRADE COMMISSION

[Docket No. 8909]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Xerox Corp.

AGENCY: Federal Trade Commission.

ACTION: Order modifying final order.

SUMMARY: This order modifies an order to cease and desist issued July 29, 1975, by deleting the words "in camera" from paragraph IV C.(9). This modification makes generally available to interested persons patent license agreements submitted to date and such agreements submitted in the future for which Xerox does not show a justification for confidential treatment.

DATES: Final order issued July 29, 1975, order modifying final order issued April 20, 1978. [1]

FOR FURTHER INFORMATION CONTACT:

Alfred F. Dougherty, Jr., Director, Bureau of Competition, Federal Trade Commission, 6th Street at Pennsylvania Avenue NW., Washington, D.C. 20580, 202-523-3601.

SUPPLEMENTARY INFORMATION: In the matter of Xerox Corp., a corporation. They prohibited trade practices and/or corrective actions, as codified under 16 CFR 13, remain unchanged and appear in the FEDERAL REGISTER of September 11, 1975 (40 FR 42203), 86 F.T.C. 364.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.)

The order modifying final order is as follows:

ORDER MODIFYING ORDER TO CEASE AND DESIST

On July 29, 1975, the Federal Trade Commission issued a consent order in the above-referenced matter. 86 FTC 364 (1975).

Section 5(b) of the Federal Trade Commission Act provides that the Commission may at any time, after notice and opportunity for hearing, reopen and alter, modify or set aside, in whole or in part, any order issued by it, whenever in the opinion of the Commission conditions of fact or law have so changed as to require such action or if the public interest shall so require.

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[1] Copies of the modifying order filed with the original document.

On January 19, 1978, the Commission issued its order to respondent to show cause why the Commission should not alter or modify the July 29, 1975 Order so as to delete the words "*in camera*" from paragraph IV C.(9) thereof.

On March 6, 1978, respondent filed an answer that did not oppose the proposed modification. Section 3.72(b)(3) of the Commission's rules provides that if an order to show cause is not opposed the Commission may, in its discretion, decide the matter on the basis of that order and the answer thereto.

Accordingly, *it is ordered*, That the matter be reopened, and that paragraph IV C.(9) of the order of July 29, 1975, be modified to read as follows:

If Xerox grants a license under order patents either pursuant to the terms of paragraph II of this order or otherwise, the license agreement shall contain the irrevocable covenant of the licensee to license such of its patents as are licensed to Xerox on reasonable terms and conditions (including the license to itself of its licensees' patents or improvement patents) to any other person who is entitled to a license from Xerox pursuant to paragraph II of this order, *Provided*, That such license need not be effective prior to the effective date of the licensee's license to Xerox. Within 60 days following execution of a license agreement subject to this paragraph IV C.(9), Xerox shall submit to the Commission a copy thereof.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc. 78-13421 Filed 5-16-78; 8:45 am]

[1505-01]

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

Technical Requirements for Determining a Sharp Metal or Glass Edge in Toys and Other Acticles Intended for Use by Children Under 8 Years of Age

Correction

In FR Doc. 78-7689, appearing at page 12636 in the issue of Friday, March 24, 1978, make the following changes in § 1500.49:

1. On page 12645, third column, the third line of paragraph (c)(1) should read, "either before or after the test of" and the seventh line of paragraph (c)(3)(ii) should read, "[diam-]eter of Probe B, but less than 9.00 inches".

2. On page 12646, first column, the fifth line of paragraph (c)(3)(iii) should read, "[di-]mension of 9.00 inches (228.6 millimeters)", the third from last line of that paragraph should read, "[dimen-]sion that is 7.36 inches (186.9 millime-[ters]", and the sixteenth line of paragraph (d)(1) should read, "force of 1.35 pounds (6.00 Newtons) such".

3. On page 12646 second column, the last line of paragraph (d)(1) should read, "up to 1.35 pounds (6.00 Newtons).", the fifth line of paragraph (d)(2) should read, "force of 1.35 pounds (6.00 Newtons)", and the thirteenth line of paragraph (d)(2)(iii) should read, "(6.00 Newtons) measured in a direction at".

4. On page 12646, third column, the third and fourth lines of paragraph (e)(1) should read, "[ve-]locity of 1.00 ± 0.08 inch per second (25.4 ± 2.0 millimeters per second) during"; the text of footnote one, with the exception of the first sentence, should appear as regular text following the footnote reference in paragraph (e)(2); and the tenth line of paragraph (e)(3) should read, "The thickness of the polytetrafluor-[oethylene]".

[4410-01]

Title 21—Food and Drugs

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Placement of 1-Phenylcyclohexylamine and 1-Piperidinocyclohexane-Carbonitrile, Immediate Precursors of Phencyclidine, in Schedule II

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This rule is issued as a result of receipt by the Administrator of DEA of a letter from the Assistant Secretary for Health, Department of Health, Education, and Welfare, which requested DEA to consider the control of analogs and precursors of phencyclidine, and subsequent publication in the FEDERAL REGISTER (43 FR 11588, March 20, 1978) of a Notice of Proposed Rulemaking to place 1-phenylcyclohexylamine and 1-piperidinocyclohexanecarbonitrile, which are immediate precursors of phencyclidine, into Schedule II. No comments or objections were received in response to the Notice. This rule places these two immediate precursors of phencyclidine under Schedule II requirements of the Controlled Substances Act.

EFFECTIVE DATE: The effective date of Schedule II control is June 16, 1978 except as otherwise provided in the Supplementary Information Section of this Order.

FOR FURTHER INFORMATION CONTACT:

Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, telephone 202-633-1366.

SUPPLEMENTARY INFORMATION: A Notice was published in the FEDERAL REGISTER on March 20, 1978 (43 FR 11588) proposing that 1-phenylcyclophexylamine and 1-piperidinocyclohexanecarbonitrile be placed in Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801-966) as immediate precursors of phencyclidine, and that Title 21 of the Code of Federal Regulations, § 1308.12 (Schedule II) be amended accordingly. All interested persons were given until April 19, 1978 to submit their comments or objections in writing regarding this proposal.

No comments nor objections were received, nor were there any requests for a hearing, and in view thereof, and based upon the investigations and review of the Drug Enforcement Administration and upon the request of the Assistant Secretary for Health in behalf of the Secretary of Health, Education, and Welfare, the Administrator of the Drug Enforcement Administration finds, pursuant to the authority delegated to him by regulations of the Department of Justice, that:

1. 1-phenylcyclohexylamine and 1-piperidinocyclohexanecarbonitrile are the principle compounds used, or produced primarily for use, in the manufacture of a controlled substance;

2. 1-phenylcyclohexylamine and 1-piperidinocyclohexanecarbonitrile are immediate chemical intermediaries used or likely to be used in the manufacture of a controlled substance; and

3. The control of 1-phenylcyclohexylamine and 1-piperidinocyclohexanecarbonitrile is necessary to prevent, curtail, or limit the manufacture of a controlled substance.

Therefore, under the authority vested in him by the Act and by regulations of the Department of Justice, the Administrator of the Drug Enforcement Administration hereby orders that § 1308.12(e) of Title 21 of the Code of Federal Regulations be amended as follows:

§ 1308.12 Schedule II.

* * * * *

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

(1) Amobarbital	2125
(2) Methaqualone	2565
(3) Pentobarbital	2270
(4) Phencyclidine	7471
(5) Phencyclidine immediate precursors:	
(a) 1-phenylcyclohexylamine	7460
(b) 1-piperidinocyclohexanecarbonitrile(PCC)	8603
(6) Secobarbital	2315

* * * * *

EFFECTIVE DATES

As to 1-phenylcyclohexylamine and 1-piperidinohexanecarbonitrile:

1. *Registration.* Any person who manufactures, distributes, dispenses, imports or exports such substances or who proposes to engage in such activities, shall submit an application for registration to conduct such activities in accordance with Parts 1301 and 1311 of Title 21 of the Code of Federal Regulations on or before (60 days after publication);

2. *Security.* Such substances must be manufactured, distributed, and stored in accordance with §§ 1301.71, 1301.72 (a), (c), and (d), 1301.73, 1301.74 (a)-(f), 1301.75(b)(c) and 1301.76 of Title 21 of the Code of Federal Regulations on or before (90 days after publication). From now until the effective date of this provision, it is expected that manufacturers and distributors of such substances will initiate whatever preparation as may be necessary in order to provide adequate security in accordance with DEA regulations so that substantial compliance with this provision can be met by (90 days after publication). In the event that this imposes special hardships, the Drug Enforcement Administration will entertain any justified requests for extensions of time.

3. *Labeling and packaging.* All labels on commercial containers of, and all labeling of such substances packaged after (60 days after publication) shall comply with the requirements of §§ 1302.03-1302.05, 1302.07 and 1302.08 of Title 21 of the Code of Federal Regulations. In the event this effective date imposes special hardships on any manufacturer, as defined in section 102(14) of the Controlled Substances Act (21 U.S.C. 802(14)), the Drug Enforcement Administration will entertain any justified requests for an extension of time;

4. *Quotas.* All persons required to obtain quotas with respect to either of such substances shall submit applications pursuant to §§ 1303.12 and 1303.22 of Title 21 of the Code of Federal Regulations on or before August 15, 1978;

5. *Inventory.* Every registrant required to keep records who possesses any quantity of such substances shall take an inventory pursuant to §§ 1304.11-1304.19 of Title 21 of the Code of Federal Regulations, of all stocks of such substances on hand on July 17, 1978;

6. *Records.* All registrants required to keep records pursuant to §§ 1304.21-1304.27 of Title 21 of the Code of Federal Regulations shall do so regarding such substances commencing on the date on which the inventory of such substances is taken;

7. *Order Forms.* The order form requirements of §§ 1305.01-1305.16 of Title 21 of the Code of Federal Regulations shall be in effect on the date which the initial inventory of these Schedule II controlled substances is taken;

8. *Importation and exportation.* All importation and exportation of such substances shall, on or after July 17, 1978, be required to be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations;

9. *Criminal liability.* The Administrator, Drug Enforcement Administration, hereby orders that any activity with respect to 1-phenylcyclo- hexylamine and 1-piperidinocyclohexanecarbonitrile, not authorized by or in violation of the Controlled Substances Act or the Controlled Substances Import and Export Act, conducted after (30 days after publication) shall be unlawful, except that any person who is entitled to registration under such Acts may continue to conduct normal business or professional practice with such substances between the date on which this order is published and the date on which he obtains or is denied registration, provided that application for such registration is submitted on or before June 17, 1978;

10. *Other.* In all other respects, this order is effective June 16, 1978.

Dated: May 11, 1978.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc. 78-13361 Filed 5-16-78; 8:45 am]

[3810-70]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE, DEPARTMENT OF DEFENSE

SUBCHAPTER M—MISCELLANEOUS

[DoD Directive 3210.2]

PART 273—RESEARCH GRANTS AND TITLE TO EQUIPMENT PURCHASED UNDER GRANTS

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: The Department of Defense has amended its regulation on research grants and title to equipment purchased under grants. This revised rule incorporates the provisions of OMB Circular A-110; outlines criteria and requirements regarding the support of scientific research; delegates authorities; and implements administrative requirements.

EFFECTIVE DATE: April 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. George Gamota, Acting Assistant for Research to the Deputy Under Secretary of Defense for Research and Engineering (Research and Advance Technology), room 3D1067, The Pentagon, Washington, D.C. 20301, Telephone: 202-697-4198.

SUPPLEMENTAL INFORMATION: In FR Doc. 61-11677 appearing in the FEDERAL REGISTER (26 FR 11831) on December 9, 1961, the Office of the Secretary of Defense published as a final rule DoD Directive 3210.2 establishing uniform DoD policy for granting funds to nonprofit institutions to conduct basic research. This Directive was reissued on April 26, 1966 and published in the FEDERAL REGISTER on June 7, 1966 (31 FR 8007) as a revision to part 273. An amendment to this revision was published on July 30, 1970 (35 FR 12205). The following constitutes a further revision to DoD Directive 3210.2 which (a) incorporates and implements the provisions of OMB Circular A-110; (b) limits grants to those that support research projects of excellence authorized by Pub. L. 85-934; (c) considers environmental factors; and (d) prescribes current criteria and policies.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

MAY 12, 1978.

Accordingly, 32 CFR Chapter I is amended by a revision of part 273, reading as follows:

Sec.
273.1 Reissuance and Purpose
273.2 Applicability
273.3 Definitions
273.4 Policy
273.5 Responsibilities and Authorities

AUTHORITY: Rev. Stat 161, 5 U.S.C. 301; and Pub. L. 85-934.

§ 273.1 Reissuance and purpose.

This Part reissues § 273 to:

(a) Incorporate the provisions of OMB Circular A-110,

(b) Outline criteria and requirements necessary to make grants for the support of scientific research and vest title to equipment purchased or acquired under grants.

(c) Delegate authority to carry out the responsibilities of the Secretary of Defense under Pub. L. 85-934.

(d) Implement the uniform administrative requirements contained in OMB Circular A-110.

§ 273.2 Applicability.

The provisions of this Part apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Defense Agencies, and the Unified and Specified Commands (hereafter referred to as "DoD Components").

§ 273.3 Definitions.

(a) *Grant.* An award of funds or equipment pursuant to a written agreement executed by a sponsoring agency of the Department of Defense under the authority of Pub. L. 85-934. The definition of a grant as stated herein falls within the definition of "other agreements" as set forth in OMB Circular A-110.

(b) *Sponsoring agency.* A DOD Component or official research activity authorized under § 273.5 basic Directive, to make grants in support of research.

(c) *Research.* Scientific study and experimentation directed toward:

(1) Increasing knowledge and understanding in those fields of the physical, engineering, environmental and life sciences related to long-term national security needs.

(2) Providing fundamental knowledge required for the solution of military problems.

(3) Forming a part of the base for (i) subsequent exploratory and advanced developments in defense-related technologies; and (ii) new or improved military functional capabilities in such areas as communications, detection, tracking, surveillance, propulsion, mobility, guidance and control, navigation, energy conversion, materials and structures, and personnel support.

(d) *Grantee organization* or *recipient.* Any corporation, foundation, trust, or institution (1) operated for purposes of higher education or whose primary purpose is the conduct of scientific research; (2) not organized for profit; and (3) no part of whose net earnings inure to the profit of any private shareholder or individual. Grantee organizations located outside the U.S. and Canada are referred to as "foreign grantee organizations."

§ 273.4 Policy.

(a) *General.* (1) *Use of Grants.* A grant will be limited to the support of those research projects of excellence authorized by Pub. L. 85-934 which are performed by the type of recipients covered under OMB Circular A-110 and which meet relevant research requirements related to the mission of the DOD.

(2) *Prior to awarding a grant.* (i) The grantee organization (defined in § 273.3) must furnish a letter of assurance that it is complying with the provisions of 32 CFR 300.

(ii) Environmental factors involved involved in research programs or projects will be considered, pursuant to the guidelines of 32 CFR 214.

(iii) A determination must be made that the grantee organization is not in violation of the statutory limitations contained in section 606, Pub. L. 92-436[1] or any similar enactment of a later date.

(iv) If the proposed grant to a foreign grantee organization is more than $10,000, the Secretary of the Military Department concerned, or his designee, must determine in advance that the research cannot be performed by a U.S. or Canadian organization, and that it is not feasible to forego performance.

(3) *Special instructions.* (i) *Cost Sharing.* Sponsoring agencies shall encourage grantee organizations to contribute to the cost of performing research, unless the grantee organization has little or no non-Federal sources of funds from which to make a cost contribution. Guidelines applicable to cost contribution by grantee organizations are contained in FMC 73-3 and supplemented by OMB Circular A-110.

(ii) *Vesting of equipment.* Title to equipment purchased or acquired under a grant shall be vested in the grantee organization in accordance with OMB Circular A-110 and Public Law 94-519.

(b) *Grant agreements.* These shall be brief and contain only those provisions which accurately reflect the nature of the grant relationship and which are required by statute or are necessary for the protection of the fundamental interests of the Department of Defense. Provision shall be made for:

(1) The maintenance of records adequate to (i) document the actual amount of any participation and (ii) determine whether or not grant funds have been properly expended.

(2) Appropriate patent, property, and data rights.

(3) The suspension or revocation of grants.

(4) The receipt by the sponsoring agency of technical reports and the results of all research performed by the grantee organization.

(c) *Administration of grants.* (1) Grants shall be administered by the cognizant contract administration office using the ASPR provisions as a guide and in accordance with the provisions of OMB Circular A-110 except for grants to recipients excluded by paragraph 6.b. of the Circular. To the extent practical, the substance of the policies in the Circular will be applied to recipients not covered by it, except that where any statute expressly prescribes policies or specific requirements that differ from the standards in the Circular, the provisions of the statute will govern.

(2) Applicable cost principles of parts 2 or 3 of section XV of ASPR will be used in establishing the grant amount. Costs which are not allowable under those parts may not be included in the grantee organization's cost contribution, if any.

(3) A grantee organization contribution will be subject to audit (see §273.5(d)).

§ 273.5 Responsibilities and authorities.

(a) The Director, Defense Research and Engineering, shall administer the provisions of this Directive.

(b) The Secretary of Defense or Deputy Secretary of Defense shall approve grants in excess of $1 million.

(c) The Director, Defense Research and Engineering, and the Secretaries of the Military Departments shall exercise the authority vested in the Secretary of Defense by sections 1 and 2 of Pub .L. 85-934 for grants of $1 million or less. This authority may be redelegated to the DOD Component or official research activity responsible for supporting research at educational institutions and other nonprofit organizations (as defined in § 273.3) for grants of $500,000 or less.

(d) The sponsoring agency will perform reviews of grant programs and, when necessary, request an audit of grant costs.

[FR Doc. 78-13460 Filed 5-16-78; 8:45 am]

[1] Section 606 requires that no funds be expended at any institution of higher learning whose policies bar military recruiting personnel from their premises, unless the Secretary of Defense, or his designee, specifically determines that a renewal or continuation of previous grants to such institutions is likely to contribute significantly to the Defense effort.

[7710-12]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Format of Business Reply Mail

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This rule amends postal regulations to set out a specific, measured format for business reply mail (BRM). Mailers will be permitted to use existing BRM stocks which do not conform to the revised format until May 1, 1979. At the present time there may be as many BRM formats as there are BRM permit holders, despite the fact that postal regulations require adherence to distinctive, alternative formats pictured in the regulations. This regulation change is intended to eliminate deviations from the prescribed BRM format so that BRM mail may be recognized readily (as it was designed to be) by postal employees who must separate it from the mailstream to collect postage and fees. In addition, the new format leaves two clear areas on the address side of BRM pieces for markings which could activate mail processing facing, cancelling and sorting machinery.

EFFECTIVE DATE: June 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Eugene R. McGill, 202-245-4749.

SUPPLEMENTARY INFORMATION: On August 9, 1977, the Postal Service published for comment in the FEDERAL REGISTER proposed changes in Part 131 of the Postal Service Manual as described above (42 FR 40219).

The Postal Service received written comments in response to the proposal from thirty-eight businesses and associations. Virtually all of the commenters agreed in principle with the proposed rule; several commenters, however, raised questions or made suggestions that convinced the Postal Service that a number of changes to the proposed rule were warranted.

Several commenters requested that the proposed July 1, 1978, deadline for permit holders to conform to the new format requirements be extended to May 1, 1979, the date of the deadline set for airmail BRM in the proposed rule, so that the effective date of the new requirements would be the same for both airmail and non-airmail BRM users. The commenters pointed out the need to allow BRM users more time to use up their current inventories, especially since many have a one to two year supply of BRM stock on hand. The commenters pointed out that those BRM users with large amounts of BRM stock on hand would be subject to a substantial financial loss if they were forced to discard their stock after July 1, 1978. We have revised the regulation to make the date for compliance with the new format requirements May 1, 1979, for all BRM users.

We are also revising that part of the proposed rule which deals with Facing Identification Marks (FIM). Presently, unstamped mail, including BRM, must be manually faced before it can be processed. FIM equipment will allow unstamped mail to be mechanically faced and thereby speed the processing of this type of mail. Our proposal reserved space for FIM marks on BRM but did not require that FIM marks be printed in the reserved space because the Postal Service's FIM equipment would not be operational until May 1979, long after the proposed July 1, 1978, effective date. Since the date for compliance with the new format requirements is now May 1, 1979, the Postal Service is including the requirment that FIM marks be printed in the reserved space as a BRM format requirement.

Several commenters questioned how the Postal Service will handle the occasional BRM pieces which are held by customers for several years before being returned to the permit holder. Provided the addressee's business reply permit is in a current status, BRM pieces which conform to former BRM format requirements will be delivered in return for the postage and fees in effect upon the date of delivery. The regulations in § 131.235d prohibit "distribution" of non-conforming BRM after the deadline; they do not prohibit a BRM permit holder from receiving a customer's BRM.

Several commenters objected to proposed § 131.236, which would require postal inspection and approval of sample BRM pieces at least two weeks prior to the initial distribution of a BRM piece. The commenters pointed out that (1) permit holders' production schedules would not permit the time for advance submission of sample BRM, and (2) requiring prior inspection would be viewed as the imposition of a penalty on the majority of BRM users who conform to Postal Service format requirements. The commenters suggested that, instead of requiring prior inspection in order to ensure compliance, the Postal Service impose a surcharge on improperly prepared BRM, or withhold delivery of such pieces, or revoke a holder's permit. We believe that the need exists for a constructive advance review of BRM pieces in order to keep non-complying BRM pieces from entering the mails. However, in order to reduce the burden on BRM users, the Postal Service is adopting in § 131.235c(1) a voluntary, rather than a mandatory, advance inspection program. Under the program, permit holders would be encouraged to submit sample business reply pieces to their local postmaster for approval prior to printing and distribution. We are also adopting the suggestion that the Postal Service revoke the permits of those BRM users who refuse to comply with our regulations. We expect to promulgate appropriate revocation procedures prior to May 1, 1979. In view of this resolution of the matter, there is no need to consider further the other suggested methods to ensure compliance with the BRM format requirements.

In response to comments asking for greater flexibility in the BRM format, the Postal Service has identified and indicated in the final regulation which elements of the format are required and which are optional. The Postal Service believes that this division will give a reasonable degree of flexibility to the BRM user. Another commenter was concerned that electronic BRM mailgrams would not be able to conform to the proposed format requirements and would, therefore, have to be eliminated. The Postal Service believes that its separation of required and optional BRM format elements will give enough flexibility to enable the continued use of electronic BRM mailgrams.

Several commenters asked if it was permissible for the horizontal parallel bars which must appear on the right hand side of the BRM piece to extend below the ZIP Code line. Previously it was necessary that the horizontal bars end at or above the ZIP Code line because placing them below the line caused interference during processing with the optical scanning equipment. However, the Postal Service has now determined that with the advent of more advanced machinery the horizontal bars will not interfere with processing by our equipment including the optical scanner. Therefore, it is permissible for the bars to extend below the ZIP Code line as long as they do not intrude into the ⅝ inch clear space reserved at the bottom of the piece.

The Postal Service also received a request that the proposed 1 inch length requirement for the horizontal parallel bars be changed to allow a ½ inch minimum to a 1 inch maximum length for the bars. The commenter stated that (1) because bars shorter than 1 inch were permitted under earlier format requirements, the greatest number of the printing plates for BRM envelopes now exist with the shorter bars, and (2) changing the bar length on the printing plates would require that new plates be made, at great expense to mailers. The Postal Service considered the request but re-

jected it because the other new format requirements will require such changes that new plates will have to be made regardless of the bar length requirement.

A commenter requested that the Postal Service explain the purpose of the clear space which must be left between the bottom horizontal bar and the bottom edge of the mail piece on business reply letters and cards. It was pointed out that some institutions using preprinted Postal Service bar codes felt that the requirement for a clear space would prevent further use of this sorting mechanism. In response to the comment, the Postal Service amended its proposal by adding a new section 131.235c(2) which provides that the clear space is only to be used for Postal Service bar codes.

Another commenter asked whether return address lines and "strad" marks (optical scanning marks used by some mailers for internal sorting) could appear in the upper left hand corner of the BRM piece. The Postal Service agrees and has specifically included in the final rule return address lines and "strad" marks in the list of items appearing in section 131.235c(5) which may appear in the upper left corner of the piece.

Another commenter argued that the requirement in proposed § 131.234b(3) to place a box around the "Business Reply" legend could be eliminated without detracting greatly from the purpose of the BRM format, which is to catch the eye of mail processing employees. While we continue to believe that enclosing matter within a box tends to make it stand out, we think the format is sufficiently distinctive without this requirement. Accordingly, we have made this an optional provision in § 131.235c(3) of the final rule.

A commenter also suggested that there should be a ½ inch rather than a 1 inch margin on the left hand side of business reply envelopes. We cannot adopt the suggestion. The 1 inch margin is required because our mail processing equipment can only begin to read the envelopes 1 inch from the left.

Another commenter requested clarification of the dimensions for both the permit indicium and the FIM mark spaces. We shifted the location of the permit indicium from the upper right corner on the piece to a straight line immediately below the Business Reply Mail legend. Note the illustration in 131.236. As to the FIM dimensions, we revised the length of the FIM space from the proposed 1 inch to 1¼ inch while keeping the height at ⅝ inch. These dimensions will allow the FIM marks to remain within the clear zone and be free of other printed matter.

A commenter asked whether green diamond first class borders may be used on business reply mail, especially on larger size envelopes. The Postal Service added a provision in 131.235a that green diamond and other printed borders may be used on business reply labels and cartons and envelops larger than 6 inches by 11 inches, but are not authorized on business reply letters and cards.

One commenter asked whether the various endorsements must be printed in all capital letters. the "Business Reply" legend and the other preprinted endorsements described in 131.235b(1) (b) and (c) must be in capital letters. There is no requirement that the other endorsements be in a particular typeface; however, upper case letters should be used for maximum legibility.

Section 131.234b(6) of the proposed rule stated that the upper left hand corner of the BRM piece was available for use by the permit holder and could contain, among other things, a company logo. Proposed section 131.234(b)(7) also provided that company logos, if part of the company name, could appear in the address. The Postal Service received two comments asking whether the lower left hand corner of the piece would also be available for use by the permit holder. One commenter wanted to use the space for a union logo and the other wanted to know if the space was available for copy or artwork. In our opinion, the options provided in the proposed rule give ample flexibility for the placement of logos and copy or artwork. Accordingly, we have carried only those options over into the final regulations in 131.235c(4) and (5).

Another commenter suggested that the Postal Service publish a brochure explaining the new BRM format. The Postal Service expects to mail to BRM permit holders a form letter announcing the format changes, together with a copy of a Postal Bulletin article setting forth the new format requirements on the day that the Postal Bulletin containing the BRM format article is published.

In view of the considerations discussed above, the Postal Service hereby adopts, as amended, the following revisions of the Postal Service Manual:

PART 131—FIRST CLASS

In 131.23 of the Postal Service Manual, redesignate .236 and .237 as .237 and .238 respectively; revise the heading of redesignated .237 and the heading and first sentence of redesignated .238 and add new .235 and .236 reading as follows:

131.23 Business Reply Mail.

* * * * *

.235 Format.

a. *General:* Any photographic, mechanical or electrical process or combination of such processes, other than handwriting, typewriting or handstamping, may be used to prepare the address side of business reply mail. The background of business reply mail pieces may be any light color that allows the address, postmark and other required endorsements to be readily discerned. Brilliant colors may not be used. Green diamond and other printed borders are not authorized on business reply letters and cards; however, they may be included on business reply labels and cartons and envelops larger than 6 x 11 inches.

b. *Required format elements.*

(1) *Preprinted endorsements.*

(a) The endorsement "No Postage Necessary if Mailed in the United States" must be printed in the upper right corner of the face of the piece. The arrangement of the endorsement may vary, but it may extend no further than 1¾ inches from the right edge of the mail piece.

(b) The appropriate "Business Reply" legend must appear above the address and must be in capital letters at least 5/16 inch in height. Authorized legends are:

Legend	For use on
BUSINESS REPLY MAIL	Letters, cartons, and cards at letter rate.
BUSINESS REPLY CARD	Cards qualifying for post card rate. (The legend "Business Reply Card" must be used to be eligibile for the lower card rate. See 131.222 for the maximum dimensions for post cards.)
BUSINESS REPLY LABEL	Labels. (Business Reply envelopes and cards may not be used as labels to return matter to the permit holder. However, the permit holders of a business reply label guarantees payment of first-class postage upon the return of any mailable matter having his business reply label affixed.)

(c) Immediately below the "Business Reply" legend the words "FIRST-CLASS, PERMIT NO. * * *" followed by the permit number, and the name of the issuing post office (city and state) must be shown in capitol letters.

(d) The legend "POSTAGE WILL BE PAID BY ADDRESSEE" must appear above the address.

(e) The complete address, including ZIP Code, must appear in accordance with sections 122.1 and 122.2. A margin of at least one inch is required between the left edge and the address.

(2) *Required markings.*

(a) *Horizontal bars.*—To facilitate rapid recognition of business reply mail, a series of horizontal bars parallel to the length of the mail piece must be printed immediately below the endorsement "NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES". The bars must be uniform in length, at least 1 inch long and 1/16 to 5/16 inches thick. The spacing between the bars must be nearly equal to the thickness of the bars. A ⅝ inch space must be left between the bottom horizontal bar and the bottom edge of the mail piece on business reply letters and cards. The series of horizontal bars on business reply labels must be at least 1½ inches high.

(b) *Facing identification mark (FIM).*—An area measuring ⅝ of an inch in height and 1¼ inches in length, located along the top edge of the piece and to the left of the en-

dorsement "No Postage Necessary if Mailed in the United States", is reserved for the use of Facing Identification Mark (FIM). FIM is a bar code pattern in the top right portion of the address side which functions as an orientation mark for automatic facing and canceling equipment. The Facing Identification Mark area begins 3 inches from the right edge of the piece and extends 1¼ inches to the right (See 131.236).

In all cases, U.S. Postal Services specifications and negatives must be used. The specifications and negatives for Facing Identification Mark can be obtained from local post office customer services representatives.

FIM must be used on all letter size business reply mail and on business reply post cards. (Letter size mail is defined as being from 4¼ inches to 11½ inches long, 3 inches to 6⅛ inches high, and .006 inches to .25 inches thick.)

(c) *Optional format elements.*

(1) *Voluntary review:* Normally, postal inspection of sample business reply pieces or artwork is not required prior to distribution by permit holders. However, permit holders are encouraged to submit such materials to their local postmaster for review and approval prior to printing and distribution. Doing so would avoid the possible inconvenience and cost of reprinting if the Postal Service were to determine that business reply format requirements are not being met and that existing unapproved pieces are not mailable. When postal review is desired, two pieces should be submitted to the postmaster either where the permit is held or where the mail will be returned. One piece will be returned after being marked to indicate either postal approval or suggested changes.

(2) *Bar code:* The bottom ⅝ inch of business reply cards and letter size envelopes is reserved for USPS bar codes. The USPS bar code is the only information that may appear in this area.

(3) *BRM legend box:* It is recommended that the "Business Reply" legend and other preprinted endorsements described in 131.235b(1)(b) and (c) be placed in a box for greater visual impact.

(4) *Company logo:* A company logo used as part of the company name may appear in the address provided it is located no lower than the top of the street address line or the post office box line and does not interfere with any of the required business reply endorsements.

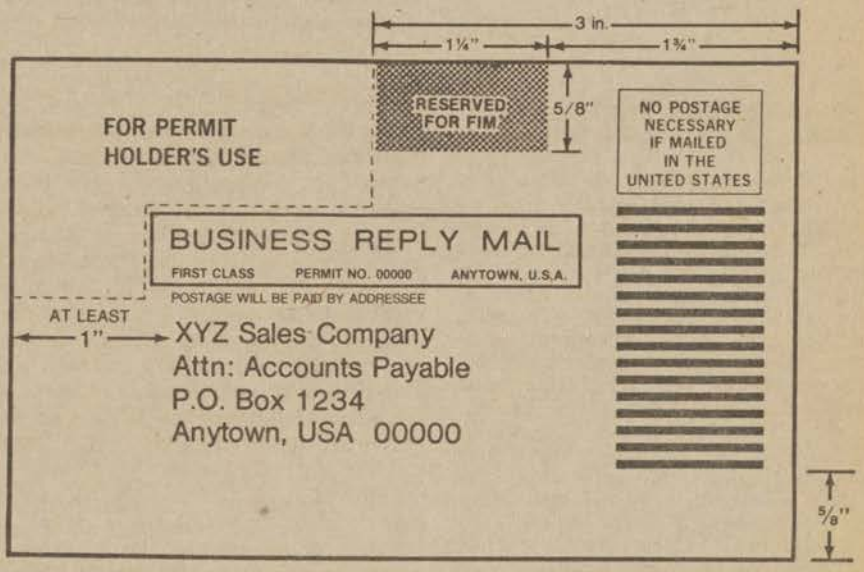
(5) *Space for permit holders use:* The upper left corner of the address side is available for use by the permit holder. This area is bordered on the right by the FIM area (see 131.235b(2)(b)) and the legend "BUSINESS REPLY MAIL" and is above the address. It may contain the return address, logos, distributor codes, "strad" marks, etc. (See 131.236).

(6) *Attention lines:* Attention lines or key lines may be included as the first or second line of the distributor's address.

(7) *Window envelopes:* Window envelopes, if used, must comply with Part 141, Postal Service Manual.

(d) *Implementation deadline.*—BRM material distributed after May 1, 1979 must comply with the format requirements contained in this section. Material complying with previous BRM format requirements may continue to be distributed until May 1, 1979. Postmasters may authorize distribution, on a case by case basis, until May 1, 1979, of material already printed which does not comply with the former format requirements, but which is not expected to cause mail processing problems. Distribution after May 1, 1979 of BRM material which does not comply with the format requirements contained in this section will be grounds for revocation of BRM permits.

.236 ILLUSTRATION OF BUSINESS REPLY MAIL



.237 Distribution.

* * * * * *

.238 Permit holder.

The permit holder guarantees payment on delivery of postage on returned business reply mail. * * *

A Post Office Services (Domestic) transmittal letter making these changes in the pages of the Postal Service Manual will be published and will be transmitted to subscribers automatically. These changes will be published in the FEDERAL REGISTER as provided in 39 CFR 111.3.

(39 U.S.C. 401(2).)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc. 78-13427 Filed 5-16-78; 8:45 am]

[4110-02]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 199a—STATE POSTSECONDARY EDUCATION COMMISSIONS PROGRAM—INTRASTATE PLANNING—FISCAL YEAR 1978

Allocation Formula and Program Guidelines

AGENCY: Office of Education, HEW.

ACTION: Final rules for fiscal year 1978.

SUMMARY: A notice of allocation formula and program guidelines is issued to implement the State Postsecondary Education Commissions Program—Intrastate Planning under Section 1203(a) of the Higher Education Act of 1965, as amended, for fiscal year 1978. This program is operated as a formula grant program, and it is necessary to publish both the formula used to allocate the available funds and the program guidelines each year. The program is designed to provide assistance to State Postsecondary Education Commissions to conduct statewide comprehensive planning activities for postsecondary education.

EFFECTIVE DATE: These regulations are expected to take effect 45 days after they are transmitted to Congress. (Regulations are transmitted to Congress 3-4 days before they are published in the FEDERAL REGISTER.) However, this date is changed by statute if Congress disapproves the regulations or takes certain types of adjournments. If you want to know

the exact effective date of these regulations, call or write the Office of Education contact person.

FOR FURTHER INFORMATION CONTACT:

Charles I. Griffith, Director, State Planning Commissions Program, Bureau of Higher and Continuing Education, room 4052, Regional Office Building 3, 7th and D Streets SW., Washington, D.C. 20202, telephone 202-245-2671.

SUPPLEMENTARY INFORMATION: Publication as final notice of rulemaking.

The Commissioner finds that proposed rules are unnecessary in this case, within the meaning of 5 U.S.C. 553(b). The allocation formula and program guidelines have not been changed since publication, after a comment period, in fiscal year 1976. The inclusion of the statement concerning the general provisions regulations merely reflects what has been existing program policy since the inception of the program.

The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order No. 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Number 13.550; State Planning Commissions Program—Intrastate Planning)

Dated: March 14, 1978.

ERNEST L. BOYER,
U.S. Commissioner of Education.

Approved: May 3, 1978.

HALE CHAMPION,
Acting Secretary of Health, Education, and Welfare.

The Office of Education is codifying the allocation formula and guidelines by adding a new Part 199a to the Code of Federal Regulations.

A new Part 199a is added to title 45 of the Code of Federal Regulations, to read as follows:

Sec.
199a.1 Allocation formula.
199a.2 Program guidelines.
199a.3 General Provision Regulations.

AUTHORITY: 20 U.S.C. 1142b(a)

§ 199a.1 Allocation formula.

Such funds as may become available for grant awards during Fiscal Year 1978 for intrastate planning under the State Postsecondary Education Commissions Program will be allocated in the following manner among those State Postsecondary Education Commissions which have filed the required information concerning establishment with the Office of Education and which have applied for funds:

(a) A base amount of $30,000 will be distributed to each State Commission.

(b) The balance of the available funds will be distributed on the basis of the ratio of the population of a postsecondary age, namely 17 and above (as indicated in the latest data available from the U.S. Bureau of the Census), in a given State to the total population of a postsecondary age in all States with such Commissions.

(20 U.S.C. 1142b(a))

§ 199a.2 Program guidelines.

Grants made under these provisions must be used by a State Commission to conduct comprehensive inventories of, and studies with respect to, all public and private postsecondary educational resources in the State, including planning necessary for such resources to be better coordinated, improved, expanded, or altered so that all persons within the State who desire, and who can benefit from, postsecondary education may have an opportunity to do so. Such comprehensive studies and inventories should be developed in coordination with all segments of postsecondary education in the State and should be of such a nature as will assist the State Commission in planning for:

(a) Maximizing the development of human resources within the State through encouragement of student entrance to postsecondary education and the provision to the students of needed guidance, counseling and financial assistance;

(b) Providing comprehensive postsecondary education programs and services;

(c) Achieving efficient operation and orderly growth;

(d) Providing the fullest possible financial support together with efficient use of resources;

(e) Attracting and retaining qualified faculty and professional personnel; and

(f) Providing adequate and appropriate facilities and instructional equipment and securing efficiency in their use.

(20 U.S.C. 1142b(a))

§ 199a.3 General provision regulations.

Assistance provided under this program is subject to applicable provisions contained in Subchapter A of Chapter I of 45 CFR (relating to fiscal, administrative, and other matters).

(20 U.S.C. 1142b(a))

[FR Doc. 78-13454 Filed 5-16-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21230; FCC 78-301]

PART 31—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES

Accounting and Reporting Changes To Implement Certain Findings in Docket 19129 (Phase II) Rate Case

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This report and order amends the Uniform System of Accounts for Class A and Class B Telephone Companies, to provide therein the rate base and expense treatment of certain items prescribed in the Phase II Final Decision and Order (Decision) in Docket No. 19129, 64 FCC 2d 1 (1977). The Commission in that Decision stated that certain ratemaking principles adopted by the Commission would be reflected as general rules of applicability in the uniform system of accounts.

EFFECTIVE DATE: January 1, 1979.

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

FOR FURTHER INFORMATION CONTACT:

Virginia Brockington, Accounting Branch, Common Carrier Bureau, 202-632-3863.

In the matter of amendment of Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies; Report and order (Proceeding Terminated) (42 FR 24291).

Adopted: May 4, 1978.

Released: May 11, 1978.

By the Commission: Commissioner Fogarty absent.

1. On April 28, 1977, the Commission adopted a Notice of Proposed Rule Making in the above entitled matter. The Notice was published in the FEDERAL REGISTER on May 13, 1977 (42 FR 24291).

2. The Notice proposed amendments to the uniform system of accounts for telephone companies to codify the accounting conclusions reached regarding the American Telephone & Telegraph Co. (AT&T) in the Phase II Final Decision and Order (Decision) in Docket No. 19129, 64 FCC 2d 1, (1977).[1] The amendments were to sub-

[1] See also Reconsideration, FCC-78-103, released Feb. 24, 1978.

divide the telephone plant under construction account into (1) the cost of plant under construction for one year or less with no provision to accrue interest during construction (subdivision (1)) and (2) the cost of plant under construction for over one year with provision to accrue interest during construction at the prime rate (subdivision (2)). Further, we proposed to institute a two-year limitation on the period during which property may be held in Account 100.3, "Property held for future telephone use," with provision to transfer such property from that account to Account 103, "Miscellaneous physical property," after the two-year period. The Commission also proposed to require telephone companies to maintain their operating expense accounts so that all payments to academic institutions and individuals for academic services could be identified by recipient and service performed and readily available to report to the Commission.

3. Comments were received from Arthur Andersen & Co. (Arthur Andersen), United System Service, Inc. (United) on behalf of member companies of the United Telephone System, Florida Public Service Commission (Florida), RCA American Communications, Inc. (RCA Americom), GTE Service Corp. and its affiliated domestic telephone operating companies (GTE), AT&T, State of Wisconsin Public Service Commission (Wisconsin), Defense Communications Agency and General Services Administration (Federal Executive Agencies), Rural Electrification Agency (REA), Communications Satellite Corp. (Comsat), the United States Independent Telephone Association (USITA) and the late Senator Lee Metcalf.[2] Reply comments were received from Comsat General Corp. (Comsat General), GTE and the Federal Executive Agencies.

4. Most of the comments opposed the adoption of the amendments as proposed, either in whole or in part, and either offered alternatives or proposed that no amendments to the present accounting rules be made. In many instances, these comments seek reconsideration of the Docket 19129 Decision findings and, to that extent, were thus, not relevant to this proceeding.[3] However, we will address these comments to the extent necessary to show that by incorporating into our accounting rules the rate base changes arrived at in our Decision we will not hinder the rate making procedures of the several state commissions.

5. Several other items not germane to reaching a decision in this proceeding were raised in the comments. Therefore, they will not be specifically addressed. These items included applicability of Part 31 to domestic satellite carriers;[4] increasing the dollar amount of revenues used for classifying companies as Class A or Class B companies; establishing new accounts and changing interest during construction terminology to record interest during construction separately for amounts related to debt and equity; and interperiod income tax allocation of timing differences resulting from different book and tax treatment of interest during construction. If the parties which raised these items wish to pursue them other than by petitioning for an appropriate rulemaking(s), we believe our upcoming proceeding which is to deal with broad changes to the Uniform System of Accounts would be the appropriate proceeding in which to do so.

6. Comsat and Comsat General voiced their opposition through comments and reply comments to the plant under construction and interest during construction portions of our decision in Docket No. 19129.[5] The Commission has permitted Comsat to follow the accounting prescribed in Part 31 of our Rules. However, the Commission in Docket No. 16070 prescribed the ratemaking treatment to be followed by Comsat for certain items addressed in Docket No. 19129. See Decision, 56 FCC 2d, 1101 (1976), *remanded in part sub. nom. Communications Satellite Corp.* v. *FCC*, Case No. 75-2193, D.C. Cir., October 14, 1977. Comsat General's concerns are addressed in paragraph 5 of this Order.

7. In our Notice we proposed amendment of Account 100.2, "Telephone plant under construction," by subdividing the account into construction projects designed to be completed in one year or less (subdivision (1)) and construction projects designed to be completed in over one year (subdivision (2)). Further, we specified in our Decision the circumstances under which property includible in subdivision (1) would be allowed in the rate base and the circumstances under which property included in subdivision (2) would accrue interest during construction.

8. The Federal Executive Agencies support the proposal that Account 100.2 be differentiated between short and long-term construction projects. Florida also concurs in the one year cutoff point for projects on which no interest during construction would be accrued. GTE, however, opposes the adoption of the proposed rulemaking and offers new criteria for charges to Accounts 100.1 and 100.2. It suggests that the Commission amend the Note to Section 31.100:2 of Part 31 to provide for all projects designed to be completed in less than one year from the date of the first major expenditure on the project to be charged directly to Account 100.1, "Telephone plant in service." The Note presently permits charging directly to the plant accounts the cost of any construction project which is estimated to be completed ready for service within two months or for which the gross additions to plant are estimated to amount to less than $10,000. The Commission believes that Account 100.2 should continue to be the clearing account for the bulk of construction projects so as to isolate construction from other plant. Consequently, the Commission is not changing the present two-month period. However, we are in agreement with the suggestion of AT&T, GTE, and Florida that an increase in the $10,000 level for charging construction costs directly to plant in service should be made to reflect the substantial inflation and other cost increases experienced since the $10,000 level was adopted in 1957. Therefore, we are increasing this amount to $25,000, a level supported in the comments of AT&T and GTE showing increases experienced since 1956 in the Consumer Price Index, GNP Implicit Price Deflator, Wholesale Price Index for machinery and equipment, and the Bell System Telephone Plant Index.[6]

9. GTE also questions whether subaccounts are being proposed within the plant under construction account to capture the subdivision (1) and subdivision (2) property. It recommends that the information called for in this section be maintained through a work order numbering scheme. Such amounts would be noted on reports to the Commission and available for the Commission's review and audit. The

[2] Although comments from USITA were dated June 15, 1977, and comments from the late Senator Lee Metcalf were dated October 11, 1977, they are being considered. Comments contained in letters filed by Missouri Public Service Commission, State of New York Public Service Commission and Central Telephone & Utilities Corp. have been addressed in our response to comments filed in accordance with § 1.419(b) of Part 1 of our Rules and Regulations, 47 CFR § 1.419(b).

[3] Petition for reconsideration of our Phase II decision should have been filed on or before March 31, 1977, under the Docket 19129 caption; thus to the extent that any party raises in this proceeding matters bearing on reconsideration of our Docket 19129 ruling, this proceeding is the inappropriate procedure vehicle.

[4] The Commission's January 7, 1975, letter ordered new carriers in both the specialized and domestic satellite communications fields to follow on an interim basis, effective January 1, 1975, the basic accounting regulations (Part 31) that apply to telephone companies.

[5] See 64 FCC 2d, at para. 153.

[6] In view of comments received and our own analysis, we feel that while not explicitly noticed in this proceeding, this change can be made without further Notice of Proposed Rulemaking.

Commission's primary concern is to separate large, costly, longer-term projects from the smaller, less costly, shorter-term projects. It was not the Commission's intent in the Decision to establish new subaccounts nor were any proposed in our Notice in this proceeding. However, if any carriers wish to establish subaccounts to maintain the required segregation they may do so and inform the Commission thereof, as provided for in § 31.01-2(d) of Part 31. Otherwise, the use of a work order numbering scheme or similar record keeping practice may be employed.

10. AT&T, United and GTE raised questions on the clarity of proposed § 31.100:2. AT&T notes that provision has been made for inclusion of interest during construction on property included in subdivision (2), but the proposal does not specifically prohibit interest during construction on subdivision (1) property as intended by paragraph 150 of the Decision. The Commission agrees and has revised § 31.100:2(c) to include a specific instruction prohibiting interest during construction on subdivision (1) property.

11. United and USITA note that the proposal does not mention what treatment is to be afforded plant designated to be completed in a period greater than one year, but actually completed in less than one year. The Commission intended that no retroactive exclusion of interest during construction should be made in those circumstances and is clarifying § 31.100:2 accordingly. GTE questions when interest during construction commences after the transfer from subdivision (1) to subdivision (2), indicating that the Commission implies that suspended projects would automatically become subdivision (2) property and the suspension period would be waived. The Commission stated in proposed § 31.100:2(c) that if a project is suspended for six months or more, the cost of plant in subdivision (1) should be transferred to subdivision (2). However, § 31.2-22 (b) (10) indicates that no interest during construction should be charged for a longer period than 6 months from the date of suspension unless specifically authorized by the Commission. The Commission sees no particular conflict between the two sections since its intention was to allow no interest during construction on projects suspended 6 months or more. They will merely be recorded in subdivision (2) until reactivated. GTE's suggestion of inclusion in subdivision (1) of the duration of the suspension is rejected.

12. GTE further questions how to consider the suspension period when determining the life of a construction project. The life of a project should become a factor only with regard to projects originally included, or still included (less than 6 month suspension) in subdivision (1). In those cases the suspension period should be considered a part of the life.

13. Questions were also raised regarding the use of the prime rate in computing interest during construction. In our Docket 19129 Decision, we stated that the Bell System is presently charged the prime rate by financial institutions for its short-term debt and promissory notes.[7] Further, AT&T short-term funding presently constitutes a very minor portion of its total capital obligations but a significant portion of its construction budget. Accordingly, the Commission indicated in that Decision its confidence that AT&T could, if it so desired, fund an even greater share of its construction program with short-term debt (at prime rate) with no adverse consequences to its overall financial stability or cost of capital. On the other hand, United, GTE and USITA indicate in their comments that all of the construction funds of independent telephone companies are not provided entirely by short-term financing. United states that approximately 75 percent to 80 percent of the construction requirements of the United Telephone System companies are internally generated from retained earnings, depreciation etc., with short-term borrowings amounting to only about 25 percent. GTE states that construction is financed by its system telephone companies by funds obtained at rates other than the prime interest rate. USITA states that although the rate of interest at which an independent telephone company can obtain bank loans may provide a clue to its overall cost of capital, it is only one element of that cost. Wisconsin, Florida and others express concerns similar to USITA. Their contentions are that all companies may not be able to borrow at the prime rate and the use of the prime rate may result in using a rate for interest during construction which differs significantly from the actual cost of funds used for construction. The Commission believes that in light of these comments revising the accounting rules to require the use of the prime rate as the rate for capitalizing interest during construction for all carriers subject to Part 31 may not be appropriate at this time. Accordingly, we are not amending § 31.2-22 of Part 31 in this regard. However, it should be noted that our decision with regard to the use of the prime rate in this proceeding does not alter our interstate ratemaking decision in Docket 19129. Further, in order for the Commission to be apprised of the rates used by subject carriers in capitalizing interest during construction, we shall require the carriers to report in their Annual Report Form M as Note 3 to Schedule 11, Income and Retained Earnings Statement, the rate(s) used during the year under report and the basis upon which the rate(s) was determined.

14. United and Arthur Andersen are concerned with the impact that the amendment to exclude interest during construction on short-term projects would have on a company's earnings during the period between implementation of our accounting rules and appropriate rate requests before state commissions. They request the Commission to allow a phase-in period or postpone the effective date until the effect of such rules could be considered in local rate proceedings. The Commission in Docket No. 19129 expressed its concern with the effect its decision would have on the regulatory systems of the several states.[8] Accordingly, we have made the effective date for amending § 31.100:2 of Part 31 January 1, 1979, which should allow time for carriers to address this issue with their local Commissions. It should also be pointed out that we are not in any way attempting to influence the intrastate ratemaking decisions the several state commissions may make in this area.

Of course, they are free to adopt the same ratemaking treatment for plant under construction and interest during construction as we adopted in Docket 19129, or they may prefer to follow a different treatment. We are familiar with at least one state, that by statute, must follow a different treatment. We do not believe, nor is it intended, that the accounting changes adopted in this proceeding impinge upon the ratemaking prerogatives of any state commission. Further, as everyone is aware, different treatment is already given to a number of items for intrastate vs. interstate ratemaking as well as among the several state commissions for intrastate ratemaking. As noted in paragraph 8, Florida is in favor of our accounting change for plant under construction. Wisconsin did not comment on it. Further, the revisions to the uniform system of accounts adopted in this proceeding will not make the information needed by the states in their proceedings unavailable. In fact, these revisions will provide the plant under construction and, as discussed in paragraph 15, the property held for future use items in a more detailed manner.

15. We proposed to amend Account 100.3, "Property held for future telephone use," to require property remaining therein to be useful (and cleared to 100.1) within two years. All other property was to be placed in Account 103, "Miscellaneous physical property," until placed in service. Pro-

[7] 64 FCC 2d, at para. 150.

[8] 64 FCC 2d, at para. 154.

vision was also proposed, however, to permit a carrier to request additional time for retaining the property in Account 100.3. The Federal Executive Agencies support the proposed revision to Account 100.3, but believe that the rules should specify the information the carrier should submit in support of any waiver request. In the Decision, the Commission did state that a request for a waiver for specific property items shall show that such a waiver is in the public interest and the specific additional time required for the property to be held in Account 100.3.[9] Accordingly, § 31.100:3 of Part 31 will be modified to include the information a carrier must submit in support of its request.

16. AT&T has questioned whether property having a definite plan for use in excess of two years should be recorded in Account 100.3 the first two years and then be transferred to Account 103, or recorded in Account 103 until two years before use and then be transferred to Account 100.3. Actually, the Commission did not intend either option. As set forth in the Decision, for interstate ratemaking purposes property included in Account 100.3, prior to 1977, which has been recorded therein in excess of two years, should be transferred to Account 103; property in Account 100.3 which has not been recorded in this account for over two years, but having no more than a total of two years until planned use, shall remain in Account 100.3. For all property recorded in Account 100.3 in 1977 and thereafter, its planned use must be within two years to remain recorded therein. Any property which will not be used within two years should be placed in Account 103 and remain therein until used. Any item recorded in Account 100.3 for which circumstances change so that its planned use is in excess of two years should be transferred to Account 103.

17. Florida believes that the proposed amendment to Account 100.3 is an unduly restrictive definition of the account and recommends that no change be made to that account. GTE strongly suggests that if a time limitation is imposed by the Commission, a minimum of 10 years is realistic. As discussed in paragraph 14, adoption of the proposed amendment to § 31.100:3 of Part 31 should not impinge on the ratemaking prerogatives for this item by the state commissions. Consequently, the Commission is not persuaded that it should not make the two-year time limitation a general rule of applicability for accounting purposes, and shall do so for the reasons cited in the Docket 19129 Decision.[10]

18. We proposed to amend § 31.6-60 of Part 31 of our rules by adding a note requiring carriers to maintain their records so that all academic payments identifiable by recipient and by service performed shall be readily available to be reported to this Commission.

19. The Federal Executive Agencies strongly support a policy of full and complete disclosure to the public of all such payments by regulated communications common carriers. Florida concurs in this proposal but suggests that these payments be reported only when they exceed $1,000. Other carriers responding indicate that the language proposed is too broad and could be interpreted to include other payments which they feel do not come within the scope of the Commission's intended meaning. In Docket No. 19129, the Decision gave reference to the definition of "academia payments" used in the proceeding and cited examples of such payments.[11] Two examples cited were a fee for a financial consultant and a seminar for the education of employees. Further, the Commission stated in the Decision that once these payments are identified, it can review the reasonableness of such expenditures. Accordingly, those carriers who are concerned with what falls within the purview of academia payments should refer to the Decision or to other evidence presented in Docket No. 19129. The language is revised, however, to make the intent of the Commission clearer.

20. Question was raised by the late U.S. Senator Lee Metcalf as Chairman, Subcommittee on Reports, Accounting, and Management as to the fact that present reports to the Commission do not clearly identify recipients of academia payments and that the language in Docket No. 19129 is not expressed as to their identification. The Commission indicated in Docket No. 19129 that the problem of academia payments is one of identification and further indicated that it shall require isolation and reporting, within each existing account, of the amounts paid for academia expenses. In order that such recipients are clearly identified, the Commission believes that the names as well as addresses and college affiliation, where appropriate, of such recipients should be maintained in the records of the carriers for reports to the Commission. It is further believed that such information is presently at the disposal of all subject carriers and will create no additional burden.

21. Accordingly, *it is ordered*, That, under authority contained in sections 4(i), 4(j) and 220 of the Communication Act of 1934, 47 U.S.C. §§ 154(i), 154(j) and 220, as amended, Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, of the Commission Rules, is amended as set forth below effective January 1, 1979.

22. *It is further ordered*, That this proceeding is hereby terminated.

(Secs. 4, 220, 48 Stat., as amended, 1066, 1078; 47 U.S.C. 154, 220.)

FEDERAL COMMUNICATIONS COMMISSION.
WILLIAM J. TRICARICO,
Secretary.

Attachment: Appendix.

Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, is amended to read as follows:

1. In § 31.100:2, paragraph (a) and the Note are amended, paragraph (b) as amended is redesignated paragraph (e), and new paragraphs (b), (c) and (d) are added to read as follows:

§ 31.100:2 Telephone plant under construction.

(a) This account shall include the original cost of construction of telephone plant, other than station apparatus and station connections, that is not completed ready for service. It shall include interest during construction, as provided for in paragraph (d) of this section, taxes during construction, and all other elements of cost of such construction work. (Note also §§ 31.2-20 to 31.2-22 and account 231.)

(b) This account shall be subdivided so as to show separately the cost of construction projects (1) designed to be completed in one year or less and (2) designed to be completed in over one year.

(c) When plant includible in subdivision (1) is not ready for service at the end of one year, the cost of construction of the plant shall be transferred to subdivision (2) of this account without further direction or approval by this Commission. If a construction project has been suspended for six months or more, the cost of the plant includible in subdivision (1) shall be transferred to subdivision (2) of this account without further direction or approval by this Commission. No interest during construction shall be accrued on plant included in subdivision (1) of this account. No amount of interest during construction shall be accrued retroactively in this account for any telephone plant which was once included in subdivision (1) of this account.

(d) When the cost of telephone plant has been included in subdivision (2) of this account, interest during construction shall be accrued, as provided for in § 31.2-22(b)(10).

(e) When any telephone plant, the cost of which has been included in this account, is completed ready for service, the cost thereof, shall be credited to this account and charged to the ap-

[9] 64 FCC 2d, at para. 159.
[10] 64 FCC 2d, at para. 155 thru 159.
[11] 64 FCC 2d, at para. 232.

propriate telephone plant or other accounts. No reversal of interest during construction on property estimated to be completed in over one year but completed earlier is necessary.

NOTE.—There may be charged directly to the appropriate plant accounts the cost of any construction project which is estimated to be completed and ready for service within two months. There may also be charged directly to the plant accounts the cost of any construction project for which the gross additions to plant are estimated to amount to less than $25,000.

In § 31.100:3 paragraph (a) is revised to read as follows:

§ 31.100:3 Property held for future telephone use.

(a) This account shall include the original cost of property other than station apparatus, owned and held for no longer than two years under a definite plan for use in telephone service. If at the end of two years, the property is not in service, the original cost of the property shall be transferred to account 103, "Miscellaneous physical property." Should a carrier desire to retain the property in this account for a period longer than two years, it shall request direction or approval of this Commission according to the circumstances surrounding that property. The request should include the property item in question, demonstrate that the waiver is in the public interest, and indicate the precise additional time required for the property to be held in account 100.3.

* * * * *

3. § 31.6-60 is amended by adding a note to read as follows:

§ 31.6-60 Purpose of operating expense accounts.

* * * * *

NOTE.—The company's records shall be maintained so that payments to institutions or individuals for academic programs including company-run seminars, identifiable by recipient indicating address and college affiliation, where appropriate, and by service performed shall be readily available for reports to this Commission.

[FR Doc. 78-13428 Filed 5-16-78; 8:45 am]

[4910-06]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Emergency Order No. 7; Notice No. 3]

REMOVAL OF HIGH CARBON CAST STEEL WHEELS FROM SERVICE; INTERIM RESTRICTIONS ON THEIR USE

Amendment of Emergency Order

AGENCY: Federal Railroad Administration, DOT.

ACTION: Emergency order.

SUMMARY: FRA is amending paragraphs 4 and 9 of Emergency Order No. 7 published March 27, 1978 (43 FR 12691) to exclude freight cars equipped with 28-inch wheels from the prescribed inspection and stenciling requirements and to require that monthly reports be filed by the last day rather than the 10th day of the following month. These amendments are based upon experience in administration of Emergency Order No. 7; their purpose is to clarify the order and lessen the reporting burden.

EFFECTIVE DATE: This amendment to Emergency Order No. 7 becomes effective on May 17, 1978.

ADDRESSES: (1) Submission of written comments: All correspondence concerning this amendment should identify the Emergency Order Number and Notice Number and be submitted in triplicate to the Docket Clerk (RCC-1), Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590.

(2) Examination of written comments: All correspondence concerning this emergency order will be available for examination during regular business hours in Room 5101 Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Principal Program Person: Rolf Mowatt-Larssen, Office of Safety, Federal Railroad Administration, Washington, D.C. 20590, 202-426-0924. *Principal Attorney:* Edward F. Conway, Jr., Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590, 202-426-8836.

SUPPLEMENTARY INFORMATION:

BACKGROUND INFORMATION

On March 27, 1978, FRA published Emergency Order No. 7 (43 FR 12691) under section 203 of the Federal Railroad Safety Act of 1970 (45 USC 432). This emergency order restricts the use of freight cars with 70-ton 1 percent carbon cast steel wheels (commonly referred to as "70T U-1 wheels"), prescribes a mandatory program for locating these wheels and removing them from cars, and requires these wheels to be found and removed from service before January 1, 1979.

On April 25, 1978, FRA published an amendment of Emergency Order No. 7 (43 FR 17472) to allow more flexibility in the timing and method of destroying "70T U-1 wheels" after they have been removed from cars.

The Association of American Railroads (AAR) has petitioned the FRA to amend paragraphs 4, 8 and 9 of Emergency Order No. 7.

Paragraph 4 of Emergency Order No. 7 now requires that each 70 ton or less capacity car that is on a shop or repair track and that has not been inspected and stenciled to indicate the presence or absence of "70T U-1 wheels" must be inspected and appropriately stenciled before the car is removed from that shop or repair track. In its petition, AAR requests that paragraph 4 be amended to: (1) limit these requirements to cars with 33-inch wheels and a nominal capacity of 55-tons, and (2) exclude cars of Canadian ownership from these requirements.

In support of the first modification, AAR states that the railroad industry will continue to inspect 50-ton cars when they are on repair tracks and will remove all "70T U-1 wheels" found, although AAR does not expect many of these wheels will be found under 50-ton cars. AAR also contends that the safety record of 1 percent carbon wheels under 50-ton cars does not justify the cost of applying a stencil to about 550,000 of these cars and that the railroad industry has other and more urgent needs for this money.

FRA does not agree that the requirement that 50-ton cars be stenciled is unjustified. This requirement was devised to forestall the necessity for *repeated* inspections of the same car each time it is on a shop or repair track and again each time it is loaded with a placarded hazardous material. Moreover, the prescribed stenciling of cars provides the information needed by railroad personnel to assure that cars with "70T U-1 wheels" are not inadvertently placed in trains containing placarded hazardous materials.

In view of the overall high failure rate of "70T U-1 wheels" and the fact that these wheels can readily be substituted for 50-ton wheels that are in short supply because they are no longer in production, FRA believes that it is imperative from the standpoint of safety that all cars of less than 70-ton capacity be inspected, stenciled and otherwise handled as prescribed in Emergency Order No. 7. Accordingly, FRA is denying the AAR request that the inspection and sten-

ciling requirements of paragraph 4 of the order be limited to cars with 33-inch wheels and a nominal capacity of 55 tons. However, FRA is amending the order to exclude cars with 28-inch wheels from these requirements because these wheels can be easily distinguished from 33-inch wheels (such as "70T U-1 wheels"). Moreover 28-inch wheels are generally confined to autorack and other specialized cars that are not part of the general purpose car fleet.

In support of its second requested modification to exclude cars of Canadian ownership from Emergency Order No. 7, AAR states that railroads in Canada did not not purchase any "70T U-1 wheels"; however, AAR admits that some of these wheels may have been applied to Canadian cars during routine maintenance performed in the United States. AAR states that Canadian cars average four trips per year to a repair track and that any "70T U-1 wheels" found will be removed at that time in accordance with the AAR interchange rules. It argues that Canadian railroads should not be required to spend more than a million dollars to stencil the majority of the cars in the Canadian fleet of almost 200,000 cars.

At the outset, FRA wishes to emphasize that Emergency Order No. 7 applies to Canadian cars only while they are in the United States; Canadian cars of 70-ton or less capacity operated exclusively outside the United States *are not* subject to this order. FRA welcomes and appreciates the cooperation of Canadian railroads in agreeing to stencil U.S.-railroad-owned cars in accordance with Emergency Order No. 7.

Nevertheless FRA is constrained in the interest of safety to require that Canadian cars comply with Emergency Order No. 7 while they are in the United States. Many U.S. railroads did not purchase any "70T U-1 wheels" yet their cars must be inspected to determine whether they have any of these wheels. FRA estimates that as many as 45,900 "70T U-1 wheels" were installed as maintenance replacements on interchange cars. Since Canadian cars are freely interchanged with U.S. railroads and operate throughout the United States, many Canadian cars may have had "70T U-1 wheels" installed as maintenance replacements by U.S. railroads. Any Canadian car with these wheels is just as much a safety hazard as a U.S.-railroad-owned car. Finally, the reasons for requiring U.S. cars to be stenciled apply equally to Canadian cars operated in the United States.

AAR also requests that the provision in paragraph 8 of Emergency Order No. 7 that required "70T U-1 wheels" to be destroyed by burning a hole through the plate of each wheel be changed to require instead that they be stenciled. FRA has already amended this requirement to provide that when these wheels are removed from a car they must be stenciled "Scrap FRA EO 7"; and when the wheel is demounted from the axle, the wheel must be made permanently unusable by cutting a hole through the plate, notching the hub or some other destructive and disfiguring measure (Emergency Order No. 7, Notice No. 2 published in the April 25, 1978 issue of the FEDERAL REGISTER, 43 FR 17472).

Finally, AAR requests that paragraph 9 of Emergency Order No. 7 be amended to provide that monthly reports be filed by the last day of the following month instead of by the 10th day of the following month. This would allow railroads to utilize their car repair billing system to prepare these reports rather than establish an unnecessary and costly accounting procedure that AAR contends cannot be justified in the name of safety. FRA agrees and is amending paragraph 9 accordingly.

Therefore, pursuant to the authority of section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432), delegated to the Federal Railroad Administrator by the Secretary of Transportation (49 CFR § 1.49(n)), it is hereby ordered that Emergency Order No. 7 (43 FR 12691 and 43 FR 17472) be revised to read as follows:

1. After March 31, 1978, a 70-ton or less capacity freight car containing any hazardous material required to be placarded by the Department of Transportation Hazardous Materials Regulations ("placarded hazardous material") may not be accepted for transportation unless the car has been inspected to ascertain whether it is equipped with any Southern Wheel Co. (ABEX) 33", 70-ton, one-wear 1 percent carbon cast steel wheels manufactured during the years 1958-1969 ("70T U-1 wheels"). In the event it is ascertained that the car is equipped with any "70T U-1 wheel," and the hazardous material is not off-loaded at the point of origin, the car may be moved only to the nearest point where the "70T U-1 wheels" can be removed.

2. After June 30, 1978, no car listed under the provisions of paragraph 6 of this order as having been originally equipped with "70T U-1 wheels" may be hauled in any train unless it has been inspected and marked as prescribed in paragraph 7 of this order.

3. No car stenciled as prescribed in paragraph 7b of this order to indicate that it is equipped with "70T U-1 wheels" may be hauled in a train containing any placarded hazardous material.

4. After March 31, 1978, each 70-ton or less capacity car that is not equipped with 28-inch wheels and is on a shop or repair track but has not been stenciled to indicate whether it is or is not equipped with any "70T U-1 wheels", shall be inspected and stenciled as prescribed in paragraph 7 of this order before the car is removed from that shop or repair track.

5. After December 31, 1978, a car with one or more "70T U-1 wheels" may not be hauled in any train.

6. By April 1, 1978, each railroad that purchsed any "70T U-1 wheels" shall compile a list of the cars on which these wheels were installed as original equipment and distribute that list to its mechanical forces, all other railroads, and the Associate Administrator for Safety, Federal Railroad Administration, Washington, D.C. 20590.

7. Each railroad that finds on its line a car listed pursuant to paragraph 6 of this order as being originally equipped with "70T U-1 wheels" shall inspect that car to determine whether it still has any of these wheels. This inspection shall be made at the nearest car inspection facility or, if proper protection is provided to the personnel making the inspection, at the point the car is found.

a. If the car inspected does not have any "70T U-1 wheels" or they are replaced with other wheels the car shall be stenciled with a "yellow dot" before the car is moved from the point of inspection. The "yellow dot" shall be at least 6 inches in diameter and centered in a black square that is at least 12 inches square and is located immediately to the right of the consolidated stencil on each side of the car.

b. If the car inspected has any "70T U-1 wheels" and they are not all replaced with other wheels, the car shall be stenciled with a "white dot" before the car is moved from the point of inspection. The "white dot" shall be at least 6 inches in diameter and centered in a black square that is at least 12 inches square and is located immediately to the right of the consolidated stencil on each side of the car.

8. Each railroad shall immediately destroy its supply of "70T U-1 wheels" in addition to those it removes from cars. This shall be accomplished in the following manner: (a) the back plate of each wheel that is not immediately demounted from the axle shall be stenciled in white letters at least two inches high ("Scrap FRA EO 7"); and (b) immediately after each wheel is demounted from the axle, the wheel shall also be made permanently unusable by cutting a hole through the plate, notching the hub or by some other destructive and disfiguring measure.

9. Each railroad shall report in writing to the FRA by the last day of each calendar month through the month of January 1979, the following information:

a. The total number of cars inspected during the preceding month under this emergency order.

b. The total number of cars on which "70T U-1 wheels" were found and the number of wheels removed and destroyed.

c. The total number of cars on which "70T U-1 wheels" were found but were not removed and the number of wheels not removed.

The report shall be a addressed to the Associate Administrator for Safety, Federal Railroad Administration, Washington, D.C. 20590.

A civil penalty of $240 to $2,500 will be assessed for any violation of this order (45 U.S.C. 438).

Opportunity for formal review of this emergency order will be provided in accordance with section 203 of the Federal Railroad Safety Act of 1970 by written petition.

Issued in Washington, D.C. on May 11, 1978.

JOHN M. SULLIVAN,
Administrator.

[FR Doc. 78-13308 Filed 5-16-78; 8:45 am]

[7035-01]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Revised Service Order No. 1305]

PART 1033—CAR SERVICE

Distribution of Freight Cars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order Revised Service Order No. 1305.

SUMMARY: There is a severe shortage of boxcars on the Union Pacific Railroad Co. That line owns a group of mechanical refrigerator cars which have inoperative refrigeration devices. In all other respects these cars are serviceable. Because of their limited cubical capacity many shipments that could be transported in these cars cannot be loaded with the minimum quantities specified by the applicable tariffs. Revised Service Order No. 1305 authorizes the Union Pacific to substitute two of these refrigerator cars for each boxcar ordered. The minimum weight to be applied to each set of two such cars is the minimum weight applicable to the boxcar ordered. The consent of the shippers is required.

DATES: Effective 12:01 a.m., May 12, 1978; Expires 11:59 p.m., October 31, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: This Order is printed in full below.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C. on the 10th day of May, 1978.

There is an acute shortage of plain boxcars for loading shipments of various commodities on the lines of the Union Pacific Railroad Co. (UP). The UP has a surplus of mechanical refrigerator cars with inoperative refrigerating devices which are suitable for transporting these products if the use of two such cars for each boxcar ordered is permitted.

The economic loss suffered by shippers dependent on the UP for their car supplies can be alleviated by the substitution of sufficient smaller cars for the larger cars ordered to transport the shipments offered.

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

It is ordered, That:

§ 1033.1305 Distribution of freight cars.

(a) Subject to the concurrence of the shipper the Union Pacific Railroad Co. (UP) may substitute two mechanical refrigerator cars bearing reporting marks UPRX for each boxcar ordered.

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

(c) *Rates and minimum weights applicable.* The rates to be applied and the minimum weights applicable to shipments for which cars smaller than those ordered have been furnished and loaded as authorized by section (a) of this order shall be the rates and minimum weights applicable to the larger cars ordered.

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

Boxcar Ordered, UPRX ( ) and UPRX ( ) furnished authority ICC Revised Service Order No. 1305.

(e) *Concurrence of shipper required.* Smaller cars shall not be furnished in lieu of cars of greater capacity without the consent of the shipper.

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

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

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

(i) *Effective date.* This order shall become effective at 12:01 a.m., May 12, 1978.

(j) *Expiration date.* This order shall expire at 11:59 p.m., October 31, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

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

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

[FR Doc. 78-13450 Filed 5-16-78; 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.

[6750-01]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[Docket Nos. 9068, 9069, 9070]

MACLEOD MOBILE HOMES, INC., ET AL., MOBILE HOMES—MULTIPLEX CORP., INC., ET AL., AND HARPER SALES, INC., ET AL.

Extension of Time

AGENCY: Federal Trade Commission.

ACTION: Comment period extended for sixty days.

SUMMARY: The period of time for filing comments on the consent agreements has been extended for sixty days to July 5, 1978.

DATES: Comments must be received on or before July 5, 1978.

ADDRESSES: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St., and Pennsylvania Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

John F. Dugan, Acting Director, New York Regional Office, Federal Trade Commission, 2243-EB Federal Building, 26 Federal Plaza, New York, N.Y. 10007, 212-264-1207.

SUPPLEMENTARY INFORMATION: Provisionally accepted consent agreements and analyses to aid public comment were published in the FEDERAL REGISTER on March 8, 1978, 43 FR 9493, 9495, and 9497. The Commission has received a number of requests for an extension of time within which to file comments.

The consent orders in these matters will affect numerous mobile home parks and various others who apparently have not had an opportunity to study the proposed consent orders. Accordingly, notice is hereby given that the Commission has extended the comment period for an additional sixty days to and including July 5, 1978.

By direction of the Commission dated May 4, 1978.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc. 78-13431 Filed 5-16-78; 8:45 am]

[1505-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 35]

[FRL 875-5]

GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

Proposed Regulations Implementing Clean Water Act of 1977

Correction

In FR Doc. 78-11022, appearing at page 17690 in the issue for Tuesday, April 25, 1978, under the "ADDRESS" section of the preamble, change the date of the meeting to be held at the Hyatt Regency O'Hare in Chicago from "June 4, 1978", to "June 5, 1978".

[6730-01]

FEDERAL MARITIME COMMISSION

[Docket No. 78-9]

[46 CFR 542]

FINANCIAL RESPONSIBILITY FOR WATER POLLUTION

Notice of Proposed Rulemaking

AGENCY: Federal Maritime Commission.

ACTION: Enlargement of time to file comments.

SUMMARY: Upon request of interested persons, and good cause appearing, time within which comments may be filed in response to the notice of proposed rulemaking in this proceeding (43 FR 16772; April 20, 1978) is enlarged to and including May 22, 1978.

DATES: Comments on or before May 22, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: None.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-13429 Filed 5-16-78; 8:45 am]

[4910-22]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Part 393]

[BMCS Docket No. 58-1; Notice No. 78-10]

PARTS AND ACCESSORIES NECESSARY FOR SAFETY OPERATION

Step, Handhold, and Deck Requirements on Commercial Motor Vehicles

AGENCY: Federal Highway Administration, DOT.

ACTION: Extension of time to file comments.

SUMMARY: The date for submitting comments to the Notice of Proposed Rulemaking on Step, Handhold, and Deck Requirements on Commercial Motor Vehicles published on February 15, 1978 (43 FR 6637), is being extended from May 16, 1978, to June 30, 1978. This action is being taken as a result of requests from the Motor Vehicle Manufacturer's Association (MVMA) and the Department of Labor (DOL) in order to allow for the preparation of a more meaningful response.

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

ADDRESS: Submit comments (original and 2 copies) to: BMCS Docket No. MC-58-1; Notice No. 78-3, Room 3402, Bureau of Motor Carrier Safety, Federal Highway Administration, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Gerald J. Davis, Chief, Driver Requirements Branch, Bureau of Motor Carrier Safety, 202-426-9767; Principal Lawyer, Attorney, Gerald M. Tierney, Motor Carrier and Highway Safety Law Division, Office of Chief Counsel, 202-426-0834; Federal Highway Administration, Department of Transportation, Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. EST, Monday through Friday.

SUPPLEMENTARY INFORMATION: The MVMA has requested that the comment period to the docket on Step, Handhold and Deck Requirements on Commerical Motor Vehicles be extended due to complex questions that are involved in the consideration of

the proposals contained in the Notice. They report that "member companies of MVMA are gathering, examining and assessing anthropometric data and other information germane to the questions raised in the Notice." They believe that a 45-day extension will allow them sufficient time to submit comments which would be of genuine assistance to the Federal Highway Administration's Bureau of Motor Carrier Safety and other segments of the public.

The DOL has also requested an extension of comment time based on the complexity of this Notice.

Consequently, the comment time is being extended by 45 days, from May 16, 1978, to June 30, 1978.

Issued on: May 15, 1978.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

[FR Doc. 78-13531 Filed 5-16-78; 8:45 am]

[4910-22]

[49 CFR Part 399]

[BMCS Docket No. MC-64; Notice No. 78-9]

EMPLOYEE HEALTH AND SAFETY STANDARDS

Extended Comment Period

AGENCY: Federal Highway Administration, DOT.

ACTION: Extension of Time to File Comments.

SUMMARY: The date for submitting comments to the Notice of Proposed Rulemaking on employee Health, and Safety Standards, published on March 2, 1978, is being extended 30 days to June 30, 1978. This action was initiated as a result of a request from the Department of Labor (DOL). They state additional time is needed to prepare their response due to the complexity of the proposed rule.

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

FOR FURTHER INFORMATION CONTACT:

Gerald J. Davis, Chief, Driver Requirements Branch, Bureau of Motor Carrier Safety, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590, 202-426-9767; Principal Lawyer, Attorney, Gerald M. Tierney, Motor Carrier and Highway Safety Law Division, Office of Chief counsel, Federal Highway Administration, Department of Transportation Washington, D.C. 20590, 202-426-0346. Office hours are from 7:45 a.m. to 4:15 p.m., EST, Monday through Friday.

SUPPLEMENTARY INFORMATION: On March 2, 1978 (43 FR 8566), a Notice of Proposed Rulemaking was published proposing safety and health standards for employees engaged in the operation of motor vehicles for the purpose of improving safety and health for these employees.

The DOL has requested an extension of time to prepare their comments to this docket based on the complexity of the proposal. Since the DOL has significant interest in this particular proposal, the request is a reasonable one.

Consequently, the comment period is extended from May 31, 1978, to June 30, 1978.

Issued on: May 15, 1978.

ROBERT A. KAYE,
Director
Bureau of Motor Carrier Safety.

[FR Doc. 78-13530 Filed 5-16-78; 8:45 am]

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Threatened Status for West African Manatee (*Trichechus senegalensis*)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes that the West African manatee (*Trichechus senegalensis*) be listed as a Threatened species. A petition from the Marine Mammal Commission to list this species contains the data upon which the proposal is based. If the West African Manatee is listed as Threatened, certain measures will go into effect that could benefit the species and result in its restoration.

DATES: Comments from the public must be received by July 17, 1978.

ADDRESSES: Submit comments to Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate Director—Federal Assistance, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 202-343-4646.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On November 18, 1977, the Service was petitioned by the Marine Mammal Commission to list the West African manatee as a Threatened species pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531-1543). It is the Service's opinion that the Marine Mammal Commission provided sufficient data to propose this species for Threatened status.

Section 4(a) of the Act states:

General.—(1) The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:

(1) The present or threatened destruction, modification or curtailment of its habitat or range;

(2) overutilization for commercial, sporting, scientific or educational purposes;

(3) disease or predation;

(4) the inadequacy of existing regulatory mechanisms; or

(5) other natural or manmade factors affecting its continued existence.

This authority has been delegated to the Director.

SUMMARY OF THE FACTORS AFFECTING THE SPECIES

With the West African manatee, factors (1), (2), (4) and (5) are operational. The appropriate portion of the petition from the Marine Mammal Commission detailing these factors is herewith reproduced:

The West African manatee is known from the coastal waters and adjacent rivers along the west coast of Africa from the mouth of the Senegal River (16° N), southward to the mouth of the Cuanza River (9° S) in Angola. Its range includes parts of the following countries: Senegal, Gambia, Guinea-Bissau, Upper Volta, Guinea, Sierra Leone, Liberia, Ivory Coast, Ghana, Togo, Benin, Mali, Nigeria, Cameroon, Chad, Equatorial Guinea, Gabon, Congo Brazzaville, Cabinda, Zaire, and Angola. Its present range is though to be comparable to its historic range.

"Husar (Mammalian Species, in press) has summarized what is known of the status of this species. No estimates of past or present population size are available. In at least one area, the Niger and Mekrou Rivers along the northern boundary of Benin (formerly Dahomey), it has been exterminated by local hunting (Poche, *Oryx* 12(2): 216-222, 1973). Manatees are taken by guns and harpoons in Liberia and Sierra Leone, where existing protective regulations are routinely ignored (Robinson, *Oryx* 11(2-3): 117-121, 1971). Ritual hunting for manatees still takes place in Ghana (Cansdale, *Oryx* 7(4): 168-171, 1964). In Nigeria, the species has traditionally been hunted by use of grass-baited traps (Dollman, *Nigeria Nat. Hist. Mag.* 4: 1170125, 1933; Allen, *Am. Comm. for Intern. Wildl. Protect.*, Spec. Publ. No. 11, 620 pp., 1942), a practice which continues there "unrestrained" despite legal prohibitions (Sikes, *Oryx* 12(4): 465-470, 1974). Native hunting in Zaire and Angola, on the lower Congo, was said to be reducing the Manatee population (Derscheid, Rev. Zool. *Africaine Bull. Cercle Congolaise* 14 (2): 23031, 1926; Allen *Loc. cit.*) and hunting continued as recently as 1952 (Bouveignes, *Zooleo* 14(4): 237-244, 1952). For most areas, it seems fair to assume that subsistence hunting is, or has been, intense, and that many local stocks are depressed. Fortunately, a large-scale commercial exploitation has never been directed at *T. senegalensis* (Husar, *loc. cit.*).

In addition to direct hunting by natives, other factors may be having a negative

impact on the species. Wood (*Nigerian Field* 6(1): 23-28, 1937) described the way Nigerian fishermen, in 1932, trapped 46 manatees in the Anambra creek system, apparently exterminating them from the sea. The men did it because they regarded the animals as a nuisance to canoe traffic. Manatees are susceptible to accidental drowning in fish nets, particularly those set for sharks; this phenomenon has been documented in Senegal by Cadenat (*Bull. Inst. F. Afr. Noire* 19 A(4): 1358-1383, 1957). The extent of shark netting in West African waters is not known, so its impact on manatees there cannot be assessed (Husar, *loc. cit.*). Likewise, the degree to which manatees are injured by accidental collisions with motorboats in West Africa is unknown (Husar, *loc. cit.*); experience in Florida with *T. manatus* (Hartman, PhD Thesis, Cornell University, 1971) suggests that it could contribute substantially to mortality in heavily trafficked areas.

The West African manatee is currently protected under Class A of the African Convention for the Conservation of Nature and Natural Resources, 1969. However, enforcement of this convention is reported to be ineffective (Husar, *loc. cit.*). Some forms of additional legal protection exists in most countries where the West African manatee occurs, but the problems of enforcement and education are seemingly universal. The presence of the species in reserves gives some guarantee of protection (See Howell, *Nigerian Field* 33(4): 32-35, 1968; Dupuy and Verschuren, *Oryx* 14(1): 36-46, 1977). The West African manatee is listed as vulnerable by the IUCN, whose Red Data Book notes that the high value of the meat has been an irresistible incentive for killing. *T. Senegalensis* is also included in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

If hunting and habitat modification continue uncontrolled, this species will become more seriously depleted. Damming of rivers and increased boat and ship traffic in many areas may contribute to its decline. Assuming that it is not one already, *T. senegalensis* is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. Therefore, the Commission recomends that it be classified as 'threatened' under the Endangered Species Act of 1973, until more is known about it status.

Effects of the Rulemaking

The West African manatee is already protected by the Marine Mammal Protection Act. (16 U.S.C. 1362 (5)-(6); 50 CFR 18.3). Among other things, that Act imposes significant restrictions on importation of the species into the United States. (16 U.S.C. 1371(a), 1372(b)-(c); 50 CFR 18.12). Listing the manatee as a Threatened species under the Endangered Species Act would not only provide an additional prohibition against importation, but would also restrict transportation or sale in interstate or foreign commerce. (16 U.S.C. 1533(d), 1538(a)(1)(G); 50 CFR 17.31(a)). Under each Act, permits are available in certain instances for scientific and zoological display purposes. (16 U.S.C. 1371(a)(1), 1372(b), 1374(c); 50 CFR 17.32, 18.31).

Listing of the West African manatee as Threatened would allow the United States to try to: (1) make the countries in which it is resident aware of the importance of manatee protection; (2) make available to scientists of other countries the results of manatee research undertaken under U.S. sponsorship in such form as to be helpful to them in developing their own research plans; (3) encourage other countries to undertake comprehensive surveys of the status and distribution of this species; (4) encourage other countries to establish reserves; (5) encourage reintroductions to areas once they are well established as protected habitat; and (6) encourage the acquisition of study specimens, that might not otherwise be available, for purposes of scientific research of animals taken incidental to net fisheries.

Public Comments Solicited

The Director intends that the rules finally adopted will be as accurate and effective in the conservation of any Endangered or Threatened species as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests or any other interested party concerning this proposed rulemaking are welcome. Comments particularly are sought concerning:

(1) Abundance and distribution of the species; and

(2) population trends.

Final promulgation of the regulations on the West African manatee will take into consideration the comments and any additional information received by the Director and such communications may lead him to adopt final regulations which differ from this proposal. An environmental assessment is being prepared in conjunction with this proposal. When completed it will be on file in the Service's Office of Endangered Species, 1612 K Street NW., Washington, D.C. 20240, and may be examined during regular business hours or can be obtained by mail. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

The primary author of this proposed rulemaking is John L. Paradiso, Office of Endangered Species, 202-343-7814.

Regulations Promulgation

Accordingly, it is proposed to amend Part 17, Subpart B, Chapter I of Title 50 of the U.S. Code of Federal Regulations as follows:

Amend § 17.11 by adding in alphabetical order under "Mammals" the following to the List of Endangered and Threatened Wildlife and Plants:

§ 17.11 Endangered and threatened wildlife.

Species		Population	Range		Status	When listed	Special rules
Common name	Scientific name		Known distribution	Portion threatened			
West African manatee.	*Trichechus senegalensis*	N/A	West Coast of Africa	Entire	T		None

NOTE: The Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: May 9, 1978.

ROBERT S. COOK,
Acting Director,
Fish and Wildlife Service.

[FR Doc. 78-13422 Filed 5-16-78; 8:45 am]

[3510-22]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 651]

COD AND HADDOCK BY VESSEL CLASSES

Proposed Regulations Establishing Annual Allocations; Plan Amendment Approval

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Proposed regulations.

SUMMARY: These proposed regulations would amend existing regulations for Atlantic groundfish fisheries for cod and haddock by assigning specific annual allocations for each size class of vessel, or gear type of vessel, engaging in those fisheries. Those allocations would be based on historical landing data, and are intended to ensure that each vessel has an adequate opportunity to compete for the

quantity of cod and haddock assigned to the class in which that vessel falls.

DATES: Interested parties may submit in writing data, views, or comments on the plan amendment or the proposed regulations until July 1, 1978.

ADDRESS: Comments should be submitted to Mr. William G. Gordon, Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Mass. 01930. Please mark on the envelope and contents "vessel allocation comments."

FOR FURTHER INFORMATION CONTACT:

Mr. William G. Gordon, address above, telephone 617-281-3600.

SUPPLEMENTARY INFORMATION: The New England Fishery Management Council, under authority of section 302(h) of the Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801 et seq., as amended (Act), proposed an amendment to the fishery management plan for Atlantic groundfish. That amendment would provide proportionate annual allocations of cod and haddock to each of three trawl vessel size categories, and to fixed gear vessels regardless of size. The Assistant Administrator for Fisheries, acting under an appropriate delegation of authority from the Secretary of Commerce, approved that amendment on May 12, 1978. That amendment amends the Plan which was approved on March 28, 1978 (43 FR 13601). The amendment, which follows immediately, is published with the proposed regulation so that the public may have the greatest possible opportunity to offer comments, suggestions, or other ideas, either in writing or at public hearings which have been announced (43 FR 20531), on the amendment and the proposed regulations.

Revisions to the fishery management plan are as follows:

1. A new section II.C.4.(F) is added as follows:

(F). *Vessel class allocation system.*—(1). *General.* The commercial quotas of cod and haddock representing amounts of those species allocated to vessels of the United States shall be further allocated by four vessel classes: Mobile gear vessels in three classes—60 Gross Registered Tons (GRT) and under, 61-125 GRT, and 126 GRT and over; and all sizes of fixed gear vessels in one class.

The allocation to each class of vessels is determined by applying the appropriate percentage to the domestic commercial quota for each area.

(2) *Cod.* The allocation of cod to domestic licensed commercial fisheries shall be determined by apportioning the domestic commercial cod quotas among the four vessel classes on the basis of the following percentages:

Vessel class	Gulf of Maine	Georges Bank and Southern New England
0-60 GRT	42.55	9.45
61-125 GRT	18.91	31.41
126 GRT and over	7.37	44.66
Fixed gear vessels	31.17	14.48
Total	100.00	100.00

(3) *Haddock.* The allocation of haddock to domestic licensed commercial fisheries shall be determined by apportioning the domestic commercial haddock quota among the four vessel classes on the basis of the following percentages:

Vessel class	Percentage	
	Gulf of Maine	Georges Bank [1]
0 to 60 GRT	31.59	3.68
61 to 125 GRT	25.97	34.98
126 GRT and over	17.56	56.88
Fixed gear vessels	24.88	4.46
Total	100.00	100.00

[1] And southern New England.

The necessity for this amendment comes from the fact that available stocks of the three species of fish regulated under the Fishery Management Plan for Atlantic Groundfish (cod, haddock, and yellowtail flounder) cannot support the amount of fishing effort which is engaged in those fisheries. Yellowtail flounder catches have declined to the extent that many boats which formerly engaged in the yellowtail flounder fishery have shifted into the cod and haddock fisheries. This increase in effort has resulted in further pressure on the cod and haddock stocks to the point where the optimum yield of those stocks could be caught during the early part of the year, or the early part of each succeeding quarter when the largest boats can safely fish consistently in spite of most adverse weather conditions. Such adverse weather conditions, however, could prevent owners and fishermen operating smaller boats from setting out, thereby depriving them of a fair opportunity to catch their share of those species.

The proposed regulations would permit in-season adjustment of weekly trip limitations by vessel class. They would also provide, when necessary, for cessation of fishing for cod and haddock by one vessel class when the catch exceeds the allocation for that class.

The allocations which are proposed in these regulations are based on historical catch data for the years 1970, 1972, 1974, and 1976.

The Assistant Administrator for Fisheries has determined that this amendment:

(1) Is consistent with the National Standards and other provisions of the Act and other applicable laws;

(2) Does not constitute a major Federal action requiring the preparation of an environmental impact statement; and

(3) Requires an economic impact analysis under Executive Orders 11821 and 11949 which is being prepared.

Signed at Washington, D.C., this 15th day of May 1978.

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

(1) 50 CFR 651.3 is revised in its entirety.

(2) 50 CFR 651.7(f) is amended.

(3) 50 CFR 651.8(a) and (b) is amended.

§ 651.3 Catch quotas.

(a) Catch quotas for 1978 for vessels of the United States for haddock, cod, and yellowtail flounder are as follows:

(1) *Haddock.* The total commercial and recreational catch for haddock is 8,000 metric tons. The catch quota for the last three quarters is divided as follows:

Quarter	Catch quota (metric tons)
April 1 to June 30	2,591
July 1 to September 30	1,092
October 1 to December 31	1,362

The annual commercial catch of 7,800 mt is allocated as follows:

Vessel class [1]	Gulf of Maine		Georges Bank [2]	
	Percent	Metric tons	Percent	Metric tons
0 to 60	31.59	517.4	3.68	226.8
61 to 125	25.97	425.4	34.98	2155.5
126 plus	17.56	287.6	56.88	3504.9
Fixed gear	24.88	407.6	4.46	274.8
Total	100.00	1638.0	100.00	6162.0

[1] Gross registered tons.
[2] And southern New England.

(2) *Cod.* (i) The total commercial catch for cod is 6,000 metric tons for the Gulf of Maine and 22,000 metric tons for Georges Bank and southern New England. The quota for the last three quarters is divided as follows:

CATCH QUOTAS (METRIC TONS)

Quarter	Gulf of Maine	Georges Bank [1]
April 1 to June 30	1,629	5,596
July 1 to September 30	1,289	5,096
October 1 to December 31	1,290	5,106

[1] And southern New England.

The annual commercial catch is allocated as follows:

Vessel class[1]	Gulf of Maine		Georges Bank[2]	
	Percent	Metric tons	Percent	Metric tons
0 to 60	42.55	2,553	9.45	2,079
61 to 125	18.91	1,135	31.41	6,910
126 plus	7.37	442	44.66	9,825
Fixed gear	31.17	1,870	14.48	3,186
Total	100.00	6,000	100.00	22,000

[1] Gross registered tons.
[2] And southern New England.

(ii) The annual catch for the charter and headboat fishery is 2,500 metric tons for the Gulf of Maine. This quota is not divided into quarterly increments.

(3) *Yellowtail flounder.* The annual commercial and recreational catch for yellowtail flounder is 4,400 metric tons east of 69° W. long. and 3,700 metric tons west of 69° W. long. The quotas for the last three quarters are as follows:

CATCH QUOTAS (METRIC TONS)

Quarter	East of 69° W.	West of 69° W.
April 1 to June 30	950	800
July 1 to September 30	1,150	730
October 1 to December 31	800	928

(b) The Assistant Administrator may establish quarterly quotas for each vessel class for cod and haddock by publication of a notice in the FEDERAL REGISTER.

(c) The Assistant Administrator may adjust quarterly quotas upon publication of a notice in the FEDERAL REGISTER, in the following circumstances.

(1) When a quarterly quota is not reached, to add the surplus onto quotas in subsequent quarters;

(2) When a quarterly quota is exceeded, to deduct the overage from quotas in subsequent quarters.

§ 651.7 [Amended]

(2) Amend § 651.7(f) as follows:

Insert the words "as established under § 651.3(b)," between the words "quota" and "the Assistant Administrator" so that the second sentence of that paragraph reads: "If the statistics indicate that one or more vessel classes in paragraph (a) of this section have taken more than their proportionate share of the current or a previous quarterly quota, as established under § 651.3(b), the Assistant * * *."

At the end of the paragraph, strike the words "historic percentage of the catch." Insert "annual allocation, as established under § 651.3(a)."

§ 651.8 [Amended]

(3) Amend § 651.8(a) and (b) as follows:

In paragraph (a), Line nine, strike the words "the total", substitute the word "any". At the end of line 12, insert the words "by all vessels or by the applicable vessel class," after the word "species" and before the word "shall" at the beginning of line 13. In line 17, insert the words "to which the closure applies" between the word "vessel" and the word "must".

In paragraph (b) Line one, insert the words "for a vessel to which the closure applies "between the word "unlawful" and the word "to".

[FR Doc. 78-13486 Filed 5-16-78; 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.

[6320-01]

CIVIL AERONAUTICS BOARD

[Order No.78-5-75; Docket No. 32186]

BRITISH CALEDONIAN AIRWAYS, LTD.

Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of May 1978.

British Caledonian Airways, Ltd. (B.CAL), is the holder of a permit which authorizes it, subject to conditions, to engage in foreign air transportation of persons, property, and mail, as follows: Between the coterminal points London and Manchester, England, and Prestwick, Scotland, and the coterminal points Houston, Tex., and Atlanta, Ga.[1]

By application filed March 1, 1978, B.CAL requests amendment of its foreign air carrier permit to add to its existing segment the following authorization: "the optional intermediate point Bangor, Maine, for property only".

B.CAL operates twice-weekly freighter services between Houston, Tex., and London, one via Prestwick and one via Manchester, which regularly make technical fueling stops at Bangor, Maine. In addition, B.CAL offers daily combination service between Houston and London which does not make technical stops. Both all-cargo and combination services use Boeing 707 aircraft.

British Caledonian also requests a waiver from the airport notice requirement, to the extent otherwise applicable, of § 213.4 of the Board's economic regulations, as it is already regularly using Bangor International Airport, which is the only international facility serving that city.[2]

The authority requested would provide Bangor with its first regular and reliable air cargo service to the United Kingdom. The applicant states that, "not only would grant of this application help to satisfy Bangor's pressing and long unmet requirements, but it would ensure that B.CAL's freighter capacity is more effectively utilized and would provide B.CAL with an additional source of revenue at little incremental cost." B.CAL states that it is a limited company incorporated under the Companies Acts, 1908 to 1917, of the United Kingdom and registered in England on October 11, 1928; that it is a citizen of the United Kingdom and a wholly owned subsidiary of Caledonian Airways, Ltd., the holding company for the British Caledonian Group of Companies; and that it is substantially owned and effectively controlled by citizens of the United Kingdom. Order 77-9-64 found that ownership and control of B.CAL to be within the United Kingdom and that the applicant was financially and operationally fit. We are aware of no changes in B.CAL's structure or operations which would require us to modify these findings. Finally, B.CAL has been issued air transport license No. 1B/24045/3 by the Civil Aviation Authority, effective February 8, 1978, which enables B.CAL to perform the foreign air transportation for which the amendment to its foreign air carrier permit is requested.

On June 19, 1973, the Board issued press release CAB-73-106 which invited U.S. and foreign-flag carriers to apply for the right to enplane and deplane cargo at Bangor International Airport in Maine on a "flag-stop" or permissive basis. The release stated that Bangor International Airport is uncongested; offers carriers excellent facilities; and is on or close to the great circle route between much of the United States and Europe; its use could alleviate the burden on existing cargo facilities such as at New York and Chicago, and could help to attract light manufacturing industries to Maine and promote the export of goods such as seafoods. Finally, the Board's release stated that it contemplated that the privileges would be granted on a temporary, experimental basis for a period of 3 years.

The city of Bangor, Maine, and the Greater Bangor Area Chamber of Commerce (Bangor) filed an answer on March 10, 1978, in support of B.CAL's application. Bangor asserts that it is ready and willing to work jointly with carriers, including B.CAL, to further the vigorous development of air cargo service at Bangor. It sponsors a bonded warehouse and international air freight terminal as well as a 12-acre, duty-free, quota-free foreign trade zone. In addition, Bangor states there is a substantial unmet demand at Bangor for regular and reliable air cargo service. Finally, it infers that since B.CAL has a technical stop there anyway, denying B.CAL fill-up authority to transport Bangor Transatlantic cargo on its all-cargo flights would fail to use an available air transport resource which is clearly in the public interest.

Both Seaboard World Airlines, Inc., and Pan American World Airways, Inc., have outstanding authority to serve Bangor, limited to the carriage of property, on a permissive basis until January 21, 1980.[3] However, as Bangor is not a point in the bilateral agreement, neither carrier has operating authority for Bangor from the British Government, nor has either applied to the British Government for such authority. Thus, the authority from the Board has remained dormant, in Pan American's case, and dormant with respect to the United Kingdom in Seaboard's case.[4]

No answers in opposition to B.CAL's application have been received.

We tentatively find that the grant of the application will serve the public interest. Since this authority is outside of the bilateral agreement, we propose to make it temporary, matching the expiration of the U.S. carriers' permissive Bangor authority. In the event U.S. carriers wish to institute the same

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[1] Issued by order 77-10-81, approved October 7, 1977. The permit as initially issued included additional authority between the United Kingdom and New York and Chicago and Los Angeles. However, that authority terminated under the terms of the permit, since B.CAL was not designated by the Government of the United Kingdom under the Air Service Agreement to serve those routes by November 1, 1977.

[2] An airport-notice procedure requires only a simple notification, and can be granted on short notice to the extent time restraints require. Therefore, we are not persuaded that a waiver of the normal procedures is warranted and will deny the waiver request.

[3] Seaboard World Airlines was originally granted this authority by order 74-1-99 which expired November 16, 1976. Its authority was renewed by order 77-3-87. Pan American World Airways was originally granted this authority by order 74-6-11 which expired January 21, 1977. Its authority was renewed by order 77-3-118.

[4] Upon application for renewal, Pan American stated that it had thus far been unable to use the authority. Nevertheless, the carrier hopes that the potential for service to Bangor will develop during the renewal period sought. According to order 76-11-108, "Seaboard has utilized its permissive Bangor authority to provide a needed public service, as indicated by the fact that during fiscal year 1976 the carrier operated 56 departures which enplaned 648.57 tons of cargo."

type of cargo service at Bangor, we expect that in accordance with comity and reciprocity, the Government of the United Kingdom would give reciprocal authority to them.

In view of the foregoing and all the facts of record, the Board tentatively finds and concludes that:

1. British Caledonian Airways, Ltd., is substantially owned and effectively controlled by citizens of the United Kingdom;

2. It is in the public interest to amend the foreign air carrier permit held by British Caledonian Airways, Ltd., authorizing the carrier, subject to conditions, to add Bangor, Maine, as an optional intermediate point for property only, on its authorized segment. This authority will expire on January 21, 1980;

3. The public interest requires that the exercise of the privileges granted by such amended permit shall be subject to the terms, conditions, and limitations contained in the specimen form of permit attached to this order and to such other reasonable terms, conditions, and limitations required by the public interest as from time to time may be prescribed by the Board;

4. British Caledonian Airways, Ltd., is fit, willing, and able properly to perform the above-described foreign air transportation, and to conform to the provisions of the Federal Aviation Act of 1958, as amended, and the rules, regulations, and requirements of the Board;

5. The request of B.CAL for a waiver of the airport notice requirements of section 213.4 of the Board's economic regulations should be denied.

6. The public interest does not require an oral hearing;

7. The amendment of British Caledonian Airways, Ltd.'s foreign air carrier permit would not constitute "a major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA) and will not constitute a "major regulatory action" under the Energy Policy and Conservation Act of 1975 (EPCA), as defined in subsection of the Board's regulations;[5] and

8. Except to the extent granted, the application of British Caledonian Airways, Ltd., in Docket 32186 should be denied.

It is therefore ordered, That: 1. All interested persons are directed to show cause why the Board should not, subject to the approval of the President under section 801 of the act, make final its tentative findings and conclusions, and issue an amended foreign air carrier permit in the form of the attached specimen permit to British Caledonian Airways, Ltd.;

2. Any interested person having objection to the issuance of an order making final the Board's tentative findings and conclusions and issuing the attached permit shall, within 15 days after the service of this order, file with the Board and serve upon the persons named in paragraph 5, a statement of objections specifying the part or parts of the tentative findings and conclusions objected to, together with a summary of testimony, statistical data, and such evidence expected to be relied upon in support of the statement of objections. If an oral hearing is requested, the objector should state in detail why such hearing is considered necessary and what relevant and material facts he would expect to establish through such hearing which cannot be established in written pleadings;

3. If timely and properly supported objections are filed, further consideration will be given the matters and issues raised therein by the objector before further action is taken by the Board. The Board may, nevertheless, proceed to enter an order in accordance with its findings and conclusions set forth in this order if it determines that there are no factual issues present that warrant the holding of an oral hearing;[6]

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Secretary shall enter an order which: (1) shall make final the Board's tentative findings and conclusions set forth in this order, and (2) subject to the approval of the President, shall issue a foreign air carrier permit to the applicant in the specimen form attached; and

5. This order shall be served upon British Caledonian Airways, Ltd., the Ambassador of the Government of the United Kingdom of Great Britain and Northern Ireland, the Department of State, the Department of Transportation, Pan American World Airways, Seaboard World Airlines, Trans World Airlines, National, Braniff, and Delta.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[7]

PHYLLIS T. KAYLOR,
Secretary.

Specimen Permit

PERMIT TO FOREIGN AIR CARRIER (AS AMENDED)

BRITISH CALEDONIAN AIRWAYS, LTD.,

is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in foreign air transportation with respect to persons, property, and mail, as follows:

1. Between the conterminal points London and Manchester, England, and Prestwick, Scotland; the optional intermediate point Bangor, Maine, for property only; and the coterminal points Houston, Tex., and Atlanta, Ga.

The holder shall be authorized to engage in charter trips in foreign air transportation, subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's economic regulations.

The authority to add Bangor, Maine, as an optional intermediate point for property only shall expire on January 21, 1980.

The holder shall not operate nonstop service to Atlanta, Ga., prior to July 23, 1980.

The holder shall not grant stopover privileges at Atlanta or Houston on flights over its segment.

The exercise of the privileges here granted shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall be effective on _____. Unless otherwise terminated at an earlier date under the terms of any (1) upon the effective date of any treaty, convention, or agreement, or amendment thereto, which shall have the effect of eliminating the routes authorized from the routes which may be operated by airlines designated by the Government of the United Kingdom of Great Britain and Northern Ireland (or in the event of the elimination of any part of a route or routes authorized, the authority granted shall terminate to the extent of such elimination), or (2) upon the effective date of any permit granted by the Board to any other carrier designated by the Government of the United Kingdom of Great Britain and Northern Ireland in lieu of the holder, or (3) upon the termination or expiration of the air services agreement between the Government of the United States and the Government of the United Kingdom of Great Britain and Northern Ireland effective July 23, 1977: However, clause (3) of this paragraph shall not apply if, prior to the occurrence of the event specified in clause (3), the operation of the foreign air transportation here authorized becomes the subject of any treaty, convention, or agreement to which the United States and the United Kingdom of Great Brtain and Northern Ireland are or shall become parties.

The Civil Aeronautics Board, through its

[5] Our tentative findings are based on the proposed amendment of B.CAL permit not resulting in any significant increase in aircraft operations at U.S. points, as B.CAL presently stops at Bangor, Maine, for refueling. Moreover, the implementation of the proposed authority will not result in the near-term consumption of 10 million gallons of fuel.

[6] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

[7] All Members concurred.

Secretary, has executed this permit and affixed its seal, on the ————————.

PHYLLIS T. KAYLOR,
Secretary.

Issuance of this permit to the holder approved by the President of the United States on ————————, in ————————.

[FR Doc. 78-13432 Filed 5-16-78; 8:45 am]

[6320-01]

[Dockets 21866, 31290, 30891]

DOMESTIC PASSENGER-FARE INVESTIGATION, DOMESTIC PASSENGER-FARE LEVEL POLICIES, DOMESTIC PASSENGER-FARE STRUCTURE POLICIES, DISCOUNT FARE POLICY

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on June 15, 1978, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Each party which wishes to participate in the oral argument shall so advise the Secretary, in writing, on or before May 30, 1978, together with the name of the person who will represent it at the argument.

Dated at Washington, D.C., May 11, 1978.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-13433 Filed 5-16-78; 8:45 am]

[6320-01]

[Docket No. 32271]

INOMOTIVATOR, INC.

Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on June 1, 1978, at 9:30 a.m. (local time), in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before May 25, 1978.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., May 11, 1978.

RICHARD V. BACKLEY,
Administrative Law Judge.

[FR Doc. 78-13434 Filed 5-16-78; 8:45 am]

[3510-04]

COMMERCE DEPARTMENT

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $0.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22161, for $4 ($8 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent 4,036,581: Igniter; filed September 3, 1976; patented July 19, 1977; not available NTIS.

Patent 4,042,814: Electro-Optic Binary Adder; filed June 28, 1976; patented August 16, 1977; not available NTIS.

Patent 4,044,271: Monolithic NTDS Driver and Receiver; filed September 9, 1974; patented August 23, 1977; not available NTIS.

Patent 4,046,993: Target for Torpedo Launch System; filed June 28, 1976; patented September 6, 1977; not available NTIS.

Patent 4,047,148: Piston Type Underwater Sound Generator; filed February 29, 1956; patented September 6, 1977; not available NTIS.

Patent 4,047,380: Combustion System using Dilute Hydrogen Peroxide; filed April 9, 1976; patented September 13, 1977; not available NTIS.

Patent 4,048,942: Helicopter Towline Recovery Buoy System; filed February 22, 1977; patented September 20, 1977; not available NTIS.

Patent 4,049,402: Gas Mixing Device; filed November 6, 1975; patented September 20, 1977; not available NTIS.

Patent 4,050,243: Combination Solid Fuel Ramjet Injector/Port Cover; filed May 17, 1976; patented September 27, 1977; not available NTIS.

Patent 4,051,364: Photoparamp Array Multiplexer; filed August 6, 1976; patented September 27, 1977; not available NTIS.

Patent 4,051,439: Short Pulse Magnetron Transmitter; filed November 2, 1972; patented September 27, 1977; not available NTIS.

Patent 4,051,799: Radial Depressor; filed June 28, 1976; patented October 4, 1977; not available NTIS.

Patent 4,056,386: Method for Decomposing Iron Pentacarbonyl; filed April 19, 1977; patented November 1, 1977; not available NTIS.

Patent 4,056,560: N,N'μ-Bis(3,4-Dicyanophenyl) Alkanediamides; filed July 23, 1976; patented November 1, 1977; not available NTIS.

Patent 4,056,802: Sonar Alarm System; filed March 10, 1976; patented November 1, 1977; not available NTIS.

Patent 4,057,000: Mechanism for Deep Ocean Instrumentation Remote Release; filed September 20, 1976; patented November 8, 1977; not available NTIS.

Patent 4,057,569: Bisorthodinitriles; filed April 28, 1976; patented November 8, 1977; not available NTIS.

Patent 4,057,719: Fiber Optics Electro-Mechanical Light Switch; filed August 27, 1976; patented November 8, 1977; not available NTIS.

Patent 4,058,722: Electro-Optic Analog/Digital Converter; filed September 29, 1976; patented November 15, 1977; not available NTIS.

Patent 4,060,798: Method for Increasing the Critical Velocity of Magnetic Bubble Propagation in Magnetic Materials; filed May 12, 1976; patented November 29, 1977; not available NTIS.

Patent 4,062,883: Polymer-Bound Metallocarborane Catalyst Product and Process; filed August 6, 1976; patented December 13, 1977; not available NTIS.

Patent 4,063,006: High Power Battery with Liquid Depolarizer; filed February 28, 1977; patented December 13, 1977; not available NTIS.

Patent 4,064,783: Pressure-Balanced Underwater Structural Release System; filed January 27, 1977; patented December 27, 1977; not available NTIS.

Patent 4,065,509: Synthesis of Beta-Methyl Derivatives of 2,4-Dicarba-Closo-Heptaborane-7; filed May 25, 1976; patented December 27, 1977; not available NTIS.

Patent 4,066,965: RF GTWT Saturating Circuit; filed September 28, 1976; patented January 3, 1978; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent 4,062,245: Motion Restraining Device; filed April 30, 1975; patented December 13, 1977; not available NTIS.

Patent 4,062,347: Solar Heating System; filed August 24, 1976; patented August 24, 1976; not available NTIS.

Patent 4,063,282: TV Fatigue Crack Monitoring System; filed July 20, 1976; patented December 13, 1977; not available NTIS.

[FR Doc. 78-13417 Filed 5-16-78; 8:45 am]

[3510-16]

Patent and Trademark Office

PROCEDURES FOR ENFORCING REGULATIONS RELATING TO THE USE OF PATENT AND TRADEMARK OFFICE RECORDS FACILITIES

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice.

SUMMARY: The Patent and Trademark Office is adopting procedures for enforcing existing regulations governing the use of the public search room for patents and the patent examining group search facilities by members of the public. Enforcement of the existing regulations is necessary, and is intended by these procedures, to carry out the commitment of the Office to the public to promote an atmosphere conducive to research and maintain the integrity of files in the public search room for patents and in the examining group search facilities.

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Bradford R. Huther, Deputy Assistant Commissioner for Administration, Patent and Trademark Office, Washington, D.C. 20231, 703-557-2290.

SUPPLEMENTARY INFORMATION: The procedures will apply in enforcing the regulations for the public use of records of the public search room for patents and the patent examining group search facilities. The regulations of the Public Search Room for Patents were published in the FEDERAL REGISTER for July 14, 1976, 41 FR 29009, and incorporated in a search room user agreement entered into by each person who is issued a user pass. Regulations for users of the patent examining group search facilities were established under rule 2 of the regulations of the public search room for patents and were published in the Official Gazette of March 22, 1977, 956 O.G. 1118.

The procedures appear below.

PROCEDURES FOR ENFORCEMENT OF THE REGULATIONS

FOR THE PUBLIC USE OF RECORDS IN THE PUBLIC SEARCH ROOM FOR PATENTS AND THE PATENT EXAMINING GROUP SEARCH FACILITIES

Under applicable statutes and regulations, including 40 U.S.C. 486(c); 41 CFR 101-20.3; and appropriate sections of Department Organization Orders 30-3A and 30-3B of the Department of Commerce, the procedures appearing below are established.

VIOLATIONS INVOLVING THE SECURITY SYSTEM

1. Unauthorized removal of government property. (a) The public search room for patents is equipped with a security system designed to sound an alarm when an attempt to remove government property from the public search room is detected. Each alarm signal triggered by a person passing through an exit to the public search room will be investigated by security guards stationed at the public search room exits. The person involved will be required to stop and allow the security guards to determine the cause of the alarm. If non-government property is the cause for the alarm, the person will be allowed to proceed without further delay. If unauthorized possession of government property is found to be the cause of the alarm, the person in whose possession the property is found will be advised that a violation has occurred and will be required to surrender the property to the manager of the public search room. An oral explanation for the possession of such property will be requested by the manager.

(b) The manager of the public search room will immediately report each incident involving unauthorized possession of government property to the Deputy Assistant Commissioner for Administration by telephone, and if requested submit a written report, together with the government property and user pass involved to the Deputy Assistant Commissioner for Administration.

(c) If it shall appear to the Deputy Assistant Commissioner for Administration that unauthorized possession of government property, detected by the security system, was inadvertent or otherwise unintentional, no further action will be taken. Otherwise, the Deputy Assistant Commissioner for Administration will request the person involved to show cause in writing why his or her user pass should not be suspended or revoked pursuant to the terms of the search room user agreement. A written decision will be rendered by the Deputy Assistant Commissioner for Administration after consideration of any timely submitted response.

OTHER VIOLATIONS OF THE PUBLIC SEARCH ROOM REGULATIONS

2. All other violations of the public search room regulations. (a) Each observed or reported violation will be investigated by the manager of the public search room. If a violation has occurred and is not denied, the person involved will be verbally requested by the manager to comply with the regulations. If the person involved denies that a violation has occurred, or refuses to comply with a verbal request of the Manager to comply with the regulations, or violates the regulations after having agreed to comply with them, the person will be required to surrender his or her User Pass to the manager of the public search room.

(b) The manager of the public search room will submit a written report of each violation, and the user pass, if surrendered, to the Deputy Assistant Commissioner for Administration.

(c) If the Deputy Assistant Commissioner for Administration is satisfied that a reported violation was inadvertent or otherwise unintentional, the User Pass, if surrendered, will be returned and no further action will be taken. In all other cases, the Deputy Assistant Commissioner for Administration will request the person onvolved to show cause in writing why his or her User Pass should not be suspended or revoked pursuant to the terms of the search room user agreement. A written decision will be rendered by the Deputy Assistant Commissioner for Administration after consideration of any timely submitted response.

VIOLATIONS OF THE PATENT EXAMINING GROUP SEARCH FACILITIES REGULATIONS

3. Violations of the regulations for users of the patent examining group search facilities. (a) Each observed or reported violation will be investigated by an authorized official. If a violation has occurred, and is not denied, the person involved will be verbally requested to comply with the regulations. If the person involved denies that a violation has occurred, or refuses to comply with a verbal request to comply with regulations, or violates the regulations after having agreed to comply with them, the person involved will be required to surrender his or her user pass to the authorized official.

(b) The authorized official will submit a written report of each violation, and the user pass, if surrendered, to the Deputy Assistant Commissioner for Patents.

(c) If the Deputy Assistant Commissioner for Patents is satisfied that violation was inadvertent or otherwise unintentional, the user pass, if surrendered, will be returned and no further action will be taken. In all other cases, the Deputy Assistant Commissioner for Patents will request the person involved to show cause in writing why his or her user pass should not be suspended or revoked. A written decision will be rendered by the Deputy Assistant Commissioner for Patents after consideration of any timely submitted response.

PENALTIES

4. Factors to be considered in assessing penalties.

(a) Penalties will be determined on a case-by-case basis. A record of penalties imposed for given violations will be kept and made available to the public upon request.

(b) Due weight may be given to prior violations of the regulations in assess-

ing whether any given violation is willful, deliberate or intentional.

(c) Prior violations of the regulations will be considered in determining any specific penalty to be imposed. Depending upon the circumstances, the penalty for a first offense may range from an oral or written warning to a 60-day suspension of the user pass. For a second offense, the penalty may be a suspension of from 5 days to 1 year. For a third offense, the penalty may range from a 30-day suspension to revocation of the user pass.

GENERAL PROVISIONS

5. Use of search facilities during suspension or after revocation of user pass.

No individual will be permitted to use the public search room for patents or the patent examining group search facilities while his or her user pass is suspended or revoked.

6. Temporary user pass.

Any person whose user pass was surrendered, but not suspended or revoked, may be issued a temporary user pass which shall be valid until the user pass is returned or a decision is rendered pursuant to paragraph 1(c), 2(c), or 3(c).

7. Absence of the deputy assistant commissioner for administration.

In the absence of the Deputy Assistant Commissioner for Administration, the Director of the Office of Patent and Trademark Services will carry out the functions and responsibilities assigned to the Deputy Assistant commissioner for administration in paragraphs 1(b) and (c) and 2(b) and (c).

8. Absence of the manager of the public search room.

In the absence of the manager of the public search room, the acting manager will carry out the duties and responsibilities assigned to the manager in paragraphs 1(a), 1(b), 2(a) and 2(b).

9. Assistance.

The manager of the public search room and the authorized official may, when necessary request the security officer of the Patent and Trademark Office or the GSA to provide assistance in carrying out their functions in paragraphs 1(a), 2(a), and 3(a).

10. Petitions.

A decision rendered by the Deputy Assistant Commissioner for Administration, the Director of the Office of Patent and Trademark Services, or the Deputy Assistant Commissioner for Patents may be reviewed on petition to the Commissioner.

LUTRELLE F. PARKER,
Acting Commissioner of Patents and Trademarks.

MAY 5, 1978.

[FR Doc. 78-13471 Filed 5-16-78; 8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

ANNOUNCING AN ADDITIONAL EXEMPT TEXTILE PRODUCT FROM PAKISTAN

MAY 12, 1978.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Exempting Peshawari waist coats from the levels of restraint established under the terms of the bilateral cotton textile agreement between the Governments of the United States and Pakistan.

SUMMARY: The Governments of the United States and Pakistan have agreed to exempt Peshawari waist coats from the levels of restraint established under the terms of the Bilateral Cotton Textile Agreement of January 4 and January 9, 1978, in addition to other previously designated handloomed and traditional textile products (See 38 FR 14184 and 39 FR 2293). Accordingly, there is published below a letter of May 12, 1978 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, directing that Peshawari waist coats be added to the list of traditional Pakistan items which are currently exempt from the agreement.

EFFECTIVE DATE: May 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Judith L. McConahy, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, 202-377-5423.

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

UNITED STATES DEPARTMENT OF COMMERCE
May 12, 1978.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive issued to you on January 19, 1978 by the Chairman of the Committee for the Implementation of Textile Agreements which designated levels of restraint for certain cotton textiles and cotton textile products, produced or manufactured in Pakistan, which may be entered or withdrawn from warehouse for consumption in the United States during the twelve-month period which began on January 1, 1978. It also amends, but does not cancel, the directives of June 28, 1972, May 16, 1973, and January 15, 1974 which established an export visa requirement for entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products, produced or manufactured in Pakistan, and administrative mechanisms to exempt certain traditional Pakistan items and handloomed products of the cottage industry of Pakistan from the levels of restraint of the bilateral agreement.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton Textile Agreement of January 4 and January 9, 1978 between the Governments of the United States and Pakistan; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, the aforementioned directives are amended, effective on May 17, 1978, to exempt Peshawari waist coats, in addition to previously designated items, when they are properly certified. A Peshawari waist coat is defined as a "vest-type jacket worn in the Northwest Frontier Province of Pakistan. The garment is made from velvet and lined with heavy cotton fabric. It is heavily embroidered with lame braid."

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

Sincerely,

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

[FR Doc. 78-13420 Filed 5-16-78; 8:45 am]

[6355-01]

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 78-2]

G. L. ELECTRIC FLASHEAT CO. AND GERVIS GALLOWAY

Notice of Postponement of Hearing

In the matter of G. L. Electric Flasheat Company, a corporation and Gervis J. Galloway, individually and as an officer thereof, section 15, Consumer Product Safety Act Enforcement Proceeding.

The hearing in the above entitled proceeding now scheduled to commence at 10 a.m. (EDST), Tuesday, May 23, 1978, in room 1194 of the McNamara Federal Building, 477 Michigan Ave., Detroit, Mich. 48226, is hereby postponed until the same time, Wednesday, May 24, 1978 in the same room.

Dated: May 11, 1978.

PAUL N. PFEIFFER,
Administrative Law Judge.

[FR Doc. 78-13355 Filed 5-16-78; 8:45 am]

[3910-01]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

MAY 8, 1978.

The USAF Scientific Advisory Board Close Air Support Subgroup of the Joint Air Force/Army Summer Study on Battlefield Systems Integration will hold a meeting on June 6, 1978, at the Pentagon, from 8:30 a.m. to 5 p.m.

The Subgroup will receive classified briefings and hold classified discussions on various foreign systems as well as projected U.S. command and control systems. The meeting will be closed to the public in accordance with Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8404.

FRANKIE S. ESTEP,
Air Force Federal Register, Liaison Officer, Directorate of Administration.

[FR Doc. 78-13292 Filed 5-16-78; 8:45 am]

[3910-01]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

MAY 8, 1978.

The USAF Scientific Advisory Board Electronic Systems Division Advisory Group, AFSC, will hold meetings on June 1, 1978, from 8:30 a.m. to 5 p.m., and June 2, 1978, from 8:30 a.m. to 12 p.m., at Hanscom Air Force Base, Mass., in the Command Management Center Building 1606.

The Group will receive classified briefings and hold classified discussions on selected Air Force Command, Control and Communications Programs. The meetings will be closed to the public in accordance with Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8404.

FRANKIE S. ESTEP,
Air Force Federal Register, Liaison Officer, Directorate of Administration.

[FR Doc. 78-13293 Filed 5-16-78; 8:45 am]

[3710-08]

Department of the Army

ARMED FORCES INSTITUTE OF PATHOLOGY SCIENTIFIC ADVISORY BOARD

Open Meeting

In order to comply with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of the meeting of the Armed Forces Institute of Pathology's Scientific Advisory Board, June 22-23, 1978, 0830 hours in the Director's Conference Room, Armed Forces Institute of Pathology, Washington, D.C. 20306. This meeting will be open to the public.

The proposed agenda will include professional discussion of the mission of the Armed Forces Institute of Pathology relating to consultation, education, and research. The Executive Secretary from whom substantive program information may be obtained is Colonel William H. Godfrey, Executive Officer, Armed Forces Institute of Pathology, Washington, D.C. 20306, telephone 576-2900.

Dated: May 11, 1978.

HAROLD W. DRAYTON,
CPT, MSC, USA, Adjutant.

[FR Doc. 78-13418 Filed 5-16-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

FUEL OIL MARKETING ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Fuel Oil Marketing Advisory Committee will meet on Thursday and Friday, June 1 and 2, 1978, at 9 a.m., in Room 2105, 2000 M Street NW., Washington, D.C.

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

The agenda for the meeting is as follows:

Monitoring Methodologies
Issues for August Evidentiary Hearing
Other Issues as Appropriate
Remarks From Floor (10 minute rule)

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.

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

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

Issued at Washington, D.C. on May 12, 1978.

WILLIAM P. DAVIS,
Deputy Director of Administration.

[FR Doc. 78-13411 Filed 5-16-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket No. RI78-52]

A. E. PERKINS (OPERATOR)

Notice of Petition for Special Relief

MAY 11, 1978.

Take notice that on April 18, 1978, A. E. Perkins (Operator), 472 West 3d, Hoisington, Kans. 67544, filed a petition for special relief in the above-captioned docket pursuant to § 2.76 of the Commission's Rules.

Currently selling gas at 29.45¢ per M ft^3 from the Bertha J. Gray Well, Sedan-Peru Field, Chautauqua, Kans., Petitioner seeks authorization to increase this rate to $1 per M ft^3. Petitioner states that the life of the well will be increased by 3 years once proposed reworking is done. However, without additional revenue, rework cannot begin.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 31, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file

a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13393 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. RP 72-110, (PGA78-7)]

ALGONQUIN GAS TRANSMISSION CO.

Notice of PGA Rate Increase

MAY 8, 1978.

Take notice that Algonquin Gas Transmission Co. ("Algonquin Gas") on April 26, 1978, tendered for filing 39th Revised Sheet No. 10 to its FERC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas states that such tariff sheet is being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in section 17 of the General Terms and Conditions of its FERC Gas Tariff, First Revised Volume No. 1. Algonquin Gas also states that such rate change, proposed to be effective May 1, 1978, is being filed to reflect a change in purchased gas costs filed by its supplier, Texas Eastern Transmission Corp. ("Texas Eastern"). Algonquin Gas requests that the Commission waive the usual notice requirement and permit such 39th Revised Sheet No. 10 to become effective on May 1, 1978, so that Algonquin Gas' rates will be synchronized with those of Texas Eastern.

It may be noted that the instant adjustment is superimposed upon rates which became effective as of April 1, 1978, through Commission approval of the Alongquin Gas Settlement in Docket Nos. RP73-112, et al. (see Algonquin Gas' filing dated April 21, 1978, of tariff sheets to comply with the Commission's order approving settlement).

The proposed effective date of the revised tariff sheet is May 1, 1978.

Algonquin Gas states that a copy of its filing is being served upon all affected parties and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 16, 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. 78-13311 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. ER78-249]

APPALACHIAN POWER CO. ET AL

Order Granting Late Intervention

MAY 9, 1978.

On March 17, 1978, notice was issued of a filing by American Electric Power Service Corp. on behalf of its affiliates, Appalachian Power Co., Ohio Power Co., and Wheeling Electric Co. of an amendment to an existing interconnection agreement among these companies and Monongahela Power Co. and West Penn Power Co., in Docket No. ER78-249. All petitions to intervene or protest were due on or before April 3, 1978.[1]

On April 7, 1978 the Public Service Commission of West Virginia filed an untimely notice of intervention. The petition states that the Public Service Commission of West Virginia is the department of government of said State which has jurisdiction to regulate the rates, charges, and service for the sale and distribution of electricity within said State. The Public Service Commission of West Virginia requests that it be permitted to intervene at this time, since it will not in any way delay the proceeding.

The Commission finds: The participation by the Public Service Commission of West Virginia in this proceeding may be in the public interest.

The Commission orders: (A) The Public Service Commission of West Virginia is hereby permitted to intervene in these proceedings subject to the Rules and Regulations of the Commission; *Provided, however,* that participation by the Public Service Commission of West Virginia shall be limited to matters affecting the interconnection agreements which are involved in the above-captioned proceeding; and *Provided, further,* that the admission of the Public Service Commission of West Virginia shall not be construed as recognition by the Commission that the intervenor might be aggrieved because of any order or orders entered in this proceeding.

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

[1] By order issued on April 13, 1978, the Commission conditionally accepted for filing and suspended the filed rate increase subject to filing of cost support data. Upon submission of the data the Commission will further evaluate the increased rate filing.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13312 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. ER78-358]

ARIZONA PUBLIC SERVICE CO.

Notice of Proposed Increase in Rate

MAY 10, 1978.

Take notice that on May 4, 1978, Arizona Public Service Co. (APS) tendered for filing the implementation of the material and supply component of the rate in the Agreement with the Navajo Tribe of Indians (NTUA), FPC Rate Schedule No. 6. APS states that the implementation of this component would have resulted in increased revenue for the year 1977 in the sum of $27,626.00.

APS requests an effective date of June 1, 1978, and therefore requests waiver of the Commission's notice requirements.

According to APS a copy of this filing was served upon the Arizona Corporation 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 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 22, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13315 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. ER78-356]

ARKANSAS POWER AND LIGHT CO.

Notice of Proposed Cancellation

MAY 10, 1978.

Take notice that on May 3, 1978, Arkansas Power & Light Co. (Company) tendered for filing the cancellation of two of the Company's Rate Schedules:

1. Arkansas Power & Light Co., Rate Schedule FPC No. 53.

2. Arkansas Power & Light Co., Rate Schedule FPC No. 65.

The Company indicates that both of these schedules are contracts between

the Company and the Mississippi County Electric Cooperative Corp. The Company further indicates that the Mississippi County Electric Cooperative Corporation has requested cancellation of the contracts under the terms of the contracts with an effective date of June 1, 1978, and therefore requests waiver of the Commission's notice requirements. The Company indicates that after June 1, 1978, service to the points of delivery formerly served by the Company under the two Rate Schedules will be served by the Arkansas Electric Cooperative Corp.

A copy of the filing has been mailed to the Mississippi County Electric Cooperative Corp. according to the Company.

Any person desiring to be heard or to protest this 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 22, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13313 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. ER78-357]

ARKANSAS POWER AND LIGHT CO.

Notice of Proposed Cancellation

MAY 10, 1978.

Take notice that on May 3, 1978, Arkansas Power & Light Co. (Company) tendered for filing the cancellation of two of the Company's Rate Schedules:

1. Arkansas Power & Light Co., Rate Schedule FPC No. 53.
2. Arkansas Power & Light Co., Rate Schedule FPC No. 65.

The Company states that both of these schedules are contracts between the Company and the Mississippi County Electric Cooperative Corp. The Company further states that the Mississippi County Electric Cooperative Corp. has requested cancellation of the contracts under the terms of the contracts with an effective date of June 1, 1978, and therefore requests waiver of the Commission's notice requirements. The Company indicates that after June 1, 1978, service to the points of delivery formerly served by the Company under the two Rate Schedules will be served by the Arkansas Electric Cooperative Corp.

According to the Company a copy of the filing has been mailed to the Mississippi County Electric Cooperative Corp.

Any person desiring to be heard or to protest this 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 22, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13314 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. RI78-21]

BRADEN-DEEM, INC.

Notice of Amended Petition for Special Relief

MAY 11, 1978.

Take notice that on March 28, 1978, Braden-Deem, Inc. (BD), Suite 520, 200 East First Street, Wichita, Kans. 67202, filed an amendment to its original petition for special relief (noticed March 7, 1978).

In its amended petition BD requests a rate of $1.10/M ft^3 for the sales of the 269,209 M ft^3 for the sales of the 269,209 M ft ^{3} of gas reserves to Panhandle Eastern Pipe Line Co. (Panhandle). In its original December 7, 1977 petition, BD requested a rate of 83 cents/M ft^3 plus an annual escalation of 14 cents/M ft^3 for its sales to Panhandle. In the present amendment BD request a flat rate with no annual escalations. BD's original petition was pursuant to 18 CFR § 2.76 stating that it would need to invest an additional $34,000 to maintain the operations on the scale proposed.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 31, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protest filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13394 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. EL78-20]

CENTRAL KANSAS POWER CO.

Notice of Petition for Declaratory Order Disclaiming Jurisdiction and Application for Approval of Sale of Stock

MAY 11, 1978.

Take notice that Central Kansas Power Co. (CKP) on April 26, 1978, tendered for filing, pursuant to section 1.7 (c) of the Commission's Rules of Practice and Procedure a Petition requesting that the Commission issue a Declaratory Order Disclaiming Jurisdiction over the proposed purchase of CKP's stock by Central Kansas Electric Cooperative (CKEC) on the basis that the transaction is not within the purview of section 203 of the Federal Power Act.

CKP indicates that by contract dated October 19, 1977, United Telecommunications, Inc. (UTI) agreed to sell all the stock of its subsidiary, CKP, to CKEC. CKP states that the sale price for the stock will $17,537,900, adjusted for accumulated earnings, less dividends paid, from July 31, 1977 to the closing date. CKP further states that while CKEC is a borrower from the Rural Electrification Administration (REA) in many matters, CKEC will not borrow money from REA to finance this stock purchase. CKP states that instead, the necessary funds will be borrowed from the National Rural Utilities Cooperative Finance Corp. (CFC). CKP indicates that upon completion of the transaction, CKP will continue its operations as a separate corporation, even though its stock will be wholly owned by CKEC.

CKP is organized under the laws of the State of Kansas. It is engaged in the sale of electric energy and power, water and natural gas to retail customers within its service area in western Kansas. CKP sells electric power at wholesale to one customer pursuant to its FERC Rate Schedule No. 1 as amended. It also sells a small amount of natural gas for resale for which it has obtained an exception under section 1(c) of the Natural Gas Act from Federal jurisdiction. CKP is a Class A public utility under the Federal Power Act, and is a member of and interconnected with the Mokan Pool.

CKEC is an REA-financed, electric distribution cooperative serving approximately 6,700 member customers in west central Kansas. It is organized under the laws of the State of Kansas. Beause it is an REA-financed cooperative, CKEC is not subject to the jurisdiction of the Commission under the Federal Power Act. As of January 1, 1977, CKEC owned 312.95 miles of transmission lines with operating voltages of 44 kV or higher, of which 59.34 miles are operating at 115 kV and an additional 69.04 miles are designed for 115 kV operation. CKEC presently purchases over 93 percent of its electric energy from the Western Power Division of Central Telephone and Utilities Corp. (CTU), with the remaining power being supplied primarily by six internal combustion engines with a combined capacity of 10,250 kW it owns and operates for peaking purchases.

CKP indicates that CKP and CKEC are not directly interconnected through a 115 kV line owned by CTU interconnects with a 115 kV line owned by CKP running in a southeasterly direction from Hays, Kans. CKP indicates that neither CKP nor CKEC presently supply power to the other and neither has the present capability to do so except on an emergency basis. CKP states that there is no present contract or agreement between CKP and CKEC providing for present, for future sale or exchanges of power between the two, even on an emergency basis, nor are there any plans to do so when CKEP's acquisition of CKP's stock is effectuated. CKP states that instead, CKP will be operated for the indefinite future as a separate and independent subsidiary of CKEC without any additional coordination of its operations with those of CKEC.

CKP also tendered for filing an Application for authorization under section 203 of the Federal Power Act and Part 33 of the Commission's Rules and Regulations to consummate the aforementioned agreement for the sale of stock, to the extent that the Commission determines that such authorization is required.

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 31, 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. 78-13395 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. ER78-360]

CONNECTICUT YANKEE ATOMIC POWER CO.

Notice of Filing of Supplementary Power Contract

MAY 11, 1978.

Take notice that on May 5, 1978, Connecticut Yankee Atomic Power Co. (the Company) tendered for filing a Supplementary Power Contract, dated as of March 1, 1978, between the Company and its eleven sponsor-purchaser electric utilities: The Connecticut Light and Power Co., New England Power Co., Boston Edison Co., Central Maine Power Co., The Hartford Electric Light Co., The United Illuminating Co., Cambridge Electric Light Co., Western Massachusetts Electric Co., Public Service Co. of New Hampshire, Montaup Electric Co., and Central Vermont Public Service Corp.

The Company states that the Supplementary Power Contract supplements the Power Contracts dated July 1, 1964 (Connecticut Yankee Atomic Power Co. FERC Rate Schedule No.) and provides for additional undertakings by the Company and payments by the eleven sponsor-purchaser utilities to raise the overall rate of return from 6 percent to 10 percent. This proposed change is estimated by the Company to result in a revenue increase of $11,283,000 based on the twelve month period ending December 31, 1978. The Company states that the Supplementary Power Contract also clarifies the term "net unit investment" to include the aggregate amounts chargeable to nuclear fuel accounts in accordance with the Commission's Uniform System of Accounts. In addition to the changes set forth in the Supplementary Power Contract, the Company states that the following changes have been made in the computation of depreciation expenses to be recovered under the Power Contracts: (1) adoption of a 30-year life in place of the earlier 25-year life, (2) use of an annual 0.5 percent interim retirement rate, and (3) inclusion of nuclear plant decommissioning costs based on the method known as partial dismantlement or entombment. The Company states that these changes by the Company result in a depreciation expense increase of $543,000 during the 12 month period ending December 31, 1978.

Connecticut Yankee Power Co. requests that the Commission waive its notice requirements and permit the Supplementary Power Contract to be effective as of May 1, 1978.

Connecticut Yankee Atomic Power Co. states that copies of the filing have been served upon each of the eleven sponsor-purchaser utilities and upon the electric utility regulatory authorities in the States of Connecticut, Maine, New England, Vermont, Massachusetts and Rhode Island.

Any person desiring to be heard or to make any protest with reference to the Interconnection Agreement should on or before May 22, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). Persons wishing to become parties to a proceeding or to participate as a party in any hearing related thereto must file peitions to intervene in accordance with the Commission's rules. 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. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13396 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. RP78-52]

CONSOLIDATED GAS SUPPLY CORP.

Erratum Notice

MAY 8, 1978.

Order conditionally accepting for filing and suspending proposed rate increase, waiving notice requirements, initiating hearing, establishing procedures, requiring additional data and the submission of a revised tariff sheet, and granting interventions.

Page 1, last line change: "Statements L^2." to "Statements L through P and R through T^2."

Dated: April 28, 1978.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13317 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket Nos. RP75-91, RP77-7 and RP77-140]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Informal Conference

MAY 9, 1978.

Take notice that on May 23, 1978, at 9 a.m., an informal conference will be convened of all interested persons for

the purpose of scheduling further proceedings in the above dockets, and of delineating issues to be addressed. The conference will be held in a hearing or conference room at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance will not be deemed to authorize intervention as a party in this proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13316 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. RP78-18]

EL PASO NATURAL GAS CO.

Notice of Tariff Filing

MAY 9, 1978.

Take notice that on May 1, 1978, El Paso Natural Gas Co. ("El Paso") filed, pursuant to Part 154 of the Commission's Regulations Under the Natural Gas Act, certain revised and alternate tariff sheets to its FPC Gas Tariff,[1] providing proposed adjustments to its rates contained on the tariff sheets submitted in the notice of change in rates filed at Docket No. RP78-18 on November 29, 1977, and currently under suspension until June 1, 1978.[2]

El Paso states that the rates set forth on the tendered revised tariff sheets differ from the rates which were suspended in Docket No. RP78-18 in that the suspended rates have been modified to:

(i) Reflect the effectiveness of increased rates permitted in El Paso's notice of change in rates filed March 1, 1978, pursuant to El Paso's Purchased Gas Cost Adjustment Provision ("PGAC") and made effective April 2, 1978, by Commission order issued March 31, 1978, at Docket Nos. RP72-155 and RP77-18 (PGA78-1 and AP78-1);[3]

(ii) Reflect, where applicable, the Gas Research Institute ("GRI") Research, Development and Demonstration Funding Unit ("RD&D Funding Unit) of 0.12 cents per Mcf approved by the Commission's Opinion No. 11 and accompanying order issued March 22, 1978, at Docket No. RM77-14.[4]

El Paso states that ordering paragraph (D) of the Commission order issued December 30, 1977, at Docket No. RP77-18 contained the following provisions:

"* * * El Paso shall file revised rates before June 1, 1978, reflecting the elimination of all costs associated with facilities not placed in service on or before June 1, 1978. El Paso shall file supporting cost of service data which shows the elimination of such facilities from the cost of service."

El Paso states that the facilities related to said construction costs have been placed in service and that such costs have been transferred from Account No. 107, Construction Work in Progress, to Account No. 101, Gas Plant in Service, as of February 28, 1978.

El Paso states that it is concurrently filing its motion to place increased rates into effect on June 1, 1978, the end of the suspension period in Docket No. RP78-18. A copy of said motion is attached to the tariff filing. As fully set forth in the Motion, El Paso has requested the Commission to include as part of its order placing the suspended rates, as adjusted, into effect on June 1, 1978, temporary tracking authority, by a mechanism described therein, which will permit El Paso to adjust its rates to reflect changes in gas well royalty and production tax expense resulting from changes in the price of natural gas and from variations in the volume of produced gas. For the reasons set forth in the concurrent Motion, El Paso states that it is requesting:

(i) In the event that the proposed natural gas pricing legislation is not enacted into law on or before June 1, 1978, that the Commission place into effect on June 1, 1978, the tendered "revised tariff sheets," subject to the express condition that El Paso shall be permitted to file rate revisions from time to time during the effectiveness of Docket No. RP78-18 rates, in accordance with the temporary tracking procedures set forth in Appendix A to the motion; and

(ii) In the event that the proposed natural gas pricing legislation is enacted into law on or before June 1, 1978, that the Commission place into effect on June 1, 1978, the increased rates[5] contained in the "alternative tariff sheets," attached under the Tab denominated "alternative tariff sheets,"[6] in lieu of the tendered "revised tariff sheets," subject to the express condition that El Paso shall be permitted to file revisions from time to time during the effectiveness of Docket No. RP78-18 rates, in accordance with the temporary tracking procedures set forth in Appendix A to the motion.

In order to effectuate the purposes of the instant filing, El Paso has requested that the Commission grant such waiver of its Regulations Under the Natural Gas Act as may be deemed necessary in order to permit effectiveness of the tendered tariff sheets, and the rates set forth therein, on June 1, 1978, in the manner described in the accompanying motion.

El Paso states that copies of the filing and attachments thereto, have been served upon all parties of record in Docket No. RP78-18 and, otherwise, upon all affected customers and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before May 19, 1978, file with the Federal Energy Regulatory Commision, 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. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13318 Filed 5-16-78; 8:45 am]

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[1] The tendered tariff sheets are identified on the index attached hereto.

[2] By order issued December 30, 1977, at Docket No. RP78-18 the Commission accepted for filing the alternate tariff sheets and suspended the use thereof until June 1, 1978, or until such time as they are made effective in the manner prescribed by the Natural Gas Act.

[3] Included as a part of said March 1, 1978, filing was a unit rate reduction of 0.04 cents per Mcf in jurisdictional rates attributable to the reduced advance payments balance on El Paso's books as of December 31, 1977, which reduction was made in conformity with the Advance Payment Adjustment Provision contained in El Paso's Stipulation and Agreement dated May 26, 1977, approved and accepted at Docket No. RP77-18. The effect of such Advance Payment Adjustment is included in the Base Tariff Rates suspended at Docket No. RP78-18, as Adjustment 7, Sheet 1; therefore, the 0.04 cents per Mcf reduction included in the March 1, 1978, filing is not included as an adjustment in the tariff sheets submitted herewith.

[4] In connection with the GRI adjustment described in (ii) above, on April 6, 1978, El Paso tendered for filing and acceptance its proposed GRI RD&D Funding Unit Adjustment Provision as permitted by ordering paragraph (G) of said Opinion No. 11. The April 6, 1978, tender, which is currently pending effectiveness, included a request by El Paso that El Paso's initial GRI RD&D Funding Unit of 0.12 cents per Mcf be permitted to become effective on June 1, 1978, concurrent with the end of the suspension period for the rates filed at Docket No. RP78-18. In the event that El Paso's GRI tariff tender is not made effective on June 1, 1978, as requested, El Paso states that it will be required to file with the Commission in this proceeding substitute tariff sheets replacing those sheets tendered herewith and containing the appropriate rates to be placed into effect on June 1, 1978, at Docket No. RP78-18.

[5] Also enclosed under the alternative tariff sheet tab are supporting schedules respecting the derivation of the increased rate reflected on the tendered alternative tariff sheets.

[6] Such alternate revised tariff sheets are described in the index describing the tariff sheets submitted herewith.

[6740-02]

[Docket No. RP78-60]

EL PASO NATURAL GAS CO.

Notice of Change in Rates

MAY 9, 1978.

Take notice that on April 28, 1978, El Paso Natural Gas Co. ("El Paso") tendered for filing: (i) a notice of change in rate under special Rate Schedule X-31 contained in El Paso's FERC Gas Tariff, Third Revised Volume No. 2; and (ii) proposed modifications to certain provisions applicable under said special rate schedule. 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") and provides for the gathering of natural gas in the San Juan Basin area of northwestern New Mexico and southwestern Colorado.[1]

El Paso states that on January 27, 1978, it filed with the Federal Energy Regulatory Commission ("Commission") a notice of change in rate under special Rate Schedule X-31 contained in El Paso's FERC Gas Tariff, Third Revised Volume No. 2. Such filing also proposed modifications to certain currently effective provisions applicable under said special rate schedule.

By letter order issued February 24, 1978, at Docket No. RP78-34, the Commission rejected El Paso's above-mentioned notice of change in rate for failure to comply with the provisions of section 154.63(e)(2) of the Commission's Regulations Under the Natural Gas Act. Specifically, the Commission noted that the proposed increase in the gathering charge was based upon costs for the twelve (12) months ended August 31, 1976, as adjusted, per settlement in Docket No. RP77-18. Such base period does not reflect the twelve (12) consecutive months of most recently available actual experience. Said letter order stated such rejection is made without prejudice to any subsequent filing by El Paso which meets the conditions imposed by Section 154. El Paso submitted the instant tariff proposal based upon El Paso's twelve (12) consecutive months of most recently available actual experience, as required by section 154.63(e)(2) of the Commission's Regulations.

El Paso further states by Letter Agreement dated April 25, 1978, El Paso and Northwest have agreed to, *inter alia*, change the gathering charge applicable to special Rate Schedule X-31, from the currently effective 6.61¢ per Mcf to 13.39¢ per Mcf. Such proposed gathering charge is based upon a weighted average cost of service determined for El Paso's and Northwest's respective portions of the San Juan Basin gathering system. El Paso's costs in the instant filing are based on the twelve (12) months ended December 31, 1977, actual data. Upon effectiveness the gathering charge will be applied monthly to the balancing gas volumes received by each of the parties in accordance with Articles VIII and IX of the Gathering Agreement.

El Paso states that said Letter Agreement of April 25, 1978, also: (i) deletes Section 4 of Article IX and Exhibit F of the Gathering Agreement, inasmuch as such provisions have been satisfied and are no longer applicable under special Rate Schedule X-31; and (ii) modifies the wording of sections 5 and 6 of Article XIX. To implement the instant change in the gathering charge rate and the modifications necessary to special Rate Schedule X-31, as provided by the Letter Agreement dated April 25, 1978, El Paso is tendering herewith for filing and acceptance the following revised tariff sheets to its Third Revised Volume No. 2 tariff:

First Revised Sheet No. 466
First Revised Sheet No. 467
First Revised Sheet No. 476
First Revised Sheet No. 502

El Paso further states that such gathering charge is not designed to provide a general revenue increase, but is only designed to enable the parties to equitably recover the appropriate currrent costs of the gathering system operating arrangements which benefit both parties. Accordingly, El Paso states the change in the gathering charge proposed by the subject filing was filed in accordance with the minor rate increase requirements set forth in § 154.63(b)(4) of the Commission's Regulations Under the Natural Gas Act.

El Paso has requested that the instant notice of change in rate and the related tariff sheets by made effective thirty (30) days from the date that the Commission accepts the instant tender for filing. However, in the event the Commission suspends the proposed change in rate El Paso requests that such supension by limited to only one (1) day so the parties can collect the cost based charge as soon as possible. In this connection, El Paso is advised that Northwest filed concurrently its notice of change in rate and tariff tender providing for the identical modifications, as are reflected in the instant filing, to Northwest's special Rate Schedule X-24, and is requesting therein an effective date coincident with the effective date of El Paso's instant filing. El Paso has requested that the Commission permit the effectiveness of the instant filing and the related filing made by Northwest, described above, on the same date.

El Paso states that copies of the notice of change, together with the enclosures and modified tariff sheets, were mailed to Northwest Pipeline Corp., El Paso's interstate system customers and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff tender should, on or before May 19, 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. 78-13319 Filed 5-16-78; 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.* The Gathering Agreement is also on file as part of Northwest's FERC Gas Tariff as special Rate Schedule X-24.

[6740-02]

[Docket No. ER78-342]

FLORIDA POWER & LIGHT CO.

Notice of Proposed Cancellation

MAY 8, 1978.

Take notice that on April 28, 1978, Florida Power & Light Co. (FP&L) tendered for filing pursuant to section 35.15 of the Commission's Regulations a notice of cancellation of service by FP&L under its FERC Electric Tariff to the Fort Pierce Utilities Authority (Fort Pierce), to take effect on June 1, 1978.

FP&L states that this cancellation of service is in accordance with the terms of the service agreement initiating service to Fort Pierce, which was filed on March 29, 1978.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with 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 15, 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. 78-13320 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. CP78-311]

GAS TRANSPORT, INC.

Notice of Application

MAY 9, 1978.

Take notice that on April 27, 1978, Gas Transport, Inc. (Applicant), 109 North Broad Street, Lancaster, Ohio 43130, filed in Docket No. CP78-311 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition and operation of certain natural gas pipeline facilities presently owned and operated by Columbia Gas Transmission Corp. (Columbia), all as more fully set forth in the application on file with the Commission and open to public inspection.

It is stated that this application is a companion to Columbia's application in Docket No. CP78-247 for permission and approval to abandon certain natural gas facilities by sale to Applicant. Applicant seeks authorization herein to acquire and operate 1,666 feet of 10-inch transmission pipeline in Gravel Bank, Washington County, Ohio, which segment of pipeline is said to be used exclusively by Columbia to transport gas to Applicant. Applicant states that the facilities would continue to be used for the same purpose and that such facilities would also be available, by reason of their being owned and operated by Applicant, for the receipt of new gas supplies which Applicant may develop in an area near Gravel Bank in order to offset the effects, to the extent possible, of curtailments of deliveries from Columbia.

The facilities would be acquired at the net book value of approximately $7,507, to be financed with internally generated funds and-or interim short term bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 31, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18CFR 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. 78-13399 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. RP73-17; PGA78-3]

GRANITE STATE GAS TRANSMISSION, INC.

Notice of Proposed PGA Rate Increase

MAY 19, 1978.

Take notice that on May 2, 1978, Granite State Gas Transmission, Inc. (Granite State), 66 Market Street (P.O. Box 508), Portsmouth, N.H. 03801, tendered for filing Substitute Twenty-third Revised Sheet 3A in its FERC Gas Tariff, Original Volume No. 1, containing a proposed change in rates for effectiveness on June 1, 1978.

Granite State states that the purpose of its filing is to reflect in its rates the effect of the surcharge contained in the Gas Research Institute Rate Adjustment filed by Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. (Tennessee) which Tennessee proposes to make applicable to deliveries of gas under its Rate Schedule G-6 to Granite State, effective June 1, 1978. Tennessee is Granite State's sole supplier of natural gas.

Granite State also withdraws the filing it tendered on April 10, 1978 in Docket No. RM78-14 to establish a Gas Research Institute Rate Adjustment Provision in its FERC Gas Tariff, Original Volume No. 1. The instant filing, made pursuant to its purchased gas cost adjustment provision, is in substitution for its earlier filing, Granite State avers.

Granite State further states that its purchased gas cost adjustment is applicable to its sales to Northern Utilities, Inc. (Northern) which is Granite State's only jurisdictional customer. According to Granite State, the annual effect of the proposed rate increase contained on Substitute Twenty-third Revised Sheet No. 3A is $4,442, based on sales for the twelve months ended February 28, 1978.

According to Granite State, copies of the filing were served upon Northern and the regulatory commissions of the States of Maine and New Hampshire.

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 19, 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. 78-13321 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. ER78-348]

GREEN MOUNTAIN POWER CORP.

Notice of Filing of Tariff Agreement Between Green Mountain Power Corp. and the Washington Electric Cooperative, Inc.

MAY 9, 1978.

Take notice that on May 2, 1978, Green Mountain Power Corp. (GMPC) tendered for filing a rate schedule pertaining to the sale of generation from GMPC's No. 5 gas turbine plant, located in Berlin, Vt., to the Washington Electric Cooperative, Inc. (WEC). GMPC states that the generation contract provides that WEC will purchase 700 Kw of capacity and related energy from the aforementioned plant from May 1, 1978, through October 31, 1978. By separate contract, GMPC proposes to provide transmission service to

WEC for the power provided under the generation contract and for power furnished by others. GMPC indicates that the generation contract is similar in form to a contract, between GMPC and the Central Vermont Public Service Corp., filed with the FERC on March 31, 1978. The March 31, 1978 filing involved selling the Berlin unit at the identical rate now offered WEC.

The parties request that the Commission waive its notice requirements and permit the generation contract to become effective as of May 1, 1978.

Copies of this filing have been sent to the Vermont Public Service Board and the aforementioned electric system, according to GMPC.

Any person desiring to be heard or to protest said appliction 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 22, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13322 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. ER78-351]

GREEN MOUNTAIN POWER CORP.

Notice of Filing of Tariff Agreement Between Green Mountain Power Corp. and Central Vermont Public Service Corp.

MAY 9, 1978.

Take notice that on May 2, 1978, Green Mountain Power Corp. (GMPC) tendered for filing proposed changes in its FERC Electric Service Tariff as filed with the Federal Energy Regulatory Commission on March 31, 1978. GMPC indicates that the March 31, 1978 filing pertained to a transmission and generation contract between Green Mountain Power Corp. (GMPC) and Central Vermont Public Service Corp. (CVPS). GMPC states that these contracts terminate April 30, 1978. GMPC further states that the proposed tariff changes were brought about when both parties (Green Mountain Power Corp. and Central Vermont Public Service Corp.) agreed to extend the terms of the agreements from May 1, 1978 through October 31, 1978, subject to the following changes.

According to GMPC the generation and transmission contracts were amended to provide that GMPC would sell and transmit to CVPS 10,000 Kw of capacity and associated energy from its No. 5 gas turbine plant, located in Berlin, Vt.

GMPC requests that the Commission waive its notice requirements and permit the amended contracts to become effective as of May 1, 1978. Copies of this filing have been sent to the Vermont Public Board and to central Vermont Public Service Corp., according to GMPC.

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 22, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13323 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. ER78-353]

INDIANA & MICHIGAN ELECTRIC CO.

Notice of Filing

MAY 10, 1978.

Take notice that Indiana & Michigan Electric Co. (I&M) on May 2, 1978, filed its demand charge for the period June 1 through September 30, 1978, pursuant to the demand rate formula contained in I&M's Rate Schedule FERC No. 20, Supplement No. 15 (Service Schedule G—Supplemental Power to Commonwealth Edison Co.) which I&M claims became effective on April 25, 1974.

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 22, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13324 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. ER78-359]

INTERSTATE POWER CO.

Notice of Filing of Rate Schedule Amendments

MAY 11, 1978.

Take notice that Interstate Power Co. on May 5, 1978, tendered for filing proposed amendments to six of its FERC Electric Service Rate Schedules—Nos. 38, 67, 101, 103, 105, and 108. The Company indicates that the six rate schedules are separate electric service agreements between Interstate and the Minnesota communities of Jackson, Lakefield, Luverne, Adrian, Westbrook, and Worthington, respectively. Interstate proposes that the amendments expand the scope of the aforementioned rate schedules to provide for the transmission of "firm" electric power and energy, through Interstate's facilities, from the Missouri Basin Municipal Power Agency to each of the communities involved.

The Company requests waiver of the Commission's notice requirements to allow for an effective date of November 1, 1977 for all six rate schedules.

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 Streeet 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 and protests should be filed on or before May 22, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a perty must file a petition to intervene. Copies of this filing are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13397 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. ER78-367]

INVESTIGATION INTO WHOLESALE POWER TRANSACTIONS DURING TIME OF FUEL INADEQUACIES

Order Instituting Investigation Under the Federal Power Act

MAY 10, 1978.

As a result of a preliminary staff audit of a limited number of utilities that engaged in the sale, purchase or transmission of wholesale electric power during the course of the recent power shortages resulting from the coal strike, the Commission has determined that some utilities may have collected revenues in excess of a just and reasonable rate for the involved transactions. The results of the preliminary staff audit, that was undertaken at the direction of the Commission Chairman, are attached as Appendix A. The Commission has concluded that the questions raised by the staff audit warrant further investigation.

The investigation, undertaken pursuant to the Commission's authority under the Federal Power Act, will encompass, but not be limited to: (1) Whether extraordinary operating and billing practices that occurred during the strike were proper and in the public interest; (2) whether the selling, purchasing and transmitting utilities utilized appropriate filed rate schedules in rendering such service; or (3) whether the companies properly utilized their filed and effective fuel adjustment clauses to bill costs related to the transactions.

The investigation will be conducted by staff personnel appointed by the Commission to act as designated officer of the Commission. Such designated officer is hereby directed to invite state public utility commissions to cooperate in the investigation. Upon conclusion of his inquiry, the designated officer shall prepare a report to the Commission as to his findings and recommendations.

The Commission finds: It is necessary and appropriate for purposes of the Commission's administration of the Federal Power Act to institute an investigation for the purposes set forth in this order.

The Commission orders: (A) Pursuant to the Federal Power Act and the Commission's Rules and Regulations thereunder, an investigation is hereby instituted.

(B) It is ordered that for the purposes of this investigation Daniel C. Lamke is hereby designated officer of this Commission and is empowered to administer oaths, and affirmation, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant and material to the inquiry and to perform all other duties in connection therewith as prescribed by law.

(C) The designated officer shall report his findings and recommendations to the Commission.

By the Commission.

KENNETH F. PLUMB,
Secretary.
MAY 4, 1978.

Memorandum to: The Commission.
From: William W. Lindsay, Director, Office of Electric Power Regulation.
Subject: Investigation Into the Wholesale Transactions During the Coal Shortage.

On April 3, 1978, the Commission issued a press release announcing that the staff was commencing field audits to verify intercompany billings of utilities operating in and selling electricity into the area affected by the coal strike. The field audit took place at American Electric Power Co. (AEP) from March 30 through April 6, 1978, at Allegheny Power System (APS) from April 3 through April 6 and April 12 and 13 and at Pennsylvania-New Jersey-Maryland Interconnection (PJM) Dispatch Center and at some of the member companies of PJM from March 30 through April 6, 1978. In addition, billing information was received from eight other companies for the purpose of determining whether other companies should be audited in addition to AEP, APS and PJM.

The investigation concentrated on the incremental cost rates contained in the wholesale rate schedules and the effects of such costs on the wholesale fuel adjustment clause. The initial investigation focused primarily on transactions during the months of January and February.

Substantial transactions took place during January and February. Attachment A contains a summary of the major transactions of AEP, APS and PJM. For example, PJM sold over 1,200,000 MWH of energy during January and 1,700,000 MWH during February to APS, Virginia Electric and Power Co. and Cleveland Electric Illuminating Co. (CEI).[1] APS purchased significant amounts of power for use on its system. For example, it purchased 750,000 MWH of short-term power during February. APS also purchased large amounts of power for the purpose of reselling it to AEP, Ohio Edison Co. (OE), and Duquesne Light Co. These sales amounted to approximately 310,000 MWH during February.

APS resales were one of the largest outside sources of power to AEP during January and February. During February AEP also began purchasing substantial amounts of power from systems to the west, such as Commonwealth Edison Co. and Illinois Power Co. Most of the power purchased by AEP was resold to other systems with AEP retaining only small amounts for use on its system. The largest buyers from the AEP system during January and February included OE, Columbus and Southern Ohio Electric Co. and Cincinnati Gas & Electric Co.

The information received from the eight additional companies from which preliminary data were requested indicates that Union Electric Co. and Kentucky Utilities Co. also purchased and resold significant amounts of power to parties other than the three covered by the field audit. Attachment B is a summary of transactions for one randomly selected hour during the month of February. This single hour may not be entirely representative of the period but it does give some idea of the magnitude, types and direction of the transactions.

The audits of the three power pools indicate that the abnormal conditions imposed by the coal strike caused extraordinary operating practices by the pools and, in turn, prompted some deviations from normal billing practices. For example, APS was off economic dispatch from the first day of the coal strike to conserve fuel. AEP was similarly off economic dispatch beginning January 23, 1978. PJM remained on economic dispatch throughout the strike but did restrict the use of some plants to operate at less than full capacity in order to conserve fuel. Conservation of coal on the PJM system which has substantial oil-fired capacity was not nearly as significant as on the AEP and APS systems. AEP and APS dispatched their systems so as to run the plants with the largest coal supplies relative to the size of the unit without regard to the incremental cost, which is the usual criterion for economic dispatch. Such deviation from economic dispatch raises questions as to the proper billing under the fuel adjustment clause in that the inclusion of certain costs are dependent on the purchases being made on an economic dispatch basis. Being off economic dispatch also creates a potential definitional problem as to the meaning of incremental cost in the filed rate schedule when the system is operating in the non-economic dispatch mode.

AEP ceased utilizing a "first come—lowest cost" priority in making sales to other systems (which is their usual practice) and began pricing at a uniform incremental cost for all sales of the same category.

Replacement fuel costs used in the determination of the incremental cost rate are normally based on the estimated cost of deliveries of fuel to each plant in the case of APS and PJM[2] and the highest cost of actual deliveries to each plant during the month to meet the quantity of fuel consumed for the transactions in the case of AEP. AEP, however, departed from this and utilized a single replacement cost for the entire system during January and February. AEP's normal practice is to price each plant source separately based on fuel deliveries of each plant.

During January and February, APS used estimated replacement costs even though no actual replacement deliveries were contemplated in some cases. Since neither AEP nor APS made substantial sales from their own systems, however, the changes in the normal practice of calculating replacement costs would not have a substantial rate effect. A possible exception is intra-pool billing where such costs are also utilized by APS. This area requires further investiga-

[1] This compares to a total of 819,000 MWH sales to PJM, the New York Power Pool (NYPP) and New England Power Pool during the 5-month period of January through May of 1974 associated with the fuel oil shortage during the Arab Oil Embargo as reported in the Federal Power Commission Order issued in the "Coal-by-Wire" proceeding in Docket No. E-8550 et al.

[2] Actual practice varies for some companies within PJM.

tion.[3] Further inquiry should also be made comparing PJM's actual replacement costs with its estimates since substantial sales were made by PJM.

There appears to be non-compliance with the Commission's fuel adjustment clause regulations with respect to the members of all three pools in treatment of emergency energy purchases.[4] In all instances, the entire cost of emergency energy purchases was included in the fuel adjustment clause calculation as opposed to inclusion of only the fuel portion of such costs. This does not appear to be appropriate in that such purchases were not made on an economic dispatch basis to replace higher fuel costs on the purchasing system. This is the requirement of the Commission's Order No. 517 which established the current fuel adjustment clause regulation permitting the inclusion of the total energy cost where the purchase is on an economic dispatch basis to replace fuel cost on the purchaser's system.

In the "Coal-by-Wire" proceeding during the Arab oil embargo, fuel conservation energy rate schedules were found to be appropriate schedules for the purpose of moving power over multiple systems to replace fuel in short supply. These rate schedules provide for a fixed "transmission rate" usually stated in mills/kwh. Generally the fuel conservation energy rate schedules were limited to off-peak usage. These rates continue as filed rate schedules even though many have expired as contractual agreement. None of the transactions in January and February took place under these rate schedules. Additionally, PJM filed a revised conservation energy rate schedule with APS and NYPP on December 13, 1977, specifically in anticipation of the needs of the coal strike. These filings were suspended and made subject to refund by Commission Order issued on Feburary 13, 1978 in Docket No. ER78-107 et al. Additionally, conservation energy rate schedules were subsequently filed by PJM with Cleveland Electric Illuminating (CEI) and suspended by order issued February 24, 1978 in Docket No. ER78-219. AEP tendered filings with Illinois Power Co. in Docket No. ER78-229 and with APS and OE in Docket Nos. ER78-249 and 252. These were suspended by order issued on March 1, 1978 and April 13, 1978, respectively.

The recently filed conservation energy schedules which were suspended were not utilized for any of the transactions in January and February. The transactions during these months were instead billed primarily as short term and emergency transactions. Since many of the transactions involved the resale of power through multiple systems, the percentage adder contained in these rates produced substantially more revenues than would have been the case had the fixed "transmission" charge contained in the fuel conservation energy rate schedules been utilized. The appropriateness of billing these transactions as short term power or emergency energy is questionable since adequate capacity existed on the various systems but was not being utilized primarily because of conserving fuel stocks, i.e., the stated purpose of conservation energy rate schedules.

The revenues produced by the percentage adders appear to far exceed the actual incremental cost of such transactions on the "transmitting" system. The percentage adders in the short term and emergency rates generally are not intended as compensation for losses, such costs being separately recovered as part of the incremental costs.[5] The costs other then losses would not support the revenues produced by such adders.

Summary and Recommendations

The audit of the three pools discloses the following facts: (1) Substantial transactions billed as short term, emergency and non-displacement power took place during the coal strike. The percentage adders contained in these rates produced substantial revenues for sellers and for "transmitters"; (2) Extraordinary operating and billing practices were utilized; (3) Some noncompliance with the filed rate schedules occurred. (4) The rate schedules which appear to be the most appropriate for the service (the conservation energy rate schedules) were not utilized for billing the transactions; and (5) The use of emergency and short term power rate schedules for this service during the coal strike was questionable whether or not fuel conservation energy rate schedules were on file. To the extent they were on file, the use of emergency and short term power schedules was especially questionable.

In light of the above, it is recommended that the Commission set for formal investigation the transactions which occurred during the coal strike under the jurisdictional rate schedules involving the members of the three pools and any other public utilities supplying or transmitting power during the coal strike for the purpose of conserving coal supplies. Such utilities include, among others, the members of the NYPP, CAPCO, ILL-MO and KIP pools and Commonwealth Edison Co.

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[3] Additionally, APS's use of past demands (three highest monthly demands in the prior 24 month period) under the pooling agreement to allocate all purchases among the pool members should also be investigated further to determine its reasonableness as applied to energy purchases for the purpose of conserving energy.

[4] This problem does not appear to be limited to the time of the coal strike.

[5] The exception to this general statement is the 20 percent adder contained in AEP's non-displacement power service with OE. In the case, losses are included in the adder. However, the audit disclosed that AEP was improperly billing for the losses. This amounted to an estimated overcharge of $100,000 in February.

Major Intersystem Transactions by AEP

January 1978

Supplier	Type	MWH	Total $	Energy $/mWh
Allegheny Pwr. Sys.	Emergency	260,906	13,603,613.56	52.140
Illinois Pwr. Co.	Emergency	56,988	2,145,174.75	37.643
Indianapolis P&L	Short-Term	38,385	1,187,366.95	26.076

Receiver	Type	MWH	Total $	Energy $/mWh
Ohio Edison	Short-Term	120,175	3,500,056.70	25.214
Columbus & Southern Ohio	Emergency	100,402	5,298,040.50	52.768
Cinn. Gas & Elect.	Emergency	78,572	4,398,715.20	55.983
Columbus & Southern Ohio	Short-Term	60,325	1,734,577.84	25.142

February 1978

Supplier	Type	MWH	Total $	Energy $/mWh
Commonwealth Edison	Emergency	228,018	11,283,860.05	49.487
Allegheny Pwr. Sys.	Emergency	145,320	6,829,971.61	47.000
Illinois Pwr. Co.	Short-Term	124,550	4,668,770.38	33.947
Illinois Pwr. Co.	Emergency	106,483	4,254,469.68	39.954

Receiver	Type	MWH	Total $	Energy $/mWh
Ohio Edison	Non-Displacement	193,881	10,621.549.20	54.784
Cinn. Gas & Elect.	Emergency	131,651	6,054,967.60	45.993
Columbus & Southern Ohio	Emergency	118,550	5,203,459.44	39.472
Indianapolis P&L	Emergency	85,100	4,368,461.90	51.333
Columbus & Southern Ohio	Emergency	76,600	3,334,622.50	43.533

JANUARY

IN					OUT				
Other Party	$/mWh	Amount (mWh)	Type	Bill (millions)	Other Party	$/mWh	Amount (mWh)	Type	Bill (millions)
NYPP	$29.79	491,358	ECON.	$14.6	APS	$45.69	699,653	EMER.	$31.9
NYPP	$44.66	83,200	EMER.	3.7	APS	$38.84	147,876	S.T.	5.7
CEI	$19.39	5,738	ECON.	.1	APS	$31.64	10,050	N.R.	.3
					APS	$21.92	1,175	ECON.	.1
				$18.4					$38.0
					VEPCO	$48.75	71,052	EMER.	3.5
					VEPCO	$27.48	9,400	ECON.	.2
									$ 3.7
					CEI	$43.81	144,453	EMER.	6.3
					CEI	$36.54	145,005	S.T.	5.3
					CEI	$31.33	22,895	ECON.	.7
									$12.3
Total January				$18.4					$54.0

FEBRUARY

NYPP	$27.63	517,020	ECON.	$14.3	APS	$38.35	751,094	S.T.	$28.8
NYPP	$39.86	89,985	EMER.	3.5	APS	$44.25	381,092	EMER.	16.8
				$17.8					45.6
					VEPCO	$54.17	33,998	EMER.	$ 1.8
					CEI	$38.28	517,120	S.T.	19.8
					CEI	$30.56	17,027	ECON.	.5
					CEI	$30.42	19,560	EMER.	.6
									$20.9
Total February				$17.8					$68.3

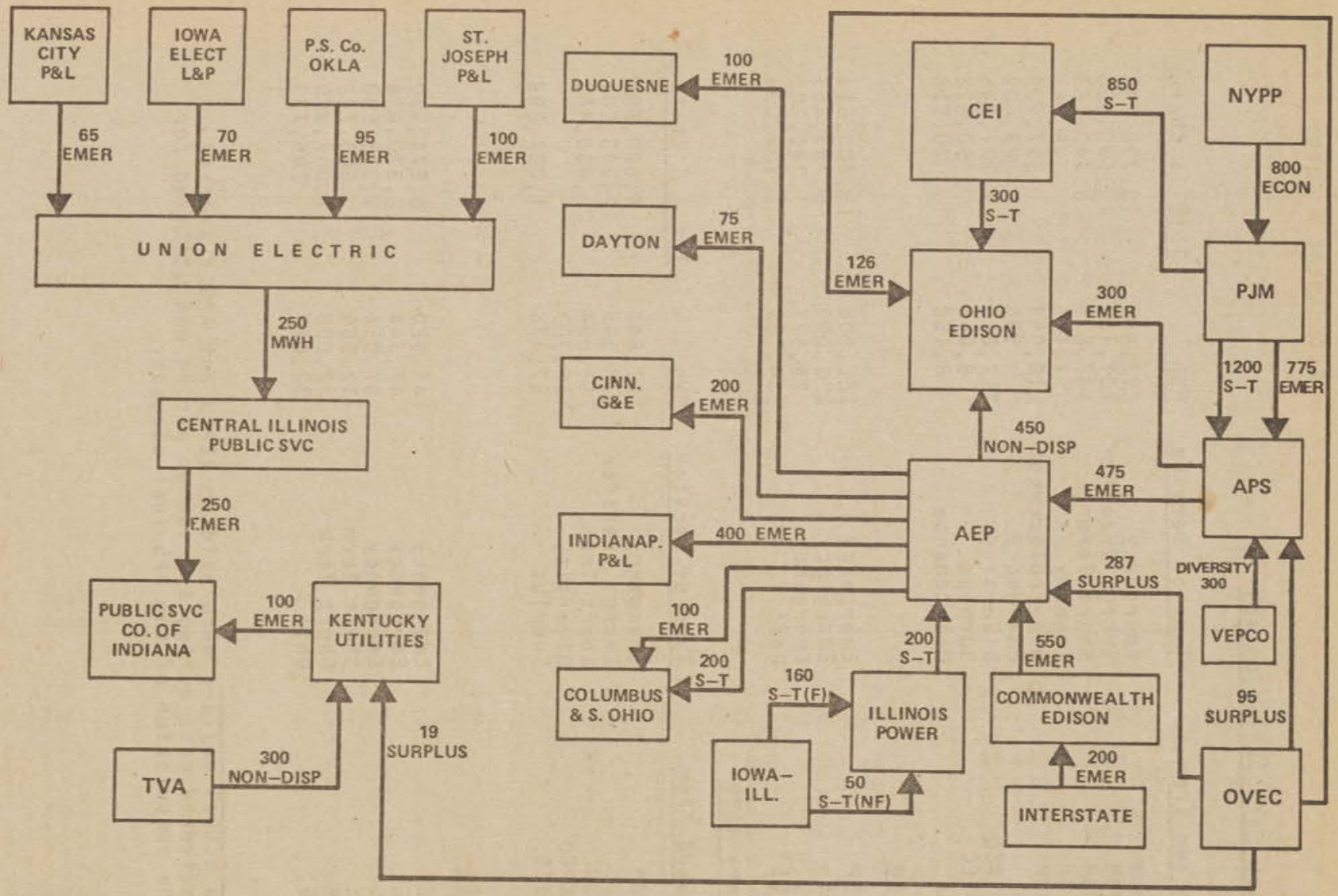
January 1978 (ad adjusted)

Purchased From	Type of Service	MWh	Total $ Charge
PJM	Emergency	292,496	13,338,247
PJM	Emerg. Transfer	407,157	18,630,996
PJM	Short Term	147,876	5,743,163
PJM	Economy	1,175	25,761
PJM	Non-Replacement	10,050	317,939
DL	Emergency	558	23,402
VEPCO	Diversity	117,813	1,321,845 1/
OVEC	Surplus	8,068	50,932
DL	Maintenance	8,150	70,518
Sold to			
AEP	Emergency	260,906	13,603,613
OE	Emergency	123,090	5,793,853
DL	Emergency	26,577	1,342,708
UGI	Unit	34,150	707,003

February 1978

Purchased From	Type of Service	MWh	Total $ Charge
PJM	Emergency	101,547	4,620,686
PJM	Emerg. Transfer	279,545	12,243,581
PJM	Short Term	751,094	28,808,488
VEPCO	Diversity	175,303	
OVEC	Surplus	57,476	1,027,282
Sold to			
AEP	Emergency	145,320	6,874,920
OE	Emergency	47,344	2,320,416
DL	Emergency	87,056	4,333,590
DL	Short Term	12,565	660,749
OE	Short Term	22,000	1,097,970
UGI	Unit	32,010	706,733

1/ No actual dollars were paid to VEPCO but APS's average delivered cost during its summer period was utilized for the computation of the APS fuel clauses.



[FR Doc. 78-13398 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. RM77-14]

KENTUCKY WEST VIRGINIA GAS CO.

Notice of Filing Revised Tariff Sheets

MAY 9, 1978.

Take notice that Kentucky West Virginia Gas Co. (Kentucky West), on April 20, 1978, tendered for filing revised sheets of its FERC Gas Tariff, Original Volume No. 1:

First Revision of Original Sheet No. 8
First Revision of Original Sheet No. 10
First Revision of Original Sheet No. 28
First Revision of Original Sheet No. 29-37
First Revision of Original Sheet No. 38

The purpose of this filing is to provide for the establishent of a funding charge for RD&D by GRI and to provide for the collection thereof through a rate adjustment clause for each rate schedule imposing a charge of 0.12¢ per dekatherm.

Copies of the filing were served upon Kentucky West's jurisdictional customers and the Public Service Commission of Kentucky.

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 and 1.10). All such petitions or protests should be filed on or before May 25, 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. 78-13325 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. ER78-355]

LOCKHART POWER CO.

Notice of Proposed Tariff Change

MAY 10, 1978.

Take notice that Lockhart Power Co. (Lockhart) on May 3, 1978, tendered for filing proposed changes in its FERC Electric Tariff, Rate Schedule Resale and Rate Schedule O. Lockhart states that the proposed changes would increase annual revenues from jurisdictional sales and service by $42,747 based on the 12 months ended December 31, 1977.

Lockhart further states that it is seeking the proposed increase in jurisdictional revenues primarily because of increased costs associated with capital expenditures to upgrade its transmission power supply system. According to Lockhart, these capital expenditures have been necessary to meet customer load requirements, insure system capability, improve reliability and create better flexibility of operations. Lockhart proposes an effective date of June 2, 1978.

Copies of this filing have been served on the City of Union, S.C., and the Public Service Commission of the State of South Carolina, according to Lockhart.

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 22, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13327 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. CP68-75]

NORTHERN NATURAL GAS CO.

Notice of Petition to Amend

MAY 10, 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 activiated on October 1, 1977. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

Take notice that on April 28, 1978, Northern Natural Gas Co. (Petitioner), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP68-75 a petition to amend the order of May 20, 1968 (39 FPC 821) as amended, issued by the FPC in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to provide for the continued delivery of exchange gas to Phillips Petroleum Co. (Phillips) at two additional delivery points pursuant to Petitioner's currently effective Rate Schedule X-18 of its FERC Gas Tariff, Original Volume No. 2, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the order of May 20, 1968, Petitioner was granted in the instant docket permission and approval to abandon its 20-inch Gray County line (12 miles) by sale to Phillips and was authorized to construct and operate certain measuring station facilities and to exchange with and transport natural gas for Phillips.

Petitioner states that owing to an inadvertance two gas wells have been attached to the existing gathering system of Phillips as additional points in the exchange, absent FERC authorization. Petitioner states that it and Phillips are parties to the following amendments to the Gray County gas exchange agreement providing for inclusion of these wells:

Amendment dated May 1, 1972

Name of well: Cox "F" No. 1.
Location: Sec. 37, Block 11, W. Ahrenbeck & Bros. Survey, Ochiltree County, Tex.
Initial delivery date: June 1, 1972.

Amendment dated December 1, 1977

Name of well: Etling No. 1.
Location: Sec. 7, T. 1 N. R. 13 E., Texas County, Okla.
Initial delivery date: February 6, 1978.

Petitioner states that originally, the Etling No. 1 well was connected to Petitioner's gathering system; and as delivery pressure of the well decreased resulting in the well's not being able to produce against the existing gathering line pressures, the decision was made to attach the well to Phillips' low-pressure gathering system.

Pursuant to the above-described amendments, Petitioned proposes to continue the delivery to Phillips of gas volumes owing to Petitioner's share in the production of the wells. To effect the delivery, Petitioner is presently operating facilities which connect the wells to the low-pressure gathering system of Phillips, which facilities consist of a measuring station at the wellhead of the Cox F No. 1 and approximately 0.26 mile of 4-inch gathering line and a measuring station which connects the Etling No. 1 Well, it is stated. Petitioner indicates that redelivery of gas exchange volumes by Phillips to Petitioner would be made at the existing delivery points in Ellis

County, Okla., and Gray County, Tex., pursuant to the Gray County gas exchange agreement, as amended.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 31, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Com-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. 78-13400 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. RP73-8]

NORTH PENN GAS CO.

Notice of Proposed Changes in FERC Gas Tariff

MAY 8, 1978.

Take notice that North Penn Gas Co. (North Penn) on May 2, 1978, tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA Clause for rates to be effective June 1, 1978.

North Penn states that Fifty-Fourth Revised Sheet No. PGA-1 reflects a decrease of 22.173 cents per Mcf to the rates as submitted for Commission approval on April 26, 1978 in Fifty-Third Revised Sheet No. PGA-1.

The revised tariff sheet reflects increases filed by North Penn's pipeline suppliers, Consolidated Gas Supply Corp., Tennessee Gas Pipeline Co., and Transcontinental Gas Pipe Line Corp., all for effectiveness June 1, 1978, and a surcharge credit to be effective for the six-month period June 1, 1978, through November 30, 1978.

North Penn requests waiver of any of the Commission's Rules and Regulations in order to permit the proposed rates to go into effect on June 1, 1978.

Copies of this filing were served upon North Penn's jurisdictional customers, as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NW., 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 15, 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. 78-13328 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. RP73-8]

NORTH PENN GAS CO.

Notice of Proposed Changes in FERC Gas Tariff

MAY 5, 1978.

Take notice that North Penn Gas Co. (North Penn) on April 26, 1978, tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA Clause for rates to be effective May 1, 1978.

North Penn states that the change in rates reflected in Fifty-Third Revised Sheet No. PGA-1 reflects an increase of 1.668 cents per Mcf to the rates as submitted for Commmission approval on March 6, 1978, in Fifty-Second Revised Sheet No. PGA-1.

The increase in rates contained in Fifty-Third Revised Sheet No. PGA-1 reflects an increase in rates from North Penn's pipeline supplier, Consolidated Gas Supply Corp. for effectiveness May 1, 1978.

North Penn requests waiver of any of the Commission's Rules and Regulations in order to permit the proposed rates to go into effect on May 1, 1978.

Copies of this filing were served upon North Penn's jurisdictional customers, as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 15, 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. 78-13338 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. OR78-5 (formerly ICC Docket Nos. NOR 35794 and NOR 35852)]

NORTHVILLE DOCK PIPE LINE CORP. AND CONSOLIDATED PETROLEUM TERMINAL, INC., ET AL.

Notice of Further Extension of Time

MAY 2, 1978.

On April 21, 1978, Northville Dock Pipe Line Corp., Consolidated Petroleum Terminal, Inc., and Total Resources, Inc. (Petitioners), filed a motion for a further extension of time to and including May 30, 1978, within which to file replies to the administrative appeals from two orders issued by the Interstate Commerce Commission, filed in the captioned proceeding. Upon motion by the Commission Staff Counsel, a previous extension of time for filing replies was granted by Notice issued April 25, 1978. Petitioners' motion states that Staff Counsel has no objection to the further extension of time.

Upon consideration, notice is hereby given that a further extension of time is granted to and including May 30, 1978, within which to file replies to the administrative appeals filed in the above referenced proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13329 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. RP78-59]

NORTHWEST PIPELINE CORP.

Notice of Change in Rate

MAY 9, 1978.

Take notice that on April 28, 1978, Northwest Pipeline Corp. ("Northwest") tendered for filing proposed changes in special Rate Schedule X-24 of its FERC Gas Tariff, Original Volume No. 2. The following revised tariff sheets reflect the proposed changes of the instant filing:

First Revised Sheet No. 60
First Revised Sheet No. 68
First Revised Sheet No. 69
First Revised Sheet No. 70
First Revised Sheet No. 79
First Revised Sheet No. 104

Special Rate Schedule X-24 constitutes the San Juan Gathering Agreement ("Gathering Agreement") dated January 31, 1974 between Northwest and El Paso Natural Gas Co. ("El Paso") and provides for the gathering

of natural gas in the San Juan Basin area of northwestern New Mexico and southwestern Colorado. As more fully explained in the instant filing, Northwest and El Paso, pursuant to a Letter Agreement between the parties dated April 25, 1978, have agreed to increase the gathering charge of the subject rate schedule (and of El Paso's related special Rate Schedule X-31) from the currently effective 6.61 cents to 13.39 cents per Mcf. In addition, said Letter Agreement: (i) deletes section 4 of Article IX and Exhibit F of the Gathering Agreement and (ii) modifies the wording of sections 5 and 6 of Article XIX.

Northwest requests that the instant filing be accepted and made effective by the Commission thirty (30) days from the date of such filing. However, in the event the proposed change in rate is suspended by the Commission, Northwest requests that such suspension be limited to only one (1) day inasmuch as the proposed rate is cost based and Northwest desires to recover its costs at the earliest possible date. Northwest understands El Paso is concurrently filing its notice of rate change providing for the identical modifications and is asking for an effective date coincident with the effective date of Northwest's filing. Northwest requests that the respective filing of each company be given the same effective date.

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 19, 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 proceedings. Any person wishing to become 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. 78-13330 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No.CP78-308]

NORTHWEST PIPELINE CORP.

Notice of Application

MAY 5, 1978.

Take notice that on April 27, 1978, Northwest Pipeline Corp. (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP78-308 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 7,000 Mcf of natural gas per day for Cordillera Corp. and Wyoming Gas Fuel Corp. (Producer), all as more fully set forth in the application of file with the Commission and open to public inspection.

The application states that Producer has participated in the development of or has otherwise acquired a supply of natural gas in Lincoln County, Wyo., which it desires to have transported and delivered for its account at various points where Applicant is currently authorized to sell and deliver gas to Wyoming Industrial Gas Co. (Wyoming Industrial) and to Utah Gas Service Co. (Utah Gas).[1] Consequently, Producer and Applicant have entered into a gas purchase and transportation agreement dated February 27, 1978, which agreement provides that Producer would cause to be delivered to Applicant up to 7,000 Mcf of natural gas per day (excluding any volumes sold by Producer to Applicant), presently or hereafter owned or controlled by Producer in the Lincoln County areas. Applicant states that initially, the proposed volumes of gas would be delivered to it for Producer's account, by FMC Corp. (FMC) at a proposed point of interconnection between the facilities of Applicant and FMC in Lincoln County, Wyo., where Applicant would construct a tap and metering facilities to receive such gas.

It is stated that Producer would sell and Applicant would purchase for its own use any gas in excess of Producer's requirements at the points of redelivery hereunder; provided, however, that Applicant would in any event have the right to purchase a minimum of 25 percent of the volumes delivered to Applicant for Producer's account. The balance of the volumes delivered to Applicant for Producer's account would then be transported by Applicant, either directly or by displacement to one or more of Applicant's existing points of sale and delivery to Wyoming Industrial and/or Utah Gas, where thermally equivalent volumes, less compressor fuel, would be redelivered for Producer's account.

Applicant indicates that it would pay Producer for each Mcf of gas purchased hereunder an intial price of $1.48 cents plus tax, Btu and other adjustments, as provided by Federal Power Commission Opinion No. 770-A[2].

Applicant states that for those volumes transported directly and redelivered to Wyoming Industrial for Producer's account, it would charge Producer a rate equal to 16.03 cents per Mcf, which price is Applicant's current average, rolled-in transmission system cost-of-service. Applicant further states that for those volumes transported by displacement and redelivered to Utah Gas for Producer's account, it would charge Producer a rate equal to 8.0 cents per MCf, approximately 50 percent of Applicant's average, rolled-in transmission cost-of-service. Also, Applicant, as compensation for compressor fuel usage, would retain 2 percent of all volumes transported directly for Producer's account.

Applicant states that it would construct the aforementioned tap and metering facilities necessary to receive deliveries of gas from FMC for Producer's account pursuant to its budget-type certificate authorization.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 26, 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. 78-13339 Filed 5-16-78; 8:45 a.m.]

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[1] Producer, Wyoming Industrial, and Utah Gas are affiliates. Wyoming Industrial and Utah Gas are customers of Applicant.

[2] This price in only applicable to gas sold by Producer to Northwest.

[6740-02]

[Docket No. ER78-354]

OTTER TAIL POWER CO.

Notice of Initial Rate Filing

MAY 10, 1978.

Take notice that Otter Tail Power Co. (Otter Tail), of Fergus Falls, Minn., on May 3, 1978, tendered for filing a rate covering a new service to be provided to East River Electric Power Cooperative, Inc. (East River), for a pipeline pumping load of Dome Pipeline Corp. (Dome), of Calgary, Alberta, Canada.

Otto Tail states that the new rate is embodied in an agreement between East River and Otter Tail in the form of Supplement No. 1 to the Interconnection and Transmission Service Agreement between East River Electric Power Cooperative, Inc., Madison, S.D., and Otter Tail Power Co., Fergus Falls, Minn., on file with the Commission as Rate Schedule FERC No. 168. Otter Tail further states in its filing that the new rate is to provide service to a new load not contemplated by the original agreement (FERC No. 168) and is designed to provide service at Otter Tail's fully allocated cost.

Otter Tail requests that the new rate (Supplement No. 1 to FERC No. 168) be permitted to become effective on June 1, 1978, or as soon as service can be initiated at the new point of interconnection, if that is earlier, and requests waiver of the Commission's rules, if necessary, to permit the rate to become effective at that time.

Copies of the filing were served upon East River Electric Power Cooperative, Inc., Traverse Electric Cooperative, and the Public Service Commission, Department of Public Service, State of Minnesota, according to Otter Tail.

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 and protests should be filed on or before May 22, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party 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. 78-13401 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket Nos. CP75-140, etc.]

PACIFIC ALASKA LNG CO. ET AL.

Order Granting Timely and Late Petitions to Intervene Consolidating Proceedings, and Prescribing Further Procedures

MAY 11, 1978.

In the matter of Pacific Alaska LNG Co., et al., Docket Nos. CP75-140, etc.; Pacific Indonesia LNG Co., et al., Docket Nos. CP74-160, etc.; Pacific Lighting Gas Development Co., Docket Nos. CI78-453; Pacific Simpco Partnership, Docket Nos. CI78-452.

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 proceeedings 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 promulated 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 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.

Three primarily procedural motions are currently ripe for Commission decision and none have been deemed denied by operation of law. Specifically: (1) Three petitions to intervene pursuant to section 1.8 of the Commission's Rules of Practice and Procedure filed in Docket Nos. CP75-140, et al. (*Pac Alaska*), (2) Requests pursuant to section 1.12 to consolidate producer applications with Docket Nos. CP75-140, et al., and (3) A joint motion, pursuant to section 1.12, for a procedural order to consolidate Docket Nos. CP74-160, et al. (*Pac Indonesia*) with Docket Nos. CP75-140, et al. (*Pac Alaska*) for certain limited purposes; and responses thereto. We will address these matters seriatim.

In response to a "Notice of Petition for a Declaratory Order" issued December 5, 1977, (FR ——), timely interventions were filed by Northern Natural Gas Co. on December 27, 1977, and Energy Terminal Services Corp. on December 23, 1977. Each alleges a unique interest in the outcome of these jurisdictional petitions and their participation may be in the public interest and will not delay consideration of this proceeding.

Ogden Marine Indonesia filed a petition on March 24, 1978, stating that as a transporter for Pac Indonesia they have a substantial interest and that they were not aware of their need to participate until receipt of certain communication concerning a prehearing conference noticed March 21, 1978. Without commenting on the arguments advanced and having reviewed this petition, we are convinced that good cause is shown to grant said intervention, and said late petitioner will be expected to take the record as it finds it and neither delay nor complicate said proceeding.

II

On February 27, 1978, Pacific Alaska LNG Associates and Western LNG Terminal Associates (Movants) moved that the producer applications represented by Docket Nos. CI78-452 and CI78-453 be consolidated with the *Pac Alaska* proceeding. Movants argue that by Order issue January 10, 1978, the applications of certain companies concerned with proposed sales of natural gas at Cook Inlet, Alaska, were consolidated with the *Pac Alaska* case. And, as the two subject applications concern similar proposals concerning the sale of natural gas at Cook Inlet, they should also be consolidated with the Movants' applications for purposes of hearing and decision. No responses have been filed to this motion.

Therefore, we find that the applications in Docket Nos. CI78-452 and CI78-453 present common questions of law and fact within the meaning of section 1.20(b) of the Rules of Practice and Procedure and should be consolidated for hearing and decision.

III

On March 21, 1978, Movants also moved the Commission and the Economic Regulatory Administration (ERA) for an order consolidating the hearing in *Pac Alaska* with the amendment filed by the Pacific Indonesia LNG Co. in Docket No. ERA77-001-LNG to such extent that each requests a joint situs for an LNG facility on the south-central California coast. Answers to the motion were filed by Bixby Ranch Co. as well as Hollister Ranch Owners' Association and the

Santa Barbara Citizens for Environmental Defense on April 5, 1978, and the Sierra Club (Respondents) on April 6, 1978.

Respondents object to this motion only to the extent that it would waive initial decision by the Presiding Administrative Law Judge at the Commission and as it would provide for a two-phased proceeding, a decision in the *Pac Indonesia* proceeding prior to a decision in the *Pac Alaska* proceeding. No other answers were filed.

The joint regulation[1] issued by the Commission and the Secretary of the Department of Energy (Secretary) on October 1, 1977 (42 FR 55534), provided that the *Pac Indonesia* proceeding would continue before the Commission for initial decision and subsequent briefing but that final approval authority would rest in ERA. The Commission and the Secretary by an amendment to the joint regulation[2] have agreed that the same procedure should be followed for the instant amendment in the *Pac Indonesia* proceeding.

Therefore, as both matters are properly before the Commission for hearing and the proceedings present common questions of law and fact within the meaning of Section 1.20(b), they should be consolidated for hearing. Also, it would defeat the purpose of said consolidation, as stated by Respondents, to authorize a phased proceeding, and therefore such request is denied.

The joint action of the Commission and the Secretary, however, does not address the question of whether the initial decision of the Presiding Administrative Law Judge should be waived. Ordinarily, such waiver is not favored in order to utilize the familiarity and expertise of the presiding judge. Good cause has not been shown for such waiver. Additionally, the Secretary has not yet taken a position on the matter and since the companion amendment provides for such initial decision, we would be inclined to give the Secretary's position great weight.[3] Accordingly, the request for waiver of the initial decision is hereby dismissed as premature.

The Commission orders: (A) The above-named petitioners are permitted to intervene in this consolidated proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The applications of Pacific Lighting Gas Development Co., Docket No. CI78-453, and Pacific-Simpco Partnership, Docket No. CI78-452, are consolidated with the *Pacific Alaska* proceeding for purpose of hearing and decision.

(C) The application of *Pacific Alaska LNG Associates, et al.,* in Docket Nos. CP75-140, et al. are consolidated with the amendment filed by *Pacific Indonesia LNG Co.* in Docket No. ERA77-001-LNG for purposes of hearing and briefing and good cause has not been shown to order phasing of said limited consolidated proceeding.

(D) The request for waiver of the initial decision by the Presiding Administrative Law Judge is dismissed as premature.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13402 Filed 5-16-78; 8:45 am]

[1] 10 CFR 1000.1(c)(2)(vi).

[2] 10 CFR 1000.1(c)(3).

[3] Under DOE Act section 301(a) the Secretary is the successor in interest to the Federal Energy Administration which had intervened in the Pacific Indonesia proceeding. Subject to the provisions of DOE Act section 405 the Secretary may appear and participate in the proceedings ordered herein. In addition while the Environmental Impact Statement will be prepared in accordance with 18 CFR 2.80-2.82 the Secretary may, if he chooses, submit a comment on the DEIS.

[6740-02]

[Docket No. ER78-347]

PACIFIC POWER & LIGHT CO.

Notice of Filing

MAY 10, 1978.

Take notice that Pacific Power & Light & Co. (Pacific) on May 1, 1978, tendered for filing, in accordance with section 35.13 of the Commission's Regulations, an amendment to Pacific's Rate Schedule FPC No. 123 providing for a new Point of Delivery to Tri-State Generation and Transmission Association, Inc. (Tri-State).

Copies of the filing were supplied to Tri-State, according to Pacific.

Pacific indicates that service under this agreement is proposed to commence on or about July 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. 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 31, 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. 78-13331 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. ER78-352]

PACIFIC POWER & LIGHT CO.

Notice of Rate Filing

MAY 10, 1978.

Take notice that Pacific Power & Light Co. (Pacific) on May 2, 1978, tendered for filing, in accordance with section 35.12 of the Commission's Regulations, a rate schedule for use of its substation facilities by Portland General Electric Co. (Portland General).

Pacific proposes that service under this agreement commence on or about July 1, 1978.

Copies of the filing were supplied to Portland General, according to Pacific.

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 31, 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. 78-13332 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. CP77-253]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Petition To Amend

MAY 10, 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 (Aug. 4, 1977) and Executive Order No. 12009,

42 FR 46267 (Sept. 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 specificaly transferred to the FERC by section 402(a) (1) or (2) of the DOE Act.

Take notice that on May 1, 1978, Panhandle Eastern Pipe Line Co. (Petitioner), P.O. Box 1642, Houston, Tex. 77001, filed in Docket No. CP77-253 a petition to amend further the order of December 9, 1977, as amended, issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in the instant docket so as to authorize the delivery of additional natural gas by Petitioner to Michigan Consolidated Gas Co.—Interstate Storage Division (Consolidated) for storage by Consolidated, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the order of December 9, 1977, as amended January 4, 1978, Petitioner is authorized to transport and deliver to consolidated for storage and redelivery to Petitioner up to 12,400,000 Mcf of gas for a period of either seven or fourteen years, with six or thirteen years, respectively, now remaining, in accordance with two separate gas storage agreements dated October 31, 1976, as amended June 10, 1977, and November 1, 1976, as amended June 10, 1977. The October 31, 1976 agreement, as amended, provides for the storage of up to 6,000,000 Mcf of gas for firm service; and the November 1, 1978 agreement, as amended, provides for the storage of up to 6,400,000 Mcf of gas for off-peak service, it is said.

Petitioner states that in order to provide additional service required by its customers, Consolidated and Petitioner have entered into an amendment to the October 31, 1976, gas storage agreement, as amended, so as to provide for the maximum volumes of gas to be stored for firm service to be increased to 12,250,000 Mcf; and furthermore, should Petitioner's customers elect to defer redelivery from one winter period to the next winter period of any part of the volumes stored, then to the extent that such deferred volumes exceed 2,450,000 Mcf (rather than 1,200,000 Mcf as originally provided in said agreement of October 31, 1976, Petitioner's customers would furnish an additional 1 percent of such excess as compressor fuel in order to permit the cycling of such excess gas to maintain storage capacity.

Petitioner states that in order to render the additional gas storage service beginning with the 1978-79 storage season, Consolidated would use the Taggart Storage Field and associated pipeline and compression facilities for which Consolidated has been issued temporary certificates in Docket No. CP76-254. The application states that Consolidated would have sufficient storage capacity available at the Taggart Storage Field beginning with the 1978-79 storage season because of the determination by Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin) that it would not require the storage of gas by Consolidated during the last year of a temporary storage service authorized in Docket Nos. CP75-182 and CP75-200, respectively. It is indicated that the additional storage volumes that are proposed herein to be made available would be used by seven of Petitioner's customers pursuant to six amendments to existing storage agreements and one new storage agreement, as follows:

ADDITIONAL FIRM REQUIREMENTS (MCF)

Customer	
Indiana Gas Co	2,000,000
Citizens Gas & Coke Utility	1,000,000
Northern Indiana Public Service Co	2,000,000
Central Illinois Public Service Co. (new service)	1,000,000
Citizens Gas Fuel Co	100,000
Richmond Gas Co	100,000
Ohio Gas Co	50,000
Total	6,250,000

It is stated that Michigan Wisconsin would transport the gas to and from the Taggart Field through its existing pipeline facilities and would charge 4.52 cents per Mcf of gas transported, which charge would be passed on to Petitioner's customers.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 31, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13403 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. RP78-62]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Proposed Changes

MAY 9, 1978.

Take notice that Panhandle Eastern Pipe Line Co. (Panhandle) on May 1, 1978, tendered for filing proposed changes in the following revised tariff sheets:

FERC Gas Tariff, Original Volume No. 1

Twenty-Fourth Revised Sheet No. 3-A
First Revised Sheet No. 3-B
Second Revised Sheet No. 43-1
Fourth Revised Sheet No. 43-2
Fifth Revised Sheet No. 43-3
Sixth Revised Sheet No. 43-4

FERC Gas Tariff, Original Volume No. 2

Second Revised Sheet No. 93
Second Revised Sheet No. 135
Second Revised Sheet No. 211
Third Revised Sheet No. 375
First Revised Sheet No. 439
First Revised Sheet No. 462
First Revised Sheet No. 463
First Revised Sheet No. 484
First Revised Sheet No. 556
First Revised Sheet No. 611
First Revised Sheet No. 640
First Revised Sheet No. 641
Second Revised Sheet No. 694
Second Revised Sheet No. 695
First Revised Sheet No. 724
First Revised Sheet No. 725
Second Revised Sheet No. 784
Second Revised Sheet No. 801
First Revised Sheet No. 811
First Revised Sheet No. 812
First Revised Sheet No. 848
First Revised Sheet No. 849
Second Revised Sheet No. 875
Second Revised Sheet No. 876
First Revised Sheet No. 963
First Revised Sheet No. 964

Panhandle states that these revised tariff sheets implement a general rate increase to its jurisdictional sales of $73,565,192 annually based on a test year ending January 31, 1978, adjusted for charges known and measurable to October 31, 1978.

Panhandle states that the increased rates are necessitated by increased costs at all levels including operating costs, increased capital costs, a 10.52 percent rate of return, increased gas supply facilities and increased costs associated with Transmission and Compression of Costs By Others. The proposed effective date of the tendered sheets is June 1, 1978.

Panhandle further states copies of this filing were served on Panhandle's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with section 1.8 and 1.10 of the Commission's Rules of Practice and Proce-

dure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 23, 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. 78-13333 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. ID-1831]

PETER J. DEMARIA

Notice of Application

MAY 10, 1978.

Take notice that on April 25, 1978, Peter J. DeMaria, filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Treasurer, Appalachian Power Co	Electric utility.
Treasurer, Beech Bottom Power Co.	Do.
Treasurer, Cardinal Operating Co	Do.
Treasurer, Indiana & Michigan Electric.	Do.
Treasurer, Indiana & Michigan Power.	Do.
Treasurer, Kanawha Valley Power Co.	Do.
Treasurer, Kentucky Power Co	Do.
Treasurer, Kingsport Power Co	Do.
Treasurer, Michigan Power Co	Do.
Treasurer and director, Ohio Electric Co.	Do.
Treasurer and director, Ohio Power Co.	Do.
Treasurer, wheeling Electric Co	Do.

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 and protests should be filed on or before May 26, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party 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. 78-13404 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. ER78-340]

PUBLIC SERVICE CO. OF INDIANA, INC.

Notice of Proposed Tariff Change

MAY 5, 1978.

Take notice that Public Service Co. of Indiana, Inc. on April 28, 1978, tendered for filing a Service Agreement between Public Service Co. of Indiana, Inc. and the city of Frankfort, Ind., proposed to become effective June 1, 1978.

The Company inidicates that said Service Agreement provides for Public Service Co. of Indiana, Inc. to supply the city of Frankfort, Ind., with their entire requirements of electric capacity and associated energy. The company states that said Service Agreement also cancels and replaces the Interconnection Agreement dated October 20, 1971, which has been designated as Rate Schedule FERC No. 224.

Copies of the filing were served upon the city of Frankfort, Ind., and the Public Service Commission of Indiana, according to the Company.

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 should be filed on or before May 15, 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 the filing are available for public inspection at the Federal Energy Regulatory Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13344 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. ER78-339]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

Notice of Proposed Tariff Change

MAY 5, 1978.

Take notice that Public Service Co. of New Hampshire (PSNH) on April 28, 1978, tendered for filing increased rates to all of its firm wholesale for resale customers. PSNH states that the affected customers and the FERC rate schedule designations of their contracts are as follows:

Concord Electric Co	FERC No. 24
Town of Ashland, N.H	FERC No. 28
The New Hampton (N.H.) Village Precinct.	FERC No. 29
Exeter & Hampton Electric Co	FERC No. 35
New Hampshire Electric Cooperative, Inc.	FERC Nos. 50 and 71
Town of Wolfeboro, N.H	FERC No. 72

PSNH indicates that the proposed changes would increase revenues from the affected jurisdictional sales and service by $2,377,636 or 7.7 percent based on test year 1978. PSNH requests that the increase be allowed to become effective on May 29, 1978.

PSNH further indicates that the filing would increase the demand charge from $4.10 to $4.40 per kva and the energy charge from 1.964 cents to 2.139 cents per kwh. PSNH states that the filing would also increase the monthly customer charge from $50 to $65. PSNH further states the fuel clause and low voltage delivery charge as presently effective would not be changed.

According to PSNH copies of this filing have been sent to the New Hampshire Public Utilities Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with 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 15, 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. 78-13340 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. ER78-331]

PUBLIC SERVICE CO. OF NEW MEXICO

Notice of Filing

MAY 5, 1978.

Take notice that Public Service Co. of New Mexico (PNM) on April 25, 1978, tendered for filing an Agreement for Electric Service and Amendments 1 and 2 thereto between PNM and Plains Electric Generation and Transmission Cooperative, Inc. (Plains).

PNM states that the service to be provided is a change in Delivery Point for service to Plains from the West Mesa Switching Station near Albuquerque, N. Mex., to the Hildalgo Switching Station in southwestern New Mexico.

PNM requests an effective date of August 1, 1977, and therefore requests

waiver of the Commission's notice requirements.

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 15, 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 proceedings. 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. 78-13341 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. ER78-338]

PUBLIC SERVICE CO. OF NEW MEXICO

Notice of Proposed Changes in Rates

MAY 5, 1978.

Take notice that Public Service Co. of New Mexico on April 28, 1978 tendered for filing a proposed change in rates for its customer, the City of Gallup, N. Mex. The Company proposes that all CWIP be included in rate base, stating that such is required because of the Company's extraordinary growth and concomitant capital demands.

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 15, 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. 78-13343 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. ER78-337]

PUBLIC SERVICE CO. OF NEW MEXICO

Notice of Proposed Change in Rates

MAY 5, 1978.

Take notice that Public Service Co. of New Mexico (PNM), on April 28, 1978, tendered for filing proposed changes in its FERC PNM Rate Schedules Nos. 31, 32, 34 and 35, which provide rates to four wholesale customers, namely, Plains Electric Generation and Transmission Cooperative, Inc., Community Public Service Co., Department of Energy (DOE)—Los Alamos, and City of Farmington, N. Mex.

The Company estimates its rate of return under presently effective rates during Period II would be 6.884 percent. The Company states that this rate of return is not adequate to enable the Company to generate funds sufficient to meet its current construction program that is required to provide for substantial growth.

According to the Company copies of the filing were served upon the public utility's jurisdictional customers being served under these rate schedules and the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with 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 15, 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 proceedings. 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. 78-13342 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. CP78-298]

SEA ROBIN PIPELINE CO.

Notice of Pipeline Application

MAY 11, 1978.

Take notice that on April 20, 1978, Sea Robin Pipeline Co. (Sea Robin), P.O. Box 1478, Houston, Tex. 77001, filed in Docket No. CP78-298, an application for a temporary and permanent certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act, as amended, requesting authorization to transport gas for Consolidated Gas Supply Corp. (Consolidated), all as more fully set forth in the application which is on file with the Federal Energy Regulatory Commission (Commission).

Sea Robin states that pursuant to a transportation agreement dated February 21, 1978, between Sea Robin and Consolidated, Consolidated will deliver or cause to be delivered to Sea Robin for transportation up to 18,000 Mcf per day in South Marsh Island Area, Block 127, offshore Louisiana. Sea Robin will redeliver equivalent volumes to Columbia Gulf Transmission (Columbia Gulf) for the account of Consolidated at an existing delivery point located at the terminus of Sea Robin's system near Erath, Vermilion Parish, La. Columbia Gulf will transport such volumes and redeliver same to Consolidated at an existing point near Egan, Acadia Parish, La.

Any person desiring to be heard or to make any protest with reference to said application, on or before June 2, 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. 78-13045 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. RP76-60]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Notice of Purchased Gas Cost Adjustment Rate Change

MAY 11, 1978.

Take notice that South Texas Natural Gas Gathering Co. ("South Texas"), on April 28, 1978, tendered for filing with the Federal Energy Regulatory Commission its Exhibit "A" (Fourth Revised PGA-1) superseding the First Revised Exhibit "A" (Substitute Third Revised PGA-1) to its Purchased Gas Cost Adjustment Clause. The proposed change reflects an increase in South Texas' rate to Natural Gas Pipeline Co. of America of 23.06 cents per Mcf.

Copies of the filing were served by South Texas upon its only affected customer, Natural Gas Pipeline Co. of America.

Any person desiring to be heard or to protest said filing should file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street NW., 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 19, 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. 78-13406 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. RP78-58]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Notice of Proposed Change in Rates

MAY 9, 1978.

Take notice that on April 28, 1978, South Texas Natural Gas Gathering Co. (South Texas) tendered for filing a notice of change in rates for the sale of gas to (1) Natural Gas Pipeline Co. of America (Natural) under South Texas' FERC Gas Rate Schedule No. 1, Supplement No. 21, and (2) Transcontinental Gas Pipeline Corp. (Transco) under South Texas' FERC Gas Rate Schedule No. 2, Supplement No. 84. South Texas proposes that the revised rates take effect on June 1, 1978.

In addition to the above sales services, South Texas performs transportation services for Natural and for three producers in the McAllen and Schmidth Fields. South Texas states that in the proceeding pending in Docket No. RP77-59 the Commission Staff has for the first time proposed the allocation of a portion of its cost of service to those transportation services, and that South Texas has, as a result, moved the Commission to initiate an investigation into its transportation rate. Because its motion in RP77-59 is still pending, South Texas similarly requests that the Commission initiate a proceeding under section 5 in this docket in order to determine the just and reasonable transportation rates if the filed sales rates are found not to be just and reasonable or are found to be discriminatory.

South Texas states that copies of its filing were served on Natural, Transco, Shell Oil Co., Tenneco Oil Co., and Continental Oil Co.

Any person desiring to be heard or to protest South Texas' 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 and 1.10). All such petitions should be filed on or before May 22, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party 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. 78-13334 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. RP77-11]

SOUTHWEST GAS CORP.

Notice of Request for Resolution of Billing Dispute

MAY 10, 1978.

Take notice that on May 2, 1978, California-Pacific Utilities Co. (Cal-Pac) requested that the Commission resolve a billing dispute between Cal-Pac and Southwest Gas Corp. (Southwest) concerning the proration for rate charges during a billing month.

Cal-Pac states that Southwest placed its filed rate increase in the above-capitioned docket into effect on May 9, 1977. Subsequently a settlement was approved with revised rates, calling for refund of the charges in excess of the filed rate. The filed rate and the prior rate are blocked rates.

Cal-Pac asserts that Southwest's computations are irrational to the extent they fail to properly prorate the service charge and in their treatment of the blocking. Southwest's computations result in a negative refund of $3,145.67 while Cal-Pac's computations result in a positive refund of $2,287.07.

Cal-Pac requests a ruling, therefore, that Southwest's charges under the old rate for gas delivered in the first 8 days of May be computed on the basis of a proration of the first monthly block to the 8 days and that its refund in this proceeding be determined accordingly. Cal-Pac believes that there are no facts in dispute and that the expense of a hearing is not warranted. Therefore it does not request a hearing and requests the matter be decided on the basis of its request and such response thereto as Southwest may make, with an opportunity for Cal-Pac to reply to Southwest if deemed necessary.

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 22, 1978. Protests will be considered by the Commission in determining the appopriate 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. 78-13407 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. CP76-16]

TENNECO LNG, INC.

Notice of Conference

MAY 8, 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 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.

Take notice that after consideration of the status of the application in this docket the Commission directed the convening of a conference of all parties to this case to discuss the status of the application and the applicant's plans for pursuing it. The conference will be held on May 25, 1978, at 10 a.m., at the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426. The room number will be posted on the hearing board on the second floor on the day of the conference. Members of the Commission's technical staff will participate in the conference.

This application is for a certificate of public convenience and necessity authorizing the construction and operation of an LNG terminal on the Delaware River at West Deptford, Glouster County, N.J., to receive, store, and vaporize imported LNG. The details of the proposal are described in a previous notice issued July 29, 1975.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13345 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. TC78-4]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC.

Notice of Petition for Order Directing Implementation of Storage Sprinkling

MAY 9, 1978.

Take notice that on April 27, 1978, Columbia Gas Transmission Corp. (Columbia) filed a petition pursuant to section 1.7 of the Commission's Rules of Practice and Procedure requesting the Commission to issue an order directing Tennessee Gas Pipeline Co. (Tennessee) to file appropriate tariff sheets incorporating storage sprinkling[1] in its currently effective curtailment plan.

In the alternative, Columbia requests the Commission to issue an order directing Tennessee to show cause why storage sprinkling procedures should not be implemented on its system in accordance with Commission determinations in certain other proceedings. Columbia further requests the Commission to prescribe a shortened notice period in regard to this matter.

It appears reasonable and consistent with the public interest in this proceeding to prescribe a period shorter than fifteen days for the filing of protests and petitions to intervene. Therefore, persons desiring to be heard or to make protests with reference to said filing should, on or before May 19, 1978, file protests or petitions to intervene with the Federal Energy Regulatory Commission, Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make such persons parties to the proceeding. Any person wishing to become a party to this proceeding or to participate as a party in any hearing in this proceeding must file a petition to intervene in accordance with the Commission's Rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13408 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. CP78-307]

TENNESSEE NATURAL GAS LINES, INC.

Notice of Application

MAY 10, 1978.

Take notice that on April 26, 1978, Tennessee Natural Gas Lines, Inc. (Applicant), 2008 Parkway Towers, Nashville, Tenn. 37219, filed in Docket No. CP78-307 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 its resale customer, Nashville Gas Co. (Nashville), pursuant to proposed Rate Schedule T-1 and authorizing the transportation of gas pursuant to proposed Rate Schedule T-2 for any person, served directly or indirectly from the system of Applicant, which gas the buyer has purchased from a source other than Applicant, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that in an effort to help maintain service to its high priority requirement customer in light of the severe curtailments resulting from Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (TGP), Nashville, Applicant's sole jurisdictional customer, has made arrangements for Kentucky Gas Storage Co. (Kentucky Gas) to perform a storage service for Nashville. The maximum quantity stored for Nashville would be 1,200,000 Mcf, and the maximum daily volume to be injected into storage by Nashville would not exceed 5,920,000 Mcf with the maximum daily volume which Nashville may withdraw from storage not to exceed 10,909 Mcf.

It is stated that to effectuate the above-described arrangements, TGP would deliver the storage injection volumes to Texas Gas Transmission Corp. for the account of Applicant and Nashville for transportation to Kentucky Gas. Gas withdrawn from storage would be received by Midwestern Gas Transmission Co. for delivery to TGP at the existing interconnection of their facilities. TGP would deliver such gas to Applicant at the existing points of interconnection of their facilities.

Applicant proposes to complete the transportation to Nashville, pursuant to proposed Rate Schedule T-1 of the gas withdrawn from storage. It is indicated that under such rate schedule, Nashville would pay Applicant no separate charge for transportation other than reimbursement for any payments made by Applicant for Nashville's account.

Applicant also proposes under proposed Rate Schedule T-2 to transport for any person served directly or indirectly from Applicant's system gas purchased from sources other than Applicant. Under such rate schedule, Applicant would charge a transportation rate equal to the unit cost of service (excluding purchased gas, storage, and LNG costs) as reflected in its then effective base tariff rate. The transportation rate is stated to be 3.5 cents per Mcf as of April 30, 1978. Service under proposed Rate Schedule T-2 would be subordinate to that under proposed Rate Schedule T-1.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 31, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18

[1] The term "storage sprinkling" refers to the classification of storage injection volumes on the basis of the proportionate end use of winter storage withdrawals.

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. 78-13409 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. CP66-43]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Conference

MAY 8, 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 (Aug. 4, 1977) and Executive Order No. 12009, 42 FR 46267 (Sept. 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 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.

Take notice that after consideration of the status of this proceeding in its regularly scheduled meeting of May 3, 1978, the Commission directed to the convening of a conference of all parties to this case to discuss the status of the application and the applicant's compliance with deficiency letters previously submitted. The conference will be held on May 17, 1978, at 10 a.m. at the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426. The room number will be posted on hearing board on the second floor on the day of the conference. Members of the Commission's technical staff will participate in the conference.

This application is for a certificate of public convenience and necessity authorizing the construction and operation of an LNG storage project on Staten Island, N.Y. The details of the proposal are described in a previous notice published in the FEDERAL REGISTER on May 13, 1975 (40 FR 20859).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13346 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. EL78-18]

TOWNS OF HIGHLANDS, N.C. v. ALUMINUM CO. OF AMERICA, NANTAHALA POWER & LIGHT CO., AND TAPOCO, INC.

Notice of Complaint

MAY 10, 1978.

Take notice that on April 24, 1978, the Town of Highlands, N.C. (Highlands) filed a complaint, pursuant to section 306 of the Federal Power Act and § 1.6 of the Commission's Rules of Practice and Procedure against the Aluminum Co. of America ("Alcoa"), Nantahala Power & Light Company (Nantahala) and Tapoco (Respondents).

Highlands alleges that the respondents have violated the Federal Power Act by diverting for the benefit and private use of Alcoa hydro-electric power and hydro-electric facilities dedicated to public service. Highlands complains that this diversion has caused Nantahala ratepayers to pay unlawful, unjust and unreasonable rates.

Respondents have thirty days from the date of filing to satisfy the complaint or to answer the same in writing.

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 June 9, 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 complaint are on file for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13410 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. OR78-1]

TRANS ALASKA PIPELINE SYSTEM: INVESTIGATION AND SUSPENSION

Order on Request To Hold Hearing in Alaska

MAY 9, 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 pro-

[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.

ceeding 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.

By letter dated February 22, 1978, the Alaska Pipeline Commission (APC) requested that the FERC consider holding in Anchorage, Alaska the hearing scheduled to begin on May 23, 1978, in the Trans Alaska Pipeline System (TAPS) proceeding. The APC stated that it believes that it would be in the broad public interest and in the interest of the Alaskan public to hold in Alaska at least one of the hearings currently scheduled in Phase I of the FERC proceedings. The APC added that it believes it would be valuable to the Administrative Law Judge in making his determinations to view the pipeline and Alaska.

Public notice of the APC's request was issued on March 13, 1978, with comments due on or before March 31, 1978.

On March 24, 1978, Sohio Pipe Line Co. (Sohio) filed a motion requesting the FERC to authorize a view of the Trans Alaskan Pipeline by Presiding Administrative Law Judge Kane. Sohio stated that a "primary issue in OR78-1 is the risk of construction and operation of TAPS in the hostile environment of Alaska * * *" and that a "short 'view' of representative portions of TAPS by Judge Kane by helicopter and site visits should be helpful in evaluating the nature and extent of these risks and the testimony covering them." Sohio added that three or four days should be allowed for the view.

On March 31, 1978, joint comments were submitted by BP Pipelines Inc., Exxon Pipeline Co., Mobil Alaska Pipeline Co., and Union Alaska Pipeline Co. (respondents) to the published notice of the APC request. Respondents took the position that it would be beneficial for the Administrative Law Judge to view the Trans Alaska Pipeline at an appropriate time. However, they added, they believe that the costs involved in holding any extended portion of the evidentiary hearings in this proceeding in Alaska outweigh any possible benefits which might result. The respondents opposed the APC's request that members of the Alaskan public be permitted to express their views at a public hearing in Anchorage, because they stated, "* * * any such hearing would be inappropriate for this, or any other rate proceeding." The respondents argued that general statements of members of the Alaskan public concerning their views on the impact of TAPS on Alaska are irrelevant to the issues now before the Commission and would be improper for inclusion in the record of the proceeding.

In comments filed March 31, 1978, Amerada Hess Pipeline Corp. (AHPC) opposed the request of the APC inasmuch as it would be "inconvenient, burdensome and inordinately expensive to hold hearings in Alaska." AHPC added that it is not a party to the APC proceeding and that it would be unreasonable to require it to suffer the inconvenience and expense inherent in the APC's request.

ARCO Pipe Line Co. (ARCO) filed comments on March 31, 1978. ARCO recommended that the FERC take no present action on the APC request because the parties are attempting to accommodate various interests, and Commission action on a modified proposal maybe requested in the future. ARCO described the extraordinary expense and inconvenience to the parties if the cross-examination of rebuttal witnesses were required to be held in Alaska as requested by the APC.

In its March 31, 1978 comments, FERC staff stated it had no objection to scheduling a portion of the hearings in Alaska. However, the staff suggested that any Alaskan hearings be scheduled to coincide with the testimony of witnesses which might have special interest to Alaskan citizens, namely, that of the Alaska Public Interest Research Group and/or the Arctic Slope Regional Corp. Further, the staff concurred in the suggestion that the Presiding Judge be given the opportunity to view TAPS and added that the FERC staff would also benefit from viewing TAPS.

The Department of Justice, in comments filed April 4, 1978, opposed holdings a full round of hearings in Alaska on the basis of the substantial cost and inconvenience it would cause the parties. The Department, however, does not oppose holding a portion of the hearing, for example, one week, in Alaska. It suggested the final week of cross-examination of protestants' witnesses as an appropriate time to remove the hearing to Alaska. Following the close of hearing, the Department suggested, the view of the pipeline supported by Sohio could be scheduled.

The Honorable Mike Gravel, United States Senator, by letter filed March 7, 1978, supported the request of the APC to hold a portion of the TAPS hearings in Alaska. Senator Gravel stated that "(h)earings in the State would give FERC officials and staff members the opportunity of viewing first-hand the State and the pipeline itself, providing all those involved in the decision-making process a better understanding of the problems and impacts of the pipeline and the decision of the Commission will have on the State and its residents." In addition, Senator Gravel asserted that Alaskan residents should be given the opportunity to present information to the Commission concerning its decision. By letter dated April 20, 1978, Senator Gravel further suggested that any hearings held in Alaska should include at least a day of hearings in Fairbanks, as well as Anchorage, due to the overall impact of the pipeline on Fairbanks and because it is the site of the North Pole Refinery.[2]

On April 20, 1978, Earth Resources Co. of Alaska (ECA) filed comments stating it had no objection to a portion of the hearing being scheduled in Alaska. ECA added, however, that at least one-half day of any Alaskan hearing should be held in Fairbanks to permit witnesses and citizens residing in that area to participate. ECA noted that Fairbanks' residents are directly affected by the tariff rates to be charged for crude oil moving from Pump Station 1 to the ECA refinery, located just outside of Fairbanks, through the price they pay for refined oil products. ECA further observed that if public hearings were held in Fairbanks, several citizens would appear to testify who, if hearings were held in Anchorage, would not be able to appear due to the distance between the two cities.

On April 24,1978, Sohio filed a response to ECA's comments. Sohio objected to ECA's request to schedule a period of time for a hearing in Fairbanks. According to Sohio, it would be disruptive of a planned program to view the pipeline, including the ECA refinery at Fairbanks, which has been scheduled to coincide with hearings in Anchorage.

As a general rule, the Commission supports local hearings as a means of gaining area citizens' reactions to a proposal before the Commission for decision which would uniquely affect local residents. Further, local witnesses should they choose to intervene could contribute their knowledge to the development of the formal, evidentiary hearing record. However, the Commission recognizes a countervailing concern in this instance: to move the hearing to Anchorage would cause certain parties substantial inconvenience and expense. Moreover, the public would bear a significant expense to reimburse the staffs of the

[2]The Honorable Ted Stevens, United States Senator, filed a telegram on May 3, 1978, urging that concurrent hearings with the APC be held in Fairbanks, as well as in Anchorage and that the citizens of Fairbanks be permitted to comment. In addition, Senator Gravel in a letter dated May 3, 1978, emphasized his belief that some testimony in the proceeding should be taken in Fairbanks.

various government participants in the proceeding if they were required to remain in Alaska for an extended period of time.

Because the Presiding Judge is more familiar with the nature of the hearing record thus far and can better predict whether there would be a significant advantage to holding a portion of the hearing in Alaska, rather than continuing with the entire proceeding in Washington, D.C., we will defer to his judgment in this matter. To the extent Judge Kane determines that the hearing record would be enhanced by moving the site of the hearing to Alaska and that such a move would be the most expeditious way to assure a fully developed record, he is authorized to so order. The Commission encourages Judge Kane to use the most expeditious means of providing a fair and adequate evidentiary record while at the same time not burdening the public and the parties with extraordinary expenses.

Moreover, we believe the Presiding Judge can at this time better determine than the Commission whether he would benefit by a trip to Alaska to view the pipeline, regardless of whether a portion of the formal evidentiary hearing is held in Alaska. Accordingly, we are leaving to Judge Kane's discretion the decision to view the pipeline and authorize him to travel to Alaska if it would assist him in his duties. However, in the event Judge Kane does travel to Alaska, whether for a formal hearing or to inspect the pipeline, he should devote some time to hear comments of Alaskan citizens with respect to the issues in the FERC proceeding. We leave it to Judge Kane to apportion his time and to establish neccessary procedures to accommodate public hearings, if in fact he is going to be present in Alaska. Any statement Judge Kane receives from a private citizen who is not an intervenor in the captioned proceeding will not be part of the record upon which the Commission's decision is made, but may be considered for such further exploration by the FERC staff and the other parties of the substantive matters raised therein as may be appropriate.

The Commission further finds: Good cause exists to refer the requests of the APC and of certain parties discussed, supra, to Presiding Judge Kane for his disposition.

The Commission further orders: The requests of the APC received by letter dated February 22, 1978, other related requests discussed, supra, are hereby referred to Judge Kane for disposition.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13335 Filed 5-16-78; 8:45 a.m.]

[6740-02]

[Docket No. ER78-346]

TUCSON GAS & ELECTRIC CO.

Notice of Proposed Cancellation

MAY 8, 1978.

Take notice that Tucson Gas & Electric Co. (TG&E) on April 28, 1978 tendered for filing a proposed Notice of Cancellation of TG&E Rate Schedule FPC No. 11 between TG&E and Southern California Edison Co. (Edison). TG&E indicates that a notice of the proposed cancellation has been served upon Edison. TG&E proposes an effective date of April 30, 1978, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with 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 15, 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. 78-13336 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. ER78-343]

UNION ELECTRIC CO.

Notice of Filing

MAY 9, 1978.

Take notice that on May 1, 1978, Union Electric Co. (Union) tendered for filing a Letter Agreement revising the reservation charge for Maintenance Energy Transactions under the Interconnection Agreement dated November 1, 1969 between the Tennessee Valley Authority and Central Illinois Public Service Co., Illinois Power Co., and Union.

Union indicates that the Letter Agreement provides for an increase in the reservation charge for Maintenance Energy Transactions and the proposed reservation charge was arrived at through negotiations and is the same as rates the Companies have on file with the Commission.

Union proposes an effective date of June 1, 1978.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before May 22, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection at the Federal Energy Regulatory Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13337 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. CP77-374]

UNITED GAS PIPE LINE CO.

Notice of Petition to Amend

MAY 5, 1978.

Take notice that on April 25, 1978, United Gas Pipe Line Co (Petitioner), P.O. Box 1478, Houston, Tex. 77001, filed in Docket No. CP77-374 a petition to amend the Commission's order of October 19, 1977, issued in the instant docket, pursuant to section 7(c) of the Natural Gas Act so as to provide for an increase of up to 1,055 Mcf of natural gas per day over the presently authorized maximum daily quantity (MDQ) which Petitioner may transport for Mississippi River Transmission Corporation (Mississippi River) and to provide for the receipt of such increased volumes of gas to be received by Petitioner at an additional delivery point on Petitioner's existing 18-inch Sterlington-Sarepta Line in Lincoln Parish, La., all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the Commission's order of October 19, 1977, Petitioner was authorized to transport up to 5,000 Mcf of gas per day for Mississippi River, which gas is being received by Petitioner at a delivery point in Desota Parish, La. Petitioner states that it transports and redelivers equivalent volumnes, less an allowance for fuel and company-used gas, to Mississippi River at Petitioner's measuring and regulating station located at Mississippi River's Perryville compressor site in Monroe Field, Ouachita Parish, La., pursuant to a transportation agreement between the two parties dated April 6, 1977. For gas so transported, Petitioner charges Mississippi River an amount per Mcf equal to Petitioner's current average jurisdictional transmission cost of service

in effect from time to time on Petitioner's Northern Rate Zone, exclusive of the cost of gas consumed in Petitioner's operation, which current rate is 24.46 cents per Mcf, it is said.

The petition states that Mississippi River has requested Petitioner to transport volumes of gas which it has purchased from production in the Middlefork Field, Lincoln Parish, La., and that pursuant to an amendatory agreement dated March 31, 1978, Petitioner has agreed to transport an additional volume of up to 1,055 Mcf of natural gas per day for Mississippi River, which gas Mississippi River would deliver, or cause to be delivered for its account, to Petitioner at a point on Petitioner's 18-inch pipeline in Lincoln Parish, La. Petitioner states that it would transport and redeliver equivalent volumes, less an allowance retained for fuel and company-used gas, to Mississippi River at an existing point of interconnection between the systems of Petitioner and Mississippi River in Ouachita Parish, La., where Petitioner redelivers transportation volumes to Misissippi River under Petitioner's existing Rate Schedule X-91. It is stated that authorization of this proposal would result in the addition of a new delivery point on Petitioner's system in Lincoln Parish, La., and would raise the total MDQ applicable to Mississipi River under the contract, as amended, to 6,055 Mcf per day. The rate charged Mississippi would be the same as charged for transportation service rendered under Petitioner's Rate Schedule X-91, it is stated.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 26, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13347 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. CP78-309]

UNITED GAS PIPE LINE CO.

Notice of Application

MAY 5, 1978

Take notice that on April 27, 1978, United Gas Pipe Line Co. (Applicant), P.O. Box 1478, Houston, Tex. 77001, filed in Docket No. CP 78-309 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 1,100 Mcf of natural gas per day 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.

The application states that Transco has acquired the right to purchase said volumes of gas from Superior Oil Co. which would make such sale under certificate authority issued in Docket No. CI61-714. It is indicated that Applicant and Transco have entered into an agreement dated March 10, 1978, whereby Transco would deliver or cause to be delivered up to 1,100 Mcf of gas per day for its account to Applicant at a tap to be installed by Applicant, at Transco's expense, on Applicant's existing pipeline in Lafayette Parish, La. Applicant states that it would redeliver equivalent volumes of gas to Transco, less 2.3 percent for fuel and unaccounted-for gas, at the outlet side of Applicant's existing authorized measuring and regulating station located at Gibson, Terrebonne Parish, La., or other mutually agreeable existing authorized points of interconnection between the pipeline systems of Applicant and Transco.

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 or Northern Rate Zones, 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 and unaccounted-for gas. The current average jurisdictional transmission cost of service, exclusive of the cost of gas consumed in Applicant's operation, is said to be 18.84 cents per Mcf in Applicant's Southern Rate Zone and 24.46 cents per Mcf in Applicant's Northern Rate Zone.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 26, 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 wil 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. 78-13348 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. CP78-310]

UNITED GAS PIPE LINE CO.

Notice of Application

MAY 5, 1978.

Take notice that on April 27, 1978, United Gas Pipe Line Co. (Applicant), P.O. Box 1478, Houston, Tex. 77001, filed in Docket No. CP78-310 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon by sale approximately 8,000 feet of 2-inch pipeline located in Jefferson Davis Parish, La., to Extex, Inc. (Extex), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that presently it provided natural gas service to the community of Mermentau, La., through sales of gas at the Mermentau Town Border Station to Entex, the distributor in the area, and that it delivers gas to Entex at the Mermentau Town Border Station through a 2-inch

pipeline which is connected to Applicant's 6-inch South Jennings Field Line. It is indicated that pursuant to an agreement between Applicant and Entex dated March 2, 1978, Applicant has agreed to abandon and sell to Entex, the 2-inch pipeline for $511.68.

Applicant states that this 2-inch pipeline presently functions as a distribution system line and, accordingly, should more properly be owned and operated by entex. Applicant further states that after the proposed abandonment and sale, the line would continue its present service, but would become a part of Entex's distribution system in Mermentau and environs. The proposed sale to Entex would not affect service to Entex or its customers in the area, now would it affect service to the customers of United, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 26, 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 section 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 permission and approval for the proposed abandonment are 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. 78-13349 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. ER78-336]

ALABAMA POWER CO.

Filing of Rate Schedule

MAY 5, 1978.

Take notice that Alabama Power Co. on April 27, 1978, tendered for filing an Agreement with the City of Hartford, intended as a rate schedule. The Company indicates that this Agreement was necessitated by the sale of the company's Hartford Central Substation to the City of Hartford resulting in a change in delivery voltage from 4.16 kV to 44 kV. The Company states that this Agreement provides for a capacity of 5,000 kVA at 44 kV under Rate MUN-1 and the applicable revisions thereto.

Copies of the filing were served upon the City of Hartford, according to the Company.

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 15, 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. 78-13295 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. ER78-350]

ARKANSAS POWER AND LIGHT CO.

Proposed Changes in FERC Rate Schedules

MAY 9, 1978.

Take notice that on May 2, 1978, Arkansas Power & Light Co. (Company) tendered for filing proposed changes in Arkansas Power & Light Co. Rate Schedules FPC No. 49.

The Company indicates that this Rate Schedule is a contract between the Company and the City of North Little Rock and that the only change is an increase in the maximum capacity made available at one point of delivery. The Company states that it does not believe that the increase in capacity will have any material effects upon the billing and that no billing data was filed. The Company states that there will be no change in rates or provisions in the contract other than those noted above. The Company proposes an effective date of June 1, 1978.

According to the Company a copy of the filing has been mailed to the City of North Little Rock.

Any person desiring to be heard or to protest this 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 22, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13286 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. EL78-19]

BLACK HILLS POWER AND LIGHT CO.

Petition for a Declaratory Order

MAY 5, 1978.

Take notice that on April 24, 1978, Black Hills Power and Light Co. (Petitioner), a corporation organized under the laws of the State of South Dakota and qualified to transact business in the states of Wyoming, Montana and Nebraska, with its principal business office at Rapid City, South Dakota, filed a Petition for a Declaratory Order pursuant to the Federal Power Act and 18 CFR 1.7(c), seeking a declaratory order to remove an uncertainty alleged by petitioner to be necessary for it to lease a 20% interest in the Wyodak Project under a proposed leveraged lease and to specifically provide that Petitioner's cost of payment of its Financing Lease Obligation (as defined in Section 4.04 of the Petitioner's Seventeenth Supplemental Indenture) resulting from the participation by Petitioner as a lessee of 20% of the Wyodak Project and the execution of all of the Basic Agreements and Agreement between Utilities as described in Exhibit A attached to the Petition will be reflected and included in those rates charged by the Petitioner to its customers where the Commission has jurisdiction of those rates.

Petitioner indicates that the Commission now has jurisdiction over sales

of electric power and energy by Petitioner to the cities of Gillette and Upton, Wyo. for resale by said cities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before May 19, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application as amended is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13297 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. ER78-341]

CENTRAL POWER & LIGHT CO.

Filing of Contract

MAY 5, 1978.

Take notice that Central Power & Light Co. on April 28, 1978, tendered for filing an Emergency Electric Service Contract between the Company and the City of Robstown, Tex. The Company indicates that the reason for the emergency service is that Robstown has notified the Company that Robstown cannot meet its requirements for the remainder of this year.

The Company proposes an effective date of February 9, 1978, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with 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 15, 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. 78-13298 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. CP77-406]

COLORADO INTERSTATE GAS CO.

Petition to Amend

MAY 5, 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 Fed. Reg. 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

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

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

Take notice that on April 24, 1978, Colorado Interstate Gas Co. (Petitioner), P.O. Box 1087, Colorado Springs, Colo. 80944, filed in Docket No. CP77-406 a petition to amend the order of August 5, 1977 (57 FPC —) issued by the Federal Power Commission (FPC) in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to authorize the abandonment in place of the two 1,320-horsepower compressor units at its Fourway Compressor Station, all as more fully set forth in the petition on file with the Commission and open to public inspection.

It is indicated that pursuant to the order of August 5, 1977, Petitioner was granted permission and approval to abandon two 1,320 horsepower compressors at its Fourway compressor station and was granted certificate authorization to install and operate the two units for air injection service at Petitioner's Watkins Station. These facilities would have allowed Petitioner to increase the capability of its Watkins Station air injection facilities by 8,000 Mcf per day, it is said.

Petitioner states that further study indicated, however, that in order to maintain thermal stabilization of gas for delivery to the Denver market area and to comply with existing tariff and service agreement requirements, substantially more air injection was required. Consequently, Petitioner filed for authorization in Docket No. CP78-133 to construct and operate five 2,700-horsepower air injection compressors, it is indicated. Pursuant to the order of April 12, 1978, Petitioner was granted the requested authorization. Therefore, the relocation of these units to Watkins Station is no longer required, it is stated.

Petitioner states that it initially believed the Fourway compressor units to be the most economical and expedient method for obtaining additional air service during the 1977-1978 heating season; however, removal, reinstallation, and conversion of these units for natural gas service to air injection service was not possible in time for the 1977-1978 heating season. Therefore, Petitioner entered into a short-term service contract to provide air for thermal control during that period, it is said.

Consequently, Petitioner requests that the Commission delete the authorization for the installation and operation of the two 1,320-horsepower Fourway Station compressors for service at its Watkin's Station, and permit the abandonment in place of the two units at the Fourway Station.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 26, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary

[FR Doc. 78-13299 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. ER78-333]

FLORIDA POWER CORP.

Filing

MAY 5, 1978.

Take notice that Florida Power Corp. (Florida Power), on April 26, 1978, filed two Letters of Commitment which concern service to the cities of Kissimmee and St. Cloud, Fla. (Cities). Florida Power states that the Letters of Commitment provided for the continuation, from June 1, 1975 through November 30, 1979, of firm electric service under Schedule D of the Contract for Interconnection and Electric Service between the Company and the Cities. Florida Power further states that the Letters provided for changes in the energy and demand charges for such service, as well as increasing the amount of service to the Cities, and amending certain terms and conditions under which service is provided.

Florida Power proposes an effective date of June 1, 1975, for the Letter of Commitment dated May 23, 1975, and April 1, 1978 for the Letter of Commitment dated March 30, 1978, and therefore requests waiver of the Commission's notice requirements.

According to Florida Power copies of this filing were served upon the Cities and upon the Florida Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with 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 15, 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. 78-13300 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. ER78-334]

FLORIDA POWER CORP.

Notice of Filing

MAY 5, 1978.

Take notice that Florida Power Corp. (Florida Power), on April 26, 1978, filed a Letter of Commitment which concerns service to the Sebring Utilities Commission (Sebring). Florida Power states that the Letter of Commitment provides for firm electric service under Schedule D of the Contract for Interconnection and Electric Service between the Company and Sebring from April 1, 1978. Florida Power further states that the Letter provided for changes in the energy and demand charges for such service, as well as providing for an increase in the amount of service available to Sebring.

Florida Power proposes an effective date of April 1, 1978, and therefore requests waiver of the Commission's notice requirements.

According to Florida Power copies of this filing were served upon Sebring and upon the Florida Public Service Commission.

Any person desiring to be heard or to protet 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 15, 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. 78-13301 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. ER78-332]

ILLINOIS POWER CO.

Notice of Filing

MAY 5, 1978.

Take notice that on April 25, 1978, Illinois Power Co. (Illinois Power) tendered for filing proposed Modification 2, dated January 26, 1978, to the Interconnection Agreement, dated July 25, 1975, between Western Illinois Power Cooperative, Inc. and Illinois Power.

Illinois Power indicates that this filing is made for an increase for Short-Term firm capacity, Maintenance Power and Short-Term Non-Firm Power reservation charges.

Illinois Power respectfully requests that this Modification No. 2 be permitted to become effective on June 1, 1978.

Illinois Power states that a copy of the filing was served upon Western Illinois Power Cooperative, Inc. and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a comments or protests 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 22, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13302 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. ER78-344]

KANSAS CITY POWER AND LIGHT CO.

Filing of Proposed Change in Rate Schedules

MAY 9, 1978.

Take notice that on May 1, 1978, Kansas City Power & Light Co. ("KCPL") tendered for filing a Municipal Participation Agreement dated February 2, 1978, between KCPL and the City of Carrollton, Mo. KCPL requests an effective date of November 1, 1977 and therefore requests waiver of the Commission's notice requirements. KCPL states that the Agreement terminates the Municipal Interconnection Contract, dated February 20, 1962, KCPL's Rate Schedule FPC No. 38, and provides for rates and charges for certain wholesale service by KCPL to the City of Carrollton.

KCPL states that the proposed rates are KCPL's rates and charges for similar service under schedules previously filed by KCPL with the Federal Energy Regulatory Commission.

Any person desiring to be heard or to protest this 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 22, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13303 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. CP76-25]

MICHIGAN WISCONSIN PIPE LINE CO.

Petition to Amend

MAY 5, 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 Regulator Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

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

Take notice that on April 25, 1978, Michigan Wisconsin Pipe Line Co. (Petitioner), One Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP76-25 a petition to amend the order of December 18, 1975 (54 FPC ——) issued by the Federal Power Commission (FPC) in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to authorize a new delivery point for the exchange of natural gas with Arkansas Louisiana Gas Co. (Arkla), all as more fully set forth in the application on file with the Commission and open to public inspection.

It is indicated that pursuant to the order of December 18, 1975, Petitioner was authorized to construct and operate facilities and deliver up to 25,000 Mcf of natural gas daily to Arkla at a point in Caddo County, Okla., in exchange for an equivalent volume from Arkla at a redelivery point in Custer County, Okla., pursuant to an exchange agreement dated May 8, 1975, between the two parties.

Petitioner states that it has obtained a commitment of gas reserves from the McClure No. 1 Well in Grady County, Okla. Petitioner proposes, pursuant to an amendment dated March 9, 1978, to the subject gas exchange agreement, to deliver such gas up to 10,000 Mcf per day to Arkla at a new delivery point in Grady County, Okla., in exchange for delivery of an equivalent volume of gas by Arkla to Applicant at the presently authorized existing point of redelivery in Custer County, Okla.

Petitioner indicates that it would construct and operate approximately 2 miles of pipeline and related facilities necessary to deliver the natural gas to Arkla at the proposed new point of delivery.

Any person desiring to be heard or to make an protest with reference to said petition to amend should on or before May 26, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13304 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. RP78-61]

MOUNTAIN FUEL RESOURCES, INC.

Proposed Changes in FERC Gas Tariff

MAY 5, 1978.

Take notice that on April 28, 1978, Mountain Fuel Resources, Inc. (Resources) tendered for filing a proposed change to its FERC Gas Tariff, Original Volume No. 1. The proposed rates would increase revenues from jurisdictional sales by approximately $931,145 based on the twelve-month period ending December 31, 1977, as adjusted, compared with the present rates.

Resources states that the increased costs are attributable to (1) increases in operating expenses; (2) an increase in rate base and related costs; and (3) the necessity for an increase in the rate of return.

Resources requests an effective date of June 1, 1978, for the proposed Revised Sheet. In the event that the Commission orders a suspension of Resources' filing, Resources requests that such suspension be for no more than one (1) day, until June 2, 1978. Resources further states that it served copies of this filing upon the Company's only jurisdictional customer and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 19, 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. 78-13305 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. CP74-162]

NATURAL GAS PIPELINE CO. OF AMERICA

Petition to Amend

MAY 5, 1978.

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

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

Take notice that on April 25, 1978, Natural Gas Pipeline Co. of America (Petitioner), 122 South Michigan Avenue, Chicago, Ill., 60603, filed in Docket No. CP74-162 a petition to amend the order of April 2, 1975 (53 FPC ——), as amended, issued by the Federal Power Commission (FPC) in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize an additional exchange point for the exchange of natural gas between Petitioner and El Paso Natural Gas Co. (El Paso) in Washita County, Okla., all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the order of April 2, 1975, Petitioner and El Paso were authorized to exchange natural gas and construct and operate certain facilities to implement such exchange. It is stated that by a long-term exchange agreement dated September 24, 1973, as amended, Petitioner and El Paso agreed to exchange quantities of gas available and tendered from time to time by one to the other subject to quantity limits set forth therein.

It is indicated that on April 28, 1976, Petitioner was granted temporary certificate authorization to construct and operate additional exchange points in Washita County, Okla., and Lea and Eddy Counties, N. Mex., pursuant to an amendment dated June 6, 1975, to the subject exchange agreement.

Petitioner indicates that the April 2, 1975, order was amended as follows:

On April 27,1977, the FPC issued an order herein permitting construction and operation of an additional exchange point in Eddy County, N. Mex., pursuant to an amendment dated November 3, 1975, to the subject Gas Exchange Agreement. The FPC had issued a temporary certificate herein on June 28, 1976.

On February 14, 1977, the FPC issued an order authorizing the operation of additional exchange points in Beckham County, Okla., and Ward County, Tex., and to increase the maximum daily volumes of exchange to 65,000 Mcf per day pursuant to an amendment dated July 14, 1976, to the subject Gas Exchange Agreement.

On August 30, 1977, the FPC issued an order authorizing the operation of an additional exchange point in Lea County, N. Mex., pursuant to an amendment dated April 28, 1977, to the subject Gas Exchange Agreement.

On April 4, 1978, the FPC issued an order authorizing the operation of additional exchange points in Eddy and Lea Counties, N. Mex., pursuant to amendments dated October 12, 1977 and December 1, 1977.

Petitioner states that it and El Paso have agreed by an amendatory agreement dated March 21, 1978, to provide for an additional exchange point in Washita County, Okla. (Washita No. 2 Exchange Point), whereby Petitioner proposes to deliver gas it has available for purchase under a gas purchase contract with Inexco Oil Co. (Inexco), as small producer, from the Stout No. 1 Well and Floyd Neice Nos. 1 and 2 wells located in Washita County, Okla. It is stated that El Paso is already connected to said wells; therefore, Petitioner would not be required to construct any facilities. El Paso would redeliver equivalent volumes of gas to Petitioner at existing exchange points, it is said.

Petitioner also proposes to redesignate the existing Washita Exchange Point as Washita No. 1 Exchange Point.

The petition states that the additional exchange arrangement proposed herein would have no effect on any of the other sales or services now rendered by Petitioner nor would there by any change in Petitioner's operation occasioned thereby.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 26, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13306 Filed 5-16-78; 8:45 am]

[6740-02]

[Docket No. ER78-335]

NEW ENGLAND POWER POOL

Filing of Emergency Conservation Energy Supplement to Interconnection Agreement Between the New England Power Pool and the New York Power Pool

MAY 5, 1978.

Take notice that on April 27, 1978, the New England Power Pool (NEPOOL) tendered for filing a Conservation Energy Agreement supplement to the Interconnection Agreement between NEPOOL and the New York Power Pool. Certificates of concurrence have been filed on behalf of Central Hudson Gas & Electric Corp., Consolidated Edison Co. of New York, Inc., Long Island Lighting Co., New York State Electric & Gas Corp., Niagara Mohawk Power Corp., Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corp.

NEPOOL indicates that the Conservation Energy Agreement provides for emergency energy interchanges between the systems participating in the NEPOOL and the systems participating in the New York Power Pool (NYPP) for periods of one week or more. NEPOOL indicates that the Conservation Energy Agreement also provides for each of the pools to facilitate similar emergency transactions which one pool may have with remote systems and with which the other pool is interconnected.

In view of conditions resulting from the recent coal strike and the potential occurence of emergency contributions, the parties have requested that the Commission waive its notice requirements and permit the Conservation Energy Agreement to become effective as of may 1, 1978.

Any person desiring to be heard or to make any protest with reference to the Interconnection Agreement should on or before May 15, 1978 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). Persons wishing to become parties to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's rules. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13307 Filed 5-16-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

CONSUMER ADVISORY COUNCIL

Notice of Meeting of Consumer Advisory Council

Notice is hereby given that the Consumer Advisory Council will meet on Wednesday, May 31, and Thursday, June 1. The meeting, which will be

open to public observation, will take place in Terrace Room E of the Martin Building. The May 31 session will begin at 1 p.m. until 5 p.m., and will resume that evening from 7:30 p.m. until 9:30 p.m. The June 1 session will begin at 8:30 a.m. and conclude at 3:30 p.m., with a one-hour break for lunch. The Martin Building is located on C Street NW., between 20th and 21st Streets in Washington, D.C.

The Council's function is to advise the Board on the exercise of the Board's responsibilities with regard to consumer credit legislation and regulation. It is anticipated that the May 31–June 1 meeting of the Council will include consideration of the following topics:

1. *Enforcement of Consumer Credit Laws.* Review of efforts of the Federal Reserve System in examining and achieving compliance by State member banks and unresolved issues in connection with the proposed promulgation of uniform Truth in Lending enforcement guidelines by the Board and other Federal financial institution regulatory agencies.

2. *Discrimination Based on Geographical Factors in Extension or Availability of Credit.* Nature and extent of "redlining" and policies Board should adopt in dealing with it, particularly with respect to the regulation the Board is required to issue by November 6, 1978, for member banks under the Community Reinvestment Act. Also, operations under Regulation C, Home Mortgage Disclosure Act, applying to all depository institutions which make federally related mortgage loans.

3. *Unfair Bank Practices.* Implementing the Board's powers under the Federal Trade Commission Improvement Act to prohibit unfair, deceptive, or abusive practices of banks.

Brief reports will be made on the status of matters previously discussed by the Council.

Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at 202-452-3204.

Board of Governors of the Federal Reserve System, May 11, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-13443 Filed 5-16-78; 8:45 am]

[6210-01]

MOUNTAIN FINANCIAL SERVICES, INC.

Acquisition of Bank

Mountain Financial Services, Denver, Colo., has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of South Aurora State Bank, Aurora, Colo., a proposed new bank. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 12, 1978.

Board of Governors of the Federal Reserve System, May 11, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-13442 Filed 5-16-78; 8:45 am]

[6210-01]

MOUNTAIN FINANCIAL SERVICES, INC.

Proposal to Engage in Sale of Credit Related Insurance

Mountain Financial Services, Inc., Denver, Colo., has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to engage in the sale of credit life and credit accident and health insurance at the offices of South Aurora State Bank, Aurora, Colo. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). Notice of the application was published on April 25, 1978, in the Denver Post, a newspaper circulated in Aurora, Colo.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 12, 1978.

Board of Governors of the Federal Reserve System, May 11, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-13455 Filed 5-16-78; 8:45 am]

[1610-01]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on May 10, 1978. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CAB request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before June 5, 1978, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, room 5106, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

CIVIL AERONAUTICS BOARD

The CAB requests clearance of a new, single-time request for lease financing information from 22 air carriers for use in the Board's Insitutional Control of Air Carriers Investigation, Docket 26348. The information requested is required to complete documents and other data received in response to a previous inquiry approved by the General Accounting Office on April 29, 1977 (approval number B-180226 (S77015)). Responses to the previous request did not include sufficient information to evaluate the extent of participation by various fi-

nancial institutions in aircraft leases. The CAB estimates that respondents will be the 22 certificated air carriers who responded to the previous inquiry and that reporting time will average 25 hours per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc. 78-13425 Filed 5-16-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-78-8721]

TASK FORCE ON HOUSING COSTS

Cancellation of Meeting

AGENCY: Department of Housing and Urban Development.

ACTION: Notice is given cancelling the fourth meeting of the entire Task Force on Housing Costs, whose functions were published at 42 FR 42383.

SUMMARY: This notice cancels the fourth meeting of the entire Task Force on Housing Costs scheduled to be held on May 24, 1978, in a notice published on April 18, 1978, at 43 FR 16425, at the time and place indicated in the notice. The third meeting of the full Task Force was held as announced in the notice on May 3, 1978, and became the final Task Force meeting with the completion of Task Force deliberations.

FOR FURTHER INFORMATION CONTACT:

Edward J. Cachine, 202-755-7362 (substantive inquiries), Thomas Bacon, 202-755-5277 (press inquiries), or Donald K. McLain, 202-755-5333.

Issued at Washington, D.C., May 12, 1978.

EDWARD J. CACHINE,
Staff Chairman, Task Force on Housing Costs.

[FR Doc. 78-13532 Filed 5-16-78; 8:45 am]

[4310-09]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

PROPOSED PARADOX VALLEY UNIT, COLORADO RIVER BASIN SALINITY CONTROL PROJECT

Notice of Public Hearing on Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed Paradox Valley Unit. This statement (INT DES 78-19) was made available to the public on May 11, 1978.

The draft environmental statement deals with the proposed construction in southwestern Colorado of a brine well field, hydrogen sulfide stripping plant, brine pipeline, and solar evaporation pond. These structures would decrease salinity in the Colorado River system.

To receive comments from interested organizations or individuals on the environmental statement, the Bureau of Reclamation will hold a public hearing on June 17, 1978, at Nucla High School in Nucla, Colo. The hearing will begin at 10 a.m., and continue until all comments are received.

Oral statements at the hearing will be limited to a period of 10 minutes. Speakers will not trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow any speaker additional opportunity to comment after all other persons wishing to comment have been heard. Requests for scheduled presentation will be accepted up to 4:30 p.m., June 14, 1978. Any subsequent requests will be handled at the hearing on a first-come-first-served basis following the scheduled presentations. Whenever possible, speakers will be scheduled according to the time preference mentioned in their letter or telephone request. Any scheduled speaker not present when called will lose his turn in the scheduled order but will be given an opportunity to speak at the end of the scheduled presentations.

Organizations or individuals desiring to present statements at the hearing should contact Regional Director, Harl M. Noble, Bureau of Reclamation, Room 7201, 125 South State Street, Salt Lake City, Utah 84147, telephone, 801-524-5536, and announce their intention to participate. Oral and written statements presented at the hearing will be summarized and responded to in the final environmental statement. Any person wishing his or her comments printed in full in the final environmental statement should respond by addressing the draft environmental statement in a separate written document. These written comments should be addressed to the Regional Director and postmarked no later than June 26, 1978.

Dated: May 12, 1978.

CLIFFORD I. BARRETT,
Acting Commissioner of Reclamation.

[FR Doc. 78-13430 Filed 5-16-78; 8:45 am]

[4310-70]

National Park Service

FORT SUMTER TOURS, INC.

Notice of 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 16, 1978, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Fort Sumter Tours, Inc., authorizing it to continue to provide concession facilities and services for the public at Fort Sumter National Monument for a period of ten (10) years from date of execution through December 31, 1987.

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 Regional Office, 1895 Phoenix Boulevard, Atlanta, Ga. 30349.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on September 30, 1978, 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 Fort Sumter Tours, Inc., as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the negotiation of the contract, if the offer of Fort Sumter Tours, Inc., is substantially equal to others received. In the event a responsive proposal superior to that of Fort Sumter Tours, Inc., (as determined by the Secretary) is submitted, Fort Sumter Tours, Inc., will be given the opportunity to meet the terms and conditions of the superior proposal, the Secretary considers desirable, and, if it does so, the new contract will be negotiated with Fort Sumter Tours, Inc. The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be submitted within thirty (30) days after the publication date of this notice to be considered and evaluated.

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: May 5, 1978.

DANIEL J. TOBIN, Jr.
Associate Director,
National Park Service.

[FR Doc. 78-13356 Filed 5-16-78; 8:45 am]

[4310-84]

Office of the Secretary

[INT FES 78-9]

GRAZING MANAGEMENT PROGRAM, RIO PUERCO RESOURCE AREA, N. MEX.

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement on grazing management in the Rio Puerco Resource Area, New Mexico.

The proposal involves the implementation of Allotment Management Plans on 393,083 acres of public lands for the purpose of establishing a range and vegetation improvement program.

Copies are available for inspection at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets NW., Washington, D.C. 20240, telephone 202-343-5171.

New Mexico State Office, Bureau of Land Management, U.S. Post Office Building, North Federal Place, Santa Fe, N. Mex. 87501, telephone 505-988-6214.

Albuquerque District Office, Bureau of Land Management, 3550 Pan American Freeway NE., Albuquerque, N. Mex. 87107, telephone 505-766-2455.

ALBUQUERQUE CITY LIBRARIES

Main Library, 501 Cooper Avenue N.W., Albuquerque, N. Mex. 87102.

Prospect Park Branch, 8205 Apache NE., Albuquerque, N. Mex. 87110.

Grant City Library, 525 West High, Grants, N. Mex. 87020.

Santa Fe Public Library, 121 Washington Avenue, Santa Fe, N. Mex. 97501.

A limited number of single copies may be obtained from the BLM District Manager, Albuquerque or the BLM State Director in Santa Fe.

Dated: May 12, 1978.

LARRY E. MEIEROTTO,
Deputy Assistant,
Secretary of the Interior.

[FR Doc. 78-13351 Filed 5-16-78; 8:45 am]

[4310-84]

[INT FES 78-8]

PROPOSED GRAZING MANAGEMENT ON PUBLIC LANDS IN THE SAN LUIS VALLEY, COLO.

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior's Bureau of Land Management has prepared a final environmental statement (FES) on the proposed grazing management in the San Luis Resource Area, Colo.

The statement analyzes environmental impacts that would result from implementation of intensive grazing management plans, including necessary range improvements, on 92 percent of the public lands in the San Luis Valley. Other allotments would be managed less intensively (16,625 acres), or would be entirely eliminated from grazing use (5,930 acres). The remaining 19,900 acres are not currently grazed by livestock and that status would remain the same.

Several alternatives were considered, including No Action, Elimination of Grazing, Custodial Management, Reduced Management on Specific Allotments, Wildlife Effective, Watershed Effective, and Balanced Multiple Use.

In preparing the final statement, BLM requested and received assistance and comments from many agencies of Federal, State, and local government. Notice of availability of draft environmental statement appeared in FEDERAL REGISTER Vol. 42, No. 9, January 13, 1977. Written comments were invited for a 45-day period ending March 1, 1977. Additional opportunity to comment was provided at public hearings held on February 23, 1977, in Alamosa, Colo. The final environmental statement contains specific responses to both written comments and oral testimony that dealt with the adequacy of the draft environmental statement. Revisions in the text were also made in response to comments or new information provided by the public during the comment period.

Copies of the final statement and review copies are available at the following Bureau of Land Management offices:

Canon City District Office, 3080 East Main Street, Canon City, Colo. 81212, telephone 303-275-7494.

Colorado State Public Affairs Office, room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202, telephone 303-837-4481.

San Luis Resource Area Office, Bureau of Land Management, 1921 State Street, Alamosa, Colo. 81101, telephone 303-589-4975.

Review copies only are available at the following locations:

Washington Office of Public Affairs, Bureau of Land Management, room 5625, 18th and C Streets NW., Washington, D.C. 20240, telephone 202-343-4151.

Carnegie Public Library, 120 Jefferson, Monte Vista, Colo. 81144.

Saguache County Public Library, 702 Pitkin, Saguache, Colo. 81149.

Southern Peaks Library, 424-4th, Alamosa, Colo. 81101.

Convervation Library, Denver Public Library, 1357 Broadway, Denver, Colo. 80206.

Canon City Library, 516 Macon Avenue, Canon City, Colo. 81212.

Dated: May 12, 1978.

LARRY E. MEIEROTTO,
Deputy Assistant
Secretary of the Interior.

[FR Doc. 78-13350 Filed 5-16-78; 8:45 am]

[7536-01]

National Endowment for the Arts and the Humanities

National Endowment for the Humanities

HUMANITIES PANEL

Meeting

MAY 11, 1978.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Humanities Panel will be held at 806 Fifteenth Street NW., Washington, D.C. 20506, in room 807, from 9 a.m. to 5:30 p.m. on June 12 and 13, 1978.

The purpose of the meeting is to review Higher Education Projects applications submitted to the National Endowment for the Humanities for projects beginning after October 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 Fifteenth Street NW., Washington,

D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee Management Officer.

[FR Doc. 78-13377 Filed 5-16-78; 8:45 am]

[7536-01]

HUMANITIES PANEL

Meeting

MAY 2, 1978.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Humanities Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 807, from 9 a.m. to 5:30 p.m. on June 8-9, 1978.

The purpose of the meeting is to review Elementary and Secondary Education Program applications submitted to the National Endowment for the Humanities for projects beginning after October 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee Management Officer.

[FR Doc. 78-13378 Filed 5-16-78; 8:45 am]

[7536-01]

HUMANITIES PANEL

Meeting

MAY 10, 1978.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is hereby given that a meeting of the Humanities Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 1130, from 9 a.m. to 5:30 p.m. on June 15 and 16, 1978.

The purpose of the meeting is to review Youthgrants in the Humanities applications submitted to the National Endowment for the Humanities for projects beginning after October 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meetings to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee Management Officer.

[FR Doc. 78-13379 Filed 5-16-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on June 1-3, 1978, in Room 1046, 1717 H Street NW., Washington, D.C.

The agenda for the subject meeting will be as follows:

THURSDAY, JUNE 1, 1978

8:30 a.m.-9 a.m.: Executive session (open). The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities including the appointment of new Committee members.

This session will be open to the public except for those portions which must be closed to protect information the release of which would represent an unwarranted invasion of personal privacy.

The Committee will hear and discuss the report of the ACRS Subcommittee and consultants who may be present regarding the request for operation at increased power of the Maine Yankee Atomic Power Station.

Portions of this session will be closed if necessary to discuss proprietary information applicable to this matter and provisions for physical protection of this unit.

9 a.m.-11 a.m.: Maine Yankee Atomic Power Station (open). The Committee will hear and discuss presentations by representatives of the NRC staff and the applicant related to the request to operate this unit at increased power. Portions of this session will be closed if necessary to discuss proprietary information applicable to this matter and provisions for physical protection of this unit.

11 a.m.-12:15 p.m.: Executive session (open). The Committee will hear and discuss reports of Subcommittees and Working Groups on a number of generic matters related to reactor safety including anticipated transients without scram and proposed revisions to NRC regulatory guides. The Subcommittee on the Vermont Yankee Nuclear Power Station will also report on operating experience at this facility.

1:15 p.m.-2:15 p.m.: Report on Intergovernmental Review of Nuclear Waste Management (open). The Committee will hear and discuss a report by representatives of the NRC regarding NRC participation in the program for reviews of nuclear waste management and disposal.

2:15 p.m.-2:30 p.m.: Executive session (open). The Committee will hear and discuss the report of the ACRS Subcommittee and consultants who may be present regarding the request for operation of the Indian Point Nuclear Generating Station, Unit 3, at full power. Portions of this session will be closed if necessary to discuss proprietary information applicable to this matter and provisions for physical protection of this unit.

2:30 p.m.-4:30 p.m.: Indian Point Nuclear Generation Station, Unit 3 (open). The Committee will hear presentations by and hold discussions with representatives of the NRC staff and the applicant regarding the request for operation of this unit at full power. Portions of this session will be closed if necessary to discuss proprietary information applicable to this matter and provisions for physical protection of this unit.

4:30 p.m.-6:30 p.m.: Executive session (open). The Committee will discuss proposed ACRS positions and comments regarding generic matters related to nuclear powerplant safety including the use of Class 9 accidents for evaluation of alternate reactor sites and the source term used in reactor safety analysis.

The Committee will also discuss its proposed reports to the NRC on the Maine Yankee Nuclear Plant and the Indian Point Nuclear Generating Station, Unit 3.

FRIDAY, JUNE 2, 1978

8:30 a.m.-1:30 p.m.: Meeting with NRC staff (open). The Committee will hear presentations from and hold discussions with members of the NRC

staff regarding recent licensing actions and operating experience including the seismic reevaluation of several nuclear powerplants and review of a proposed safe shutdown system for the Oconee Nuclear Plant.

Representatives of the NRC staff and its contractors will also report to the ACRS on generic matters related to nuclear powerplant safety including the bases for combination of seismic and other dynamic loads, the proposed use of Class 9 accidents for evaluation of alternate powerplant sites, and comparison of risks from nuclear powerplants with other societal risks.

The future schedule for ACRS activities and topics proposed for consideration by the Committee will also be discussed.

2:30 p.m.–6 p.m.: Executive session (open). The Committee will discuss proposed ACRS comments regarding the establishment of a quasi-judicial, statutory board to investigate reactor accidents. The Committee will also discuss proposed comments regarding generic matters discussed during this meeting and miscellaneous Committee activities including reorganization of ACRS Subcommittees and Working Groups and a proposed periodic report of ACRS activities.

The Committee will also discuss proposed reports to the NRC on the Maine Yankee Nuclear Plant and the Indian Point Nuclear Generating Station, Unit 3.

SATURDAY, JUNE 3, 1978

8:30 a.m.–12 noon: Executive session (open). The Committee will discuss its proposed reports to NRC regarding the Indian Point Nuclear Generating Station, Unit 3, and the Maine Yankee Atomic Power Station.

The Committee will complete discussion of generic matters and miscellaneous ACRS activities considered during this meeting.

Procedures for the conduct of and participation in ACRS meetings were outlines in the FEDERAL REGISTER on October 31, 1977, page 56972. In accordance with these procedures, oral or written statement may be presented by members of the public, recordings well 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 Committee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

I have determined in accordance with section 10(d) of Pub. L. 92-463 that is is necessary to close portions of the meeting as noted above to protect proprietary information (5 U.S.C. 552b(c)(4)), to preserve the confidentiality of information related to safeguarding of special nuclear material and the physical protection of nuclear facilities (5 U.S.C. 553b(c) (1) and (4)), and to protect information the release of which would represent an unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)). Separation of factual information from information considered exempt from disclosure during closed portions of the meeting is not considered practical.

Background information concerning items to be considered during this meeting can be found in documents on file and available for public inspection in the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and in the following public document rooms:

INDIAN POINT NUCLEAR GENERATING STATION, UNIT 3

White Plains Public Library, 100 Martine Avenue, White Plains, N.Y. 10601.

MAINE YANKEE ATOMIC GENERATING STATION

Wiscasset Public Library, High Street, Wiscasset, Maine 04578.

Further information regarding topics to be discussed, whether the meeting has been canceled 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 ACRS Executive Director, Mr. Raymond F. Fraley, telephone 202-634-1371, between 8:15 a.m. and 5 p.m. e.d.t.

Dated: May 15, 1978.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 78-13560 Filed 5-16-78; 9:48 am]

[7590-01]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and Working Groups and of the full Committee, the following preliminary schedule is being published. This preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or canceled since the last list of proposed meetings published in the FEDERAL REGISTER on April 28, 1978. Those meetings which are definitely scheduled have had, or will have, an individual notice published in the FEDERAL REGISTER approximately 15 days (or more) prior to the meeting. Those Subcommittee and Working Group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee and Working Group meetings usually begin at 8:30 a.m. The exact time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee and Working Group meetings will start will be published approximately 15 days prior to each meeting. Information as to whether a meeting has been firmly scheduled, canceled, or rescheduled, or whether changes have been made in the agenda for the June 1-3, 1978, ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee, telephone 202-634/1374, Attn.: Mary E. Vanderholt, between 8:15 a.m. and 5 p.m., e.d.t.

SUBCOMMITTEE AND WORKING GROUP MEETINGS

**Davis Besse Nuclear Power Station,* Units 2 and 3, May 18, 1978, Washington, D.C. Rescheduled to June 30, 1978. Notices of this meeting were published in the FEDERAL REGISTER on May 3 and 11, 1978.

**Vermont Yankee Nuclear Power Station,* May 19, 1978, Vernon, Vt. The Subcommittee will review the operating history and fuel performance for this station. Notice of this meeting was published in the FEDERAL REGISTER on May 4, 1978.

**Fluid/Hydraulic Dynamic Effects,* May 23, 1978, Des Plaines, Ill. The Subcommittee will discuss items related to the Mark I, II, and III containment systems. Notice of this meeting was published in the FEDERAL REGISTER on May 8, 1978.

**Diablo Canyon Nuclear Power Station,* May 24-25, 1978 (rescheduled from May 17, 1978), Washington, D.C. Rescheduled to June 14-15, 1978.

**Maine Yankee Nuclear Plant,* May 25, 1978 (rescheduled from May 2, 1978), Washington, D.C. The Subcommittee will review the request of the Maine Yankee Atomic Power Corp., to operate this plant beyond the FSAR designated power of 2,560 MW(t) up to a power level of 2,630 MW(t). Notices of this meeting were published in the FEDERAL REGISTER on April 17, May 2, and May 11, 1978.

**Anticipated Transients Without Scram (ATWS),* May 26, 1978, Washington, D.C. The Working Group will discuss various issues pertaining to anticipated transients during reactor op-

erations that might take place without the occurrence of reactor scram. Notice of this meeting was published in the FEDERAL REGISTER on May 11, 1978.

*Regulatory Activities, May 31, 1978, Washington, D.C. The Subcommittee will review working papers, future regulatory guides and changes to existing regulatory guides; also, it will discuss pertinent activities which affect the current licensing process and/or reactor operations. Notice of this meeting was published in the FEDERAL REGISTER on May 16, 1978.

*Reactor Safety Research, May 31, 1978, Washington, D.C. The Subcommittee will meet in open executive session to discuss review efforts for the ACRS 1978 report to Congress on NRC reactor safety research. Notice of this meeting was published in the FEDERAL REGISTER on May 16, 1978.

*Diablo Canyon Nuclear Power Station, June 14-15, 1978 (rescheduled from May 24-25, 1978), Washington, D.C. The Subcommittee will continue its review of the Pacific Gas & Electric Co.'s applications for operating licenses for units 1 and 2 of this station.

*Siting Evaluation, June 16, 1978, Washington, D.C. The Subcommittee will discuss the NRC report entitled, "Early Site Reviews for Nuclear Power Facilities—Procedures and Possible Technical Review Options," NUREG-0180, draft revision dated February 1978.

*Allens Creek Nuclear Generating Station, Unit 1, June 22, 1978, Houston Tex. Postponed indefinitely.

Naval Reactors/Naval Operations, June 28, 1978, Schenectady, N.Y. The Subcommittee will review the request of the Division of Naval Reactors, Department of Energy, to operate the S8G reactor prototype located at Knolls Atomic Power Laboratory.

*New England Power Nuclear Project, Units 1 and 2, June 28-29, 1978, Providence, R.I. The Subcommittee will review the application of the New England Power Co. for a permit to construct units 1 and 2 of this project.

*Electrical Systems, Control, and Instrumentation, June 29, 1978, Washington, D.C. The Subcommittee will meet with representatives of numerous vendors and utilities to review the capability of loose parts monitoring systems in nuclear powerplants.

*Davis Besse Nuclear Power Station, Units 2 and 3, June 30, 1978 (rescheduled from May 18, 1978), Washington, D.C. The Subcommittee will review the application of the Toledo Edison Co. for a permit to construct units 2 and 3 of this station.

*Regulatory Activities, July 5, 1978, Washington, D.C. The Subcommittee will review working papers, future regulatory guides and changes to existing regulatory guides; also, it will discuss pertinent activities which affect the current licensing process and/or reactor operations.

*Fast Flux Test Facility, July 12, 1978, Washington, D.C. The Subcommittee will meet with the NRC staff and officials from the Department of Energy to discuss the status of construction and the NRC safety review of the fast flux test facility.

*Erie Nuclear Power Plant, Units 1 and 2, July 18, 1978, Sandusky, Ohio. The Subcommittee will review the application of the Ohio Edison Co. for a permit to construct units 1 and 2 of this plant.

*Electrical System, Control, and Instrumentation, July 20, 1978, Los Angeles, Calif. The Subcommittee will meet with representatives of numerous vendors and utilities to review the capability of loose parts monitoring systems in nuclear powerplants.

*Waste Management, July 25, 1978, Washington, D.C. The Subcommittee will review the progress on the NRC staff study of waste disposal classification; discuss recent USGS reports on high level waste management; and discuss NRC response to actions suggested in DOE/ER-0004/D, February 1978, "Report of Task Force for Review of Nuclear Waste Management."

*Environmental, July 26, 1978, Washington, D.C. The Subcommittee will review Regulatory Guide 1.98, Rev. 1, "Methods for Determining the Technical Specification Limit on Activity Release at the Main Condenser Vacuum System on Boiling Water Reactors."

*Decommissioning of Nuclear Facilities, July 26, 1978, Washington, D.C. The Subcommittee will review NUREG-0436, "Plan for Reevaluation of NRC Policy on Decommissioning of Nuclear Facilities."

*Hypothetical Core Disruptive Accident for Fast Reactors (HCDA), July 27-28, 1978, Los Alamos, N. Mex. The Working Group will discuss the goals and accomplishments of the SIMMER program and the capability of the SIMMER code to model a hypothetical core disruptive accident.

*Regulatory Activities, August 2, 1978, Washington, D.C. The Subcommittee will review working papers, future regulatory guides and changes to existing regulatory guides; also, it will discuss pertinent activities which affect the current licensing process and/or reactor operations.

ACRS FULL COMMITTEE MEETINGS

JUNE 1-3, 1978

A.*Maine Yankee Atomic Power Station—Review request for power level increase.

B.*Indian Point Nuclear Generating Station, Unit 3—Review request to operate at full power.

JULY 6-8, 1978

Agenda to be announced.

AUGUST 3-5, 1978

Agenda to be announced.

Dated: May 15, 1978.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 78-13559 Filed 5-16-78; 9:48 am]

[7590-01]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operation, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the Member States. The Senior Advisory Group then considers the Member State comments, again modifies the draft as necessary to reach agreement and forwards it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide SG-QA8, "Quality Assurance for Manufacture of Items for Nuclear Power Plants," has been developed. The Working Group, consisting of Mr. C. Carrier, France; Mr. G. S. Horne, United Kingdom; Mr. H. Whilhelm, Federal Republic of Germany; and Mr. J. P. Jackson (Management Analysis Company), United States of America, developed the initial draft of this Safety Guide from an IAEA collation during a meeting on March 7-11, 1977. The Working Group draft of this Safety Guide was modified by the Technical Review Committee on Quality Assurance which met on December

5-9, 1977, and we are soliciting public comments on this modified draft. Comments on this draft received by June 23, 1978 will be useful to the U.S. representatives to the Technical Review Committee and Senior Advisory Group in evaluating its adequacy prior to the next IAEA discussion.

Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a).)

Dated at Rockville, Maryland this 4th day of May 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc. 78-13362 Filed 5-16-78; 8:45 am]

[7590-01]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 8.19, "Occupational Radiation Dose Assessment in Light-Water Reactor Power Plants—Design Stage Man-Rem Estimates," describes a method acceptable to the NRC staff for performing an assessment of collective occupational radiation dose as part of the process of designing a light-water-cooled power reactor.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 8.19 will, however, be particularly useful in evaluating the need for an early revision if received by July 17, 1978.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Md. this 9th day of May 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc. 78-13375 Filed 5-16-78; 8:45 am]

[7590-01]

[NUREG-75/087]

REVISION TO THE STANDARD REVIEW PLAN

Notice of Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to section No. 2.4.11 (Low Water Considerations) of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear powerplants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, VA. 22161. The domestic price is $70, including first-year supplements. Annual subscriptions for supplements alone are $30. Individual sections are available at current prices. The domestic price for Revision No. 1 to section No. 2.4.11 is $4. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555.

(5 U.S.C. 552(a).)

Dated at Bethesda, Md., this 4th day of May, 1978.

For the U.S. Nuclear Regulatory Commission.

DANIEL R. MULLER,
Deputy Director, Division of Site Safety and Environmental Analysis, Office of Nuclear Reactor Regulation.

[FR Doc. 78-13371 Filed 5-16-78; 8:45 am]

[7590-01]

[NUREG-75/087]

REVISION TO THE STANDARD REVIEW PLAN

Notice of Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to section Nos. 2.4.10 (Flooding Protection Requirements) and 2.4.14 (Technical Specifications and Emergency Operation Requirements) of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is $70, including first-year supplements. Annual subscriptions for supplements alone are $30. Individual sections are available at current prices. The domestic price for Revision No. 1 to section Nos. 2.4.10 and 2.4.14 is $4 per section. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street,

N.W., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda, Md., this 4th day of May, 1978.

For the U.S. Nuclear Regulatory Commission.

DANIEL R. MULLER,
Deputy Director, Division of Site Safety and Environmental Analysis, Office of Nuclear Reactor Regulation.

[FR Doc. 78-13372 Filed 5-16-78; 8:45 am]

[7590-01]

[NUREG-75/087]

REVISION TO THE STANDARD REVIEW PLAN

Notice of Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to section No. 2.3.3 of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. the purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is $70, including first-year supplements. Annual subscriptions for supplements alone are $30. Individual sections are available at current prices. The domestic price for Revision No. 1 to section No. 2.3.3 is $4. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public document Room at 1717 H Street, NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda, Md., this 9th day of May, 1978.

For the U.S. Nuclear Regulatory Commission.

DANIEL R. MULLER,
Deputy Director, Division of Site Safety and environmental analysis, Office of Nuclear Reactor Regulation.

[FR Doc. 78-13373 Filed 5-16-78; 8:45 am]

[7590-01]

[NUREG—75/087]

REVISION TO THE STANDARD REVIEW PLAN

Notice of Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to section No. 2.3.5 of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is $70, including first-year supplements. Annual subscriptions for supplements alone are $30. Individual sections are available at current prices. The domestic price for Revision No. 1 to section No. 2.3.5 is $4. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda, Md., this 9 day of May, 1978.

For the U.S. Nuclear Regulatory Commission.

DANIEL R. MULLER,
Deputy Director, Division of Site Safety and Environmental Analysis, Office of Nuclear Reactor Regulation.

[FR Doc. 78-13374 Filed 5-16-78; 8:45 am]

[7590-01]

[Docket Nos. 50-516 & 50-517]

LONG ISLAND LIGHTING CO., JAMESPORT NUCLEAR POWER STATION, UNITS 1 AND 2

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this construction permit proceeding to consist of the following members: Jerome E. Sharfman, Chairman, Richard S. Salzman, Dr. W. Reed Johnson.

Dated: May 11, 1978.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc. 78-13363 Filed 5-16-78; 8:45 am]

[7590-01]

[Dockets Nos. 50-277 and 50-278]

PHILADELPHIA ELECTRIC CO., ET AL., PEACH BOTTOM UNITS NOS. 2 AND 3

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 41 and 40 to Facility Operating License Nos. DPR-44 and DPR-56, issued to Philadelphia Electric Co., Public Service Electric and Gas Co., Delmarva Power and Light Co., and Atlantic City Electric Co., which revised the Technical Specifications for operation of the Peach Bottom Atomic Power Station Units Nos. 2 and 3, located in York County, Pa. The amendments are effective as of the date of issuance.

The amendments revised the Technical Specifications to incorporate requirements for establishing and maintaining suppression chamber water level, to maintain the margins of safety established in the NRC staff's "Mark I Containment Short Term Program Safety Evaluation", NUREG-0408. Operation in accordance with the conditions specified in NUREG-0408 has been previously authorized in the FEDERAL REGISTER on March 29, 1978 (43 FR 13111). The Commission's Safety Evaluation supporting these amendments provides the basis for rescinding the requirements to establish and maintain drywell to suppression chamber differential pressure control.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and

the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) application for amendment dated November 4, 1976, as supplemented by letters dated February 28, April 14, June 16, and August 30, 1977, (2) Amendments Nos. 41 and 40 to License Nos. DPR-44 and DPR-56, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pa. 17126. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 11th day of May 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-13364 Filed 5-16-78; 8:45 am]

[7590-01]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 27 to Facility Operating License No. NPF-1 issued to Portland General Electric Co., the City of Eugene, Oreg., and Pacific Power & Light Co. which revised Technical Specifications for operation of the Trojan Nuclear Plant (the facility), located in Columbia County, Oreg. The amendment is effective as of its date of issuance.

This amendment (1) changes the allowable heatup rate for the pressurizer from 200° F per hour to 100° F per hour, (2) corrects an error with respect to operability requirements for the spent fuel pool exhaust ventilation system, and (3) adds a clarifying phrase to Technical Specification 4.03 regarding surveillance requirements.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 30, 1977, (2) Amendment No. 27 to license No. NPF-1 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oreg. 97051. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 18th day of April 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-13365 Filed 5-16-78; 8:45 am]

[7590-01]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 26 to Facility Operating License No. NPF-1 issued to Portland General Electric Co., the City of Eugene, Oreg., and Pacific Power and Light Co. which revised Technical Specifications for operation of the Trojan Nuclear Plant (the facility), located in Columbia County, Oreg. The amendment is effective as of its date of issuance.

The amendment corrects Table 3.7-4 of Appendix A Technical Specifications to reflect the proper designation of fire hose stations that are required to be operable.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 13, 1978, (2) Amendment No. 26 to License No. NPF-1 and (3) the Commission's related letter. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oreg. 97051. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 13th day of April 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-13366 Filed 5-16-78; 8:45 am]

[7590-01]

[Docket No. 50-272]

PUBLIC SERVICE ELECTRIC & GAS CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Facility Operating License No. DPR-70, issued to

Public Service Electric & Gas Co., et al (the licensee), which revised the Environmental Technical Specifications for operation of the Salem Nuclear Generating Station, Unit No. 1 located in Salem County, N.J. The amendment is effective as of its date of issuance.

This amendment deletes the requirement to weigh sample populations of anadromous fishes caught in gill-nets.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 21, 1977, (2) Amendment No. 12 to License No. DPR-70 and (3) the Commission's letter dated April 14, 1978. Both of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, N.J. 08079. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 14th day of April 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-13367 Filed 5-16-78; 8:45 am]

[7590-01]

[Construction Permits No. CPPR-139; CPPR-140]

UNION ELECTRIC CO. (CALLAWAY PLANT, UNITS 1 AND 2)

Hearing

The Union Electric Co., St. Louis, Mo. (Licensee), is the holder of construction permits number CPPR-139 and CPPR-140 (the license) issued by the Nuclear Regulatory Commission. The license authorizes the construction of Callaway Plant, Units 1 and 2 and was issued on April 16, 1976.

On April 3, 1978 the Director, Office of Inspection and Enforcement, pursuant to 10 CFR 2.202 of the Commission's regulations, served on the Licensee an Order to Show Cause Why Construction Permits Should Not Be Suspended. The basis of the show cause Order was that on March 30, 1978 duly authorized investigators of the Commission's Office of Inspection and Enforcement were denied access to records and personnel necessary to conduct an investigation to determine

(1) Whether a construction worker engaged in activity under the license was discharged because the worker made allegations to the Commission concerning alleged construction problems which, if uncorrected, could lead to unsafe conditions at the Callaway facility jeopardizing the public health and safety;

(2) Whether the Commission's regulations should be amended to provide expressly that all workers involved in license activities under a construction permit are encouraged to communicate with the Commission concerning matters which could jeopardize the public health and safety and to expressly prohibit any retaliation by employers against workers who do so, and

(3) Whether there may now exist at the Callaway facility potentially unsafe conditions, the existence of which has not been communicated to the Commission because of the chilling effect on workers at the site of any perception on such workers' part that a worker was discharged because he alleged potentially unsafe conditions to the Commission.

An answer dated April 21, 1978 to the Order to Show Cause Why Construction Permits Should Not Be Suspended was received from the Licensee. The answer demanded a hearing on the Order pursuant to 10 CFR 2.202(c).

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and 10 CFR Part 2 of the Commission's regulations, notice is hereby given that a hearing will be held before an Atomic Safety and Licensing Board composed of John F. Wolf, Esq., Chairman, Hugh K. Clark, Esq., and Joseph F. Tubridy, Esq. The Commission believes that extraordinary circumstances sufficient to warrant it to hear this matter in the first instance do not exist, and accordingly declines the licensee's suggestion to that effect.

The issues before the Atomic Safety and Licensing Board to be considered and be decided shall be:

(1) Whether the Commission in its investigation was denied access to records and personnel relating to the termination of a worker who had alleged construction problems which if uncorrected could lead to unsafe conditions in an activity licensed by the Commission; and

(2) Whether Construction Permits No. CPPR-139 and No. CPPR-140 should be suspended until such time as the Licensee, including its employees, agents and contractors engaged in activities under the license, submits to investigations and inspections as the Commission deems necessary and as authorized by the Atomic Energy Act of 1954, as amended, in the Commission's regulations.

In addition, the Board is authorized to resolve the Licensee's contention that NRC should defer its investigation to the ongoing grievance proceeding between the worker and contractor here involved.

A prehearing conference shall be held by the Atomic Safety and Licensing Board at a date and place to be set by the Board to consider pertinent matters in accordance with the Commission's Rules of Practice. The date and place of the hearing will be set at or after the prehearing conference and will be noticed in the FEDERAL REGISTER.

Pursuant to 10 CXFR 2.705, an answer to this Notice may be filed by the Licensee not later than June 6, 1978.

The Commission authorizes an Atomic Safety and Licensing Appeal board pursuant to 10 CFR 2.785 to exercise the authority to perform the review functions which would otherwise be exercised and performed by the Commission, subject to Commission review, as appropriate, under 10 CFR 2.786. The Appeal Board will be designated pursuant to 10 CFR 2.787 and notice as to membership will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 11th day of May, 1978.

For the Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-13368 Filed 5-16-78; 8:45 am]

[7509-01]

[Docket Nos. 50-266 and 50-301]

WISCONSIN ELECTRIC POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 34 and 39 to Facility Operating License Nos. DPR-24 and DPR-27 issued to Wisconsin Electric Power Co., which revised Technical Specifications for operation of the Point Beach Nuclear Plant Units 1 and 2, located about 15 miles north of

Manitowoc, Wis. The amendments are effective as of the date of issuance.

The amendments remove spent fuel storage restrictions related to spent fuel cooling capability since recent design changes have rendered these restrictions unnecessary.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated September 8, 1976, as supplemented January 31, 1977 and March 16, 1978, (2) Amendment No. 34 to License No. DPR-24, (3) Amendment No. 39 to License No. DPR-27, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the University of Wisconsin—Stevens Point Library, Stevens Point, Wis. 54481. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 18th day of April 1978.

For the Nuclear Regulatory Commission,

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-13369 Filed 5-16-78; 8:45 am]

[7590-01]

[Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP. ET AL.

Establishment of Atomic Safety and Licensing Board to Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

WISCONSIN PUBLIC SERVICE CORP., ET AL.

(Kewaunee Nuclear Power Plant)

PROPOSED ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

This action is in reference to a notice published by the Commission on December 30, 1977, in the FEDERAL REGISTER (42 FR 65335) entitled "Proposed Issuance of Amendment to Facility Operating License".

The Chairman of this Board and his address is as follows: Robert M. Lazo, Esq., Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

The other members of the Board and their address are as follows: Mr. Glenn O. Bright, Dr. Oscar H. Paris, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Md. this 10th day of May 1978.

James R. Yore,
Chairman.

[FR Doc. 78-13370 Filed 5-16-78; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 78-137]

EXCESS COST OF PRECLEARANCE OPERATIONS

Reimbursable Services

MAY 11, 1978.

Notice is hereby given that pursuant to section 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning June 4, 1978.

Installation	Biweekly excess cost
Montreal, Canada	$13,860
Toronto, Canada	27,694
Kindley Field, Bermuda	4,870
Freeport, Bahama Islands	10,033
Nassau, Bahama Islands	20,067
Vancouver, Canada	10,198
Calgary, Canada	7,712
Winnipeg, Canada	1,840

JOHN A. HURLEY,
Assistant Commissioner Administration.

[FR Doc. 78-13423 Filed 5-16-78; 8:45 am]

[4810-35]

Fiscal Service

[Dept. Circ. 570, 1977 Rev., Supp. No. 19]

METROPOLITAN FIRE ASSURANCE CO.

Reinsuring Companies Acceptable on Federal Bonds; Termination of Authority

Notice is hereby given that the certificate of authority issued by the Treasury to Metropolitan Fire Assurance Company, Hartford, Connecticut, under Sections 6 to 13 of Title 6 of the United States Code, to qualify as an acceptable reinsuring company on Federal bonds, is hereby terminated, effective this date.

The company was last listed as an acceptable reinsuring company on Federal bonds at 42 FR 34081, July 1, 1977.

With respect to any bonds currently reinsured by Metropolitan Fire Assurance Company, bond-approving officers of the Government should secure new reinsurance with acceptable reinsuring companies in those instances where a significant amount of liability remains outstanding.

Dated: May 9, 1978.

D. A. PAGLIAI,
Commissioner, Bureau of Government Financial Operations.

[FR Doc. 78-13414 Filed 5-16-78; 8:45 am]

[8320-01]

VETERANS ADMINISTRATION

WHEELCHAIR LIFT SYSTEMS

VA Standard Design and Test Criteria for Safety and Quality of Automatic Wheelchair Lift Systems for Passenger Motor Vehicles

Notice is hereby given of the proposed publication of the VA Standard Design and Test Criteria for Safety and Quality of Automatic Lift Systems for Passenger Motor Vehicles, to provide an evaluation base and to ensure automatic wheelchair lifts which are safe, easy to operate and durable.

These standards provide detailed information as to the Scope, Classification, Limitations, Design Requirements, Desirable Design Goals and Test Procedures pertaining to automatic wheelchair lift systems for passenger motor vehicles.

Interested persons are invited to submit written comments regarding these standards to the following office: Director 790-121, VA Prosthetics Center, 252 Seventh Avenue, New York, N.Y. 10001.

All relevant comments received before June 16, 1978, will be considered with a view toward revision of the wheelchair lift standards prior to publication.

Effective date: It is proposed that all wheelchair lifts, as described in the VA Standard Design and Test Criteria for Safety and Quality of Automatic Wheelchair Lift Systems for Passenger Motor Vehicles, meet the described final VA standards by July 1, 1978.

Approved: May 10, 1978.

MAX CLELAND,
Administrator.

VA STANDARD DESIGN AND TEST CRITERIA FOR SAFETY AND QUALITY OF AUTOMATIC WHEELCHAIR LIFT SYSTEMS FOR PASSENGER MOTOR VEHICLES.

JUNE 28, 1977.

FOREWORD

This document is one in a series of standards developed by the Veterans Administration (VA) to present desired qualities and features of various items of prosthetic and orthotic hardware, sensory aids, and items of adaptive equipment used by disabled veterans, and to specify those attributes necessary to control the quality, safety, and performance of the items. These standards are designed to assist manufacturers and fitters to achieve uniformly high standards, assuring all patients of function, comfort, safety and durability.

Testing for compliance using these standards will be at the direction of the Veterans Administration Prosthetics Center, New York, N.Y. Compliance with this standard is determined by first obtaining from the various manufacturers lifts typical of those which manufacturers desire to sell to disabled veterans. The lifts are then tested in the manner stated herein, and those lifts complying with these requirements will be certified as approved by the VA. Reasons for non-compliance will be transmitted to the manufacturer.

To be continually effective these standards will be continually reviewed for currency as well as applicability to new concepts in lift design. Interested persons are invited to submit suggestions for additions, deletions, or changes regarding this standard to the Director, Veterans Administration Prosthetics Center, 252 Seventh Avenue, New York, N.Y. 10001.

CONTENTS

1.0. *Scope, Classification, Limitations, and Definitions.*

1.1. *Scope. This standard relates to a special class of automotive assistive equipment used by wheelchair-bound persons utilizing wheelchairs which do not exceed 26" overall width to enter and exit commercially available motor vehicles. Maximum safety to handicapped drivers, passengers, and the general public is of primary concern.*

1.2. *Classification.* Automotive wheelchair lifts include a variety of electric powered mechanical and hydraulic systems used to raise or lower a person in a wheelchair from one level to another. They are classified by van door application (side or rear) and by power transfer method (e.g., hydraulic, electro-mechanical, or others).

1.3. *Limitations.* These standards are limited to powered lift systems manufactured for use by the handicapped and either retrofitted or furnished as original equipment in motor vehicles (e.g., vans).

1.4. *Definitions.*

1.4.1. *Controls.* A term denoting manually operated devices which in some way regulate the lift operation. Examples: switches, handles, thumbscrews.

1.4.2. *Electrical Components.* A term encompassing all electrical hardward used on a wheelchair lift. These components include, but are not limited to, batteries, fuses, circuit breakers, motors, switches, wiring, and terminals.

1.4.3. *Fasteners.* Devices used to secure by physical means other devices or parts in place. These include, but are not limited to, bolts, nuts, screws, washers, pins, rivets, and clamps.

1.4.4. *Floor.* The floor of the vehicle in which the wheelchair lift is installed.

1.4.5. *Ground.* The surface (nominally horizontal) on which the vehicle is parked.

1.4.6. *Lift Platform.* A term denoting that portion of a wheelchair lift device on which the wheelchair rests while being raised or lowered.

1.4.7. *May.* The term "may" where used shall be construed as permissive.

1.4.8. *Nip or Pinch Point.* A term for a hazardous location which exists when two closely spaced parallel shafts rotate in opposite directions, or at the point of contact between belt and pulley, chain and sprocket, or similar moving parts of machinery.

1.4.9. *Roll Stop.* A term for a device on a wheelchair lift to prevent a wheelchair from inadvertently rolling off the lift platform.

1.4.10. *Shall.* The term "shall" where used shall be construed as mandatory.

1.4.11. *Shear Point.* A term for a hazardous location where a moving (e.g., reciprocating or sliding) part approaches or crosses a fixed part.

1.4.12. *Should.* The term "should" where used shall be construed as advisory.

1.4.13. *Weatherproof.* The term applied to equipment so constructed or protected that exposure to the weather will not interfere with successful operation.

1.4.14. *Wheelchair Ground Plane.* An imaginary plane, nominally horizontal, upon which the wheelchair wheels rest.

1.4.15. *Wire Rope Components.* A term encompassing, but not limited to, wire rope, sheaves (pulleys), clips, thimbles, end fittings, and winch hardware.

2.0. *Applicable Documents.* Standards, Specifications, or Recommended Practices promulgated by the following agencies and specified herein are applicable to the design, manufacture, and/or use of wheelchair lifts.

2.1. American National Standards Institute, 1430 Broadway, New York, N.Y. 10018.

2.1.1. ANSI A17.1—1971, Elevators, Dumbwaiters, Escalators, and Moving Walks.

2.1.2. ANSI A117.1—1961 (R1971), Specifications of Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped.

2.1.3. ANSI A120.1—1970, Safety Requirements for Powered Platforms for Exterior Building Maintenance.

2.1.4. ANSI B1.5—1973, Acme Screw Threads.

2.1.5. ANSI B1.8—1973, Stub Acme Threads.

2.1.6. ANSI B15.1—1972, Safety Standard for Mechanical Power Transmission Apparatus.

2.1.7. ANSI B29.1—1963 (R1972), Transmission roller Chains and Sprocket Teeth.

2.1.8. ANSI B30.2—1967, Overhead and Gantry Cranes.

2.1.9. ANSI B30.9—1971, Safety Standards for Cranes, Derricks, Hoists, Hooks, Jacks, and Slings.

2.1.10. ANSI B153.1—1973, Safety Requirements for the Construction, Care, and Use of Automotive Lifts.

2.2. American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

2.2.1. ASTM D 1005-51 (R1972), Measurement of Dry Film Thickness of Organic Coatings.

2.2.2. ASTM D 2200-67 (1972), Pictorial Surface Preparation Standards for Painting Steel Surfaces.

2.3. American Welding Society, 2501 Northwest 7th Street, Miami, Fla. 33125.

2.3.1. AWS D1.1-72, Structural Welding Code.

2.3.2. AWS D10.7-60, Recommended Practices for Gas Shielded Arc Welding of Aluminum and Aluminum Alloy Pipe.

2.4. National Highway Traffic Safety Administration, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590.

2.4.1. Federal Motor Vehicle Safety Standard No. 302, Flammability of Interior Materials.

2.5. Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096.

2.5.1. SAE Handbook, 1976, Part 1.

2.5.2. SAE Handbook, 1976, Part 2.

3.0. *Standards and Tests.* Powered automotive wheelchair lifts shall be qualified by tests conducted by or for the VA. The standards and tests set forth in the following subsections shall be applied, and failure of a lift to meet specification shall disqualify the lift from purchase by the VA for veteran beneficiaries.

3.1. *Design Requirements.*

3.1.1. Safety to persons using wheelchair lifts shall be a prime design consideration. Any single point failure of the lift shall not compromise user safety.

Rationale. Paraplegic and quadriplegic persons do not have all normal capabilities of strength, reach, and grip necessary to operate mechanical equipment. Further, they may have visual, equilibrium, or tactile limitations which affect their ability to use lifts. Therefore, every effort should be made to ensure a lift system with minimum potential for injury.

3.1.2. Wheelchair lifts shall be capable of lifting at least 400 pounds (1780 N).*

Rationale. The Human Engineering Guide to Equipment Design gives the following

*Discussion on Metrication is in Appendix 1.

data on weight, in pounds, of U.S. and Canadian civilian men and women (nude):(*1*)

	50th percentile	95th percentile
Men	166	217
Women	137	199

It is recognized that some spinal cord injured and other physcially handicapped persons lose some of the body weight attained prior to injury. Thus, the 95th percentile weight for men (217 lb., corrected for clothing to 225 lb.) would be a conservative estimate of the maximum body weight to be lifted. Standard electric wheelchairs (e.g., Everest and Jennings Model 34) weigh approximately 150 lb.(*2*) The sum of these two weights is 375 lb.

The smallest specified weight capacity of any lift tested was 400 lb. Therefore a figure of 400 lb. is well within the current planned capacity of lift manufacturers and is conservative when compared to expected loads.

3.1.3. The design factor based on ultimate strength shall be six (6).

Rationale. The factors of safety in equipment design commonly vary from 4 to 10 or higher. ANSI A17.1—1971, Elevators, Dunbwaiters, Escalators, and Moving Walks, specified various factors of safety for different components of a system. For example, factors from 7 to 12 are given for suspension ropes, depending on elevator speed. At 20 fpm, corresponding to the maximum allowable wheelchair lift speed, the value from ANSI A17.1 is 7.4. The factors for elevator driving machines and sheaves "shall be not less than:

"a. Eight (8) for steel, bronze, or for other metals having an elongation of at least fourteen (14) percent in a length of two (2) inches.

"b. Ten (10) for cast iron, or for other metals having an elongation of less than fourteen (14) percent in a length of two (2) inches."(*3*)

Also, factors of safety of 5 and 6 are given for hoisting equipment covered by other ANSI standards.(*4,5*) Consequently, the structural design factor of 6 is chosen as a conservative value for equipment designed to lift persons for short distances at low speeds.

It should be noted that lifts are not required to move 2400 lb. (i.e., 400 x 6), but must be capable of suspending that weight.

3.1.4. Wheelchair lifts should be powered by a dual battery system with batteries characteristic of that supplied by the manufacturer of the vehicle on which the lift is used. The batteries shall be charged by the vehicle battery charging system and regulated by a commercially available dual battery charging device. If a battery is placed inside the passenger compartment, the battery shall be located inside a restrained, protective, corrosion resistant enclosure.

Rationale. One of the dual batteries can be the vehicle battery. Battery compatibility allows charging by the existing vehicle system. A separate lift battery helps ensure that the wheelchair occupant will not be trapped inside the vehicle.

3.1.5. Battery powered wheelchair lifts shall operate at an electrical current of less than 100 amperes while lifting the rated load of 400 lb. at an ambient temperature between 50° F (10° C) and 90° F (32° C).

Rationale. The electrical current measured in most lifts was fairly low. The maximum measured current of 120 A and approximate lift time of 12 sec are well within the cold start test capacity of heavy duty batteries: approximately 400 A at 0° F for 30 sec.(*6*)

3.1.6. Installation of a wheelchair lift shall not require motor vehicle alterations that significantly diminish the structural integrity of the vehicle or in any way impair or reduce safety features provided by the motor vehicle manufacturer. The degree of alteration will be determined by analysis of the method of installation and of resulting structural changes.

Rationale. Self-evident.

3.1.7. The total weight of the lift should not exceed 275 pounds (1220 N).

Rationale. A minimum total weight of the lift, commensurate with adequate strength, should be a significant design goal. The weights of eight of the nine lifts evaluated were 146, 180, 188, 232, 255, 266, and 310 lb, respectively. (*7*) The ninth lift utilized the van doors as a platform and, therefore, was not of a similar design as the others. The average weight of these eight lifts was 225 lb. with a standard deviation of 53 lb. The average plus one standard deviation is 225 + 53 = 278 lb., rounded off to 275 lb.

3.1.8. Hand holds, if used, should be of round cross-section and approximately 1½ inches (3.81 cm) outside diameter.

Rationale. The Human Engineering Guide to Equipment Design gives maximum grip strength versus grip diameter and showed that a 2½ in. diameter was optimal for male pilots used in the experiment. (*8*) The Occupational Safety and Health Standards gives the diameter of stair railings as 1½ in. nominal diameter. (*9*) In consideration of the smaller female hand, (*10*) the 1½ in. diameter was chosen. Several lifts have a platform framework of rectangular and square crosssection (1½ in. side) and another lift has a similar 2 in. diameter tube, all of which serve as lateral hand hold bars. There were favorable comments from disabled users about being able to hold on, but the square tube was less comfortable to grip.

3.1.9. The lift shall have no dirty or greasy surfaces which will contact the wheelchair occupant during normal lift operation as specified by the manufacturer.

Rationale. This item relates to the aesthetic characteristics of a lift and convenience to the user. Some of the lifts evaluated had dirty or greasy parts within the reach envelope of the user. The possible soiling of clothes, hands, arms, and legs is apparent.

3.1.10. Lift framework dimensional requirements to ensure accommodation of wheelchair occupant in the following four subparagraphs and as shown in Figures 1 and 2.

3.1.10.1. The width provided for the wheelchair ground plane, measured laterally, shall be at least 29 inches (73.7 cm).

Rationale. The nominal wheelchair width of 25 in. is given in ANSI A117.1—1961 (R1971), Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped. (*3*) A platform width of 29 in. will allow 2 in. on each side as maneuvering space. Further, the evaluated lifts had a range of platform widths form 28⅜ in. to 48 in. with the mean being 31⅜ in.

3.1.10.2. The width between any verticle members twelve (12) inches (30.48 cm) or more above the wheelchair ground plane, measured laterally, shall be at least 29 inches (73.7 cm).

Rationale. The basic consideration here is hand clearance for the occupant in a manual wheelchair during manipulation of the chair onto and off of the platform. Observation shows that the hand, while gripping the hand rim, extends outside the rim some 1½ in. to 2 in. Therefore any verticle framework through which the wheelchair must pass should be as wide as the wheelchair hand rims plus at least 4 in. Using the ANSI A117.1—1961 (R1971) dimension this value becomes 25 + 4 = 29 in.

The range of frame width dimensions of the evaluated lifts was 26 in. to 40 in. with the mean at 32 in.

3.1.10.3. For those lifts in which the occupant faces the van side (or rear in the case of rear door installation), the distance, measured horizontally along the wheelchair ground plane from the occupant's rear to front between the inside edge of the roll stop in its active position and the nearest point on the vehicle or a lift member at all "occupant carrying" positions shall be at least 45 inches (1.143 m).

Rationale. This section applies only to the folding platform lifts. A significant problem in the design of such lifts is adequate foot clearance. For example, one lift evaluted had a platform length dimension of 43 in. A tall person (6 ft 1 in.) with an electric wheelchair (20 in. wheels) can, when facing the van, move onto the platform, rest the rear wheels against the roll stop and have no foot interference. This same person could not use a lift with a 39 in. long platform in a similar manner because of foot interference, but he can face away from the van and successfully use the lift.

The 45 in. dimension has no real significance for lifts which have a swing-in platform, since there is no foot interference problem in those cases.

3.1.10.4. The interior height from the wheelchair ground plane, measured vertically, to any lateral lift member shall be at least 32 inches (81.3 cm).

Rationale. The arm-rest height of wheelchairs as given in ANSI A117.1—1961 is 29 in.(*3*) Measurements on a number of wheelchairs confirmed this, but the electric wheelchair joysticks protrude such that their tops are about 32 in. above floor level, depending, of course, on the user's choice of joystick. The 32 in. dimension was chosen based on observation of a number of wheelchair joysticks and upon the three lifts evaluated which have lateral frame member heights of 31 in., 32 in., and 32¼ in., respectively.

3.1.11. The use of the lift shall not require an on-platform turning movement for proper alignment and location of the wheelchair.

Rationale. A turning maneuver of a wheelchair on a lift platform is difficult unless the wheelchair occupant can look down to see the wheel location. And, if not made properly, the maneuver may leave one or more wheels improperly located or interfering with the roll-stop. One lift of those evaluated does require a left turn of approximately 30°, then a return to the straight-ahead direction in order to align the wheelchair properly.

3.1.12. *Tests.*

3.1.12.1. *Receiving Inspection Test.* A receiving inspection shall be conducted and shall include:

a. Weighing the wheelchair lift.

b. Assessment of installation method and required vehicle alterations.

c. Assessment of battery power supply, connections, and charging method.

3.1.12.2. *Dimensional Test.* Upon installation of the lift on a test fixture according to manufacturer's instructions, measurements will be taken to determine compliance with dimensional requirements of section 3.1.10.

3.2. *Desirable Design Goals.*

3.2.1. Ease of operation by a broad range of handicapped persons should be a prime consideration of the designer/manufacturer.

Rationale. Experience in using handicapped persons to assist in evauations and discussions with users indicated a wide variety of capabilities among quadriplegics and paraplegics. Also, it is known from personal contact with one manufacturer(*11*) that he, and perhaps other manufacturers, make modifications of their standard lifts for purchasers who cannot use the standard model. It is to the manufacturers' advantage to produce lifts that are satisfactory to most users and, therefore, to avoid the necessity of customizing.

3.2.2. The lift should be designed with an integral system allowing manual operation in the event of failure of the primary operation method. An alternative to such a manual system should be written instructions for actions to be taken in event of such failure.

Rationale. Failure of the primary operation method (e.g. dead battery, burned-out motor, etc.) can result in great inconvenience to a lift user. A back-up mode of lift operation is highly desirable.

3.2.3. Required user actions such as pulling, pushing, holding, and similar physical actions should be kept to a minimum.

Rationale. The lift operation should be as free of required user action as possible. This minimizes the possibility of human error. For example, limit switches can be used to turn off the lift drive motor, but depending on the user to release a manual switch at the proper time may result in injury to the user or damage to the equipment.

3.2.4. A wheelchair lift should be designed for minimum interference to normal vehicle usage.

Rationale. The convenience of able-bodied family members and guests to use the lift-equipped van is important and should be considered by the designer.

3.2.5. Commercially available components should be used in the design wherever possible.

Rationale. Commercially available components have advantages of cost, availability, and standardization.

3.3. *Materials and Components.*

3.3.1. *General Performance.*

3.3.1.1. *Standard.* Wheelchair lifts shall be constructed to prevent permanent deformation under the stress of normal usage as specified by the manufacturer and to operate reliably over an extended period of time.

3.3.1.2. *Specification.* A fully assembled and installed wheelchair lift shall withstand without fracture the stresses resulting from a static load of 2400 pounds (10676 N) to ensure a minimum factor of safety of six (6) for the rated load of 400 pounds (1780 N).

Rationale. The rationale statements given for sections 3.1.2. and 3.1.3. apply here. In summary, the rated load specification of 400 lb. was chosen by combining anthropometric data and wheelchair weights, and the safety factor was based on ANSI standards for similar-use equipment.

The lifts are not required to lift 2400 lb. but must be able to suspend that load.

In addition to a static load test of 2400 lb. an accelerated life cycle test of 4400 cycles will be conducted. The value of 4400 cycles (approximately two year's use) was developed from a telephone survey of individuals who have lifts installed in their personal-use vans.

3.3.1.3. *Tests.*

3.3.1.3.1. *Accelerated Life Cycle Test.* An accelerated life cycle test will be performed by repeating the wheelchair lift use cycle 4400 times. The time between each cycle shall be not less than six minutes. Ambient temperature shall be between 50° F and 90° F (10° C and 32° C). Alternating cycles of loaded and unloaded platform configuration will be simulated by applying a 400 pound (1780 N) load for 100 cycles, then removing the load for 100 cycles. Periodic visual inspection without disassembly of the lift will be made in intervals of 500 cycles and changes in alignment, component wear, loosening of fasteners, and the like will be recorded. Failure mode analyses will be performed and a decision will be made based on those analyses. Preventive maintenance will be performed in accordance with the manufacturer's instructions.

3.3.1.3.2. *Static Load Test.* A static load of 2400 pounds (10676 N) shall be applied through the centroid of a test pallet placed at the centroid of the platform when the platform is positioned at van floor level. The length and width dimensions of the test pallet shall be 23" length x 24" width to correspond to the approximate outer dimensions of a wheelchair "footprint". The load shall remain on the platform not less than two (2) minutes. After the load is removed an inspection shall be made to determine if fractures have occurred. An equivalent test shall be performed on lifts which do not have a platform. The Static Load Test shall be performed after the Accelerated Life Cycle Test.

3.3.2. *Electrical Components and Wiring.*

3.3.2.1. *Standard.* Electrical components and wiring shall conform to the Society of Automotive Engineers Standards or Recommended Practices as applicable.(*6*) Those listed below are applicable to all lifts.

SAE J258, SAE J553c: Circuit Breakers
SAE J537h: Storage Batteries
SAE J538a: Grounding of Storage Batteries
SAE J554a: Electric Fuses
SAE J556: Automobile Wiring
SAE J561b, SAE J858a, SAE J928a: Electrical Terminals

Rationale. Electrical components of wheelchair lifts should be of the same quality as those of the vehicle on which the lift is installed. SAE standards are developed, accepted, and utilized in the automotive industry.

3.3.2.2. *Standard.* All electrical systems shall be designed and packaged to protect the driver or passengers against injury resulting from short circuits, electrical fires, and similar incidents.

Rationale. The protection of the lift user and passengers from injury and protection of the vehicle from damage is of obvious concern.

3.3.2.3. *Standard.* Electrical components which are exposed to the environment outside the vehicle shall be protected by a suitable weatherproof enclosure.

Rationale. By their very nature electrical components must be protected from moisture to eliminate one cause of short circuits and corrosion. Such protection increases the overall system reliability. An example of non-protection of components was seen on one lift which had parts of the mechanism and electrical components under the vehicle. While this concept is acceptable, the components must be protected from such under-vehicle hazards as dirt, rock impacts, salt, and water.

3.3.2.4. *Standard.* Externally mounted wheelchair lift controls shall be installed so that they are weatherproofed by the use of inset compartments or protective coatings. Controls will be protected from misuse or vandalism by the use of key locks or key switches. Controls shall be located so that the operator of the controls will be well clear of the moving doors and lift mechanisms and in a position which will allow observation of lift movement.

Rationale. Since a function of a lift is entry into a van from the outside, there must be a means of actuating the lift from the van exterior to enable independent usage by a disabled person. This is typically done by installing toggle switches through the van side panel near the right front or right rear wheels and clear of the descending lift. Weatherproofing can be done by rubber or plastic-coated toggles or by insetting the switches in a commercially available recessed compartment. Weatherproofing will contribute to reliability, and the use of an electrical lock, key lock, or locked compartment door will help prevent unauthorized entry into the van. Installing the switches near the front or the rear of the van (for side door lift) will keep the wheelchair occupant clear of the moving doors and lift.

3.3.2.5. *Standard.* A solenoid or other device shall be designed into the power circuit to ensure that no electrical component on the lift has voltage applied to it until a lift operating control is actuated.

Rationale. Inadvertent operation of the lift must be avoided, thereby giving a measure of accident/injury protection. In the electrical system of some lifts, there is such a solenoid, and it operates very effectively to prevent lift operation except by conscious intent. With this solenoid loose wiring or accidental shorting across electrical contacts during maintenance cannot, for example, cause inadvertent lift operation.

3.3.2.6. *Electrical Tests.*

3.3.2.6.1. *General.* Electrical components and wiring shall be considered integral parts of the lift system and shall be tested for failures during the performance of Accelerated Life Cycle Testing, Section 3.3.1.3. Any failure or any hazardous condition caused by an electrical component during testing shall disqualify the entire system from acceptance.

3.3.2.6.2. *Water Spray Test.* The exposed portions of electrical components intended for installation external to the vehicle will be subjected to a five minute, fine droplet water spray test in which the droplets contact the components both vertically and horizontally. The wetted components will be allowed to air dry for approximately three (3) minutes and then the circuits will be electrically checked for successful operation.

3.3.2.6.3. *Electrical Current Test.* Electrical current flow will be measured for each lift movement. The ammeter used will be of laboratory quality with appropriate shunts. Only steady-state current, ignoring momentary surges, will be recorded.

3.3.3. *Chain Drive Components.*

3.3.3.1. *Standard.* Chain drive components shall conform to either: ANSI B29.1—1963 (R1972), Transmission Roller Chains and Sprocket Teeth(*3*) (for standard base series

chain), or other ANSI standards applicable to specialized use chains.

Rationale. Conformance to applicable industry standards is required.

3.3.3.2. *Chain Drive Test.* Chain drive components shall be considered integral parts of the lift, and shall be tested for failures during the performance of the Accelerated Life Cycle Test, Section 3.3.1.3., and inspected for conformance to the above standards. Discrepancies in conformance or failures during the test shall disqualify the lift from acceptance.

3.3.4. *Hydraulic Components.*

3.3.4.1. *Standard.* Hydraulic components shall fonform to the following Society of Automotive Engineers Standards or Recommended Practices as applicable.(*6*)

SAE J514h: Hydraulic Tube Fittings.

SAE J516a: Hydraulic Hose Fittings.

SAE J517c: Hydraulic Hose.

SAE J518c: Hydraulic Flanged Tube, Pipe and Hose Connections, 4-Bolt Split Flange Type.

Rationale. Conformance to applicable industry standards is required.

3.3.4.2. *Standard.* Hydraulic hoses shall be protected from bearing or rubbing on structural components.

Rationale. This self-evident requirement is inserted primarily as a reminder to manufacturers. While the high pressure hoses used on lifts have thick walls and wear-through is unlikely, the potential exists if the hose bears or rubs on a sharp edge, and therefore must be avoided.

3.3.4.3. *Hydraulic Components Test.* Hydraulic components shall be considered integral parts of the wheelchair lift and shall be tested for failures during the performance of the Accelerated Life Cycle Test, Section 3.3.1.3. Any failures, including significant leaks, shall disqualify the lift from acceptance. A significant leak is defined as seepage or leakage which produces one or more droplets (e.g., a teardrop, approximately 0.1 cc) in ten (10) complete cycles of the wheelchair lift.

3.3.5. *Wire Rope Components.*

Comment. The rationale statements for the various subsections are combined and placed at the end of the section.

3.3.5.1. *Standard.* Wire rope systems shall be designed and fabricated using rope and support components of proper dimensions and arrangement.

3.3.5.2. *Specifications.* Industry standards and specifications relating to wire rope components are generally for larger, higher capacity systems other than wheelchair lifts. However, the design principles of wire rope systems in general are applicable to wheelchair lifts; therefore, the principles given in the following documents should be employed in lift design and so certified in writing by the manufacturer upon submission of the lift for testing:

3.3.5.2.1. ANSI A120.1—1970—Safety Requirements for Powered Platforms for Exterior Building Maintenance, Section 14.8, "Drums and Sheaves," and Section 15, "Hoisting Ropes and Rope Connections".(*3*)

3.3.5.2.2. ANSI B30.2.0—1967—Overhead and Gantry Cranes, Section 2-1.10, "Hoisting Equipment."(*3*)

3.3.5.2.3. McElroy, Frank E. (ed): Accident Prevention Manual for Industrial Operations. 6th Edition, National Safety Council, Chicago, Ill., 1969, pp. 641-657.(*12*)

3.3.5.2.4. Rossnagel, W. E.: Handbook of Rigging, 3rd Edition, McGraw-Hill Book Co., New York, N.Y., 1964 pp. 41-83.(*13*)

3.3.5.2.5. Wire rope manufacturer's recommendations.

3.3.5.3. *Specifications.* If the manufacturer/designer chooses not to use the documents specified in Section 3.3.5.2. for design guidance, then these specifications shall be used:

Material. Wire rope material shall be galvanized carbon steel (aircraft cable quality), Type 302 stainless steel, or equivalent in strength and corrosion resistance and so certified.

Construction. Wire rope shall be of 7 x 19 construction.

Sheaves. Sheaves shall be grooved with a minimum groove diameter of 25 times the nominal wire rope diameter. Grooves shall be shaped so as to saddle the rope with a 150 degree arc of support. The radius of curvature of the groove shall be one-half the nominal rope diameter plus 1/32 inch (0.8 mm). The sides of the groove shall be tangent to the groove arc. The total depth of the groove shall be between 1.5 and 2.0 times the nominal rope diameter. Material shall be aluminum alloy 2024-T6, or equivalent.

Attachments. When a wire rope is formed into an eye as a removable method of attaching the rope to equipment, a thimble shall be used inside the eye, and at least two U-bolt clips shall be attached to the doubled rope. The U-bolt portion of the clips shall bear upon the dead end of the rope, with clips spaced not less than six (6) rope diameters apart. One clip shall be as near to the thimble as possible.

Fittings. The lift manufacturer shall provide, upon request, a rope manufacturer's certification that permanent rope fittings have not less than 90 percent of the rope manufacturer's stated rope strength.

Drums. Drum diameter shall not be less that 25 times the nominal rope diameter. It is desirable that there be only one layer of rope on the drum, but the maximum number of layers shall be three. Helically grooved drums should be used to minimize crushing and excessive wear of the rope. The dimensions of such grooving shall be that of the sheave grooving, with the exception that the total depth should be approximately 0.2 times the nominal rope diameter. There shall be at least one turn of rope on the drum when the wheelchair ground plane is at ground level.

Alignment. The drum and lead sheave shall be aligned to control lateral movement of a wire rope when winding on a drum. The fleet angle shall not exceed 1½ degrees. The same maximum angular relationship shall exist between centerlines of adjacent sheaves.

Orientation. The design of the wire rope system should avoid reverse bending of the rope. The wire rope shall not bear on any portion of the lift framework.

Rationale. As noted in the opening specification statement (Section 3.3.5.2.), related industry standards are primarily for larger systems. The wire rope components used on lifts are comparable in size to those of aircraft systems. This leads to the application of military standards and manufacturer's recommendations. Consequently, in keeping with the general theme of the standard, the designer/manufacturer is given an option of adhering to the principles of industry standards as given in Section 3.3.5.2. or to those detailed specifications in Section 3.3.5.3. The detailed specifications were written from information taken from two wire rope manufacturers' recommendations (American Chain and Cable Company (*14*) and Carolina Steel and Wire Corporation), (*15*) Military Standards (MS 20220: Pulley, Groove, Flight Control, Aircraft, (*16*) and other similar standards for pulleys), and from the references in Section 3.3.5.2.

3.3.5.4. *Wire Rope System Test.* An inspection of the wire rope system shall be made and shall include measurement of the nominal diameters of rope, sheaves, and drum. The fleet angle between the lead sheave and drum and between sheaves at all platform positions shall be measured. Attachments and fittings shall be inspected for conformance to Section 3.3.5.3. The travel of the rope during all lift movements shall be followed to observe possible rope contact with structural members.

3.3.6. *Power Screw Components.*

3.3.6.1. *Standard.* The power screw system even when disconnected from the driving source should not allow the platform to exceed the acceleration specification by more than 50 percent.

Rationale. The self-locking feature of a vertical power screw requires that torque be applied (to the nut or the screw, depending on the design) to raise and to lower the load and is dependent only upon the screw lead angle and the coefficient of friction. The drive motor and connection components (gears, belts) may contribute toward a condition which would prevent the platform from a high rate of overhauling, but from the safe operation standpoint, the design of the power screw system should positively control such inadvertent action.

3.3.6.2. *Standard.* The power screw system shall transmit power in both directions.

3.3.6.3. *Specification.* Power screws shall be of the Acme screw thread type in conformance with ANSI B1.5—1973, Acme Screw Threads, (*3*) ANSI B1.8—1973, Stub Acme Threads, (*3*) or equivalent. The 60-degree (V-type) thread shall not be used as a power screw.

Rationale. The Acme thread has been standardized and is in wide use for power screw applications. It is less expensive to manufacture than the square thread. (*6, 17, 18*) The 60° (V-type) thread normally used in fastener applications is not to be used.

3.3.6.4. *Standard.* The lift designer should ensure that the power screw is checked for long-column conditions and that an appropriate column design formula is used.

Rationale. The variety of design approaches precludes specification of a particular long or short column condition and the appropriate design formulas. Further, the slenderness ratio used in such formulas may actually be different from that directly calculated from the column length and radius of gyration because of the overall design approach used.

3.3.6.5. *Power Screw Tests.* The threads on the power screw shall be inspected to ensure that Acme screw threads (or equivalent) are used and that the system transmits power in both directions.

3.4. *Fabrication.*

3.4.1. *Weldments.* The design and fabrication of any weldments used in a wheelchair lift shall conform to sections 1,2,3, and 4 of the American Welding Society Structural Welding Code, D1.1-72(*19*) (for steel construction) or to the AWS Recommended Practices for Gas Shielded Arc Welding of Aluminum and Aluminum Alloy Pipe, D10.7-60,(*19*) as applicable.

Rationale. It should be noted that the AWS code D1.1-72 is for steel construction and D10.7-60 is for aluminum alloy pipe. It is expected that aluminum lifts will have portions of the weldment which are not

pipe; however, code D10.7-60 is general enough relative to welding techniques, bead dimensions, filler materials, and other factors to be applicable here.

3.4.1.1. *Weldment Test.* A close visual inspection shall be made of all welds to detect (1) structural flaws such as undercutting, cracking, poor penetration, and surface defects, and (2) dimensional flaws such as warpage, incorrect weld size or profile, and incorrect joint separation. Other nondestructive testing using radiographic, ultrasonic, dye penetrant, or other methods may be conducted if deemed necessary by the testing agency. Significant defects shall disqualify the lift from acceptance.

3.4.2. *Fasteners.*

3.4.2.1. *Standard.* All fasteners used shall conform to the Society of Automotive Engineers Standards or Recommended Practices as applicable.(*6*)

Rationale. Conformance to applicable industry standards is required.

3.4.2.2. *Standard.* All fasteners used shall be designed or treated for resistance to vibration.

Rationale. It was noted during the accelerated life cycle testing that one non-locking cap screw in a critical location frequently became loosened, as did two other less critical bolts. Although the in-van lift installation is such that it is not in a high vibration environment, the repetitive operation could cause non-locking fasteners to fail and possibly result in injury or damage.

3.4.2.3. *Fastener Tests and Inspection.* Fasteners shall be considered as integral parts of the lift system and shall be tested for wear, integrity, and resistance to loosening or loss through vibration or use conditions. Such testing and inspection will be done during the Accelerated Life Cycle Test, Section 3.3.1.3.1.

3.4.3. *Level of Lift Platform.*

3.4.3.1. *Standard.* With the lift installed on a rigid structure the platform at floor level shall not slope more than 0.75 inches (1.9 cm) rise to twelve (12) inches (30.48 cm) of run (3.6 degrees) in any direction, both with no load on the platform and with the rated load of 400 pounds (1780 N) applied in the same manner as in the Static Load Test, Section 3.3.1.3.2.

Rationale. The slope requirement is primarily to avoid the steep-ramp effect of folding platform lifts. Evaluations on these lifts showed a variation at van floor level ranging from a positive to a negative slope into the van. Such a slope is, in effect, a ramp which the wheelchair occupant must negotiate, and excessive slope could be difficult or dangerous. The platform slope of a lift installed in a van will change from the static value depending on van suspension characteristics and the total wheelchair and occupant weight, the worst case being if the static platform slope is an up-slope into the van. The slope given in this section is approximately 1° less than the maximum ramp angle given in ANSI A117.1—1961 (R1971), Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped.(*3*)

3.4.3.2. *Platform Angle Test.* The lift shall be installed on a rigid structure. Measurements shall be taken to determine the lift platform angle at the van floor position.

3.4.4. *Coating and Finishing.*

3.4.4.1. *Standard.* Corrosion of ferrous metal wheelchair lift components can be expected as a result of contact with atomospheric moisture, road deicing salt solutions, mud, and possibly other corrosive agents. Ferrous metals shall be protected from such corrosion by the application of protective coatings.

3.4.4.2. *Specifications.*

3.4.4.2.1. Ferrous metal surfaces shall be prepared for the chosen coatings and the coatings applied in accordance with the following minimum requirements:

Surface preparation. Residues such as oil, grease, dirt, weld slag, mill scale, and rust shall be removed from the surface. Solvent or solvent vapor cleaning shall be used to remove residues prior to removal of rust and scale. The degree of rust and scale shall be determined by the methods of ASTM D2200-67 (1972), Pictorial Surface Preparation Standards for Painting Steel Surfaces.(*20*) The surface shall be cleaned to condition "St 2" (Scraping and wire brushing, thorough) or "Sa 2" (Blast cleaning, thorough) as given in ASTM D2200-67 (1972). Surfaces thus cleaned shall be prime coated not more than twenty-four (24) hours later.(*20*)

Primer coat. At least one primer coat containing rust inhibitive pigments shall be applied to the cleaned surface. A coating thickness of 1 mil (0.03 mm) to 1½ mils (0.04 mm) is adequate.(*21*)

Color coat. Two or more coats of corrosion and abrasive resistant flat finish shall be applied.(*22*)

Rationale. A high quality surface coating is necessary for long-term durability and pleasing appearance. While lift manufacturers have a wide choice of coatings for ferrous metals, the minimum requirements are specified to ensure proper preparation and choice of coatings. The lifts evaluated showed much variation in coatings, especially in the surface preparation. For example, paint sprayed over greasy areas and weld slag areas chipped off very rapidly after the lift was put into use.

3.4.4.2.2. Specular glare from the lift framework surfaces shall be minimized by using a flat or matte surface finish.

3.4.4.2.3. Finish coating colors which have a coefficient of absorption equal to or less than 0.55 should be chosen to minimize solar radiation absorptivity of the lift framework: e.g. white (0.25), light cream (0.35), light yellow (0.45), light gray (est. 0.4), light green (0.50), aluminum (0.55).

Rationale. The objective of these two sections is to minimize specular glare into the driver's eyes and to minimize solar absorptive heating of the lift framework which might burn the skin of the lift user. The driver could be subject to reflectance through the rear view mirror or while looking to the right rear. Recommendations were taken from the Human Engineering Guide to Equipment Design(*23*) and from the Handbook of Chemistry and Physics.(*24*)

3.4.4.3. *Finish Coating Test.* An inspection of the coating shall be made to include, but not be limited to, overall appearance and existence of a dull, matte surface finish. Measurements of film thickness shall be made in at least three locations using a dial comparator or dial indicator as described in ASTM D1005-51 (R1972), Measurement of Dry Film Thickness of Organic Coatings.(*20*) A subjective evaluation of coating adherence will be obtained in at least three locations as follows: use a machinist's scribe to scribe a single line approximately one inch long with sufficient force to penetrate to the base metal. Lay on a strip of transparent mending tape and burnish the scribed area for approximately 15 seconds with a smooth-ended metal tool. Pull the tape off with a quick, perpendicular motion. A very thin line of coating particles is indication of good adhesion. Upon completion of the Accelerated Life Cycle Test, Section 3.3.1.3.1. and the Operational Safety Test, Section 3.6.9.4., another inspection will be made to determine long-term wear and use characteristics of the coating.

3.5. *Operation.*

3.5.1. *Human Factors Standards and Specifications.*

3.5.1.1. *Controls Standard.* Control selection and application shall be done in accordance with good human factors practice of location, direction of control movement, force, range, and identification.

3.5.1.2. *Controls Specification.* Selections and application shall be made in accordance with the principles and recommendations presented in Chapter 8, Design of Controls, Human Engineering Guide to Equipment Design, Harold P. Van Cott, Editor (U.S. Government Printing Office),(*25*) or an equivalent publication as applicable. See Appendix 2.

Rationale. There is a wealth of data available concerning selection and application of human-actuated controls. The lifts evaluated showed a wide variety of application and misapplication of such human factors principles. Examples include the use (wisely) of 2 in. long toggle switches which the disabled users found very convenient, the orientation of toggle switch motion exactly backward from the corresponding equipment motion, and good to bad selections of switch locations.

3.5.1.3. *Acceleration Standard.* The motion of the platform shall not subject the wheelchair occupant to lateral or vertical accelerations which are frightening, uncomfortable, or potentially dangerous.

3.5.1.4. *Acceleration Specification.* Lateral and vertical accelerations shall not exceed 0.3g during any operational motion of the lift in which a weight of 400 pounds (1780 N) is being raised, lowered, or moved horizontally.

Rationale. Accelerations imposed on the wheelchair occupant by the lifts evaluated were at a low level comparable to those experienced by high performance aircraft pilots or even automobile passengers involved in a minor collision. All lifts had vertical lift accelerations below 0.5g, and most were in the 0.1g to 0.3g range. The vertical lift acceleration problem is primarily one of comfort rather than danger, but a horizontal acceleration can possibly throw the wheelchair and occupant off the platform. It was seen in the evaluation of an early model of a lift that horizontal accelerations of the order of 0.5g to 0.6g were "very rough . . ." and that 1.0g was sufficient to cause the wheelchair, with an instrumented, 170 lb anthropometric dummy, to be thrown off the platform. The specification value of 0.3g was chosen as an upper limit of the comfort range for vertical accelerations and as a conservative upper limit for the protection of the wheelchair occupant.

3.5.1.5. *Platform Access Standard.* Ramps or steps over which the wheelchair must roll onto the platform shall not preclude ease of access.

3.5.1.6. *Platform Access Specification.* A ramp, if used, shall have a slope of not more than one (1) inch (2.54 cm) rise to six (6) inches (15.24 cm) of run and provided that the slope between front and rear wheels shall not exceed 1 inch in 12 inches. A step over which a wheelchair must roll to enter

the platform shall have a vertical dimension of not more than ⅝ inch (15.9 mm) above the surface on which the platform rests.

Rationale. This specification is based on the ramp angle of 1 in 12 as specified in ANSI A117.1-1961 (R1971), Specification for making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped.(3) It was noted during the evaluations that the platforms on three of the lifts did have ramps and that two of these were of a greater angle than that specified. Also, the ramps were short, on the order of 3 in., which made the ramp more of a step to be rolled over. The ramps were not difficult to climb in an electric wheelchair, but did give the occupant a jolt when the wheels contacted the ramp. Access was much more difficult for those persons using manual wheelchairs.

The maximum step height of ⅝ in. was not found documented in the literature but was determined by a series of subjective tests of attempting to roll a manual wheelchair, with 8 in. hard rubber front wheels, over steps of ⅜ in., ½ in., ⅝ in., and ¾ in. height.

3.5.1.7. *Tests.*

3.5.1.7.1. *Control Inspection Test.* Inspection of controls in accordance with the principles and recommendations in the referenced volume (section 3.5.1.2.).

3.5.1.7.2. *Acceleration Test.* Accelerations will be measured by means of accelerometers in the head or chest cavity of an anthropometric dummy which is seated in a wheelchair on the platform. The wheelchair and dummy weight will be supplemented to a total weight of 400 pounds (1780 N). Accelerometer readings will be taken for all lift motions on which an occupant is carried.

3.5.1.7.3. *Slope Dimension Test.* The empty platform will be lowered to the ground position with the ramp, if any, at its entry/exit position. Linear measurements of rise and run will be made. Likewise, any step over which the wheelchair must roll will be measured.

3.5.2. *Constraints.*

3.5.2.1. The manufacturer shall specify in writing to prospective purchaser prior to purchase any type of wheelchair or specific physical handicap which hinders effective use of his lift.

3.5.2.2. The manufacturer shall specify in writing to prospective purchaser prior to purchase any factors such as ambient air temperature, rain, low battery voltage, and street slope which would hinder the designed operation of the lift.

Rationale. As might be expected, very little of current advertising of lifts relates to the constraints in using the lift. The positive rather than the negative aspects are usually emphasized. The intent of this section of the standard is to encourage the manufacturer to fully inform potential purchasers concerning lift operation so a more intelligent purchasing decision can be made.

3.5.3. *Operating Instruction Manual.* The manufacturer shall provide to the purchaser a manual of instructions concerning the proper use and operation of the lift. The instructions shall address at least the following areas: general operation, preferred entry/exist technique, operation of all controls and resulting platform movements, required user actions, actions (if any) which the user should not/must not take, warning of unusual noise, movements, or other fright-producing factors, and potential hazards. The instructions should be supplemented by photos and illustrations as necessary.

Rationale. The need for operating instructions is almost self-evident, even recognizing that many people do not read operating instructions provided with any piece of equipment. This section will prompt the manufacturer to give proper consideration to informing and warning the user about the operation of the lift.

3.5.3.1. *Visual Inspection.* A visual inspection shall be made as to the inclusion of the required Operating Instructions and the suitability of the contents.

3.6. *Standards for Product Safety.*

3.6.1. The requirements of ANSI B15.1-1972, Safety Standard for Mechanical Power Transmission Apparatus,(3) with respect to the safeguarding of (1) sources of mechanical power, (2) the associated and intermediate equipment, and (3) the driven components shall be applied in the design and manufacture of wheelchair lifts.

Rationale. Protection of wheelchair lift users and van occupants from the hazards of moving machinery is extremely important. The lifts evaluated had a variety of hazards (exposures); some were safeguarded and others were not. Some lifts may have to be redesigned in order to remove or to protect against machanical hazards.

3.6.2. The wheelchair lift operation shall be such that no movement of the whellchair is required during the raising or lowering of the platform.

Rationale. One lift evaluated and another one known to be on the market are designed such that the wheelchair must roll during the raising or lower of the platform. This motion requires a degree of attention, manual dexterity, and equilibrium that may not exist in paraplegics, and rarely exists in quadriplegics. The maximum physical action that shoud be expected of a lift user is the actuation of the lift control—typically a toggle switch.

3.6.3. The lift shall have an automatically operating device at the ground-to-platform entry/exist area, the purpose of which is to prevent the wheelchair and occupant from falling off the lift. The device shall conform to the following:

It shall be electrically or mechanically interlocked with the lift such that any time the platform is nominally horizontal and more than two (2) inches (5.08 cm) above the ground, the device will be effective.

It shall have the same effect on a rearward moving wheelchair as a lateral, fixed step which is three (3) inches (7.62 cm) high and perpendicular to the wheelchair ground plane and which can resist a distributed force of 1600 lb (7100 N) applied parallel to and three (3) inches (7.62 cm) above the wheelchair ground plane.

Rationale. Experience in industry and in consumer product usage has shown that safety devices must be designed into the equipment to ensure that they will be used. It is poor practice to expect the operator to use optional safety devices with regularity. An automatically operating roll preventing device is in this category; the lift user should not be given the option of using or not using it. As with safety devices on other equipment, the roll preventing device can be designed so that it does not interfere with normal use of the lift. In those lifts evaluated, there were five that had such devices and which functioned reasonably well. Two lifts had no roll preventing mechanism whatsoever, and two had manually operated devices.

The step height value of 3 in. was determined from a series of experiments in which an electric wheelchair (20 in. balloon tires) with a 170 lb occupant was operated rearward down a 5° ramp into a firmly attached vertical wood barrier of various heights. The wheelchair traveled 1 ft prior to striking the stop, at a velocity of approximately 3 fps as determined by other distance-time measurements. The chair rolled over 1½ in. and 2 in. stops but would not roll over a 3 in. or higher stop. The force value of 1600 lb was determined by analytical methods: writing and solving the equations of motion for the wheelchair and occupant moving down a 5° ramp and striking the stop at a velocity of 3.6 fps. The impulse ($F\Delta t$) of the wheelchair wheels on the stop of 3 in. height was calculated to be 13.55 lb-sec. Assuming a contact velocity of 3.6 fps and a zero velocity at a combined tire and stop deflection of 1 in., we get the average impact time as:

$$\Delta t = \frac{1/12 \text{ ft}}{\frac{5.6 - 0 \text{ ft/sec}}{2}} = 0.046 \text{ sec, say } 0.05 \text{ sec.}$$

The impulse $F\Delta t = 13.35$ lb-sec can be solved to yield

$$F = \frac{13.35 \text{ lb-sec}}{0.05 \text{ sec}} = 267 \text{ lb.}$$

Applying the factor of safety of 6 gives $F = 1602$, which is rounded to 1600 lb.

3.6.4. Limit devices or methods shall be employed to ensure that the platform ceased movement at the desired position as required by the design. As a minimum, the floor level position of the platform shall be positively controlled such that the wheelchair does not have to roll over a step greater than ⅝ inch (15.9 mm) in height. Ground and stowage positions of the platform should be controlled as necessary to prevent equipment damage.

Rationale. The need for limit devices is closely related to the need for a roll-preventer, previously discussed. On the folding-platform lifts, it is very important from the safety standpoint to ensure that the platform, when being raised from ground level, automatically stops at the floor level, thereby allowing the wheelchair to be rolled into the van. If the platform does not stop, it may begin its folding action, which could cause the wheelchair occupant to fall forward into the van. Other limit devices are highly desirable, but their employment depends upon the lift design. For example, there is no need for a limit switch to open the DOWN circuit of a gravity-type hydraulic lift.

3.6.5. During those portions of the raise/lower cycle in which the platform is nominally horizontal, any openings in the platform shall reject a ¾ inch (19.1 mm) diameter metal ball.

Rationale. The hard rubber caster wheels of wheelchairs vary in tread width from ⅞ in. to approximately 1½ in. In the evaluations it was noted that some lift platforms had openings of such dimensions that the smaller tread tires could fall through, or at least become wedged. The Speedy Wagon and Para lifts have a slot of approximately 1 in. wide running the full width of the platform and located at the roll-stop area. The Ricon platform has a very coarse expanded metal grating which prevents proper wheel castering action. The implications of a

wheel falling through a slot is obvious, and the inconvenience of difficult wheelchair movements makes Section 3.6.5. a firm requirement.

3.6.6. The wheelchair lift system shall be free of sharp edged and jagged projections, thereby minimizing minor injuries and damage to clothing of lift users and vehicle passengers.

Rationale. This requirement is necessary to ensure that manufacturers remove sharp edges and projections. There were some very obvious examples of inattention to this type exposure on some lifts.

3.6.7. The wheelchair lift platform surface shall be of a slip resistant type material to provide adequate tire-platform traction.

Rationale. Slip resistant surfaces are considered mandatory because of the slight ramp angle allowed by section 3.4.3. It is reasonable to expect that lifts will be used in wet weather which could cause the platform to become slippery. A slip resistant surface will negate problems resulting from such conditions.

3.6.8. Federal Motor Vehicle Safety Standard No. 302, Flammability of Interior Materials, (27) shall apply to nonmetallic components such as protective coverings, housings, and paddings.

Rationale. This requirement refers to those non-metallic materials used on some lifts which were evaluated. There were very few such materials, but with the requirement for safeguards, for electrical component packaging, and suggestions concerning dirty surfaces, this requirement will become more significant.

3.6.9. *Tests.*

3.6.9.1. *Occupant Hazards Test.* The fully assembled and installed wheelchair lift shall be carefully inspected with regard to safeguards, sharp edges, projections, and dirty or greasy surfaces with which the occupant might come in contact during normal operation of the lift.

3.6.9.2. *Slip Resistance Test.* The wheelchair platform shall be inspected for utilization of slip-resistant surfaces on which the wheelchair rolls. Slip-resistant characteristics will be observed in these cases when the platform is at ground and at floor level: occupant in manual wheelchair onto/off of dry and wet platform; occupant in electric wheelchair onto/off of dry and wet platform.

3.6.9.3. *Platform Opening Test.* The platform will be positioned at ground level and at van floor level, and all openings therein will be tested with a metal ball of ¾ inch (19.1 mm) diameter for oversize dimensions.

3.6.9.4. *Operational Safety Test.* The fully assembled and installed wheelchair lift shall be operated by both able-bodied and disabled persons, in the manner specified in the Operating Instructions, and observations made as to whether the lift can be operated safely, with minimum potential to injury. Observation shall be made as to a requirement for an on-platform turning movement of the wheelchair. Observations shall be made of the floor level stop position as to safe entry/exit of the wheelchair into/out of the van.

3.6.9.5. *Wheelchair Retaining Test.* Test equipment will be constructed to fit each wheelchair retaining device. The equipment will apply a static load of 1600 pounds at a height of three (3) inches above and parallel to the wheelchair ground plane, evenly distributed over the full width of the roll stop device. The load will be applied for at least five (5) seconds with the lift platform at the van floor level and also will be applied as the wheelchair ground plane moves down (or up). A load of 400 pounds will be on the lift during the test if the wheelchair retaining operation is dependent on such a load for its proper operation.

4.0. *Installation and Maintenance of Wheelchair Lift Systems.*

4.1. *Installation.*

4.1.1. *Installing Agency.* The manufacturer shall specify, when advertising or otherwise promoting his wheelchair lift, whether the lift must be factory or distributor installed or whether it can be installed by an individual or agency of the purchaser's choice.

Rationale. It is known from the experience gained in purchasing and receiving the lifts for evaluation that some manufacturers sell and install lifts only through distributors, others install at the factory, and yet others may have no preference who or what agency installs their lift. The manufacturer, for his own protection, should be allowed to specify the conditions under which he will sell and install the lift. In either case, the consumer should be informed, and this section is included for that reason.

4.1.2. *Method of Installation.*

4.1.2.1. *Standard.* Manufacturers shall specify the appropriate method of installation for the complete wheelchair lift system.

4.1.2.2. *Installation Manual Specification.* Wheelchair lifts which are identified as suitable for installation by an individual or agency of the purchaser's choice shall be accompanied by an Installation Manual which shall contain written and graphic instructions for installing the lift and shall contain specific installation information relative to the make, year, and type of van for which the lift is suited. The manual should be written at a technical level comparable to an automotive service manual.

4.1.2.3. *Installation Hardware Specification.* Wheelchair lifts distributed for installation shall be accompanied by all necessary installation hardware for the vehicle on which the lift is to be installed.

Rationale. Regardless of the agency selected for installation of lifts, the manufacturer must provide the instructions and hardware to ensure that the task can be performed properly. This effort protects the manufacturer from potential product failures, adverse reputation, and perhaps litigation. It also provides the purchaser with sufficient information to determine if a quality installation has been performed.

4.1.2.4. *Visual Inspection.* A visual inspection will be made as to the inclusion of required Installation Manual and the suitability of its contents and of the existence of the necessary installation hardware.

4.1.3. *Certified Installation.* The VA strongly urges that installation be accomplished by experienced technicians who have familiarized themselves with lift systems. The individual or agency who does the installation should certify in writing to the user/owner that the lift installation is complete and done according to the manufacturer's instructions.

4.2. *Maintenance.*

4.2.1. *Standard.* The manufacturer shall specify user/owner maintenance to be performed and make adequate provision in the design for the performing of such maintenance.

4.2.2. *Repair Parts.* The manufacturer shall develop and maintain an appropriate stock level of repair or replacement parts. Appropriate records related to purchased parts shall be maintained. Repair parts shall be available for purchase.

4.2.3. *Maintenance Manual Specification.* The manufacturer shall provide to the purchaser a manual of instructions concerning required maintenance to be performed by the user/owner. The maintenance instructions shall address at least the following areas: theory of operation, lubrication (types, location, and frequency), fluids (types, levels, and frequency of checking), adjustments (function, location, and method), calibration and alignment procedures, trouble-shooting (possible failures and required corrective action), parts lists, components requiring special attention, definitions and measurements to determine excessive wear, and name, address, and telephone number of the manufacturer or his representative.

Rationale. Owner/operator performed maintenance is likely to be the only maintenance that many lifts will receive until the manufacturers further develop their distributor-owner relationships. In order for this maintenance to be accomplished, the manufacturer must prescribe it in terms of those items listed. In the lift evaluations, as in other aspects, there was a wide variety of maintenance instructions ranging from none to adequate.

4.2.4. *Documentation Specification.* The manufacturer shall provide to the purchaser all electrical and hydraulic schematic diagrams necessary to properly maintain and repair the lift. These diagrams shall include wiring diagrams, component layout, parts lists, and applicable test and calibration points. A list of authorized distributors or service agencies shall be provided.

4.2.5. *Tool Specification.* The manufacturer shall design and fabricate a lift such that the tools needed for the required user/owner maintenance are of the standard, readily available type, e.g., adjustable, end, or socket wrenches for bolt heads equal to or less than ¾ inch (20 mm, nominal), slot-type screwdriver, phillips-type screwdriver.

Rationale. During the performance of maintenance on the lifts undergoing accelerated life cycle tests, it was very evident that some manufacturers were not concerned about the availability of proper maintenance tools. If tools other than standard, readily available types are required, it can be expected that maintenance will not be done—to the detriment of the equipment, and perhaps to the bodily harm of the lift user.

4.2.6. *Accessibility Specification.* The manufacturer shall design and fabricate his lift such that parts requiring owner/operator maintenance are readily accessible without major disassembly or use of special tools.

Rationale. This requirement is necessary because of the examples of inaccessible maintenance components seen on the evaluated lifts. For example, one lift had a grease fitting "looking" directly at a structural member approximately ⅛ in. away. Another lift had a housing around the gear drive unit, which was good protection from moving parts, but a special screwdriver was needed to remove the housing in order to check the grease level. One hydraulic lift had a horizontal fluid filler fitting, requiring a long flexible funnel to avoid spills. A thorough maintainability analysis by the manufacturers would help to eliminate such situations.

4.2.7. *Tests.*

4.2.7.1. *Visual Inspection.* A visual inspection shall be made to determine the inclusion of a Maintenance Manual and its compliance with Section 4.2.3. and of the inclusion of documentation as required by Section 4.2.4.

4.2.7.2. *Maintainability Test.* The maintenance procedure prescribed by the manufacturer shall be performed to ascertain compliance with Sections 4.2.5. and 4.2.6.

5.0. *Identification and Inspection by the Manufacturer.*

5.1 *Identification.* Each lift manufactured for sale shall bear a model number, a serial number, and the name and address of the manufacturer. This identification may be engraved or placed on a permanently affixed tag which will remain visible after lift installation in the vehicle.

Rationale. Identification of consumer products and industrial equipment is a common practice and should be applied to wheelchair lifts. Such an identification system will not only aid the lift owner in contacting the manufacturer in the event of product failure, but will also aid the manufacturer in many ways: retrofitting (if necessary), design change identification, component traceability, and others.

5.2. *Manufacturing Inspection.* In view of the implied seriousness of in-service failures; quality control inspections made by the manufacturer shall be 100 percent on every lift which is commercially sold. Evidence of quality assurance shall be included with every lift sold and can be in the form of a seal, inspection stamp, tag, or any other legible identification. Uninspected lifts shall be returned to the manufacturer.

Rationale. It is imperative that manufacturers carefully conduct quality control inspections on their lifts. The procedure and timing for conducting the inspections must be developed by the manufacturers and while there is no effective way to test compliance with this section, the requirement of the inspector's tag will help to force recognition of this essential program.

5.3. *Warranty.* A statement of warranty shall be provided with each lift device assuring the quality of materials and workmanship of the product for at least one (1) year from the date of delivery to final consumer. The warranty shall state that if defects are found during the warranty period, the device will be repaired, replaced, or a refund made by the seller or his authorized agent.

Rationale. The one-year warranty is comparable to that of many other consumer products. Having such a warranty will encourage manufacturers to improve their designs, require high quality from component manufacturers, and improve the overall quality of their product.

5.4. *Claims Made.* Advertising literature shall reveal the adaptive equipment manufacturer's name and address. All claims of approval by private groups, local, state or federal government shall be specific as to the approving agency and the acceptance test protocol. Such claims shall be documentable on request. Furthermore, all claims of scientific merit shall be clearly stated and documentable on request.

Rationale. It is well known that advertising claims are sometimes more self-laudatory than true. This requirement concerning claims is intended to protect the VA and the public from claims of approvals or performance which cannot be substantiated.

5.5. *Liability Claims.* Although lifts may be certified by the VA as having conformed to the requirement of this standard, the VA assumes no liability for any claim arising from the use of the lift.

Rationale. This disclaimer statement is inserted as a protective measure against claims primarily from non-veteran users.

5.6. *Annual Inspection.* In the interest of long-term safety, the VA recommends an annual inspection of all wheelchair access systems. The inspection should include checks for wear, deterioration, proper adjustment, loose fasteners, etc. as well as a performance test. The manufacturer is urged to include annual inspections in the maintenance procedure and to encourage such inspections by proper support to distributors and/or installing agencies.

Rationale. This statement is not intended as a requirement but is included to urge the manufacturer to prescribe such inspections in his maintenance prodecure and to assist distributors/installers as necessary to conduct the inspections.

5.7. *Visual Inspection.* Each lift shall be inspected for the inclusion of the required identification tag, evidence of manufacturer's quality control inspection, and for inclusion of the required Warranty Statement.

6.0. *Test Procedures.* This section brings together under one heading all tests specified in the standard and in the approximate sequence of testing.

3.1.12.1. *Receiving Inspection Test.* A receiving inspection shall be conducted and shall include:

a. Weighing the wheelchair lift.

b. Assessment of installation method and required vehicle alterations.

c. Assessment of battery power supply, connections, and charging method.

3.1.12.2. *Dimensional Test.* Upon installation of the lift on a test fixture according to manufacturer's instructions, measurements will be taken to determine compliance with dimensional requirements of Section 3.1.10.

3.3.2.6.2. *Water Spray Test.* The exposed portions of electrical components intended for installation external to the vehicle will be subjected to a five minute, fine droplet water spray test in which the droplets contact the components both vertically and horizontally. The wetted components will be allowed to air dry for approximately three (3) minutes and then the circuits will be electrically checked for successful operation.

3.3.2.6.3. *Electrical Current Test.* Electrical current flow will be measured for each lift movement. The ammeter used will be of laboratory quality with appropriate shunts. Only steady-state current, ignoring momentary surges, will be recorded.

3.4.1.1. *Weldment Test.* A close visual inspection shall be made of all welds to detect (1) structural flaws such as undercutting, cracking, poor penetration, and surface defects, and (2) dimensional flaws such as warpage, incorrect weld size or profile, and incorrect joint separation. Other nondestructive testing using radiographic, ultrasonic, dye penetrant, or other methods may be conducted if deemed necessary by the testing agency. Significant defects shall disqualify the lift from acceptance.

3.4.3.2. *Platform Angle Test.* The lift shall be installed on a rigid structure. Measurements shall be taken to determine the lift platform angle at the van floor position.

3.4.4.3. *Finish Coating Test.* An inspection of the coating shall be made to include, but not be limited to, overall appearance and existence of a dull, matte surface finish. Measurements of film thickness shall be made in at least three locations using a dial comparator or dial indicator as described in ASTM D 1005-51 (R1972), Measurement of Dry Film Thickness of Organic coatings.(*20*) A subjective evaluation of coating adherence will be obtained in at least three locations as follows: use a machinist's scribe to scribe a single line approximately one inch long with sufficient force to penetrate to the base metal. Lay on a strip of transparent mending tape and burnish the scribed area for approximately 15 seconds with a smooth-ended metal tool. Pull the tape off with a quick, perpendicular motion. A very thin line of coating particles is indication of good adhesion. Upon completion of the Accelerated Life Cycle Test, Section 3.3.1.3.1. and the Operational Safety Test, Section 3.6.9.4., another inspection will be made to determine long-term wear and use characteristics of the coating.

3.5.1.7.1. *Control Inspection Test.* Inspection of controls in accordance with principles and recommendations in the referenced volume (Section 3.5.1.2.).

3.5.1.7.2. *Acceleration Test.* Accelerations will be measured by means of accelerometers in the head or chest cavity of an anthropometric dummy which is seated in a wheelchair on the platform. The wheelchair and dummy weight will be supplemented to a total weight of 400 pounds (1780 N). Accelerometer readings will be taken for all lift motions on which an occupant is carried.

3.5.1.7.3. *Slope Dimension Test.* The empty platform will be lowered to the ground position with the ramp, if any, at its entry/exit position. Linear measurements of rise and run will be made. Likewise, any step over which the wheelchair must roll will be measured.

3.5.3.1. *Visual Inspection.* A visual inspection shall be made as to the inclusion of the required Operating Instructions and the suitability of the contents.

3.6.9.1. *Occupant Hazards Test.* The fully assembled and installed wheelchair lift shall be carefully inspected with regard to safeguards, sharp edges, projections, and dirty or greasy surfaces with which the occupant might come in contact during normal operation of the lift.

3.6.9.2. *Slip Resistance Test.* The wheelchair platform shall be inspected for utilization of slip-resistant surfaces on which the wheelchair rolls. Slip-resistant characteristics will be observed in these cases when the platform is at ground and at floor level: occupant in manual wheelchair onto/off of dry and wet platform; occupant in electric wheelchair onto/off of dry and wet platform.

3.6.9.3. *Platform Opening Test.* The platform will be positioned at ground level and at van floor level, and all openings therein will be tested with a metal ball of ¾ inch (19.1 mm) diameter for oversize dimensions.

3.6.9.4. *Operational Safety Test.* The fully assembled and installed wheelchair lift shall be operated by both ablebodied and disabled persons, in the manner specified in the Operating Instructions, and observations made as to whether the lift can be operated safely, with minimum potential to injury. Observation shall be made as to a requirement for an on-platform turning movement of the wheelchair. Observations shall be made of the floor level stop position as to safe entry/exit of the wheelchair into/out of the van.

3.6.9.5. *Wheelchair Retaining Test.* Test equipment will be constructed to fit each wheelchair retaining device. The equipment will apply a static load of 1600 pounds at a

height of three (3) inches above and parallel to the wheelchair ground plane, evenly distributed over the full width of the roll stop device. The load will be applied for at least five (5) seconds with the lift platform at the van floor level and also will be applied as the wheelchair ground plane moves down (or up). A load of 400 pounds will be on the lift during the test if the wheelchair retaining operation is dependent on such a load for its proper operation.

4.1.2.4. *Visual Inspection.* A visual inspection will be made as to the inclusion of required Installation Manual and the suitability of its contents and of the existence of the necessary installation hardware.

4.2.7.1. *Visual Inspection.* A visual inspection shall be made to determine the inclusion of a Maintenance Manual and its compliance with Section 4.2.3. and of the inclusion of documentation as required by Section 4.2.4.

4.2.7.2. *Maintainability Test.* The maintenance procedure prescribed by the manufacturer shall be performed to ascertain compliance with Sections 4.2.5. and 4.2.6.

5.7. *Visual Inspection.* Each lift shall be inspected for the inclusion of the required identification tag, evidence of manufacturer's quality control inspection, and for inclusion of the required Warranty Statement.

3.3.1.3.1. *Accelerated Life Cycle Test.* An accelerated life cycle test will be performed by repeating the wheelchair lift use cycle 4400 times. The time between each cycle shall be not less than six minutes. Ambient temperature shall be between 50° F and 90° F (10° C and 32° C). Alternating cycles of loaded and unloaded platform configuration will be simulated by applying a 400 pound (1780 N) load for 100 cycles, then removing the load for 100 cycles. Periodic visual inspection without disassembly of the lift will be made in intervals of 500 cycles and changes in alignment, component wear, loosening of fasteners, and the like will be recorded. Failure mode analyses will be performed and a decision will be made based on those analyses. Preventive maintenance will be performed in accordance with the manufacturer's instructions.

3.3.2.6.1. *General Electrical Test.* Electrical components and wiring shall be considered integral parts of the lift system and shall be tested for failures during the performance of Accelerated Life Cycle Testing, Section 3.3.1.3. Any failure or any hazardous condition caused by an electrical component during testing shall disqualify the entire system from acceptance.

3.3.3.2. *Chain Drive Test.* Chain drive components shall be considered integral parts of the lift, and shall be tested for failures during the performance of the Accelerated Life Cycle Test, Section 3.3.1.3., and inspected for conformance to the above standards. Discrepancies in conformance or failures during the test shall disqualify the lift from acceptance.

3.3.4.3. *Hydraulic Components Test.* Hydraulic components shall be considered integral parts of the wheelchair lift and shall be tested for failures during the performance of the Accelerated Life Cycle Test, Section 3.3.1.3. Any failures, including significant leaks, shall disqualify the lift from acceptance. A significant leak is defined as seepage or leakage which produces one or more droplets (e.g., a teardrop, approximately 0.1 cc) in ten (10) complete cycles of the wheelchair lift.

3.3.5.4. *Wire Rope System Test.* An inspection of the wire rope system shall be made and shall include measurement of the nominal diameters of rope, sheaves, and drum. The fleet angle between the lead sheave and drum and between sheaves at all platform positions shall be measured. Attachments and fittings shall be inspected for conformance to Section 3.3.5.3. The travel of the rope during all lift movements shall be followed to observe possible rope contact with structural members.

3.4.2.3. *Fastener Tests and Inspection.* Fasteners shall be considered as integral parts of the lift system and shall be tested for wear, integrity, and resistance to loosening or loss through vibration or use conditions. Such testing and inspection will be done during the Accelerated Life Cycle Test, Section 3.3.1.3.1.

3.3.6.5. *Power Screw Tests.* The threads on the power screw shall be inspected to ensure that Acme screw threads (or equivalent) are used and that the system transmits power in both directions.

3.3.1.3.2. *Static Load Test.* A static load of 2400 pounds (10676 N) shall be applied through the centroid of a test pallet placed at the centroid of the platform when the platform is positioned at van floor level. The length and width dimensions of the test pallet shall be 23" length ×24" width to correspond to the approximate outer dimensions of a wheelchair "footprint". The load shall remain on the platform not less than two (2) minutes. After the load is removed, an inspection shall be made to determine if fractures have occurred. An equivalent test shall be performed on lifts which do not have a platform. The Static Load Test shall be performed after the Accelerated Life Cycle Test.

APPENDIX 1

METRICATION

The use of SI (metric) units is in conformance with SAE J916a, Rules for SAE Use of SI (Metric) Units. Examples of conversion to SI units are given below.

1. From Section 3.1.3., related to lift speed of four (4) inches per second. Convert to centimetres per second (cm/s).

a. Estimate the implied precision of the value to be ±0.1 inch per second. Then Total Implied Precision (TIP)=0.2 inch per second.

b. Convert values to metric units

$$\frac{4 \text{ inches}}{\text{sec}} \times \frac{2.54 \text{ cm}}{\text{inch}} = 10.16 \text{ cm/s}$$

$$\frac{0.2 \text{ inch}}{\text{sec}} \times \frac{2.54 \text{ cm}}{\text{inch}} = 0.508 \text{ cm/s}$$

c. Choose the smallest number of decimals to retain, such that the last digit retained is in units equal to or smaller than the converted TIP. In this example use 0.1 cm/s since it is the next unit smaller than 0.508 cm/s.

d. The converted, rounded value is then given as 10.2 cm/s.

2. From Section 3.1.7., related to a weight of 275 lb. Convert to newtons (N).

a. Estimate implied precision as ±5 lb. Then TIP=10 lb.

Convert values to metric

$$275 \text{ lb} \times \frac{4.448222 \text{ Newtons}}{\text{lb}} = 1223.26105 \text{ N}$$

$$10 \text{ lb} \times \frac{4.448222 \text{ N}}{\text{lb}} = 44.48222 \text{ N}$$

c. Use 10 N for rounding.

d. Then 275 lb=1220 N.

APPENDIX 2

REFERENCES

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Fig. 1 – Size requirements, typical folding platform lift.

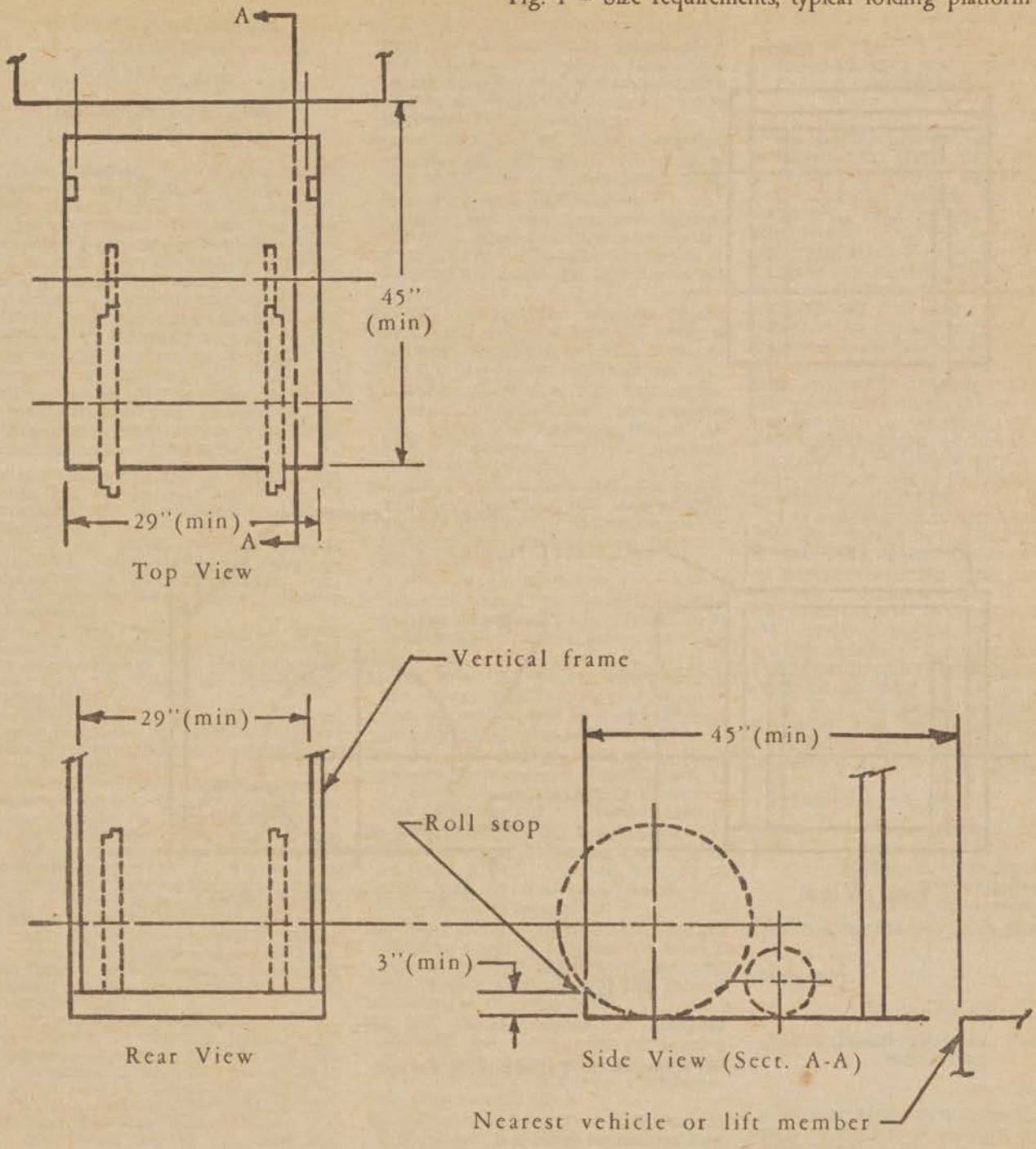

Fig. 1

Fig. 2 – Size requirements, typical swing-in platform lift.

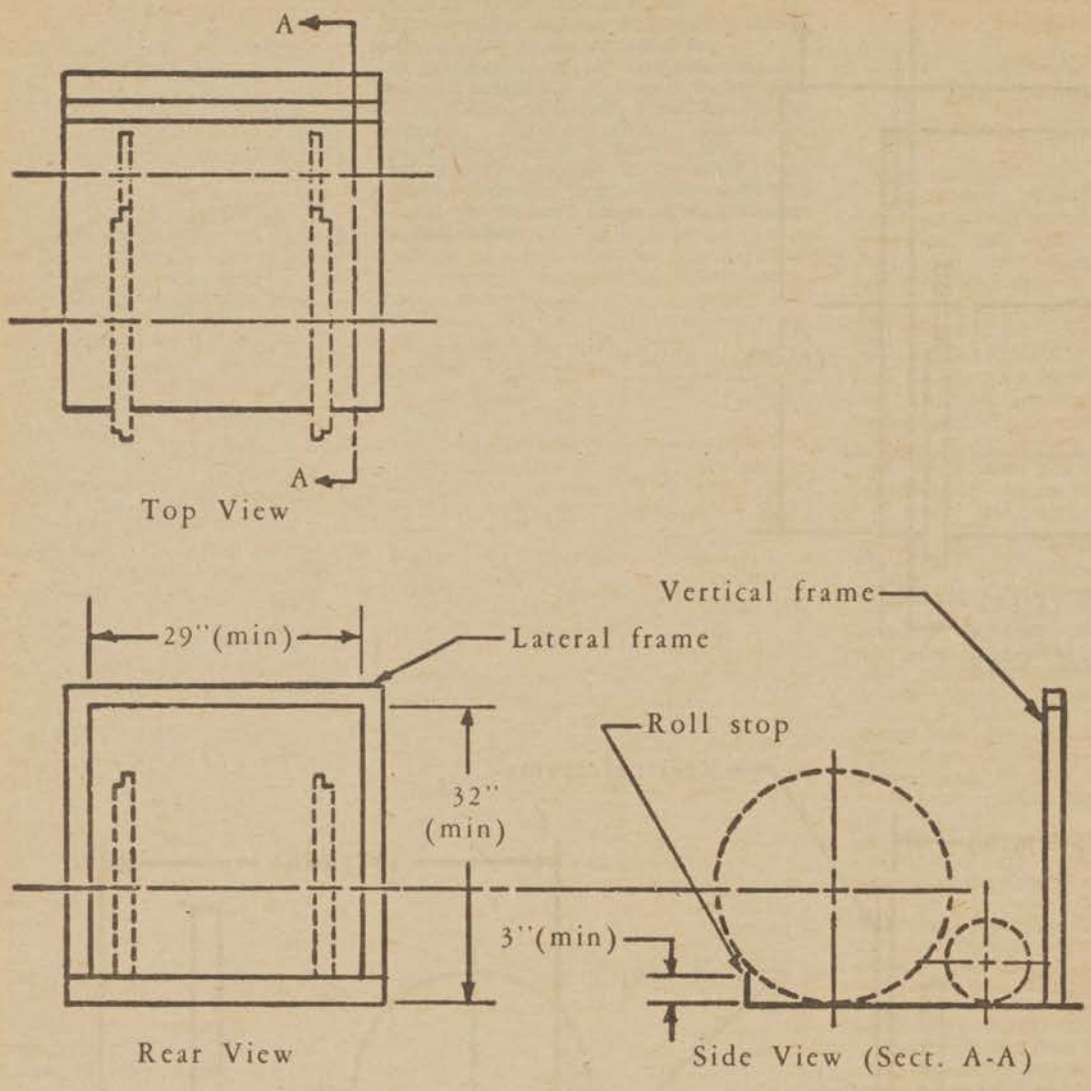

Fig. 2

[FR Doc. 78-13413 Filed 5-16-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 661]

ASSIGNMENT OF HEARINGS

MAY 12, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. MC 120981 (Sub-No. 24), Bestway Express, Inc., now assigned June 5, 1978, at Frankfort, Ky., is canceled; application dismissed.

I & S M 29772, General Increase S.M.C.R.C., April, 1978, now being assigned June 26, 1978, at Washington, D.C., at the office of the Interstate Commerce Commission.

No. MC 125433 (Sub-No. 139), F-B Truck Line Co., is now assigned for prehearing conference June 26, 1978, at the offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 144188, P. L. Lawton, Inc., is now assigned for hearing June 28, 1978, at the offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 142760 (Sub-No. 1), Data Processing Maintenance, Inc., d.b.a. Luxury Coaches, is now assigned for hearing July 19, 1978 (3 days), at Houston, Tex., at a location to be later designated.

No. MC 53965 (Sub-No. 133), Graves Truck Line, Inc., is now assigned for hearing July 24, 1978 (1 week), at Oklahoma City, Okla. at a location to be later designated.

No. MC 114211 (Sub-No. 344F), Warren Transport, Inc., is now assigned for hearing June 8, 1978 (2 days), in Room 235, Federal Building, 85 Marconi Boulevard, Columbus, Ohio.

AB 10 (Sub-No. 6), Wabash Railroad Co. and Norfolk & Western Railway Co., abandonment between Fairbury and Clay in Livingston County, Ill., now assigned June 26, 1978, at Chicago, Ill., will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

No. MC 120436 (Sub-No. 2), Nussbaum Trucking, Inc., now assigned June 13, 1978, and continued to June 28, 1978, at Chicago, Ill., will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street, on both hearing dates.

No. MC 51146 (Sub-No. 534), Schneider Transport, Inc., and MC 136786 (Sub-No. 132F), Robco Transportation, Inc., now being assigned August 15, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

No. MC 143568 (Sub-No. 2), Simmons Trucking, Inc., now assigned June 1, 1978, at Jefferson City, Mo., will be held in Room 201, Governor's Hotel.

AB 7 (Sub-No. 37), Chicago, Milwaukee, St. Paul & Pacific Railroad Co., abandonment near Sparta and Viroqua, in Monroe and Vernon Counties, Wis., now assigned June 5, 1978, at Viroqua, Wis., will be held in the Circuit Court, Courtroom.

No. MC 138882 (Sub-No. 14), Wiley Sanders, Inc., now assigned June 6, 1978, at Nashville, Tenn., will be held in Room A-440, U.S. Courthouse, 801 Broadway.

No. MC 143621, Tennessee Steel Haulers, Inc., now assigned for continued hearing June 7, 1978, at Nashville, Tenn., will be held in Room A-440, U.S. Courthouse, 801 Broadway.

No. MC 143691, Pony Express Courier Corp., now assigned June 12, 1978, at Nashville, Tenn., will be held in Room A-440, U.S. Courthouse, 801 Broadway.

No. MC 118159 (Sub-No. 223), National Refrigerated Transport, Inc., now assigned June 26, 1978, at Louisville, Ky., will be held in Room 635, Post Office Building, Sixth and Broadway.

No. MC 116915 (Sub-No. 36), Eck Miller Transportation Corp., now assigned June 27, 1978, at Louisville, Ky., will be held in Room 635, Post Office Building, Sixth and Broadway.

No. MC 118610 (Sub-No. 28), George Parr Trucking Service, Inc., now assigned June 28, 1978, at Louisville, Ky., will be held in Room 635, Post Office Building, Sixth and Broadway.

No. MC 60014 (Sub-No. 51), Aero Trucking, Inc., now assigned June 29, 1978, at Louisville, Ky., will be held in Room 635, Post Office Building, Sixth and Broadway.

No. MC 116254 (Sub-No. 188), Chem-Haulers, Inc., now assigned June 30, 1978, at Louisville, Ky., will be held in Room 635, Post Office Building, Sixth and Broadway.

No. MC 720 (Sub-No. 36), Bird Trucking Co., Inc., is assigned for hearing June 6, 1978, at Madison, Wis., and will be held at Room 125, CI Conference Room, U.S. Forest Products Laboratory.

No. MC 110683 (Sub-No. 122), Smith's Transfer Corp., is assigned for hearing June 27, 1978, at Indianapolis, Ind., and will be held at Room 402, Old Federal Building, 46 East Ohio Street.

No. MC 123061 (Sub-No. 92), Leatham Brothers, Inc., is assigned for hearing June 5, 1978, at Portland, Oreg., and will be held at Room 103, Pioneer Courthouse, 555 West Yamhill Street.

No. MC 52680 (Sub-No. 3), T. W. Express of Indiana, Inc., is assigned for hearing June 5, 1978, at Indianapolis, Ind., and will be held at Room 402, Federal Building, 575 North Pennsylvania.

No. MC 32779 (Sub-No. 13), Silver Eagle Co., now being assigned June 20, 1978 (6 days), for continued hearing at Olympia, Wash., and will be held at the Greenwood Inn, 2300 Upper Green Park Drive.

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

[FR Doc. 78-13437 Filed 5-16-78; 8:45 am]

[7035-01]

[Exception No. 6 to Corrected Service Order No. 1304]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

MAY 12, 1978.

The Chicago, Rock Island and Pacific Railroad Co. (RI) is acquiring an additional 500 jumbo covered hopper cars all of which will be delivered prior to May 31, 1978. When the delivery is completed the RI will own 5,210 such cars. The RI has requested authority to place seventy-five (75) of these new cars in unit-grain-train service. The remaining 425 new cars will be used to augment its supply of jumbo covered hoppers available to other shippers. The addition of these 500 cars to the RI's ownership of such cars and the use of seventy-five (75) of them for unit-grain-train service will reduce that carrier's ratio of jumbo covered hoppers in unit-grain-train service from 18.2 percent of ownership to 17.9 percent of ownership.

It is ordered, That, pursuant to the authority vested in the Railroad Service Board by Section (a)(6) of Corrected Service Order No. 1304, the Chicago, Rock Island and Pacific Railroad Co. is authorized to place seventy-five (75) newly acquired jumbo covered hopper cars in unit-grain-train service regardless of the provisions of Section (a)(5) of the order.

By the Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member Joel E. Burns not participating.

Effective May 5, 1978.

Issued at Washington, D.C., May 5, 1978.

ROBERT S. TURKINGTON,
Acting Chairman,
Railroad Service Board.

[FR Doc. 78-13440 Filed 5-16-78; 8:45 am]

[7035-01]

[Notice No. 76]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 12, 1978.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized repre-

sentative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 32050 (Sub-No. 4TA), filed April 14, 1978. Applicant: J. MITCHELL TRUCKING CO., INC., 115 Claremont Avenue, Colonia, NJ 07067. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine and Table Sauces* in controlled temperature vehicles, from Baltimore City, MD, to CT, DE, IL, IN, KY, ME, MA, MI, MO, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: J. H. Filbert, Inc., 3701 Southwestern Boulevard, Baltimore, MD 21229. Send protests to: Robert E. Johnston, District Supervisor, 9 Clinton Street, Newark, NJ 07102. For 180 days.

No. MC 63417 (Sub-No. 149TA), filed April 12, 1978. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Applicant's representative: William E. Bain, P.O. Box 13447, Roanoke, VA 24034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, iron or steel*, from Canton, MS, to points in IL, IN, KY, MI, NC, OH, PA, SC, VA, and WV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Inland Steel Container Co., Chicago, IL 60658. Send protests to: Interstate Commerce Commission, Bureau of Operations, P.O. Box 210, Roanoke, VA 24011.

No. MC 63417 (Sub-No. 150TA), filed April 12, 1978. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Applicant's representative: William E. Bain, P.O. Box 13447, Roanoke, VA 24034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials, mineral wool*, from the facilities of Rock Wool Manufacturing Co., Leeds, AL, to points in FL west of the Appalachicola River, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Rock Wool Manufacturing Co., Birmingham, AL 35205. Send protests to: Interstate Commerce Commission, Bureau of Operations, P.O. Box 210, Roanoke, VA 24011.

No. MC 63417 (Sub-No. 151TA), filed April 12, 1978. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Applicant's representative: William E. Bain, P.O. Box 13447, Roanoke, VA 24034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbers goods, vanities and vanity cabinets*, (1) from the facilities of Universal-Rundle, Inc., Union Point, GA, to points in DE, LA, MD, MS, and WV, and (2) from the facilities of Universal-Rundle, Inc., Monroe, GA, to points in AL, DE, FL, KY, LA, MD, MS, NC, SC, TN, VA and WV, for 180 days. Supportings shipper(s): Universal-Rundle Corp., New Castle, PA. Send protests to: Interstate Commerce Commission, Bureau of Operations, P.O. Box 210, Roanoke, VA 24011.

No. MC 90870 (Sub-No. 6TA), filed April 12, 1978. Applicant: GLEN R. RIECHMANN, d.b.a. RIECHMANN TRUCK SERVICE, Route 2, Box 137, Alhambra, IL 62001. Applicant's representative: Cecil L. Goettsch, Attorney, 1100 Des Moines Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Inland Steel Company, East Chicago, IN to points in MO on and east of U.S. Hwy 65, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): W. A. Jerndt, Asst. Gen. Traffic Mgr., Inland Steel Co., 30 West Monroe, Chicago, IL 60603. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701

No. MC 96992 (Sub-No. 7TA), filed April 12, 1978. Applicant: HIGHWAY PIPELINE TRUCKING CO., P.O. Box 1517, Edinburg, TX 78539. Applicant's representative: Kenneth R. Hoffman, 1100 Milam Bldg., Suite 3300, Houston, TX 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen orange concentrate*, (except in bulk), from Weslaco, TX to Verona, PA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Valley Citrus Products, Inc., 1533 N. Texas Blvd., Weslaco, TX 78596. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Room B-400 Federal Building, 727 E. Durango Blvd., San Antonio, TX 78206.

Docket MC-103051 (Sub-No. 439TA), filed April 13, 1978. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue, North P.O. Box 90408, Nashville, TN 37209. Applicant's representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. Temporary authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes for 180 days, transporting: *Liginin sulfonate*, in bulk, in tank vehicles, from New Johnsonville, TN to Walnut Ridge, AR. Supporting shipper is: Frit Industries, Inc., 405 Joseph Dr, Ozark, AL 36360. Send protests to: Glanda Kuss, Transportation Assistant, Bureau of Operations, ICC, Suite A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority.

No. MC 108676 (Sub-No. 122TA), filed April 12, 1978. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, TN 37917. Applicant's representative: William T. McManus (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated Flat Glass*, from the facilities of PPG Industries, Inc. at or near Fresno, CA to points in AZ, ID, OR, UT, and WA for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222. Send protests to: Glenda Kuss, Interstate Commerce Commission, Suite A422, Federal Building, U.S. Court House, 801 Broadway, Nashville, TN 37203.

No. MC 113678 (Sub-No. 751TA), filed April 12, 1978. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Roger M. Shaner, 4810 Pontiac Street, Commerce City, CO 80022, 303-287-3211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Foods* (except commodities in bulk) from Espanola, NM, to points in the U.S. (except AL,

HI, and NM), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Golden Temple Products, Inc., P.O. Box 3766, Fairview Station, Espanola, NM. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

No. MC 113678 (Sub-No. 752TA), filed April 12, 1978. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Roger M. Shaner (same address as applicant), 303-287-3211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products* (except commodities in bulk) from the facilities of Daack's Portion Products, from Ponca City, OK to Denver, CO, and Seneca, IL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Daak's Portion Products, Airport Road, Box 907, Ponca City, OK. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

No. MC 114274 (Sub-No. 46TA), filed April 12, 1978. Applicant: VITALIS TRUCK LINES, INC., 137 Northeast 48th St. Place, Des Moines, IA 50306. Applicant's representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Terminal Ice & Cold Storage Co. at or near Bettendorf, IA, to points in IL, IN, MI, OH, KY, MN, MO, NE, KS, and WI. Restricted to traffic originating at the named origin and destined to the named destination states, for 180 days. Supporting shipper(s): General Foods Corp., 250 North Street, White Plains, NY 10625. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Des Moines, IA 50309.

No. MC 114632 (Sub-No. 162TA), filed April 12, 1978. Applicant: APPLE LINES, INC., 212 Southwest Second St., P.O. Box 287, Madison, SD 57042. Applicant's representative: Michael L. Carter, 212 Southwest Second St., Madison, SD 57042. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and exempt commodities* when moving in the same vehicle with frozen foods from the facilities of Empire Freezers of Syracuse, Inc. at or near Syracuse, NY to points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT, and VA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Empire Freezers of Syracuse, Inc., Farrell Road, Syracuse, NY 13221, Charles A. Cleveland, Director of Sales and Customer Service. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, SD 57501.

No. MC 115654 (Sub-No. 92TA), filed April 17, 1978. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Applicant's representative: Henry E. Seaton, 915 Pennsylvania Building, 13th and Pennsylvania Ave. NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plantsite or facilities or Rich Products Corp. at or near Murfreesboro, TN to points in AL, GA, IL, IN, KY, LA, MS, MO, and OH. Supporting shipper: Rich Products Corp., Buffalo, NY. Send protests to: District Supervisor Joe J. Tate, Room A422, Federal Building, 801 Broadway, Nashville, TN. 37203. For 90 days.

No. MC 116175 (Sub-No. 9TA), filed April 12, 1978. Applicant: WILLIAM E. (BILLY) ONEY, d.b.a. WILLIAM E. ONEY, Route 7 Box 37, Kingsport, TN 37660. Applicant's representative: Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Livestock Feed* in bags and containers, from Louisville, KY, to Wise, Dickenson and Lee Counties, VA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (4) statements of support attached to the application which may be examined at the field office named below. Send protests to: Interstate Commerce Commission, Bureau of Operations, P.O. Box 210, Roanoke, VA 24011.

No. MC 116497 (Sub-No. 5TA), filed April 12, 1978. Applicant: CLANCY BROS. TRANSPORTATION CO., INC., 84 Bengal Terrace, Rochester, NY 14610. Applicant's representative: S. Michael Richards/Raymond A. Richards, P.O. Box 225, 44 North Avenue, Webster, NY 14580, phone, 716-872-3535. Authority sought to operate as a *contract carrier*, by motor vehicle, over *irregular routes*, transporting: *Fresh hanging meats and boxed meats*, in vehicles equipped with mechanical refrigeration, from Rochester, NY to Miami, FL, under a continuing contract, or contracts with Rochester Independent Packer, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Rochester Independent Packer, Inc., 11 Independence St., Rochester, NY 14611. Send protests to: Interstate Commerce Commission, U.S. Courthouse and Federal Building, 100 South Clinton St., Room 1259, Syracuse, NY 13260.

No. MC 119700 (Sub-No. 33TA), filed April 12, 1978. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, MO 64125. Applicant's representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Iron and steel articles* (1) from Gerald, MO, to points in AR, IL, IN, IA, KS, OH, OK, and MI; and (2) from MI to Gerald, MO, restricted to shipments originating at or destined to Bullmoose Tube Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bullmoose Tube Co., Highway 50, P.O. Box 214, Gerald, MO. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 126346 (Sub-No. 20TA), filed February 13, 1978, and published in the FEDERAL REGISTER issue of April 3, 1978, and republished as corrected this issue. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Applicant's representative: Daniel C. Sullivan, Singer & Sullivan, P.C. 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled material handling and construction equipment* (except self-propelled vehicles designed for transporting property or passengers on highways), *cranes*, and *hoisting equipment;* (2) *attachments, assemblies, sub-assembilies*, components and weldments for the commodities named in (1); (3) *parts* for the commodities named in (1) and (2), from the ports of entry at New York, NY; Baltimore, MD; Boston, MA; Charleston, SC; Cleveland, OH; Duluth, MN; Houston, TX; Milwaukee, WI; and New Orleans, LA; to points in the United States (except AK and HI), under a continuing contract or contracts with Drott Manufacturing, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Drott Manufacturing, Division of J. I. Case Co., P.O. Box 1087, Wausau, WI54401. Send protests to: District Supervisor, Ronald A. Morken, Interstate Commerce Commission, 139 West Wilson Street, room

202, Madison, WI 53703. The purpose of this republication is to correct the territorial description.

No. MC 135797 (Sub-No. 113TA), filed April 12, 1978. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, U.S. Hwy 71, Lowell, AR 72745. Applicant's representative: Paul A. Maestri, P.O. Box 200, Lowell, AR 72745. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic, rubber, and wire housewares products and display racks* from Wooster, OH to points in AZ, CA, CO, ID, IA, KS, MN, MO, MT, NE, NV, ND, OR, SD, UT, WA, and WY, for 180 days. Supporting shipper(s): Rubbermaid Inc., Home Products Division, 1147 Akron Road, Wooster, OH 44691. Send protests to: District Supervisor, William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 139495 (Sub-No. 330TA), filed March 20, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, Sullivan, Dubin & Kingsley, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canoes* from Wichita, KS to USA, for 180 days. Supporting shipper: The Coleman Company, Inc., 250 North Street Francis, Wichita, KS 67201. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101A Litwin Building, 110 North Market, Wichita, KS 67202.

No. MC 139615 (Sub-No. 13TA), filed April 12, 1978. Applicant: D.R.S. TRANSPORT, INC., P.O. Box 29, Oskaloosa, IA 52577. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery, implements, and equipment;* (2) *industrial and construction machinery and equipment;* (3) *irrigation equipment;* (4) *drainage systems;* (5) *stump cutters, log splitters, and log chippers;* (6) *tree spades;* and (7) *parts, attachments and accessories* for (1) through (6) above, from Pella, IA to points in WA, ID, UT, NV, AZ, NM, MI, AL, GA, FL, SC, NC, VT, NH, ME, MA, CT, RI, DE, DC, TN, and KY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Vermeer Manufacturing Co., P.O. Box 200, Pella, IA 50219. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 139615 (Sub-No. 14TA), filed April 12, 1978. Applicant: D.R.S. TRANSPORT, INC., P.O. Box 29, Oskaloosa, IA 52577. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, fittings, valves, hydrants, and materials and supplies* used in the installation thereof (except in bulk) from the plantsite of Clow Corp. located at or near Buckhannon, WV to Des Moines, IA and Carol Stream, IL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Clow Corp., 1211 West 22nd Street, Oak Brook, IL 60521. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 142516 (Sub-No. 10TA), filed April 13, 1978. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Avenue, Kearny, NJ 07032. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *contract carrier* over irregular routes, transporting: *Window glass*, from the port of Newark, NJ and the Port of New York, NY and its commercial zone, to Chicago, IL., under a continuing contract or contracts with Amworth, Industries Corp. and Jazel Corp. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Amworth Industries Corp., Jazel Corp., 42 Chasner Street, Hempstead, NY 11550. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

No. MC 144246 (Sub-No. 3TA), filed April 12, 1978. Applicant: LARSEN TRUCKING, CO., 7703 Sunset Drive, Ralston, NE 68102. Applicant's representative: Kenneth P. Weiner, 608 Executive Building, Omaha, NE 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Fresh meats*, except commodities in bulk and hides. From Armour and Co. at Omaha, NE to St. Louis, MO and its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Delbert W. Long, transportation manager, Armour & Co., 5025 South 33d Street, Omaha, NE 68107. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 Number 14th Street, Omaha, NE 68102.

By the Commission.

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

[FR Doc. 78-13438 Filed 5-16-78; 8:45 am]

[7035-01]

[*Exception No. 5*—Corrected Service Order No. 1304]

VIRGINIA & MARYLAND RAILROAD

Waiver of Certain Provisions of Service Order

MAY 12, 1978.

Railroad Service Board, Members Joel E. Burns, Robert S. Turkington and John R. Michael.

The Virginia & Maryland Railroad (VAMD) has acquired 200 new jumbo covered hopper cars for use in unit-grain-trains originating on other railroads. That line originates little or no grain at stations on its line and, therefore, has no other immediate need for these cars.

It is ordered, That, pursuant to the authority vested in me by Section (a)(6) of Corrected Service Order No. 1304, the Virginia & Maryland Railroad is authorized to place two hundred (200) newly acquired jumbo covered hopper cars in unit-grain-train services regardless of the provisions of Section (a)(5) of the order.

Effective May 4, 1978.

Issued at Washington, D.C., May 4, 1978.

By the Board, member Joel E. Burns not participating.

ROBERT S. TURKINGTON,
Acting Chairman,
Railroad Service Board.

[FR Doc. 78-13439 Filed 5-16-78; 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. 91-409), 5 U.S.C. 552b(e)(3).

CONTENTS

[6570-06]

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

TIME AND DATE: 11a.m. (eastern time), Friday, May 19, 1978.

PLACE: Chairman's Conference Room, No, 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Parts of the meeting will be open to the public and part will be closed.

MATTERS TO BE CONSIDERED: Parts open to the public.

1. Proposed report on "Improving Government Regulations," in compliance with Executive Order 12044.

2. Report by Executive Director on Commission Operations. Part Closed to the public.

Litigation Authorization; General Counsel Recommendations: Matters closed to the public under Sec. 1612.13(a) of the Commission's regulations (42 FR 13830, March 14, 1977).

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat at 202-634-6748.

This notice issued May 12, 1978

[S-1030 Filed 5-15-78; 3:35 pm]

[6712-01]

2

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, May 18, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

Agenda, Item No., Subject

General—1—Amendment of Part 2 of the Commission's Rules to add a footnote to the table of frequency allocations (Docket No. 20154).

General—2—State of Washington Traffic Safety Commission's Request for experimental license to test anti-radar detector devices.

General—3—Ex parte communications in informal rule making proceedings.

Safety and Special Radio Services—1—Amendment of Parts 81 and 83 of the Commission's Rules assigning 156.875 MHz for use by pilots.

Safety and Special Radio Services—2—Federal policy on the use of Citizens Band Radio by motor vehicle operators.

Safety and Special Radio Services—3—Mutually exclusive applications for a Public Coast III-B frequency.

Common Carrier—1—Revisions to AT&T's Multi-schedule Private Line Tariff FCC No. 260, Transmittal No. 12927 and petition for reconsideration of the Commission's Order in Docket No. 20814, filed by MCI Telecommunications Corp.

Common Carrier—2—Order to show why the license of DPLMRS Station KV3501 should not be revoked or be subject to a forfeiture.

Common Carrier—3—Complaint of Department of Defense against AT&T (File No. TS 25-75).

Common Carrier—4—Applications to expand AT&T's Dataphone Digital Service (DDS) to serve a total of 96 cities, W-P-C 1420.

Cable Television—1—Application CAC-8852, filed by Cable Television Co. of Puerto Rico, to add WTCG-TV, Atlanta, Ga. to cable operations in San Juan, Puerto Rico.

Cable Television—2—Petitions for stay of effective date of order in Docket No. 19995 (Cable Television network nonduplication for significantly viewed signals).

Assignment of License and Transfer of Control—1—Assignment of licenses of stations WWJ-TV, Detroit, Mich. (BALCT-678) and WTOP-TV, Washington, D.C. (BALCT-677).

Renewal—1—Petition to deny renewal of WGRM, Greenwood, Miss.

Renewal—2—By Direction letters requiring certain California broadcast stations to submit periodic EEO progress reports.

Renewal—3—Renewal of Station WAIL, Baton Rouge, La.

Aural—1—Reconsideration of Commission action granting the application of Carroll E. Brock (Nevada County Broadcasters) for a new station in Grass Valley, Calif. (BP-20,079).

Television—1—Application (BPCT-5055) for a construction permit in Norfolk, Va. (Channel 33) filed by Television Corporation of Virginia.

Broadcast—1—Petition to require VHF-TV licensees to allow UHF-TV antennas on VHF-TV towers.

Broadcast—2—Petition for rule making to amend the TV table of assignments by reserving a VHF assignment in Los Angeles (RM-2806)

Complaints and Compliance—1—Violations by Southern Communications Corp. WCIR and WCIR-FM) of various Commission Rules.

Complaints and Compliance—2—Results of investigation into the affairs of WDAI-FM, Chicago, Ill.

Portions closed to the public:

Agenda, Item No., Subject

Complaints and Compliance—1—Results of investigation into the affairs of WACB, Kittanning, Pa.

Complaints and Compliance—2—Results of investigation into the affairs of WMOA and WMOA-FM, Marietta, Ohio.

Hearing—1—Appeal and exceptions to initial decision and related interlocutory matters in the Belo Broadcasting Corp./ Maxwell Broadcasting Corp. comparative renewal hearing for WFAA(AM) and KZEW(FM) Dallas, Tex. (Docket Nos. 20945-8).

Hearing—2—Review of grant of Country-Politan Broadcasting's FM application (Docket Nos. 20343 and 20344).

Hearing—3—Reconsideration of Court of Appeals decision denying renewal of WLBB, Carrollton, Ga., Docket Nos. 19636-7.

Hearing—4—Motion to delete issue in the Burbank and Pasadena, Calif. KROQ and KROQ-FM comparative renewal proceeding (Docket Nos. 20629-31).

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC, Public Information Office, telephone number 202-632-7260.

Issued: May 11, 1978.

[S-1031-78 Filed 5-15-78; 3:35 pm]

[6712-01]

3

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Friday, May 19, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special Open Commission Meeting.

MATTER TO BE CONSIDERED: UHF TV receiver noise figures (Docket No. 21010).

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Office, telephone number 202-632-7260.

Issued: May 12, 1978.

[S-1032-78 Filed 5-15-78; 3:35 pm]

[6750-01]

4

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Thursday, May 18, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: Consideration of proposed amendments to Rule 4.1(b) of the Commission's rules of practice concerning clearance of former employees to practice before the agency.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information: 202-523-3830; Recorded Message: 202-523-3806.

[S-1028-78 Filed 5-15-78; 10:28 am]

[7035-01]

5

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, May 16, 1978.

PLACE: Hearing Room "C".

STATUS: Open Regular Conference. Vice Chairman Christian will preside.

MATTERS TO BE CONSIDERED:

1. Briefing on Freight Subsidy Program (RSPO);
2. First Periodic Briefing on Betterment v. Depreciation Accounting (Accounts);
3. Quarterly abandonment briefing (Proceedings).

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.

MAY 12, 1978.

[S-1025 Filed 5-15-78; 10:28 am]

[4110-39]

6

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (S-958-78 Filed May 4, 1978; 10:12 a.m.) FR Vol. 43 No. 89, May 8, 1978.

PLACE: Room 823, National Institute of Education, 1200 19th Street NW., Washington, D.C.

CHANCE IN TIME: 9 a.m.-2 p.m.

STATUS: Open to the Public. (May 19, 1978).

CHANGES IN MATTERS TO BE CONSIDERED:

1. Approve Minutes of March 17, 1978 (9 a.m.-9:05 a.m.).
2. Director's Report (9:05 a.m.-9:45 a.m.).
3. Report of NCER Committee on Review and Reports (9:45 a.m.-10 a.m.).
4. Discussion of Proposals for Department of Education (10 a.m.-11 a.m.).
5. Planning for fiscal year 1980 (11 a.m.-12 Noon).
6. Consideration of Council Roles and Priorities (1 p.m.-Adjournment).

CONTACT PERSON FOR MORE INFORMATION:

Mrs. Ella L. Jones, Administrative Coordinator/NCER, telephone, 202-254-7900.

PETER H. GERBER,
Chief, Policy and Administrative Coordination, National Council on Educational Research.

[S-1029-78 Filed 5-15-78; 2:31 p.m.]

[8120-01]

7

TENNESSEE VALLEY AUTHORITY.

TIME AND DATE: 10:30 a.m., Wednesday, May 17, 1978.

PLACE: Conference Room 8-32, West Tower, 400 Commerce Avenue, Knoxville, Tenn.

STATUS: Open.

MATTERS TO BE CONSIDERED:

A—Personnel Actions—None.

B—Consulting and Personal Service Contracts:

1. Renewal of consulting contract with the S. M. Stoller Corp., New York, N.Y.—Office of Power.
2. Renewal of consulting contract with John T. Boyd Co. Pittsburgh, Pa.– Office of Power.

C—Purchase Awards:

*1. Req. No. 821174—Direct-current distribution panels for Hartsville and Phipps Bend Nuclear Plants.
2. Req. No. 823065—24-kv, 3-phase, main generator bus system for proposed Yellow Creek Nuclear Plant.
*3. Req. No. 821625—Electrostatic fly ash collectors and auxiliary equipment, including installation for Paradise Steam Plant.
4. Rejection of bids received in response to Invitation No. 822877 for main steam condensing equipment for proposed Yellow Creek Nuclear Plant.
5. Rejection of bids received in response to Invitation No. 149223 for replacement fuel channels for Browns Ferry Units 1 and 3.
6. Rejection of bids received in response to Invitation No. 149682 for labor and material to shop fabricate Cyclone Tubes.

D—Project Authorizations:

1. No. 3341—Modify spillway gate hoists at the Wilson Hydro Plant.
2. No. 3338—Convert the Gundown, Miss., 46-kv Substation to 161-kv.

E—Fertilizer Items—None.

F—Power Items:

1. Resolution relating to short-term borrowings from the Federal Financing Bank.

H—Unclassified:

1. Settlement agreement with Allis-Chalmers Corp.—claims resulting from Allis-Chalmers' delivery of defective stay rings under contract for pump turbines for the Raccoon Mountain Pumped-Storage Project.

The Board will also complete its quarterly review of current and anticipated conditions and costs affecting TVA's power operation, and the adequacy of revenues to meet the requirements of the TVA Act and the tests and provisions of its bond resolutions. The Board will determene whether an adjustment of the rates and charges for the sale of electric power will be necessary during the quarter beginning July 1, 1978.

CONTACT PERSON FOR MORE INFORMATION:

John Van Kel, Director of Information, or a member of his staff can respond to requests for information about this meeting. Call, 615-632-3257, Knoxville, Tenn. Information is also available at TVA's Washington Office, 202-566-1401.

DATE: May 12, 1978.

SUPPLEMENTARY INFORMATION:

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*Items informally approved in interval since May 11, 1978 Board meeting.

TVA BOARD ACTION

The TVA Board of Directors has found, the public interest not requiring otherwise, that TVA business requires that this meeting be called at the time set out above and that no earlier announcement of the meeting was possible,

The members of the TVA Board have voted to approve the above findings and their approvals are recorded below:

Approved:S/AJW _____
Aubrey J. Wagner.

S/SDF _____
S. David Freeman.

Disapproved: _____

_____

[S-1026-78 Filed 5-15-78; 10:28 a.m.]

[8240-01]

8

UNITED STATES RAILWAY ASSOCIATION.

TIME AND DATE: May 24, 1978, 9 a.m.

PLACE: Board Room, Room 2200, Trans Point Building, 2100 Second Street SW., Washington, D.C. 20595.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED BY THE BOARD OF DIRECTORS:

Portions closed to the public (9 a.m.).

1. Consideration of internal personnel matters.
2. Review of Conrail proprietary and financial information for monitoring and investment purposes.
3. Review of Delaware & Hudson Railway Co. proprietary and financial information for monitoring and investment purposes.
4. Review of Missouri-Kansas-Texas Railroad Co. proprietary and financial information for monitoring and investment purposes.

Portions open to the public (11 a.m.).

5. Approval of minutes of the April 20, 1978, Board of Directors meeting.
6. Consideration of modifications to the D. & H. loan agreement and advances.
7. Report on Conrail Monitoring.
8. Consideration of Conrail Drawdown request for June 1978.
9. Consideration of request by Missouri-Kansas-Texas Railroad Co. for consent and modification of loan agreement.
10. Contract Actions (extensions and approvals).

CONTACT PERSON FOR MORE INFORMATION:

Alex Bianow, 202-426-4250.

[S-1027-78 Filed 5-15-78; 10:28 am]

Federal Register

WEDNESDAY, MAY 17, 1978
PART II

ENVIRONMENTAL PROTECTION AGENCY

■

FUEL ECONOMY OF MOTOR VEHICLES

Fuel Economy Labeling Procedures for 1979 and Later Model Year Automobiles

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL-895-7]

PART 600—FUEL ECONOMY OF MOTOR VEHICLES

Fuel Economy Labeling Procedures for 1979 and Later Model Year Automobiles

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: This notice changes the requirement for the format and contents of fuel economy labels which are required to be attached to new automobiles (cars and light trucks). These changes will go into effect beginning with the 1979 model year.

The modifications to the labeling requirements established by this rule are expected to improve the mileage information program by providing only the value previously labeled the "city" estimate, which more accurately reflects in-use mileage than either the highway or combined estimates, and by communicating the relative nature of the information more effectively than the current system, so that the potential for consumer misunderstanding of the data is reduced.

EFFECTIVE DATE: July 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Paula Machlin, U.S. Environmental Protection Agency, Office of Mobile Source Air Pollution Control (AW-455), 401 M Street SW., Washington, D.C. 20460, 202-755-0596.

SUPPLEMENTARY INFORMATION: This notice changes the requirements in 40 CFR Part 600 for the format and contents of fuel economy labels which are required to be attached to new model automobiles by § 506 of the Motor Vehicle Information and Cost Savings Act, as amended (15 U.S.C. 2006), hereinafter "the Act." This rule will go into effect in the 1979 model year.

The modifications to the labeling requirements established by this rule are expected to improve the mileage information program by providing only the value previously labeled the "city" estimate, which more accurately reflects in-use mileage than either the highway or combined estimates, and by communicating the relative nature of the information more effectively than the current system, so that the potential for consumer misunderstanding of the data is reduced.

Although it is EPA's judgment that this action is necessary to alleviate the problems caused by the deficiencies of the current program and that these changes can reasonably be expected to reduce these problems, this proceeding has not resulted in the development of information sufficient to satisfy EPA that, for the long term, this rule provides the best information in the best manner possible. In particular, EPA believes that it should be possible and may be useful to provide the public with a range of fuel economy values that most of the individual automobiles in a model will actually get in use, but data adequate to derive such ranges are not yet available.

Consequently, EPA and the other Federal agencies involved in the program [the Federal Trade Commission (FTC), the Department of Transportation (DOT) and the Department of Energy (DOE)] view this action as an interim measure and intend to cooperate in the coming year in the taking of the steps necessary to evaluate the effectiveness of the modified program and in developing such data and additional modifications as may be needed.

Background

EPA proposed changes to the manner in which mileage information was presented to the public on February 16, 1978 in the Federal Register (43 FR 6817) in response to what appears to be growing public dissatisfaction with the mileage estimates. The estimates are generally believed to be unrealistically high in comparison to fuel economy performance actually achieved on the road. EPA is concerned that this may result in reduced reliance on the EPA estimates in making new car purchasing decisions in the future. In addition, to the extent that the proper use, meaning, and limitations of the mileage information are not communicated effectively to new car buyers, the information may be used to make incorrect purchase decisions.

The Notice of Proposed Rulemaking (NPRM) recognized that the problem has two separate components: (1) Technical issues related to fuel economy testing which suggest that, in some cases, the fuel economy measured by the test may not be fully representative of the fuel economy experienced on that model in actual use; and (2) issues related to the difficulty of communicating technical information in a simple, readily usable form without being misinterpreted. The NPRM proposed and this notice promulgates means for addressing the latter issue. Actions that EPA is undertaking to address technical issues are discussed in the section entitled "Future Actions," below.

The NPRM proposed three basic alternatives to the present city, highway and combined[1] estimates for communicating fuel economy information generated from EPA testing:

1. *Publish only a single miles per gallon fuel economy rating.* The NPRM noted that a single value would emphasize the comparative value of the EPA estimates and suggested that it might be the city fuel economy estimate which agrees quite closely with average in-use fuel economy, although the combined number, or some derivation of either of these values could be used as the single rating.

2. *Publish three miles per gallon estimates, as at present, but adjust the values to account for driving conditions more adverse to fuel economy than those included in the EPA tests, and represent the estimates as low, mid-range and high fuel economy.* The NPRM pointed out that this option's low estimate would not represent the lowest fuel economy that could be experienced but would represent a number lower than would be typically achieved by the vast majority of drivers. Similarly the high value would not be the absolute maximum but would be typical of a mix of predominantly highway driving with some urban driving. The mid-range value would be one representative of the mean fuel economy for all in-use driving.

3. *Publish only a relative fuel economy performance index, which compares the measured results for each model to a common base, without providing miles per gallon values as such.* The advantage of this approach is that it completely gets away from miles per gallon and the expectations created by such data, and focuses attention exclusively on comparing the relative fuel economy performance of new model cars which is the intent of the mileage information program.

Discussion of Comments and Other Relevant Materials

The comments received on the NPRM reflected a wide variety of interests and opinions, but there was general agreement that there are deficiencies in the mileage labeling program that contribute to public misunderstanding of the mileage estimates and that, therefore, some action is needed to alleviate the consumer deception and dissatisfaction that may result from such misunderstandings.

Several Federal agencies and manufacturers expressed concern, however, that due to the short time remaining before production of most 1979 models begins (in August, 1978) and the desir-

[1] The combined estimate is defined as the harmonic average of the city and highway fuel economy tests weighted 0.55 and 0.45 respectively. The combined estimate is prescribed by the Act as the number to be used by the Secretary of Transportation in determining compliance with the passenger automobile fleet average fuel economy standards established under section 502(a) of the Act.

ability of gathering additional information, it may be best to make no changes until model year 1980.

While EPA recognizes that it would be desirable to gather additional information regarding which manner of presenting mileage ratings most effectively conveys useful information to new car-buyers, and agree with those who commented that frequent changes in format of the labels could lead to confusion and should be avoided, EPA disagrees that no changes should be made for model year 1979. EPA believes that the record is sufficient to support immediate implementation of some changes. It is EPA's judgment that the basic concerns expressed in comments received on the proposed rule and other information gathered in the course of this rulemaking provide a basis on which to establish a rule that at least partially addresses the problems noted above. Although this is clearly not the final action that EPA will be taking to improve the program, it is in the public's interest to implement these changes as soon as possible.

Industry comments indicated that at least two months lead time would be required to accommodate changes in label format. EPA believes this action to be timely for 1979 implementation even though some labels may be in use that do not comply with these modifications. Although some confusion may result from some limited use of the old formats and the combined and highway numbers on some labels, this action is being taken early enough so that this should be quite limited.

Summary of Industry Comments

With one exception, industry tended to favor an approach that would at least partially retain current numerical test values. The rationale for this preference was the need to maintain consistency between model years to permit comparison of different model year vehicles. In commenting on which value to use should a single number option be adopted, industry as a whole preferred the combined over the city estimate. The basis for that preference is that consistency among label values and the values used in enforcing average fuel economy standards would further serve to minimize potential public confusion. In addition, the combined value includes some credit for transmission improvements, such as overdrive, that are measured mainly in highway testing. Other recommendations by individual manufacturers included retention of the current ratings with changes only to the format of the labels, adoption of a single value, use of an index, use of a range based on correlation with in-use data, and simply dropping the highway number.

Summary of Consumer Group Comments

Consumer groups expressed a strong concern over the use of the EPA estimates in advertising and the impact of that on consumer expectations and subsequent dissatisfaction. From their viewpoint, changes in advertising policy were required in conjunction with this rulemaking in order for this action to have a significant effect on consumer perception of the use of the mileage information. There was also a definite consensus that the use of ratings in terms other than mpg is not desirable due to the low probability that most people would understand and use such an index. In commenting on which value should be used in the event that a single estimate is published, the groups that commented preferred the city test value since it corresponds most closely to average in-use mileage, thereby providing car-buyers with an absolute mpg value that will be achieved in-use by many drivers. The groups which favored the single estimate did so on the basis of its simplicity and emphasis on the comparative nature of the data. One group suggested that units of gallons-per-mile be used rather than miles-per-gallon to further emphasize consumption, but this presents the same problems as an index. The groups that favored a range did so on the basis of its greater accuracy in predicting in-use performance and its conveyance of the concept of in-use variability. On the other hand, the range approach was criticized for failing to relate to a specific type of driving which results in lack of meaning to an individual car-buyer.

Summary of Comments From Individuals

Of the letters received from individuals, very few favored either no change or the use of an index. More than half of the letters received expressed no clear preference for any of the alternatives proposed in the notice, but instead expressed the views that the use of the estimates in advertising by manufacturers and dealers is misleading and that the estimates are higher than in-use mileage and should be made more accurate. About 25 percent of the letters indicated preference for the single number, including one dealer who responded, and about an equal number favored the range option.

Summary of Results of Public Meetings

Public meetings were held on this rulemaking in Chicago, Boston, and Atlanta on March 2, 9, and 10, respectively to solicit public input and to publicize EPA's concerns. Similar to the letters received from individuals, the views expressed by individuals of the public meetings were diverse. Only one manufacturer made a public statement. Attendance at the meetings was limited, however, although press coverage was quite good and served to encourage written responses.

Summary of Results of Consumer Use (Focus Group) Study

A limited study of consumer perception was conducted in which marketing analysis techniques were used to explore car-buyers' views on how mileage information is best presented. The study consisted of a series of group discussions, referred to as "focus groups" for which a few individuals who had recently purchased new cars were randomly selected.

Six focus group sessions were held, two each in the cities of Philadelphia, New Orleans, and Los Angeles.

The participants in the study indicated that although mileage was an important factor in the purchase decision for a new car, other factors were frequently of more importance. The findings of that study indicated that consumers relate best to mpg figures; an index would not be likely to be perceived as useful. In addition, the groups indicated an interest in mileage information that would predict the mileage that they would achieve in driving. Group participants supported the use of a range of mpg performance as a means to communicate the variability of fuel economy in cars in use. Both the annual fuel cost information and the range of mileages for comparable cars were considered to be confusing and relatively useless. (Both pieces of information are being retained since they are required to be on the labels by § 506 of the Act.)

Summary of Comments From Other Federal Agencies

EPA consulted with DOT, FTC, and DOE in the preparation of this final rule as required by § 506 of the Act. A letter from the FTC dated April 17, 1978, noted the limited data with which EPA must make a decision and urged that action taken for the 1979 model year be a limited, interim action. The FTC specifically recommended that EPA drop the use of the highway and combined estimates and the label "city" for the remaining estimate for the 1979 model year. The FTC cautioned, however, that in view of the need for further study as discussed previously, care must be taken to portray whatever action is adopted as an interim measure. Otherwise, the action will be perceived by the public as a better solution than it was intended to be, and should the public be disappointed, it would be difficult to ever regain credibility. In order to avoid confusion regarding the meaning of the term "interim" as it might appear

on the labels (consumers might think that a more accurate estimate would be forthcoming in 1979 which will not be the case), the interim nature of the system in use in 1979 will be explained in the "1979 Gas Mileage Guide", the booklet listing mileage estimates which is required to be available free of charge to every prospective new automobile purchaser in the showrooms.

In informal discussions, DOE staff expressed the view that major action should be deferred due to the inadequacy of the data now available and that only changes to the caveat that appears on the labels be made at this time to more clearly communicate the limitations of the estimates. However, DOE staff recognized that EPA might nevertheless find it in the public interest to take more substantive action for the 1979 model year and recommended that any interim action entail the fewest changes from the current program to minimize public confusion should future changes be made. Specifically, DOE recommended the retention of the city, combined and highway estimates but with a correction factor applied to lower the values that would appear on the labels.

DOT's National Highway Traffic Safety Administration (NHTSA) staff expressed concerns similar to those expressed by DOE's staff. However, NHTSA staff had additional concerns due to their responsibilities in connection with the administration of average fuel economy standards established under § 502 of the Act. Although inclined toward the use of an adjustment factor, NHTSA urged that the program's nomenclature be changed so that there would not be confusion due to the use of one set of "city," "highway," and "combined" numbers on labels and different numbers with the same names in the fuel economy standards program. [Section 503(d) of the Act does not permit the use of other than the old values as the basis for the standards program.] DOT also expressed a concern that the simple use of and adjustment factor might make it appear that the 1979 cars will have poorer fuel economy than the 1978 cars, which will not be the case.

Clearly, the suggestions of each of the agencies could not simultaneously be adopted. However, EPA believes that the action adopted for 1979, essentially the FTC's suggestion, best addresses the concerns of all of the interested agencies: It is an interim, limited action involving the continued use of one of the estimates now in use. The estimate that will be used is the lowest and should reduce consumer dissatisfaction resulting from reliance on the combined and highway values. It does not conflict or appear inconsistent with the fuel economy standards program. The use of a single value simplifies comparisons. It does not appear to be more of an improvement than it is (as might be the case with a program that changed both nomenclature and mpg values) and can be readily communicated to the public. Without overstating the anticipated benefits of the adopted approach, it does appear to be the best action EPA can take at this time and for the short term.

Conclusions

There is no consensus of opinion on which option or variation thereof should be adopted, even among commenters expected to have similar interests and perspectives. Nevertheless, several problem areas in the current program were consistently identified, albeit with varying emphasis, throughout the comments.

In general, the common points raised were that the mileage information on new car labels does not effectively communicate either the comparative nature of the estimates or the concept of a wide range of in-use mileage for individual cars of the same model type. Rather, the program tends to imply that the estimates are predictions of in-use mileage for the individual driver, and relies on the individual car-buyer to recognize and consider the relationship between the type of driving defined as city and highway by the EPA test and his own. Current advertising practice and the fact that EPA estimates are higher than the average achieved in use were considered to exacerbate the problem and contribute to consumer misconceptions, particularly since advertising often plays a major role in forming a car-buyers' expectations and is the primary source of public exposure to EPA's fuel economy ratings.

The written comments and those provided by other Federal agencies in consultation with EPA tended to support the following more specific conclusions regarding the mileage information program.

1. To be perceived by most car buyers as useful, mpg values must be provided rather than an index in terms other than mpg;

2. Most car buyers who commented believe that the mpg values published by EPA should be "realistic" but currently are not (this generally translates into the belief that the values are too high);

3. The reminder on the label, the caveats required in advertising, and the information in the "Mileage Guide" have failed to communicate to most car buyers the appropriate information on what their expectations of in-use performance should be, how EPA's fuel economy ratings should be used and what variability may be expected in fuel economy actually experienced in use for nominally identical cars (cars of the same model with the same optional equipment);

4. The labels and advertising do not focus on the comparative nature of the estimates;

5. Use of the estimates in advertising often contributes to car buyers' unrealistic expectations and disappointment; and

6. The current program relies too heavily on the car buyer to collect and evaluate information on what the estimates mean.

It appears that the current mileage information program would be significantly improved by designing the labels to more clearly and simply convey to the user the concepts of comparison and in-use variability. Simplicity is particularly important for broadcast advertising purposes, since the message must be conveyed in a short time with minimum reliance on qualifiers. In addition, to consider the estimates useful, car-buyers apparently must be confident that they are reasonably accurate in reflecting achievable on-the-road mileage, i.e., it is not enough for the ranking provided by the ratings to be correct.

Thus, the action taken for 1979 is not likely to satisfy many of those who commented on the NPRM; indeed, it does not satisfy EPA in the sense that a better solution may be found for future model years. However, in EPA's judgment, the requirements described in the following section appear to be the best means available to EPA for addressing the concerns expressed and problems identified given the time and data available for the 1979 model year.

Discussion of Requirements Established by This Rulemaking

This regulation requires that the label contain a prominently displayed single estimate called the "Estimated mpg" which will be the value now called the "city" number. Information on the meaning of this estimate would be provided in a brief paragraph highlighted on the labels and in substantially more detail in the "Gas Mileage Guide." (The label verbiage would also refer readers to the "Guide" and inform them of its availability in dealer showrooms.) The FTC staff and EPA are also consulting on the revision of the FTC advertising guidelines as appropriate.

In addition to deleting two of the mpg values, these rules have deleted the terminology "city," "highway," and "combined" from the labels. Use of these terms has been found to be undesirable because they tend to imply a degree of accuracy in predicting a driver's in-use mileage under specific conditions (what he perceives as "city" and "highway" driving) which simply cannot be provided by any

standard test. Factors such as trip length, weather, a car's condition or individual options, and driver habits have a significant effect on mileage, and clearly the conditions under which a car is driven in use in many cases will not match those reflected in testing due to the tremendous variety of in-use conditions. But even where conditions are very similar, factors such as production and test-to-test variability would cause in-use mileage to range around a point estimate that is measured on a standard test. To put it another way, the current means for publishing mileage information do not effectively convey the idea of a range of in-use fuel economy, particularly as used in advertising, nor does it adequately warn the prospective new car purchaser that he cannot use the rating from any standard test to determine whether he will be getting better fuel economy with the car he is planning to buy than with his present car.

Equally important, the current labels do not focus on the comparative nature of the data, a problem that is also exacerbated in advertising. That is, EPA has not been successful in communicating that although a driver should not expect the mileage EPA measured, he can benefit by using the ratings to rank cars.

EPA is mindful of the manufacturers' concerns regarding the inability of the city test to demonstrate the advantages of vehicles with options whose main fuel economy benefits are seen on the highway (e.g., overdrive transmissions), or to provide an ideal ranking for highway driving. (This concern is relevant only to the labeling program; the combined number, which is based in part on the highway test, will still be the basis for standards compliance determinations.) However, the rankings are usually the same on the city and highway tests (particularly within classes of comparable vehicles), and even in those cases in which the rankings are not the same on the two tests, the difference in ranking would be relevant only to drivers who do predominantly highway driving. On the other hand, the absolute value of the city estimate is more likely to be actually achieved by, and less likely to deceive, car-buyers in general than the combined or highway values. Thus, use of the city estimate reduces the potential for consumer deception and this must outweigh minor inadequacies in the data for a fraction of a minority (those who do predominantly highway driving and who are choosing among model types with different highway and city rankings). In any case, labels are not the only means available to the industry to communicate with its customers; advertisements and promotional materials in the showrooms can be used to communicate the degree of benefit that can be expected in highway driving from options, or to otherwise compare qualitatively the highway performance of different models. Nevertheless, EPA will include information in the "1979 Gas Mileage Guides" pointing out such city/highway discrepancies as the effects of overdrive and the advantage of Diesels.

Thus EPA is renaming the "city" estimate simply "Estimated mpg" and deleting the "highway" and "combined" estimates. A number of studies (available on the public record of this rulemaking) have shown that, of the currently published values, the city number is closest to average in-use mileage. Thus, the city number is considered to provide the consumer the best single estimate of average overall performance. This should improve the system by simplifying the use of the estimated mileage for comparisons while eliminating the use of the mileage estimates least likely to be achieved in-use.

Retaining the current test value maintains some continuity with the 1975 through 1978 programs which is an advantage in light of the expectation that this will only be an interim action. In addition, it should be noted that some labels will be on model year 1979 cars under the old system since those cars will have been introduced early, precluding compliance with these amendments. By retaining one of the old values, comparisons will still be possible among cars labeled under the old and new rules.

EPA considered and still is favorably disposed to providing a more realistic range of in-use mileage than that conveyed by the current system, in view of the apparent desire for such information indicated by many consumers in their comments, and by the fact that no one value fully characterizes a car's fuel economy. However, the publication of such range is very likely to be interpreted by many consumers as a guarantee or promise that their cars will necessarily fall within that range (although § 506 of the Act specifically notes that the values on the label cannot be a guarantee). Such a range would be inteneded to show typical results, but there are many reasons why an individual might fall outside that range; EPA has no authority to investigate individual complaints or to take action on behalf of an individual for redress of such complaints. Thus, any range used by EPA must be carefully arrived at to minimize these problems. The data now available for developing such ranges are just not adequate to permit this attractive approach to be adopted for the 1979 model year.

These regulations also provide that the fuel cost information will now be based on the "estimated mpg" rather than the combined mileage and that this information will receive a somewhat less prominent position on the label than in previous years. This is in response to the focus group studies which indicated relatively little interest in these data, and the need to direct the public's attention to critical information while providing additional data to those who choose to read on. These data could not, however, be removed from the labels because § 506 requires that information to be displayed.

A detailed discussion of the choice of this action from among the options is on the public record.

Actions Planned for the Future

The EPA intends to review and improve the mileage information program established under the Act on a continuing basis. As noted previously, EPA views this rule as an interim action intended to alleviate problems with the program pending development of the information needed to design the best possible program. In conjunction with FTC and DOE, EPA is initiating an effort to evaluate the effectiveness with which the format adopted in this rule conveys appropriate mileage information so that refinements may be made if needed.

The Agency is also exploring, in coordination with DOE, means for collecting additional data on the relationship between EPA and test values and in-use fuel economy. It is expected that such data will be used in the future to establish ranges of in-use mileage for model types. Such data will also be of use in determining how well fuel economy improvements measured in testing correlate with improvements in use. Furthermore, as noted in the section entitled "Background," this rulemaking is one part of a broader effort to continuously improve the mileage information program. There are some technical issues related to fuel economy testing not addressed in this rulemaking which suggest that, in some cases, the fuel economy measured by the test may not be fully representative of the mileage experienced on the model type in actual use, and which may affect the accuracy of the ranking for that model type as well.

As noted in the NPRM, for small mpg differences among cars, technical considerations limit the degree to which the rankings established by the "Guide" can be interpreted as providing reasonable assurance that in-use performance will rank the same. For example, the relative ranking established in the "Guide" for a 20 mpg car as compared to a 21 mpg car is not highly significant because of the confounding effect that both production variability and test-to-test variability tend to have on the accuracy of the measured value. Neither of these factors can be readily controlled by any

testing organization and, as such, represent technical limitations to the reliability of the data. However, for larger differences in estimated mpg, there is proportionally increasing confidence that the higher ranked car will provide the potential car buyer with better mileage than would the lower ranked car.

Some improvements to the test procedure have been made for model year 1979. For example, past testing procedures provided for testing of vehicles with manual transmissions at the speeds recommended by the manufacturers. There were some cases in which the recommended shift points were not those that would be likely to be used by the typical driver, but were those which would maximize fuel economy. EPA eliminated this practice for 1979 and later model years. Similarly, some manufacturers may have been able to have a limited number of their vehicles tested under conditions which gave them credit for better aerodynamic characteristics than the production vehicles actually have. EPA limited this practice as well.

Beginning in model year 1980, regulations become effective that require vehicles to be tested on the dynamometer with a setting that more accurately reflects their weight than the current procedure.

Other potentially significant problem areas in testing that cannot yet be addressed include the effect of tires on in-use mileage and the representativeness of tires used in testing of on-the-road mileage effects. The EPA currently has a program underway to evaluate the effects of tires so that solutions may be developed in the long term. The EPA is also investigating the potential differences between test and production cars and means for controlling such differences should they exist.

In addition, the EPA is currently considering (in consultation with DOE) means by which the "Gas Mileage Guide," which contains important fuel economy information, may receive earlier distribution.

AVAILABILITY OF MATERIAL

A copy of all public comments is available for inspection and copying at the U.S. EPA, Public Information Reference Unit, room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

NOTE.—The Environmental Protection Agency has determined that this regulation does not require preparation of an Economic Impact Analysis under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: May 8, 1978.

DOUGLAS N. COSTLE,
Administrator.

Part 600 of Chapter I, Title 40 of the Code of Federal Regulations is hereby amended as follows:

§ 600.206-79 [Amended]

1. In § 600.206-79 paragraphs (b) and (c) are deleted.

2. In § 600.206-80 paragraph (b) and (c) are deleted. As amended the section reads as follows:

§ 600.206-80 Calculation of fuel economy values for a vehicle configuration.

(a) Fuel economy values determined for each vehicle and as approved in § 600.008 (b) or (f) are used to determine city, highway, and combined fuel economy values for each vehicle configuration (as determined by the Administrator) for which data are available.

(1) If only one city fuel economy and one highway fuel economy value exist for a vehicle configuration, those values, rounded to the nearest tenth of a mile per gallon, comprise the city fuel economy value and highway fuel economy value for that configuration.

(2) If more than one city and one highway fuel economy value exist for a vehicle configuration:

(i) All data shall be grouped according to each unique road load horsepower setting/test weight combination at which the data was generated.

(ii) Within each group of data, all values are harmonically averaged and rounded to the nearest 0.0001 of a mile per gallon for the city fuel economy values, and harmonically averaged and rounded to the nearest 0.0001 mile per gallon for the highway values, in order to determine a city and a highway fuel economy value for each road load horsepower setting/test weight at which the vehicle configuration was tested.

(iii) All city fuel economy values and all highway fuel economy values calculated in (ii) are (separately for city and highway) harmonically averaged in proportion to the relative sales within the vehicle configuration (as provided to the Administrator by the manufacturer) of vehicles of each tested road load horsepower setting/test weight combination. The resultant values, rounded to the nearest 0.0001 mile per gallon, are the city and highway fuel economy values for the vehicle configuration.

(3) The combined fuel economy value for a vehicle configuration is calculated by harmonically averaging the city and highway fuel economy values, as determined in § 600.206(a) (1) and (2), weighted 0.55 and 0.45, respectively, and rounding to 0.0001 of a mile per gallon. A sample of this calculation appears in Appendix II to this Part.

3. In § 600.207-79 paragraph (a)(2), (a)(2)(iii), and (a)(3)(iii) are amended; (c) and (d) are deleted. As amended the section reads as follows:

§ 600.207-79 Calculation of fuel economy values for a model type.

(a) Fuel economy values for a base level are calculated from vehicle configuration fuel economy values, as determined in § 600.206(a) for low altitude tests.

(1) If the Administrator determines that automobiles intended for sale in the State of California are likely to exhibit significant differences in fuel economy from those intended for sale in other states, he will calculate fuel economy values for each base level for vehicles intended for sale in California and for each base level for vehicles intended for sale in the rest of the states.

(2) The manufacturer shall supply model year sales projections for each road load/car line/vehicle configuration combination.

(i) Sales projections must be supplied separately for each vehicle configuration intended for sale in California and each configuration intended for sale in the rest of the states if required by the Administrator under paragraph (a)(1) of this section.

(ii) The sales projections must be updated as of the date a manufacturer requests that fuel economy calculations for a model type be made by the Administrator.

(iii) The requirements of this section may be satisfied by providing an amended application for certification, as described in § 86.079-21 of this chapter.

(3) Vehicle configuration fuel economy values, as determined in § 600.206(a), are grouped according to base level.

(i) If only one vehicle configuration within a base level has been tested, the fuel economy value from that vehicle configuration consitutes the fuel economy for that base level.

(ii) If more than one vehicle configuration within a base level have been tested, the vehicle configuration fuel economy values are harmonically averaged in proportion to the respective projected sales fraction (rounded to the nearest 0.0001) of each vehicle configuration and the resultant fuel economy value rounded to the nearest 0.0001 of a mile per gallon.

(iii) If the Administrator has not accepted fuel economy data derived from the testing of a certification vehicle (or a vehicle tested for running changes approved under §§ 86.079-32, 86.079-33, and 86.079-34) for at least one vehicle configuration within each base level, the manufacturer shall submit (on or before the date that the manufacturer requests the Administrator to calculate the respective gen-

eral label values) data as specified in § 600.006. The fuel economy data submitted shall be for the vehicle configuration with the largest projected sales within the respective base level. The vehicle tested will be tested at the road load horsepower with the highest projected sales within the vehicle configuration.

(4) The procedure specified in § 600.207(a) will be repeated for each base level, thus establishing city, highway, and combined fuel economy values for each base level.

(5) For the purposes of calculating a base level fuel economy value, if the only vehicle configuration(s) within the base level are vehicle configuration(s) which are intended for sale at high altitude, the Administrator may use fuel economy data from test conducted on these vehicle configuration(s) at high altitude to calculate the fuel economy for the base level.

(b) For each model type, as determined by the Administrator, a city, highway, and combined fuel economy value will be calculated by using the projected sales and fuel economy values for each base level within the model type.

(1) If the Administrator determines that automobiles intended for sale in the State of California are likely to exhibit significant differences in fuel economy from those intended for sale in other states, he will calculate fuel economy values for each model type separately for vehicles intended for sale in California and for those intended for sale in the rest of the states.

(2) The sales fraction for each base level is calculated by dividing the projected sales of the base level within the model type by the projected sales of the model type and rounding the quotient to the nearest 0.0001 mpg.

(3) The city fuel economy values of the model type (calculated to the nearest 0.0001 mpg) are determined by dividing one by a sum of terms, each of which corresponds to a base level and which is a fraction determined by dividing

(i) The sales fraction of the base level, by

(ii) The city fuel economy value for the respective base level.

(4) The procedure specified in paragraph (b)(3) of this section is repeated in an analogous manner to determine the highway and combined fuel economy values for the model type.

4. In § 600.207-80 paragraph (a)(2), (a)(2)(iii), and (a)(3)(iii) are amended; (c) and (d) are deleted. As amended the section reads as follows:

§ 600.207-80 Calculation of fuel economy values for a model type.

(a) Fuel economy values for a base level are calculated from vehicle configuration fuel economy values as determined in § 600.206(a) for low altitude tests.

(1) If the Administrator determines that automobiles intended for sale in the State of California are likely to exhibit significant differences in fuel economy from those intended for sale in other states, he will calculate fuel economy values for each base level for vehicles intended for sale in California and for each base level for vehicles intended for sale in the rest of the states.

(2) The manufacturer shall supply model year sales projections for each test weight/road load/car line/vehicle configuration combination.

(i) Sales projections must be supplied separately for each vehicle configuration intended for sale in California and each configuration intended for sale in the rest of the states if required by the Administrator under paragraph (a)(1) of this section.

(ii) The sales projections must be updated as of the date a manufacturer requests that fuel economy calculations for a model type be made by the Administrator.

(iii) The requirements of this section may be satisfied by providing an amended application for certification, as described in § 86.079-21 of this chapter.

(3) Vehicle configuration fuel economy values, as determined in § 600.206(a), are grouped according to base level.

(i) If only one vehicle configuration within a base level has been tested, the fuel economy value from that vehicle configuration constitutes the fuel economy for that base level.

(ii) If more than one vehicle configuration within a base level have been tested, the vehicle configuration fuel economy values are harmonically averaged in proportion to the respective projected sales fraction (rounded to the nearest 0.0001) of each vehicle configuration and the resultant fuel economy value rounded to the nearest 0.0001 of a mile per gallon.

(iii) If the Administrator has not accepted fuel economy data derived from the testing of a certification vehicle (or a vehicle tested for running changes approved under §§ 86.079-32, or 86.079-33, 86.079-34) for at least one vehicle configuration within each base level, the manufacturer shall submit (on or before the date that the manufacturer requests the Administrator to calculate the respective general label values) data as specified in § 600.000. The fuel economy data submitted shall be for the vehicle configuration with the largest projected sales within the respective base level. The vehicle will be tested at the road load horsepower/test weight combination which has the largest projected sales within the vehicle configuration.

(4) The procedure specified in § 600.207(a) will be repeated for each base level, thus establishing city, highway, and combined fuel economy values for each base level.

(5) For the purposes of calculating a base level fuel economy value, if the only vehicle configuration(s) within the base level are vehicle configuration(s) which are intended for sale at high altitude, the Administrator may use fuel economy data from tests conducted on these vehicle configuration(s) at high altitude to calculate the fuel economy for the base level.

(b) For each model type, as determined by the Administrator, a city, highway, and combined fuel economy value will be calculated by using the projected sales and fuel economy values for each base level within the model type.

(1) If the Administrator determines that automobiles intended for sale in the State of California are likely to exhibit significant differences in fuel economy from those intended for sale in other states, he will calculate fuel economy values for each model type separately for vehicles intended for sale in California and for those intended for sale in the rest of the states.

(2) The sales fraction for each base level is calculated by dividing the projected sales, of the base level within the model type by the projected sales of the model type and rounding the quotient to the nearest 0.0001.

(3) The city fuel economy values of the model type (calculated to the nearest 0.0001 mpg) are determined by dividing one by a sum of terms, each of which corresponds to a base level and which is a fraction determined by dividing:

(i) The sales fraction of the base level, by

(ii) The city fuel economy value for the respective base level.

(4) The procedure specified in paragraph (b)(3) of this section is repeated in an analogous manner to determine the highway and combined fuel economy values for the model type.

5. By amending § 600.306-79 (a) (1) and (2) to read as follows:

§ 600.306-79 Labeling requirements.

(a) Prior to being offered for sale, each manufacturer shall affix or cause to be affixed and each dealer shall maintain or cause to be maintained on each automobile:

(1) A general fuel economy label as described in §§ 600.307 and 600.308, or

(2) A specific label, as described in §§ 600.307 and 600.309, for those low altitude automobiles manufactured or imported before the date that occurs 15 days after general labels are approved for the manufacturer.

* * * * *

6. By adding a new § 600.307-79 to read as follows:

§ 600.307-79 Format and contents of labels.

(a) Fuel economy labels must be rectangular in shape, contain the EPA and DOE logos and the title "Fuel Economy Rating," be printed in a color which contrasts with the paper color and in a type size that is easily readable and be large enough to allow inclusion of all required information.

(b) Fuel economy labels must contain the following information in the applicable format illustrated in Appendix VI or such other format as may be approved by the Administrator:

(1) The word "Model" or "Vehicle," as appropriate, for general and specific fuel economy labels, respectively, followed by the description of the labeled vehicle as described in the manner and degree of detail specified in § 600.308(a) or § 600.309(a), as applicable,

(2) The phrase "Estimated MPG: For Comparisons" followed by the fuel economy estimate specified in § 600.308(b) for general labels or § 600.309(b) for specific labels, as applicable, and a paragraph, circumscribed by a rectangular box, reading as follows: "The Estimated mileage for this model ('design' for specific labels),——, is to be used to compare cars (trucksor vehicles) of this model (design) with other cars (trucks or vehicles). Your own mileage may be poorer depending upon options, driving conditions, your driving habits and your car's (truck's or vehicle's) operating condition.

(3) The phrase "other (vehicle class as determined by the Administrator pursuant to § 600.315) models ('special vehicles' for Special purpose vehicles):" followed by a paragraph circumscribed by a rectangular box reading as follows: "The estimated mpg numbers for other similar sized cars (trucks or vehicles) ranges from—— to——mpg (as of (date)). By comparison, the estimated mpg of this model (design) is ——. Use these numbers to compare different models. Consult the 'Gas Mileage Guide' for further information."

(i) The fuel economy range required by this paragraph is calculated and supplied to the manufacturer by the Administrator in accordance with § 600.311.

(ii) If no fuel economy range for other models has been supplied to the manufacturer by the Administrator at the time a vehicle is to be labeled or within the time constraints permitted by § 600.306(b), the paragraph (a)(3) of this section shall be replaced by the statement: "A range of mpg numbers for other car (truck or vehicle) models of similar size was not available when this car was labeled (date)."

(4) The phrase "annual fuel cost:" followed by the annual fuel cost and the phrase "based on——mpg,——miles per year,——¢/gallon."

(i) The annual fuel cost, average miles driven per year, and cost of fuel will be calculated and supplied by the Administrator in accordance with § 600.308(c) for general labels or § 600.309(c) for specific labels, as applicable.

(ii) The mpg used in determining annual fuel cost is that given in subparagraph (2) of this paragraph.

(5) The paragraph "Ask the dealer for the free "1979 Gas Mileage Guide" to compare the Estimated MPG of other cars (trucks or vehicles). It will tell you how to use these numbers."

(c) The fuel economy estimate required by paragraph (b)(2) of this section shall be highlighted by being in type no less than four times the size of the next largest print on the label (excluding the title and logos) or by such other means as may be approved by the Administrator.

7. By adding a new § 600.308-79 to read as follows:

§ 600.308-79 General label contents.

(a) The vehicle description to be used on general labels shall include the following:

(1) Model year;

(2) Vehicle car line;

(3) Engine displacement, in cubic inches, cubic centimeters, or liters whichever is consistent with the customary description of that engine;

(4) Number of engine cylinders;

(5) Transmission class;

(6) Catalyst usage, if necessary to distinguish otherwise identical model type;

(7) Fuel metering system, including number of carburetor barrels, if applicable; and

(8) California emission control system usage, if applicable and if the Administrator determines that automobiles intended for sale in the State of California are likely to exhibit significant differences in fuel economy from those intended for sale in other states.

(b) The "Estimated MPG" to be used on general labels shall be the city fuel economy value calculated in § 600.207(b)(3) and rounded to the nearest whole mile per gallon.

(c) The annual fuel cost estimate for operating an automobile included in a model type will be computed by the Administrator by using values for the fuel cost per gallon and average annual mileage, predetermined by the Administrator, and the fuel economy determined in paragraph (b).

(1) The annual fuel cost estimate for a model type is computed by multiplying:

(i) Fuel cost per gallon expressed in dollars to the nearest 0.05 dollar, by

(ii) Average annual mileage, expressed in miles per year to the nearest 1,000 miles per year, by

(iii) The inverse, rounded to the nearest 0.0001 gallons per mile, of the fuel economy value determined in paragraph (b) for a model type (expressed in miles per gallon rounded to the nearest whole mile per gallon).

(2) The product computed in (c)(1) and rounded to the nearest dollar per year will comprise the annual fuel cost estimate that appears on general labels for that model type.

8. By revising § 600.309-79 to read as follows:

§ 600.309-79 Specific label contents.

(a) The vehicle description to be used on specific labels shall include the following:

(1) Model year;

(2) Vehicle car line;

(3) Engine displacement, in cubic centimeters, or liters, whichever is consistent with the customary description of that engine;

(4) Number of engine cylinders;

(5) Transmission class;

(6) Catalyst usage, if so equipped;

(7) Fuel metering system, including number of carburetor barrels, if applicable;

(8) Inertia weight class;

(9) Axle ratio;

(10) Other engine or vehicle parameters; and

(11) California emission control system usage, where applicable, and if the Administrator determines that automobiles intended for sale in the State of California are likely to exhibit significant differences in fuel economy from those intended for sale in other states.

(b) The "Estimated MPG" to be used on specific labels shall be the city fuel economy value calculated in § 600.206(a) (1) or (2) and rounded to the nearest whole mile per gallon.

(c) The annual fuel cost estimate for operating an automobile included in a vehicle configuration will be computed by the Administrator by using values for the fuel cost per gallon and average annual mileage and the fuel economy determined in paragraph (b).

(1) The annual fuel cost estimate for a vehicle configuration is computed by multiplying:

(i) The annual fuel cost per gallon (as obtained by the Administrator from the FEA Administrator), expressed in dollars to the nearest 0.05 dollar, by

(ii) Average annual mileage (as obtained by the Administrator from the Secretary), expressed in miles per year to the nearest 1,000 miles per year, by

(iii) The inverse, rounded to the nearest 0.0001 gallons per mile, of the fuel economy value determined in paragraph (b) for a vehicle configuration (expressed in miles per gallon rounded to the nearest whole mile per gallon).

(2) The product computed in (c)(1) and rounded to the nearest dollar per year will comprise the annual fuel cost estimate that appears on specific labels for that vehicle configuration.

9. By adding a new § 600.311-79 to read as follows:

§ 600.311-79 Range of fuel economy for comparable automobiles.

(a) The Administrator will determine the range of fuel economy values

for each class of comparable automobiles.

(1) The range of fuel economy values within a class is the maximum "Estimated MPG" and the minimum "Estimated MPG" value for all general labels as determined in § 600.308(b) regardless of manufacturer.

(2) If the Administrator determines that automobiles intended for sale in California are likely to exhibit significant differences in fuel economy from those intended for sale in other states, he will compute separate ranges of fuel economy values for each class of automobiles for California and for the other states.

(3) For high altitude vehicles determined under § 600.310, both general and specific labels will contain the range of comparable fuel economy computed in this paragraph.

(4) The range of comparable fuel economy values for a class of automobiles is derived from the latest available data approved by the Administrator for that class of automobiles.

(b) The manufacturer shall include the range of fuel economy determined by the Administrator in (a) on each label affixed to an automobile within that class except as provided in § 600.306.

10. By adding Appendix VI to read as follows:

APPENDIX VI—1979 MODEL YEAR FUEL ECONOMY LABEL FORMAT

A. GENERAL LABEL FOR PASSENGER CARS

EPA FUEL ECONOMY RATING

MODEL:

ESTIMATED MPG: FOR COMPARISONS

THE ESTIMATED MILEAGE FOR THIS MODEL, , IS TO BE USED TO COMPARE CARS OF THIS MODEL WITH OTHER CARS. YOUR OWN MILEAGE MAY BE POORER DEPENDING UPON OPTIONS, DRIVING CONDITIONS, YOUR DRIVING HABITS, AND YOUR CAR'S OPERATING CONDITION.

OTHER MODELS:

ANNUAL FUEL COST: $, BASED ON MPG, 15,000 MILES PER YEAR, $0.70/GALLON.

ASK THE DEALER FOR THE FREE 1979 GAS MILEAGE GUIDE TO COMPARE THE ESTIMATED MPG OF OTHER CARS. IT WILL TELL YOU HOW TO USE THESE NUMBERS

APPENDIX VI—1979 MODEL YEAR FUEL ECONOMY LABEL FORMAT

B. GENERAL LABEL FOR TRUCKS

EPA FUEL ECONOMY RATING

MODEL:

ESTIMATED MPG: FOR COMPARISONS

THE ESTIMATED MILEAGE FOR THIS MODEL, , IS TO BE USED TO COMPARE TRUCKS OF THIS MODEL WITH OTHER TRUCKS. YOUR OWN MILEAGE MAY BE POORER DEPENDING UPON OPTIONS, DRIVING CONDITIONS, YOUR DRIVING HABITS, AND YOUR CAR'S OPERATING CONDITION.

OTHER MODELS:

ANNUAL FUEL COST: $, BASED ON MPG, 15,000 MILES PER YEAR, $0.70/GALLON.

ASK THE DEALER FOR THE FREE 1979 GAS MILEAGE GUIDE TO COMPARE THE ESTIMATED MPG OF OTHER TRUCKS. IT WILL TELL YOU HOW TO USE THESE NUMBERS

APPENDIX VI—1979 MODEL YEAR FUEL ECONOMY LABEL FORMAT

C. GENERAL LABEL FOR SPECIAL PURPOSE VEHICLES

EPA FUEL ECONOMY RATING

MODEL:

ESTIMATED MPG: FOR COMPARISONS

THE ESTIMATED MILEAGE FOR THIS MODEL, , IS TO BE USED TO COMPARE VEHICLES OF THIS MODEL WITH OTHER VEHICLES. YOUR OWN MILEAGE MAY BE POORER DEPENDING UPON OPTIONS, DRIVING CONDITIONS, YOUR DRIVING HABITS, AND YOUR VEHICLE'S OPERATING CONDITION.

OTHER SPECIAL VEHICLES:

ANNUAL FUEL COST: $, BASED ON MPG, 15,000 MILES PER YEAR, $0.70/GALLON.

ASK THE DEALER FOR THE FREE 1979 GAS MILEAGE GUIDE TO COMPARE THE ESTIMATED MPG OF OTHER VEHICLES. IT WILL TELL YOU HOW TO USE THESE NUMBERS

APPENDIX VI—1979 MODEL YEAR FUEL ECONOMY LABEL FORMAT

D. SPECIFIC LABEL FOR PASSENGER CARS

EPA FUEL ECONOMY RATING

MODEL:

ESTIMATED MPG: FOR COMPARISONS

THE ESTIMATED MILEAGE FOR THIS DESIGN, , IS TO BE USED TO COMPARE CARS OF THIS DESIGN WITH OTHER CARS. YOUR OWN MILEAGE MAY BE POORER DEPENDING UPON OPTIONS, DRIVING CONDITIONS, YOUR DRIVING HABITS, AND YOUR CAR'S OPERATING CONDITION.

OTHER MODELS:

ANNUAL FUEL COST $, BASED ON MPG, 15,000 MILES PER YEAR, $0.70/GALLON.

ASK THE DEALER FOR THE FREE 1979 GAS MILEAGE GUIDE TO COMPARE THE ESTIMATED MPG OF OTHER CARS. IT WILL TELL YOU HOW TO USE THESE NUMBERS

APPENDIX VI—1979 MODEL YEAR FUEL ECONOMY LABEL FORMAT

E. SPECIFIC LABEL FOR TRUCKS

EPA FUEL ECONOMY RATING

MODEL:

ESTIMATED MPG: FOR COMPARISONS

THE ESTIMATED MILEAGE FOR THIS DESIGN, , IS TO BE USED TO COMPARE TRUCKS OF THIS DESIGN WITH OTHER TRUCKS. YOUR OWN MILEAGE MAY BE POORER DEPENDING UPON OPTIONS, DRIVING CONDITIONS, YOUR DRIVING HABITS, AND YOUR TRUCK'S OPERATING CONDITION.

OTHER MODELS:

ANNUAL FUEL COST: $, BASED ON MPG, 15,000 MILES PER YEAR, $0.70/GALLON.

ASK THE DEALER FOR THE FREE 1979 GAS MILEAGE GUIDE TO COMPARE THE ESTIMATED MPG OF OTHER TRUCKS. IT WILL TELL YOU HOW TO USE THESE NUMBERS

APPENDIX VI—1979 MODEL YEAR FUEL ECONOMY LABEL FORMAT

F. SPECIFIC LABEL FOR SPECIAL PURPOSE VEHICLES

EPA FUEL ECONOMY RATING

MODEL:

ESTIMATED MPG: FOR COMPARISONS

THE ESTIMATED MILEAGE FOR THIS DESIGN, , IS TO BE USED TO COMPARE VEHICLES OF THIS DESIGN WITH OTHER VEHICLES. YOUR OWN MILEAGE MAY BE POORER DEPENDING UPON OPTIONS, DRIVING CONDITIONS, YOUR DRIVING HABITS, AND YOUR VEHICLE'S OPERATING CONDITION.

OTHER SPECIAL VEHICLES:

ANNUAL FUEL COST: $, BASED ON MPG, 15,000 MILES PER YEAR, $0.70/GALLON.

ASK THE DEALER FOR THE FREE 1979 GAS MILEAGE GUIDE TO COMPARE THE ESTIMATED MPG OF OTHER VEHICLES. IT WILL TELL YOU HOW TO USE THESE NUMBERS

APPENDIX VI—1979 MODEL YEAR FUEL ECONOMY LABEL FORMAT

G. SAMPLE OF LABEL WITH DATA INSERTED

EPA **FUEL ECONOMY RATING**

1979 AJAX

MODEL: 200 CUBIC INCH ENGINE, 6 CYLINDERS, 3-SPEED MANUAL TRANSMISSION, 2 BARREL CARB.

ESTIMATED MPG: FOR COMPARISONS

19

OTHER MID-SIZE MODELS:

THE ESTIMATED MILEAGE FOR THIS MODEL, 19, IS TO BE USED TO COMPARE CARS OF THIS MODEL WITH OTHER CARS. YOUR OWN MILEAGE MAY BE POORER DEPENDING UPON OPTIONS, DRIVING CONDITIONS, YOUR DRIVING HABITS, AND YOUR CAR'S OPERATING CONDITION.

THE ESTIMATED MPG NUMBERS FOR OTHER SIMILAR-SIZED CARS RANGE FROM 10 TO 23 MPG (AS OF SEPT. 15, 1978.) BY COMPARISON, THE ESTIMATED MPG OF THIS MODEL IS 19. USE THESE NUMBERS TO COMPARE DIFFERENT MODELS. CONSULT THE GAS MILEAGE GUIDE FOR FURTHER INFORMATION.

ANNUAL FUEL COST: $553, BASED ON 19 MPG, 15,000 MILES PER YEAR, $0.70/GALLON.

ASK THE DEALER FOR THE FREE 1979 GAS MILEAGE GUIDE TO COMPARE THE ESTIMATED MPG OF OTHER CARS. IT WILL TELL YOU HOW TO USE THESE NUMBERS

(Sec. 506, Motor Vehicle Information and Cost Savings Act, as amended by sec. 301, Energy Policy and Conservation Act, Pub. L. 94-163, 89 Stat. 871 (15 U.S.C. 2006))

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