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THURSDAY, MAY 18, 1978



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

Monday	Tuesday	Wednesday	Thursday	Friday
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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.

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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.

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To provide emergency assistance to producers of wheat, feed grains, and upland cotton, and for other purposes. (May 15, 1978; 92 Stat. 240) Price: $.50.

S. 482 ..... Pub. L. 95-280
To direct the Secretary of the Interior to purchase and hold certain lands in trust for the Zuni Indian Tribe of New Mexico, and to confer jurisdiction on the Court of Claims with respect to land claims of such tribe. (May 15, 1978; 92 Stat. 244) Price: $.50.

S. 661 ..... Pub. L. 95-281
To reinstate the Modoc, Wyandotte, Peoria, and Ottawa Indian Tribes of Oklahoma as federally supervised and recognized Indian tribes. (May 15, 1978; 92 Stat. 246) Price: $.50.

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

[3410-02]

Title 7—Agriculture

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1978 Crop Peanut Warehouse Storage Loan Supplement]

PART 1446—PEANUTS

Subpart—1978 Crop Peanut Warehouse Storage Loans

AGENCY: Commodity Credit Corporation, U.S. Department of Agriculture.

ACTION: Final rule.

SUMMARY: The purpose of this rule is, for the 1978 crop of peanuts, to announce (1) the national level of support for quota peanuts, (2) the national level of support for additional peanuts, (3) the use of services of approved area marketing associations in making warehouse storage loans and performing other activities relating to the program, (4) the definition of "eligible for domestic edible use" as it pertains to peanuts marketed or considered marketed from a farm, and (5) sales policy for peanuts received under loan or acquired by the Commodity Credit Corporation (hereinafter referred to as "CCC") under the 1978 program. The need for this rule is to satisfy the statutory requirements as provided for in Section 108 of the Agricultural Act of 1949 (hereinafter referred to as the "Act"), as added by the Food and Agriculture Act of 1977.

EFFECTIVE DATE: May 17, 1978.

ADDRESS: Price Support and Loan Division, ASCS, USDA, 3741 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Thomas A. VonGarlem (ASCS), 202-447-7954.

SUPPLEMENTARY INFORMATION: A notice that the Secretary was preparing to make determinations with respect to these provisions was published in the FEDERAL REGISTER on January 17, 1978 (43 FR 2404), in accordance with 5 U.S.C. 533. The written comment period ended January 31, 1978, but all comments received through February 7, 1978, were considered. There were 67 responses—one each from a sheller, and an association of manufacturers of peanut products; 10 from members of the Congress; 7 from peanut producer organizations; 3 from farm organizations; 3 from sheller organizations; and 51 from individual farmers. Following is a summary of comments received:

Quota price support level, 52 commentators. Twelve organizations and 4 individuals recommended $420 per ton, the legal minimum. Two organizations and 2 individuals recommended the legal minimum increased by cost of production (up to $450 per ton). Thirty-six individuals and no organizations recommended levels ranging from 75 percent of parity, to 100 percent of parity (currently estimated at $456 to $608 per ton).

Additional price support level, 44 commentators. Four organizations and 4 individuals recommended $300 per ton or less; 7 organizations and 14 individuals recommended $420 per ton; 19 individuals and no organizations recommended levels between $420 and 100 percent of parity.

Area marketing associations. Thirteen organizations and 23 individual commentators approved and none opposed continued use of the services of area marketing associations in carrying out price support and marketing activities. Of these commentators, 9 organizations recommended that the Secretary designate only the three area marketing associations which have participated in these activities under 1977 and prior peanut price support programs and which are organized primarily for the purpose of conducting such activities.

Definition of "peanuts eligible for domestic edible use", 46 commentators. Twelve organizations and 28 individuals recommended that both Segregation 2 and Segregation 3 peanuts be defined for program purposes as eligible for domestic edible use. Two organizations and 3 individuals recommended that Segregation 3 peanuts be eligible. One organization recommended that neither Segregation 2 nor Segregation 3 peanuts be eligible.

Sales policy. There were 12 organizations and 7 individual commentators on one or more aspects of sales policy. In general, commentators endorsed sales policies as set forth in the January 17 notice of this ruling, with the following major exceptions: Ten organizations recommended a minimum sales price of 100 percent of the quota loan rate plus costs for sales for edible export use; and 8 organizations and 2 individuals recommended that sales for crushing be made by competitive bid with no restrictions on exports.

After considering the comments received and the applicable provisions of the Act, the following determinations are being made with respect to the 1978 crop of peanuts.

1. *The national level of support for quota peanuts.* Subsection 108(a) of the Act provides that the Secretary shall make price support available to producers through loans, purchases, or other operations on quota peanuts of the 1978 crop at such level as he finds appropriate, but not less than $420 per ton. In determining price support levels, subsection 108(a) of the Act directs the Secretary to take into consideration (a) any change in the index of prices paid by farmers for production items, interest, taxes, and wage rates during the period January 1 through December 31, 1977, inclusive, and (b) the eight factors specified in section 401(b) of the Act, namely: The supply of the commodity in relation to the demand therefor, the levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired through a support operation, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand. Pursuant to the language of subsection 108(a) of the Act, the following data were considered:

(a) *Index of prices paid for production items, interest, taxes and wage rates.* The current estimate of the calendar year 1977 index (1910-1914) is 740 compared with 709 in calendar year 1976—an increase of 4.37 percent in 1977. A comparable increase in the minimum price support level of $420 per ton would result in a loan rate of about $440 per ton.

(b) The eight factors to be considered, as specified in section 401(b) of the Act, are as follows:

1. *Supply of the commodity in relation to demand.* In a ruling effective November 30 and published December 6, 1977 (42 FR 61588), the Department established the 1978-crop national poundage quota for peanuts at the statutory minimum of 1,680,000 tons. The determination that this minimum level was sufficient to meet total estimated requirements for domestic edible use and a reasonable carryover was based on the following data:

Projected requirements 1978 MY	1,000 tons
Domestic edible	975
Seed	100
Crushing residual from edible millings	130
Subtotal 1978 requirements	1,205
Reasonable carryover (2 months supply)	200
Total requirements	1,405
Minimum national poundage quota	1,680
Percentage of requirements	119

2. *Price levels at which other commodities are being supported (1978 crop).*

Commodity	Price support	Target price
Upland cotton (lb)	$0.44	$0.52
ELS cotton (lb)	.83	
Corn (bu)	2.00	2.10
Sorghum (cwt)	3.39	4.07
Barley (bu)	1.63	2.25
Oats (bu)	1.03	
Rye (bu)	1.70	
Wheat (bu)	2.25	3.00

3. *Availability of funds.* Current estimates of fund availability for fiscal year 1979 indicate that funds will be insufficient to finance all corporation programs and activities. The Department has proposed legislation to increase the corporation's borrowing authority limitation from the authorized $14.5 billion to $20 billion, which was transmitted with the President's 1979 budget.

4. *The perishability of the commodity.* Shelled peanuts can be kept in cold storage for two years or more with little loss of weight or quality. It is hazardous, however, to hold peanuts in dry storage through the hot summer months because of danger of loss due to deterioration, insect infestation, or rodent damage.

5. *Importance of commodity to agriculture and the national economy.* Peanuts are grown on about 59,000 farms in 16 States. The value of picked and threshed production from the 1977 crop is estimated at $771 million, about $21 million higher than the value of the 1976 crop.

6. *The ability to dispose of stocks acquired through price support operations.* There is an immediate dollar market for peanuts for crushing at competitive prices.

7. *The need for offsetting temporary losses of export markets.* Because of a world shortage, U.S. exports of peanuts in the 1976-77 marketing year reached an all-time high of 392,000 tons. The shortage is expected to continue through the 1977-78 marketing year, and U.S. exports for that period are projected at a minimum of 440,000 tons. These totals include CCC sales for export (at prices equal to or above the loan rate) which were 150,000 tons in 1976-77 and are expected to be about the same, or higher in 1977-78. Whether this export volume can be sustained through the 1978-79 marketing year will depend largely on export availabilities from India and other producers of peanuts for edible use. The latest projection for 1977-78 U.S. exports is 365,000 tons, consisting of 42,000 tons of commercial quota peanuts and peanut products, 225,000 tons of additional peanuts grown under commercial contracts and 98,000 tons sold from loan stocks of quota and additional peanuts. If 1978-79 export demand is higher, or the supply of additional peanuts is lower than projected, an estimated 378,000 tons of surplus quota loan stocks will be available, at or above the quota loan rate plus costs, to make up the shortfall.

8. *The ability and willingness of producers to keep supplies in line with demand.* In a referendum held December 12 through 15, 1977, 93.6 percent of the growers voting approved marketing quotas and acreage allotments for the 1978 through 1980 crops of peanuts. The referendum was held subsequent to a determination by the Department on December 6, 1977 (42 FR 61588) that the national acreage allotment for 1978 crop peanuts will be 1,614,000 tons, the statutory minimum; and that the national poundage quota of 1978 crop peanuts which will be eligible for price support at the quota loan rate will be 1,680,000 tons, the statutory minimum. In so voting, the growers indicated acceptance of a ruling which will reduce the quantity of peanuts eligible for price support at the quota loan rate from 2,068,850 tons in 1977 to 1,680,000 tons in 1978—a reduction of 388,850 tons.

After consideration of the comments received and the above data, it has been determined by the Secretary that the national level of support for 1978-crop quota peanuts will be $420 per ton, the statutory minimum.

2. *The national level of support for additional peanuts.* Subsection 108(b) of the Act provides that the Secretary shall make price support available to producers through loans, purchases, or other operations on 1978-crop "additional peanuts", which are defined in the 1977 amendments to the Act as

any peanuts which are marketed from a farm and which are in excess of the marketings of quota peanuts from such farm for the marketing year but not in excess of the actual production from the farm acreage allotment. This subsection requires that the loan rate for 1978 crop additional peanuts shall be announced not later than February 15, 1978, and that in determining this rate the Secretary shall take into consideration the demand for peanut oil and peanut meal, expected prices of other vegetable oils and protein meals, and the demand for peanuts in foreign markets.

Historically, there is an immediate dollar market for peanuts for crushing and production of peanut oil and meal. Peanut oil prices usually have averaged about 4 cents to 5 cents per pound above soybean oil prices, with peanut meal prices averaging about $5 per ton below soybean meal prices. In recent months peanut oil prices have averaged almost double soybean oil prices due primarily to a short U.S. crop and heavy export volume, which has reduced domestic crushing availabilities. Current projections indicate a decline in peanut exports in the 1978–79 marketing year, a corresponding increase in domestic crushing availabilities, and a peanut domestic crushing value of $220 per ton, based on oil at 24 cents per pound (6 cents above estimated soybean oil price) and meal at $135 per ton.

The demand for U.S. peanuts in foreign markets is estimated at 365,000 tons in the 1978 marketing year compared with an estimated 440,000 tons in 1977. The projected reduction in exports is based on the expectation that peanut export availabilities from India and other world suppliers will recover from the abnormally low levels of 1976 and 1977. It is estimated that world demand, combined with the minimum sales policies established by this notice, will sustain an average export price of at least $400 per ton for U.S. peanuts and an additional loan rate, taking into consideration the estimated $220 per ton domestic crushing value, of $250 per ton.

Taking into consideration these factors and the comments received, it has been determined by the Secretary that the national level of support for 1978 crop additional peanuts will be $250 per ton.

3. *Area marketing associations.* Subsection 108(c) of the Act authorizes the Secretary to make loans available in each of the three producing areas (described in 7 CFR 1446.4 (1977 ed.)) to a designated area marketing association of peanut producers which is selected and approved by the Secretary and which is operated primarily for the purpose of conducting such loan activities. Such associations may be used in administrative and supervisory activities relating to price support and marketing activities under section 108 and under the Agricultural Adjustment Act of 1938, as amended. Such loans shall include, in addition to the price support value of the peanuts, such costs as the associations may reasonably incur in carrying out such responsibilities.

It is hereby determined that the area marketing associations designated in § 1446.30 of this ruling will be used in making warehouse storage loans and performing other program activities.

Since 1937, such associations have participated in administering and supervising the peanut program in a manner generally similar to that described herein.

4. *Peanuts eligible for domestic edible use.* The 1977 amendment to Title I of the Act defines "domestic edible use" as use for milling to produce domestic food peanuts and seed and use on a farm. Only peanuts which are eligible for domestic edible use as determined by the Secretary may be marketed from a farm as quota peanuts in the 1978 marketing year.

Regulations currently in effect, contained in 7 CFR 1446.3 (1974 ed.) and the 1977 quality regulations issued pursuant to the Peanut Marketing Agreement classify farmers stock peanuts as follows:

Segregation 1 peanuts means farmers stock peanuts which (i) have at least 99 percent peanuts of one type, (ii) have not more than 2 percent damaged kernels nor more than 1.00 percent concealed damage caused by rancidity, mold or decay, and (iii) are free from *A. flavus mold.*

Segregation 2 peanuts means farmers stock peanuts which (i) have less than 99 percent peanuts of one type, or (ii) have more than 2 percent damaged kernels or more than 1.00 percent concealed damage caused by rancidity, mold, or decay and (iii) are free from visible *A. flavus mold.* Segregation 3 peanuts means farmers stock peanuts which have visible *A. flavus mold.*

Under these regulations, only Segregation 1 peanuts may be milled and sold for the manufacture of peanut butter, roasted peanuts, salted peanuts and other edible products using the peanuts as peanuts. In common usage, the term "eligible for domestic edible use" has been applied only to these Segregation 1 peanuts, although other classes of peanuts may be crushed to obtain edible oil.

In defining the term "eligible for domestic use" as it applies to the definition of quota peanuts, the Department has considered whether to restrict eligibility to Segregation 1 peanuts or to broaden the term, for program purposes only, to include Segregation 2 and 3 peanuts under specified condi-

tions. The broader definition was under consideration primarily as a means of alleviating loss of farm income to growers whose crops were severely impaired by freeze damage, drought, *A. flavus* contamination, or similar disastrous crop conditions.

Accordingly, it is hereby determined, however, that for 1978-crop peanuts, only Segregation 1 peanuts will be defined as peanuts eligible for domestic edible use, and only Segregation 1 peanuts may be marketed from a farm as quota peanuts during the harvest season.

5. *Sales policy.* Section 407 of the Act provides that CCC may not sell peanuts at less than 105 percent of the support price plus reasonable carrying charges, except sales for new or by-product uses, extraction of oil, export, and prevention of deterioration or spoilage.

Section 359(j) of the Agricultural Adjustment Act of 1938, as added by the Food and Agriculture Act of 1977, provides that additional peanuts received under loan may be sold for domestic edible use at prices not less than those required to cover all costs incurred with respect to the peanuts sold, plus: (1) 100 percent of the quota loan value if the additional peanuts are sold and paid for during the harvest season upon delivery by the producer, or (2) 105 percent of the quota loan value if the additional peanuts are sold after delivery by the producer but on or before December 31 of the marketing year, or (3) 107 percent of the quota loan value if the additional peanuts are sold later than December 31 of the marketing year.

Sales of both quota and additional peanuts for domestic edible use will be made on the terms specified in items (2) and (3) of the preceding paragraph. Also, additional peanuts will be sold for domestic edible use on the terms specified in item (1) of the preceding paragraph. Under the discretionary authority provided by the Act, it has been determined that sales of quota peanuts for export will be made by CCC at not less than all costs incurred plus 100 percent of the quota loan value. Sales of additional peanuts from which edible grades are to be exported will be made by CCC at not less than $400 per ton. Sales of additional peanuts for export for crushing only will be made by CCC at not less than all costs incurred with respect to the peanuts sold, plus 100 percent of the additional loan value. Additional peanuts sold by CCC for export crushing will be required to be fragmented prior to export. Sales of quota and additional peanuts for domestic crushing only will be made by CCC at competitive prices with the use of oil being restricted to domestic markets if the price of the peanuts from which the oil is produced is less than the applicable loan rate, plus costs.

Under the 1977 and prior peanut programs, §§ 1446.1 through 1446.7 of this Subchapter B contained the general regulations governing peanut warehouse storage loans and §§ 1446.8 through 1446.13 contained the annual crop supplements to the general regulations. The general regulations are currently being revised and will require additional subsection numbers. Accordingly, part 1446 is renumbered, effective for the 1978 and subsequent crops, as follows: §§ 1446.1 through 1446.29 are designated for the general regulations and §§ 1446.30 through 1446.50 are designated for the annual crop supplements. Sections 1446.8 through 1446.13 are deleted effective as to the 1978 and subsequent crops. The material previously appearing in §§ 1446.8 through 1446.13 as subpart "1977 Crop Peanut Warehouse Storage Loan Supplement" remains in full force and effect as to the 1977 crop.

Effective, for the 1978 crop of peanuts, §§ 1446.30 through 1446.50 are added and the title of the subpart is amended to read as follows:

Subpart—1978-Crop Peanut Warehouse Storage Loans

Sec.

1446.30 Associations through which producers may obtain price support.
1446.31 Applicability.
1446.32 National average support value, quota peanuts.
1446.33 National average support value, additional peanuts.
1446.34 Sales for domestic edible use.
1446.35 Sales for export.
1446.36 Sales for domestic crushing.
1446.37 Definition of domestic edible use.
1446.38 through 1446.50 [Reserved]

Subpart—1978 Crop Peanuts Warehouse Storage Loan Supplement

§ 1446.30 Association through which producer may obtain price support.

Eligible producers may obtain price support by means of warehouse storage loans on eligible 1978 crop farmers stock peanuts through, in the Southeastern area, GFA Peanut Association, Camilla, Ga.; Southwestern area, Southwestern Peanut Growers' Association, Gorman, Tex.; and Virginia-Carolina area, Peanut Growers Cooperative Marketing Association, Franklin, Va.

§ 1446.31 Applicability.

The support prices specified in this subpart apply to 1978 crop farmers stock peanuts in bulk or in bags, net weight basis, eligible for price support advances under the General Regulations.

§ 1446.32 National average support value, quota peanuts.

The national average support value for 1978 crop quota peanuts is $420 per ton.

§ 1446.33 National average support value, additional peanuts.

The national average support value for 1978 crop additional peanuts is $250 per ton.

§ 1446.34 Sales for domestic edible use.

Sales of quota and additional peanuts for domestic edible use, including use as seed, will be made by CCC at not less than all costs incurred with respect to the peanuts sold plus: (a) 105 percent of the quota loan value if sold on or before December 31, 1978, or (b) 107 percent of the quota loan value if sold later than December 31, 1978, except that (c) sales of additional peanuts for domestic edible use, if sold and paid for during the harvest season and upon delivery buy the producer, will be made by CCC at not less than all costs incurred plus 100 percent of the quota loan value.

§ 1446.35 Sales for export.

Sales of quota peanuts for export will be made by CCC at not less than all costs incurred with respect to the peanuts sold plus 100 percent of the quota loan value. Sales of additional peanuts from which edible grades are to be exported will be made by CCC at not less than $400 per ton. Sales of additional peanuts for export crushing only will be made at not less than all costs incurred with respect to the peanuts sold plus 100 percent of the additional loan value, and such peanuts shall be fragmented prior to export in accordance with the General Regulations.

§ 1446.36 Sales for domestic crushing.

Sales of quota and additional peanuts for domestic crushing only will be made by CCC at competitive prices, and if such prices are less than all costs incurred plus the applicable loan rate for quota or additional peanuts, the use of the oil produced from such peanuts will be restricted to domestic markets.

§ 1446.37 Domestic edible use.

"Peanuts eligible for domestic edible use" means Segregation 1 peanuts, which are farmers stock peanuts having: (a) at least 99 percent peanuts of one type, (b) not more than 2 percent damaged kernels nor more than 1.00 percent concealed damage caused by rancidity, mold or decay, and (c)

are free from the A. flavus mold. Since peanuts must be eligible for domestic edible use to be quota peanuts, only Segregation 1 peanuts may be placed under loan at the quota loan rate.

NOTE.—The Commodity Credit Corporation has determined that this document contains a major proposal requiring preparation of an economic impact statement under Executive Order 11821 and OMB Circular A-107 and certifies that an economic impact statement has been prepared.

Signed at Washington, D.C., on May 9, 1978.

CAROL TUCKER FOREMAN,
Acting Secretary of Agriculture.

[FR Doc. 78-13521 Filed 5-17-78; 8:45 am]

[3128-01]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION [1]

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Amendments To Include Synthetic Fuels Under the Entitlements Program

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby adopts amendments to the domestic crude oil "entitlements" program to permit refiners to earn entitlements for those volumes of a synthetic fuel obtained from oil shale that they utilize within their refineries as a feedstock, blending stock or fuel. In addition, the amendments set forth that the ERA may, on a case-by-case basis, grant entitlements treatment on the same basis as that adopted for shale oil to synthetic liquid fuels made from biomass, coal, solid waste materials or tar sands and used in refineries, as well as all such synthetic fuels, plus shale oil derivatives, which are used as boiler or engine fuels outside a refinery. The purpose of these amendments is to remove the inconsistency which currently exists regarding the treatment under the entitlements program of synthetic liquid fuels as compared to the treatment of imported crude oil.

DATES: Effective for refiners' crude oil runs to stills for July 1978. Further comments due on or before July 31, 1978.

ADDRESS: Send comments to: Department of Energy, Public Hearing Management, Room 2313, 2000 M Street, Box TJ, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Deanna Williams (DOE Reading Room), Department of Energy, 12th and Pennsylvania Avenue NW., Room 2107, Washington, D.C. 20461, 202-566-9161.

Frank Kelly (Office of Public Affairs), Economic Regulatory Administration, 2000 M Street NW., Room 6308E, Washington, D.C. 20461, 202-254-8690.

Daniel J. Thomas (Regulations and Emergency Planning), Economic Regulatory Administration, 2000 M Street NW., Room 2310B, Washington, D.C. 20461, 202-254-7477.

Douglas W. McIver (Entitlements Program Office), Economic Regulatory Administration, 2000 M Street NW., Room 6128I, Washington, D.C. 20461, 202-254-8660.

Nancy E. Williams, Department of Energy (Office of General Counsel), 12th and Pennsylvania Avenue NW., Room 7132, Washington, D.C. 20461, 202-566-2454.

SUPPLEMENTARY INFORMATION:

I. General Discussion.
II. Background.
III. Discussion of Comments.
IV. Amendments Adopted:
A. Shale Oil.
B. Other Petroleum Substitutes.
C. Miscellaneous Provisions.
V. Oil Shale Plants.
VI. Additional Comments Requested.

I. General Discussion

We believe it is in the national interest to encourage further production of domestically-produced synthetic fuels, for these fuels offer a means of reducing the volume of crude oil presently imported by U.S. refiners. However, the means available to us to offer such encouragement are limited. One method clearly open to us, though, is to eliminate discriminations in current regulations in favor of foreign crude oil and against domestically-produced synthetic fuels. For this reason, we are adopting the amendments to the entitlements program which are set forth below. These amendments will permit synthetic fuels to receive the same treatment under the program that imported crude oil receives.

We recognize that these amendments, by themselves, will not result in the synthetic fuels covered by the rule being widely marketable. However, we believe the amendments will offer some encouragement to the production of substitutes for crude oil and refined products, since they should result in a producer of a synthetic fuel receiving approximately $2 per barrel (the current per barrel benefit received on imported oil from the entitlements program) more for the synthetic than he otherwise would.

II. Background

On July 26, 1977, the Federal Energy Administration (FEA), a predecessor agency of the DOE, issued a Notice of Proposed Rulemaking and Public Hearing which proposed amendments to the entitlements program to permit refiners to earn entitlements for those volumes of synthetic fuel processed from oil shale found within the United States that they utilize as a refinery feedstock (42 FR 38599, July 29, 1977). The notice also requested comments on whether synthetic fuels other than shale oil should be included within the scope of the rule.

Effective October 1, 1977, all functions previously performed by the FEA were transferred to the DOE under the Department of Energy Organization Act, Pub. L. 95-91 ("DOE Act") and Executive Order No. 12009 (42 FR 46267, September 15, 1977). Section 705(b)(1) of the DOE Act provides in part:

> The provisions of this Act shall not affect any proceedings * * * pending at the time this Act takes effect before any department, agency, commission, or component thereof, functions of which are transferred by this Act; but such proceedings * * * to the extent that they relate to functions so transferred, shall be continued. * * *

Pursuant to the above provision, this rulemaking proceeding, begun by the FEA prior to the activation of the DOE, was continued and transferred to the DOE.

In addition, by DOE Delegation Order No. 0204-4 (42 FR 60725, November 29, 1977), the Secretary of Energy delegated to the Administrator of the ERA the authority to take such action, including the adoption of rules, as is necessary and appropriate to administer several functions, among which are the allocation and pricing of crude oil and refined petroleum products, pursuant to the provisions of the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93-159), as amended. Under the authority of this Delegation Order, we adopt the amendments to the entitlements program set forth below.

III. Discussion of Comments

The FEA received fourteen written comments on the amendments proposed in July 1977 from members of the petroleum industry, including several corporations actively engaged in programs for the development of a synthetic liquid fuel from domestic oil shale. (An opportunity for a hearing was also provided, but there were no requests to make oral presentations.) All comments supported amending the

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G21 EDITORIAL NOTE: Chapter II will be renamed at a future date to reflect that it contains regulations administered by the Department of Energy.

entitlements program so as to grant entitlement benefits to refiners for the use of a synthetic liquid fuel obtained from domestic oil shale.

Some of the comments submitted in response to the July 1977 notice suggested that, in addition to the proposed rule, all volumes and prices of synthetic liquid fuel produced from oil shale should be exempted from computation of the composite price applicable to first sales of domestic crude oil under the Energy Policy and Conservation Act, Pub. L. 94-163, as amended ("EPCA"), in order that there be the least possible disincentive to the attainment of market-level prices by oil from oil shale. We are not adopting such an amendment because it is not necessary. For the reasons set forth in FEA Ruling 1976-4 (41 FR 25886, June 23, 1976), we believe Congress did not intend to treat a synthetic liquid fuel obtained from oil shale as domestic crude oil, and therefore it does not enter into the composite price calculations under the EPCA.

Several other comments raised points which we discuss below.

IV. Amendments Adopted

The amendments which were proposed in July 1977 only encompassed a synthetic fuel produced from oil shale, as that was the only crude oil substitute believed to be available in commercial quantities. The proposal also only applied to shale oil used as an input to a refinery distillation unit. The July 1977 notice requested comments, however, as to whether any other domestically-produced synthetic liquid fuels should be made eligible to receive entitlements benefits on a basis analogous to shale oil. Of those commenters addressing this question, all supported treating other synthetic liquid fules similarly to shale oil.

On the basis of information received in this rulemaking, we have reason to believe that in fact other synthetic fuels are currently being produced, or soon will be produced through processes currently being designed. We at present lack detailed information about such fuels and their production methods and whether all such fuels need the benefits of the entitlements program in order to be competitive with imported oil. We believe it is necessary, however, in order to provide appropriate incentives for the production of other forms of synthetic liquid fuels, that we adopt at this time a rule containing a mechanism by which such fuels can, if qualified, participate equally with imported oil and the more conventional synthetic, shale oil, in the entitlements program.

For these reasons, we are adopting a rule which has two aspects. One part of the rule will permit all shale oil which is used in a refinery to earn entitlements benefits automatically, without further review by ERA. The second part of the rule sets forth that synthetic liquid fuels other than shale oil (as well as shale oil in non-refining uses) may also earn entitlements benefits, following a brief review procedure whereby ERA determines eligibility on a case-by-case basis.

This case-by-case application procedure is being established on a trial basis, at least until more information and experience regarding synthetic fuel production and use is gained. We believe this application procedure will provide appropriate incentives for new technology while insuring that crude oil substitutes not needing entitlements benefits or not materially contributing to a reduction in imported oil do not participate in the program. As experience accumulates under the case-by-case aspect of the rule, we may place certain additional categories of synthetic liquid fuels under the first aspect of the rule.

The term adopted to describe all the synthetic fuels covered by these amendments is "petroleum substitute." For purposes of these amendments this term encompasses any domestically-produced synthetic liquid fuel which can be used as a substitute for petroleum in a refinery, as a fuel blendstock, or as a boiler fuel and which is eligible under the criteria set forth in this rule to earn the same benefits that imported crude oil used as a refinery feedstock now receives under the entitlements program.

A. SHALE OIL

Under the first aspect of the rule described above, the term "petroleum substitute" will include the liquid synthetic fuel derived from oil shale deposits located in the United States. All such shale oil will automatically be eligible for inclusion in the entitlements program if it is used in a refinery. Under the rule adopted, refiners will report domestically-produced shale oil as a separate item among their crude oil runs to stills.

There are two significant differences between the rule adopted today as it applies to shale oil and the rule as proposed in the July 1977 notice. The first is that the July 1977 notice proposed entitlements benefits for shale oil only if such oil were refined. We have decided to include also shale oil used in a refinery for blending purposes or as a refinery fuel, since in either case it has the same favorable impact on reducing import dependence as refining of the shale oil would have.

Second, the July 1977 proposal contained a technical definition of oil shale which is not adopted in today's amendments. We believe the term "oil shale" is self-explanatory and need not be further defined in the rule adopted. The proposed definition of oil shale did not encompass processes other than destructive distillation which may be utilized to extract a liquid from oil shale. Since other processes do exist or are being developed, liquid synthetic fuel obtained from domestic oil shale through any method will qualify for entitlements benefits; these methods will include, but not be limited to, destructive distillation, pyrolysis, and in situ pyrolysis.

B. OTHER PETROLEUM SUBSTITIUTES

The term "petroleum substitute" will additionally include certain liquid synthetic fuels other than those derived from oil shale and used in a refinery that are subsequently so designated by ERA. It will also include such liquid fuels, plus shale oil derivatives, that are used directly as boiler or engine fuels without undergoing refining, if so designated by ERA. This designation will be made pursuant to applications submitted to ERA's Office of Fuels Regulation, which applications will be reviewed on the basis of certain standards or criteria set forth in the regulation. The criteria are designed to maintain a consistent approach and policy in the implementation of this amendment. Each application for a synthetic fuel to be disignated as a petroleum substitute will be granted or denied through issuance of an order, after an expeditious review of the application.

In order to qualify for designation by the ERA as a petroleum substitute, the synthetic in question must be a liquid derived from domestic supplies of oil shale (if not otherwise automatically included in the entitlements program as described above), tar sands, coal, solid waste or biomass. Foreign sources of such liquids will not qualify.[2] In addition, the substitute must be used in the U.S. as a refinery feedstock, a blending feedstock or directly as a fuel in a refinery or elsewhere. The ERA has information that some fuels now being produced from oil shale and other potential petroleum substitutes are such that they are efficient fuel substitutes for petroleum products without having to undergo

[2] In this context, reference should be made to an amendment to the entitlements program which was adopted in August 1975 (40 FR 39847, August 29, 1975) that granted entitlements benefits to synthetic crude oil processed from Canadian tar sands. That amendment was adopted so that the effective cost of that crude oil would not be higher than imported crude oil. The primary reason for the amendment was to encourage continued imports and utilization of this crude oil in the face of severe curtailments in other Canadian crude oil imports and a potentially serious supply shortage in the Northern Tier States. The policy behind the Canadian synthetic crude oil entitlement amendments is thus distinguishable from that which supports restriction of the amendments adopted here to synthetic fuels from domestic source materials.

the refining process. Since direct consumption of such synthetics would reduce petroleum imports as much as the refining of synthetics, we have determined that they should also receive the benefits of the entitlements program if they otherwise qualify.

After determining whether a petroleum substitute meets these threshold requirements, the ERA will take into consideration whether production of the substitute results in a net gain of energy or a higher-valued fuel than those used in the production process. Those substitutes that can be produced with little expenditure of energy, particularly petroleum energy, relative to the energy produced will be considered more favorably than those that do not. Whether the consumption of energy in a particular case is too high to warrant inclusion of the liquid in the entitlements program will be dependent upon the circumstances of the case and cannot at this time be specified with precision in a general rule.

In approving an application, the ERA will structure its order so that only one party to a production, marketing, and consumption chain involving a petroleum substitute will receive entitlements benefits. This requirement prevents entitlements from being earned twice by, for example, both the producer and the refiner of a petroleum substitute. In those cases where a petroleum substitute is being used directly as a fuel, the ERA will determine on a case-by-case basis whether the party that participates in the entitlements program is the producer, the end-user, or some intervening reseller. Where one party in a distribution chain involving a petroleum substitute is a refiner or other firm that already is a participant in the entitlements program, for reasons of administrative simplicity it will in most cases be selected by the ERA as the one to participate in the entitlements program for purposes of the petroleum substitute transaction involved.

The regulation also addresses the amount of the entitlements benefits that will be given to a particular petroleum substitute. With the exception of petroleum substitutes derived from oil shale, which will receive entitlements benefits on the same per barrel basis as crude oil, entitlements will be granted on the basis of the gross heating value of the substitute as compared to the gross heating value of 40 degrees API crude oil. "Gross heating value" is a determination of heat content arrived at under the American Society for Testing and Materials test method D-240. The gross heating value for 40 degrees API crude oil (a very light, high quality crude oil) is 5.7 million Btu's per barrel. A barrel of petroleum substitute which contains 5.7 million Btu or more will receive the same entitlement benefit as a barrel of imported crude oil. A petroleum substitute containing less than 5.7 million Btu/bbl will receive a fractional entitlement benefit equal to its gross heating value divided by 5.7 million Btu/bbl.

We intend to administer the case-by-case application process described above in a way that will carry out the spirit of the regulation, which is to encourage the development and use of domestically-derived petroleum substitutes that have the potential of reducing our dependence on imported crude oil. Thus, the review process will be as expeditious as possible, and the definition of "petroleum substitute" will be read expansively. It is expected as a minimum that ERA will, assuming all other criteria are met, approve the inclusion in the entitlements program of such substitutes as ethanol used as a blending stock or shale oil derivations, such as kerogen, used directly as a powerplant boiler fuel.

Firms producing or contemplating production of a petroleum substitute are invited to file an application with the ERA requesting that it be granted entitlements program treatment. Applications should be submitted to the ERA Office of Fuels Regulation, 2000 M Street NW., Room 6128, Washington, D.C., 20461. We will consider applications even though construction of production facilities has not begun, since it is our belief that if investors know in advance that a particular petroleum substitute would receive imported oil entitlements treatment, they may be more likely to invest in the production process. Applications should address each of the elements set forth in the regulation and provide any other information which might be pertinent to the application. Orders granting applications will specify the terms under which the petroleum substitute in question will participate in the entitlements program, including the fraction of an entitlement to be received for each barrel of petroleum substitute and the firm that shall be eligible to participate in the entitlements program. An appeal of any decision on an application may be filed with the Office of Hearings and Appeals of the DOE.

C. MISCELLANEOUS PROVISIONS

The amendment to § 211.67 is adopted in a form different from that which was proposed, for the following reasons. First, a subparagraph (5) is adopted for addition to paragraph (a) to set forth the method by which petroleum substitutes identified in the application procedure described above will earn entitlements. To act in conjunction with this provision, the definition of "national domestic crude oil supply ratio" in § 211.62 is also amended.

Second, the subparagraph (8) proposed for addition to paragraph (d) has been amended from that which was proposed. This subparagraph sets forth the method by which refiners will earn entitlements for the petroleum substitute obtained from oil shale which is used as a feedstock or as a fuel in a domestic refinery. The reference term "petroleum substitute" is substituted in this subparagraph for that which was proposed and reference to the Bureau of Mines Form 6-1300-M is omitted, since that form is no longer used. Also, the subparagraph is altered to reflect that the amendment adopted is applicable to nonrefining as well as refinery uses of shale oil.

The amendments will impose no entitlement obligation on a refiner or other firm under § 211.67(b) with respect to the inclusion of a petroleum substitute in its crude oil receipts. Thus, the treatment of petroleum substitutes under the entitlements program will be analagous to the treatment of imported crude oil under the program.

The amendments as they apply to shale oil are effective from crude oil runs to stills in July 1978 for which entitlements transactions will take place in September 1978.

V. OIL SHALE PLANTS

Two of the written comments submitted in response to the July 1977 notice urged that the proposed amendments be revised to be applicable to oil shale facilities which are designed to both produce shale oil and upgrade that shale oil into refined petroleum products. One such facility has been designed and partially constructed. However, construction on the facility has been suspended, and apparently the facility has not yet proved to be commercially viable.

It is our intention under the rule adopted today that this type of facility would not automatically qualify its shale oil production as being subject to the entitlements program, without any prior review by the ERA. However, such a plant would appear to meet all of the criteria under the second aspect of the definition of petroleum substitute. Therefore, if a decision is made to proceed with construction of the plant described above or other similar plants we would encourage the parties involved to apply to us through the procedures described above to request entitlement benefits with respect to the products produced in the facility.

VI. ADDITIONAL COMMENTS REQUESTED

Although within the scope of the July 1977 Notice of Proposed Rulemaking, we recognize that the amendments adopted today represent a significantly different solution to a regulatory inconsistency than other currently existing ERA regulations and

that they may require further fine-tuning to carry out their intended purpose as efficiently as possible. Thus, even though the amendments adopted today are effective beginning July 1, 1978, we are soliciting further comments on these amendments through July 31, 1978. Comments should address in particular the following points:

(1) Whether there will be significant administrative problems in implementing these amendments;

(2) Whether the application process adopted herein will be an adequate and satisfactory means of including new synthetic fuels within the entitlements program;

(3) Whether the criteria on which applications will be reviewed are appropriate, or whether different or additional criteria would be more appropriate;

(4) Whether the incentives granted by these amendments for the production of synthetic fuels are significant enough to result in increased production of such fuels; and

(5) Whether the ERA should adopt any other amendments to its regulatory programs which would provide additional encouragement to synthetic fuel production.

Written comments will be accepted and considered if received by July 31, 1978. Comments should be submitted to the address indicated in the "Addresses" section of this preamble and should be identified on the outside envelope with the designation "Synthetic Fuels." Fifteen copies should be submitted. All comments received will be available for public inspection in the DOE Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

Any information considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of the information and to treat it according to our determination.

The proposal of July 26, 1977, was submitted to the Federal Energy Regulatory Commission on November 14, 1977, for review in accord with the provisions of Section 404(a) of the DOE Act. The Commission informed the ERA in a letter of December 20, 1977, that it had determined the proposed rule would not significantly affect any function within its jurisdiction pursuant to Section 402 (a)(1), (b), and (c)(1) of the Act.

Pursuant to interim guidelines adopted by the ERA for implementation of Executive Order 12044, "Improving Government Regulations" (43 FR 12661, March 24, 1978), it has been determined that a regulatory analysis need not be performed on the amendment hereby adopted.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-322, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385, and Pub. L. 95-70; Department of Energy Organization Act, Pub. L. 95-91; E.O. 11790, 39 FR 23785; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective July 1, 1978.

Issued in Washington, D.C., May 12, 1978.

DAVID J. BARDIN,
Administrator, Economic Regulatory Administration.

1. Section 211.62 is amended to revise the definition of "national domestic crude oil supply ratio" and to add a new definition of "petroleum substitute" in appropriate alphabetical order to read as follows:

§ 211.62 Definitions.

* * * * *

"National domestic crude oil supply ratio" means, for a particular month, the volume of deemed old oil (as defined in § 211.67(b)) included in the aggregate adjusted crude oil receipts of all refiners, decreased by a number of barrels of old oil equal to the number of entitlements issuable to small refiners under § 211.67(e) and the number of entitlements issuable under § 211.67(a)(5), divided by the sum of the total volume of the crude oil runs to stills for all refiners for that month and thirty (30 percent) percent of the total volume of imports of eligible products by eligible firms for that month. The calculation of the national domestic crude oil supply ratio for each month shall take into account entitlement purchase or sale requirements resulting from the correction of reporting errors pursuant to paragraph (j) of § 211.67.

* * * * *

"Petroleum substitute" means (a) a liquid produced from oil shale found in the United States and used as a feedstock or fuel in a domestic refinery, and (b) such other liquid synthetic fuels as are designated pursuant to orders issued by the ERA. Applications for such orders may be submitted to ERA under Subpart G of Part 205 of this Chapter. In order to be designated a petroleum substitute, a liquid synthetic fuel must be found by the ERA to be derived from domestic biomass, coal, oil shale, solid waste materials or tar sands, and used in the United States as a feedstock to a refinery, a blending feedstock or as a boiler fuel in a refinery or elsewhere. The ERA may, in its discretion, deny such designation if it determines that the liquid synthetic fuel in question does not result in a net gain of energy, considering the fuel consumption involved in its production, or requires the consumption of substantial quantities of a relatively scarce fuel for its production.

* * * * *

2. Section 211.67 is amended in paragraph (a) to add a new subparagraph (5) to read as follows:

§ 211.67 Allocation of domestic crude oil.

(a) *Issuance of entitlements.* * * *

(5) For each month, commencing with the month of July 1978, each firm that has been designated by the ERA as eligible to participate in the entitlements program by reason of its producing, selling or using a petroleum substitute, shall be issued a number of entitlements determined as follows:

(i) In the case of a petroleum substitute derived from oil shale, that number of entitlements that would be received by a refiner if each barrel of the petroleum substitute were a barrel of crude oil;

(ii) In the case of a petroleum substitute other than one derived from shale oil having a gross heating value of 5.7 million Btu's per barrel or more, that number of entitlements that would be received by a refiner if each barrel of the petroleum substitute were a barrel of crude oil; and

(iii) In the case of a petroleum substitute other than one derived from shale oil having a gross heating value of less than 5.7 million Btu's per barrel, that number of entitlements that would be received by a refiner if each barrel of the petroleum substitute were equal to a fraction of a barrel of crude oil, the numerator of which would be the gross heating value per barrel, in Btu's, of the petroleum substitute, and the denominator of which would be 5.7 million Btu's. Where a petroleum substitute is being used for purposes other than in a refinery, ERA will designate the firm to which entitlements will be issued and the manner in which the use of the petroleum substitute by that firm shall result in entitlement issuances.

* * * * *

3. Section 211.67 is amended in paragraph (d) to add a new subparagraph (8) to read as follows:

§ 211.67 Allocation of domestic crude oil.

* * * * *

(d) *Adjustments to volume of crude oil runs to stills.* * *

(8) Commencing with the month of July 1978, the volume of a refiner's crude oil runs to stills in a particular month for purposes of the calculations in subparagraph (1) of paragraph (a) of this section and the calculations for the national domestic crude oil supply ratio shall include the total number of barrels of the liquid produced from oil shale that is found in the United States and used as a refining feedstock, blending feedstock or fuel in a domestic refinery in that month by a refiner.

* * * * *

[FR Doc. 78-13527 Filed 5-17-78; 8:45 am]

[6749-02]

CHAPTER X—DEPARTMENT OF ENERGY (GENERAL PROVISIONS)

PART 1000—TRANSFER OF PROCEEDINGS TO THE SECRETARY OF ENERGY AND THE FEDERAL ENERGY REGULATORY COMMISSION

Amendment to Transfer Application Amendment

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) final rule of October 1, 1977, is amended to clarify the jurisdictional status of the November 11, 1977 Amendment to Application of Western LNG Terminal Associates, in "Pacific Indonesia LNG Co., et al.," FPC Docket No. CP74-160, et al., ERA Docket No. 77-001-LNG. The Amendment to Application will be transferred to the jurisdiction of the Federal Energy Regulatory Commission until the timely filing of all briefs, at which time the Commission shall forward a copy of the record of that proceeding to the Secretary of Energy for decision on those matters within his jurisdiction.

EFFECTIVE DATE: February 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Barry M. Smoler, Department of Energy, Office of General Counsel, Washington, D.C. 20461, 202-566-9380.

Brian J. Heisler, Office of General Counsel, Federal Energy Regulatory Commission, Washington, D.C. 20426, 202-275-4341.

SUPPLEMENTARY INFORMATION: The Department of Energy was established by the Department of Energy Organization Act (Pub. L. 95-91) (the DOE Act), which was made effective October 1, 1977 (42 FR 46267, September 15, 1977). In a final rule issued by DOE on October 1, 1977 (42 FR 55534, October 17, 1977), a regulation was promulgated in Title 10, Code of Federal Regulations, pursuant to Section 705(b)(2) of the Act, which provides:

(2) The Secretary and the Commission are authorized to promulgate regulations providing for the orderly transfer of (pending) proceedings to the Department or the Commission.

Subsection (b)(16) of this regulation (10 CFR 1000.1(b)(16)) transferred to the jurisdiction of the Secretary of Energy certain proceedings which were pending with the Federal Power Commission (FPC). Subsection (c)(2) of the regulation provided that certain proceedings would remain with the Federal Energy Regulatory Commission through the issuance of an Administrative Law Judge's initial decision and the filing of briefs thereon, with transfer thereafter to the Secretary of Energy for decision.

The Amendment to Application of Western LNG Terminal Associates was filed on November 11, 1977, in the Economic Regulatory Administration's Docket No. 77-001-LNG, as an amendment to applications originally filed with the Federal Power Commission in their Dockets No. CP75-83 and No. CP75-83-3. Those dockets had been consolidated into Pacific Indonesia LNG Co., et al., Docket No. CP74-160, et al. Pursuant to the final rule of October 1, 1977, the record in that consolidated proceeding had been transferred to the Secretary of Energy subsequent to the filing of all briefs on and opposing exceptions to the Initial Decision of Presiding Administrative Law Judge Samuel Gordon; this occurred prior to the filing of the Amendment to Application on November 11, 1977.

The Amendment to Application is integrally related to the various matters pending and decided in Docket No. CP74-160, et al. Accordingly, decisions with respect to the Amendment to Application should be based on a record compiled in the same manner as the record compiled by the Federal Power Commission with respect to the applications originally filed in that consolidated docket.

The Amendment to Application pertains to the siting of an LNG terminal facility at Point Conception, Calif., for the receipt and processing of LNG from Indonesia. The Commission currently has pending an application pertaining to the siting of additional LNG terminal facilities at Point Conception for the receipt and processing of LNG from Alaska. Thus, the amendment herein to the final rule of October 1, 1977, will also be conducive to efficient evaluation of all related terminal facilities at Point Conception. The Environmental Impact Statement that the Commission is presently preparing on LNG facilities at Point Conception will be prepared for all purposes within the Department of Energy.

Accordingly, pursuant to section 705(b)(2) of the DOE Act, the final rule of October 1, 1977, is hereby amended so as to provide that the Amendment to Application of Western LNG Terminal Associates will be transferred to the jurisdiction of the Federal Energy Regulatory Commission until the timely filing of all briefs on and opposing exceptions to the Initial Decision of the presiding Administrative Law Judge on that Amendment, at which time the Commission shall forward a copy of the record of that proceeding to the Secretary of Energy for decision on those matters within his jurisdiction. (If the Commission waives the preparation of an initial decision, the Commission will forward a copy of the record after completion of the hearing, or after the timely filing of any briefs submitted to the Commission, whichever occurs later.)

To the extent that section 501 of the Act is applicable to these regulations, it has been determined that no substantial issue of fact or law exists and that these regulations are unlikely to have a substantial impact on the nation's economy or large numbers of individuals or businesses. Therefore, this amendment to the regulations is being promulgated in accordance with section 553 of Title 5, United States Code. The amendment relates to Department of Energy management and personnel and is therefore being made final without notice and comment (5 U.S.C. 553(a)(2)).

(Department of Energy Organization Act, Pub. L. 95-91; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Part 1000, Chapter II, Title 10, Code of Federal Regulations is amended as set forth below.

Issued in Washington, D.C., on May 10, 1978.

By order of the Commission.

JAMES R. SCHLESINGER,
Secretary of Energy.

KENNETH F. PLUMB,
Secretary, Federal Energy Regulatory Commission.

Section 1000.1 is amended by revising paragraph (c)(2)(vi) and by adding a new paragraph (c)(3):

§ 1000.1 Transfer of Proceedings.

* * * * *

(c) *Proceedings transferred to the Commission.* * * *

(2) *To remain with the Commission until forwarding to the Secretary;*

* * * * *

(vi) *Pacific Indonesia LNG Co., et al.*, Docket No. CP74-160, *et al.*, (except as provided in paragraph (c)(3) of this section).

* * * * *

(3) The Amendment to Application of Western LNG Terminal Associates, filed on November 11, 1977, in *Pacific Indonesia LNG Co., et al.*, FPC Docket No. CP74-160, et al., ERA Docket No. 77-001-LNG, is transferred to the jurisdiction of the Commission until timely filing of all briefs on and opposing exceptions to the Initial Decision of the presiding Administrative Law Judge on that Amendment, at which time the Commission shall forward a copy of that proceeding to the Secretary of Energy for decision on those matters within his jurisdiction. (If the Commission waives the preparation of an initial decision, the Commission will forward a copy of the record after completion of the hearing, or after the timely filing of any briefs submitted to the Commission, whichever occurs later.)

[FR Doc. 78-13529 Filed 5-17-78; 8:45 am]

[6210-01]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. A Docket No. R-0135]

INTERPRETATION OF REGULATION A

Eligible Bankers' Acceptances

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final interpretation.

SUMMARY: This Interpretation provides that a bankers' acceptance secured by a field warehouse receipt covering readily marketable staples is eligible for discount by a Federal Reserve Bank even though the warehouse manager is an employee of the owner of the goods. This supersedes an Interpretation adopted by the Board in 1933. (¶1445 Published Interpretations). This review of the Interpretation was desirable in light of the changes in commercial practice and law since the publication of the old Interpretation.

DATE: Effective immediately.

ADDRESS: Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FOR FURTHER INFORMATION CONTACT:

Allen L. Raiken, Associate General Counsel, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3625.

SUPPLEMENTARY INFORMATION: (1) The Board was recently asked to review its 1933 Interpretation concerning the eligibility for discount of bankers' acceptances secured by field warehouse receipts. Under that Interpretation, such acceptances were determined to be not eligible for discount because the actual custodian of the goods was so closely identified with the owner of the goods that, in the Board's view, the lending bank's security might be impaired. The Board concluded that a review of the Interpretation was desirable in light of the changes in commercial practice and commercial law in the 45 years since the publication of the old Interpretation. Furthermore, this matter is of significance to member banks because, under the Board's Regulation D, the sale of such acceptances by member banks could result in additional reserve liability for the member bank if the acceptance sold were not eligible for discount.

(2) A proposed Interpretation was issued for public comment in December, 1977 (42 FR 63897-8). Comments were received from all 12 Federal Reserve Banks, 7 commercial banks, 2 law firms, a bankers association, and a field warehousing company. All of the comments except two were favorable to adoption of the proposed Interpretation.

As a result of the comments received, certain technical changes have been made to the proposed Interpretation. The Interpretation stated that if a bankers' acceptance were offered for discount or as collateral for an advance, a Reserve Bank could require proof of adequate insurance and proof of the existence of a written security agreement and a filed financing statement. This language has been deleted from the final Interpretation for two reasons: (1) A Reserve Bank has broad discretion in accepting collateral that may be presented at its discount window and the deleted provisions could have been misinterpreted as somehow limiting the types of inquiry that a Reserve Bank could make regarding acceptances; and (2) the deleted language, which pertained only to the acceptability of the acceptance as collateral, might have been misinterpreted as also having an impact on the eligibility of the acceptance for discount. In other words, a bankers' acceptance that meets the requirements of the Interpretation is eligible for discount even though it may be subject to further scrutiny before a Reserve Bank would find it acceptable as collateral for an advance.

The proposed Interpretation indicated that a warehouse receipt issued pursuant to a properly conducted field warehousing operation provides the lending bank with a perfected security interest in the goods and that a perfected security interest satisfies the "securing title" requirement of the Federal Reserve Act, Section 13, ¶7. These statements may have led some readers to the erroneous conclusion that if the lender has a perfected security interest (regardless of how the interest was created and perfected), the acceptance is properly secured. The Act, however, clearly requires that an acceptance be secured "by a warehouse receipt or other such document," and contemplates that at the time of acceptance the goods will be held in the custody of a third party. Consequently, the Board has determined that receipts issued by an independent custodian of the goods may be treated as warehouse receipts (¶1470 Published Interpretations), but has reached the opposite conclusion in regard to documents such as a chattel mortgages that leave the borrower in possession of the goods (¶1475 Published Interpretations). Therefore, while it may be desirable for a lending bank to seek the added protection of a security interest created by a written security agreement and perfected by the filing of a financing statement, this perfected securjty interest alone, without a field warehouse receipt, does not satisfy the requirements of the Act.

Finally it should be noted that not all field warehousing operations will necessarily satisfy the requirements of the Interpretation and it is incumbent upon each lender to insure that the policies and procedures adopted and followed by a field warehousing company provide the lender with satisfactory security.

(3) This action is taken pursuant to the Board's authority under section 13 of the Federal Reserve Act (12 U.S.C. 342 et seq.).

INTERPRETATION OF REGULATION A

¶1445—*Goods held by persons employed by owner* (12 CFR 201.110)

(a) The Board has been asked to review an Interpretation it issued in 1933 concerning the eligibility for rediscount by a Federal Reserve Bank of bankers' acceptances issued against field warehouse receipts where the custodian of the goods is a present or former employee of the borrower. [¶ 1445 Published Interpretations, 1933 BULLETIN 188] The Board determined at that time that the acceptances were not eligible because:

such receipts do not comply with the requirement of section 13 of the Federal Reserve Act that a banker's acceptance be "secured at the time of acceptance by a warehouse receipt or other such document *conveying or securing title* covering readily marketable staples," nor with the requirement of section XI of the Board's Regulation A that it be "secured at the time of acceptance by a warehouse, terminal, or other

similar receipt, conveying security title to such staples, *issued by a party independent of the customer."*

The requirement that the receipt be "issued by a party independent of the customer" was deleted from Regulation A in 1973, and thus the primary issue for the Board's consideration is whether a field warehouse receipt is a document "securing title" to readily marketable staples.

(b) While bankers' acceptances secured by field warehouse receipts are rarely offered for rediscount or as collateral for an advance, the issue of "eligibility" is still significant. If an ineligible acceptance is discounted and then sold by a member bank, the proceeds are deemed to be "deposits" under section 204.1(f) of Regulation D and are subject to reserve requirements.

(c) In reviewing this matter, the Board has taken into consideration the changes that have occurred in commercial law and practice since 1933. Modern commercial law, embodied in the Uniform Commercial Code, refers to "perfecting security interests" rather than "securing title" to goods. The Board believes that if, under State law, the issuance of a field warehouse receipt provides the lender with a perfected security interest in the goods, the receipt should be regarded as a document "securing title" to goods for the purposes of § 13 of the Federal Reserve Act. It should be noted, however, that the mere existence of a perfected security interest alone is not sufficient; the Act requires that the acceptance be secured by a warehouse receipt or its equivalent.

(d) Under the U.C.C., evidence of an agreement between the secured party and the debtor must exist before a security interest can attach. [U.C.C. § 9-202.] This agreement may be evidenced by: (1) a written security agreement signed by the debtor, or (2) the collateral being placed in the possession of the secured party or his agent [U.C.C. § 9-203]. Generally, a security interest is perfected by the filing of a financing statement. [U.C.C. § 9-302.] However, if the collateral is in the possession of a bailee, then perfection can be achieved by: (1) Having warehouse receipts issued in the name of the secured party; (2) notifying the bailee of the secured party's interest; or (3) having a financing statement filed. [U.C.C. § 9-304(3).]

(e) If the field warehousing operation is properly conducted, a security interest in the goods is perfected when a warehouse receipt is issued in the name of the secured party (the lending bank). Therefore, warehouse receipts issued pursuant to a bona fide field warehousing operation satisfy the legal requirements of section 13 of the Federal Reserve Act. Moreover, in a properly conducted field warehousing operation, the warehouse manager will be trained, bonded, supervised and audited by the field warehousing company. This procedure tends to insure that he will not be impermissibly controlled by his former (or sometimes present) employer, the borrower, even though he may look to the borrower for reemployment at some future time. A prudent lender will, of course, carefully review the field warehousing operation to ensure that stated procedures are satisfactory and that they are actually being followed. The lender may also wish to review the field warehousing company's fidelity bonds and legal liability insurance policies to ensure that they provide satisfactory protection to the lender.

(f) If the warehousing operation is not conducted properly, however, and the manager remains under the control of the borrower, the security interest may be lost. Consequently, the lender may wish to require a written security agreement and the filing of a financing statement to insure that the lender will have a perfected security interest even if it is later determined that the field warehousing opeation was not properly conducted. It should be noted, however, that the Federal Reserve Act clearly requires that the bankers' acceptance be secured by a warehouse receipt in order to satisfy the requirements of eligibility, and a written security agreement and a filed financing statement, while desirable, cannot serve as a substitute for a warehouse receipt.

(g) This Interpretation is based on facts that have been presented in regard to field warehousing operations conducted by established, professional field warehouse companies, and it does not necessarily apply to all field warehousing operations. Thus ¶ 1430 and ¶ 1440 of the Published Interpretations [1918 BULLETIN 31 and 1918 BULLETIN 862] maintain their validity with regard to corporations formed for the purpose of conducting limited field warehousing operations. Furthermore, the prohibition contained in ¶ 1435 Published Interpretations [1918 BULLETIN 634] that "the borrower shall not have access to the premises and shall exercise no control over the goods stored" retains its validity, except that access for inspection purposes is still permitted under ¶ 1450 [1926 BULLETIN 666]. The purpose for the acceptance transaction must be proper and cannot be for speculation [¶ 1400, 1919 BULLETIN 858] or for the purpose of furnishing working capital [¶ 1405, 1922 BULLETIN 52].

(h) This interpretation supersedes only the previous ¶ 1445 of the Published Interpretations [1933 BULLETIN 188], and is not intended to affect any other Board Interpretation regarding field warehousing.

By order of the Board of Governors, May 10, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-13554 Filed 5-17-78; 8:45 am]

[6210-01]

[Regulation Q; Docket No. R-0161]

PART 217—INTEREST ON DEPOSITS

Maximum Rates of Interest Payable

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board has amended its regulations to authorize member banks to offer to depositors two new categories of time deposits. The first new category permits member banks to pay interest at a maximum ceiling rate up to 7¾ percent on time deposits of $1,000 or more with maturities of eight years or more. The second new category established by the Board authorizes member banks to pay interest on nonnegotiable time deposits of $10,000 or more with maturities of six months (26 weeks) at a maximum rate equal to the discount yield on the most recently issued six-month United States Treasury bills (auction average). The Board's actions increase returns for savers by providing deposit categories that are competitive with interest rates available in the market on instruments possessing similar characteristics.

EFFECTIVE DATE: June 1, 1978.

FOR FURTHER INFORMATION, CONTACT:

Allen L. Raiken, Associate General Counsel, 202-452-3625 or Gilbert T. Schwartz, Senior Attorney, 202-452-3623 Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: Effective June 1, 1978, the Board has amended Regulation Q to establish two new categories of time deposits. Under the provisions of the first new deposit category, member banks will be permitted to pay interest to depositors at a maximum rate of 7¾ percent on deposits of $1,000 or more maturing in eight or more years. This new deposit category should enable savers to obtain higher rates on their funds.

The second new deposit category established by the Board authorizes member banks to pay interest on nonnegotiable time deposits of $10,000 or more with maturities of six months (26 weeks) at a maximum rate equal to the discount yield on the most recently issued six-month United States Treasury bills (auction average). United States Treasury bills maturing in six months (26 weeks) are auctioned weekly by the Treasury Department, normally on Monday, and are issued three business days later, normally on Thursday. Beginning on the date the six-month United States Treasury bills are issued (normally on Thursday), member banks may pay interest on deposits of $10,000 or more maturing in six months at a rate not more than the auction average rate (discount basis) established for such bills and may continue to pay that rate for new deposits until new six-month United States Treasury bills are issued, at which time the rate paid on such bills becomes the ceiling rate for new deposits. The six-month United States Treasury bill rate is published widely in many newspapers throughout the country.

The deposits must be issued in nonnegotiable form and must possess a maturity of six months (26 weeks). Maturities of more than six months are not permitted. During the six months the deposit remains outstanding, the rate paid by member banks may not exceed the ceiling rate in effect on the date of deposit. If such deposits are renewed, automatically or otherwise, the maximum rate that may be paid may not exceed the six-month Treasury bill rate (discount

basis) in effect at the time of renewal of the deposits.

Member banks will be permitted to pay up to the average auction rate paid (discount basis). Should a member bank desire to round off the ceiling rate, such rate may only be rounded down. For example, if the auction average rate for six month Treasury bills is 6.4638 percent on a discount basis, a member bank may round the rate to 6.463 percent, 6.46 percent or 6.4 percent. The rate may not be rounded up. However, in accordance with § 217.3 of Regulation Q, in ascertaining the rate of interest that may be paid, the effects of compounding of interest may be disregarded and interest may be computed in accordance with any of the methods authorized by § 217.3(e) of Regulation Q.

In accordance with § 217.4(d) of Regulation Q (12 CFR 217.4(d)), if the deposit, or any portion, is paid before maturity, the member bank may pay interest on the amount withdrawn at a rate not to exceed that prescribed for savings deposits (currently 5 percent) and, in addition, a forfeiture of three months interest at such rate is required. If the amount withdrawn has been on deposit for three months or less, all interest shall be forfeited. All member banks, however, are permitted to lend on the collateral of their time deposits so long as the rate charged for the loan is at least one percent higher than the rate being paid on the deposit pledged.

Existing provisions of Regulation Q provide that member banks may pay interest on governmental unit time deposits under $100,000 with maturities of 30 days or more (12 CFR 217.7(d)) and Individual Retirement Account and Keogh (H.R. 10) Plan deposits of less than $100,000 with maturities of three years or more (12 CFR 217.7(e)) at a rate not in excess of the highest of any of the permissible rates that can be paid on time deposits under $100,000 by any Federally insured commercial bank, mutual savings bank, or savings and loan association. Since the Federal Home Loan Bank Board and the Federal Deposit Insurance Corporation are taking action to establish a new category of time deposit for Federally insured savings and loan associations and mutual savings banks at a ceiling rate of 8 percent, member banks may pay 8 percent on governmental unit time deposits and IRA/Keogh time deposits with three year maturities. The higher 8 percent rate may be paid only on new time deposits or additional funds deposited to existing accounts. Rates paid by member banks on funds currently on deposit in governmental unit and IRA/Keogh time deposits may not be increased prior to the maturity of such funds. The maximum rates that may be paid on governmental unit and IRA/Keogh time deposits will not be determined by the ceiling rates established for the new six-month $10,000 deposit category whose ceiling rate is associated with the six month Treasury bill rate.

The Board's actions were taken at this time, after consultation with the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board and the United States Department of the Treasury, in order to increase returns for savers by providing deposit categories that are competitive with interest rates available in the market on instruments possessing similar characteristics. Creation of the new deposit categories at this time should increase the flow of mortgage credit and assist the housing market. In order to facilitate the achievement of these objectives as rapidly as possible, the Board finds that application of the notice and public participation provisions of 5 U.S.C. § 553 to these actions would be contrary to the public interest and that good cause exists for making the amendments effective in less than 30 days.

Pursuant to its authority under § 19(j) of the Federal Reserve Act (12 U.S.C. § 371b), effective June 1, 1978, the Board amends § 217.7 of Regulation Q (12 CFR 217.7) as follows:

§ 217.7 Maximum rates of interest payable by member banks on time and savings deposits.

* * * * *

(b) *Time deposits of less than $100,000.*

* * * * *

(4) Member banks may pay interest on any time deposit of $1,000 or more, with a maturity of eight years or more, at a rate not to exceed 7¾ percent.[2]

* * * * *

(d) *Governmental unit time deposits of less than $100,000.* Except as provided in paragraphs (a) and (f), no member bank shall pay interest on any time deposit which consists of funds deposited to the credit of, or in which the entire beneficial interest is held by, the United States, any State of the United States, or any county, municipality, or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, or political subdivision thereof, at a rate in excess of the highest of any of the permissible rates that can be paid on time deposits under $100,000 with maturities in excess of six months (26 weeks) by any Federally insured commercial bank, mutual savings bank, or savings and loan association.[3]

(e) *Individual Retirement Account and Keogh (H.R. 10) Plan deposits of less than $100,000.* Except as provided in paragraph (a), a member bank may pay interest on any time deposit with a maturity of three years or more that consists of funds deposited to the credit of, or in which the entire beneficial interest is held by, an individual pursuant to an Individual Retirement Account agreement or Keogh (H.R. 10) Plan established pursuant to 26 U.S.C. (I.R.C. 1954) §§ 408, 401, at a rate not in excess of the highest of any of the permissible rates that can be paid on time deposits under $100,000 with maturities in excess of six months (26 weeks) by any Federally insured commercial bank, mutual savings bank, or savings and loan association.[3]

(f) *Variable rate time deposits of less than $100,000.* Member banks may pay interest on any nonnegotiable time deposit of $10,000 or more, with a maturity of six months (26 weeks), at a rate not to exceed the rate established (auction average on a discount basis) for United States Treasury bills with maturities of six months issued on or immediately prior to the date of deposit. Rounding such rate to the next higher rate is not permitted.

By order of the Board of Governors, May 11, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-13555 Filed 5-17-78; 8:45 am]

[2] * * *

[3] The highest permissible rate is currently 8.00 percent per annum (12 CFR 329.7 and 12 CFR 526.5).

[6714-01]

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—INTEREST ON DEPOSITS

Maximum Rates of Interest Payable on Time Deposits

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) has amended its regulations to authorize insured nonmember banks (including mutual savings banks) to offer to depositors two new categories of time deposits. The first new category permits nonmember banks to pay interest at a maximum rate of 7¾ percent (8 per-

cent for mutual savings banks) on time deposits of $1,000 or more with maturities of eight years or more. The second new category authorizes nonmember banks to pay interest on nonnegotiable time deposits of $10,000 or more with maturities of six months at a maximum rate equal to the discount yield on the most recently issued six-month United States Treasury bills (auction average). (Mutual savings banks will be allowed to pay ¼ of 1 percent more than the discount yield.) This action is designed to increase returns for savers by authorizing deposit rate ceilings that are competitive with interest rates available in the market on instruments possessing similar characteristics.

EFFECTIVE DATE: June 1, 1978.

FOR FURTHER INFORMATION CONTACT:

F. Douglas Birdzell, Senior Attorney, Bank Regulation Section, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429, 202-389-4324.

SUPPLEMENTARY INFORMATION: Effective June 1, the FDIC has amended Part 329 of its regulations to establish two new categories of time deposits. This action is concurrent with corresponding action taken by the Board of Governors of the Federal Reserve System for Federal Reserve member banks and the Federal Home Loan Bank Board with respect to Federally insured savings and loan associations. Under the provisions of the first new deposit category, nonmember banks will be permitted to pay interest to depositors at a maximum rate of 7¾ percent (8 percent in the case of mutual savings banks) on deposits of $1,000 or more maturing in eight years or more. This new deposit category should enable savers to obtain higher rates on their funds than those presently authorized (7½ percent and 7¾ percent for commercial banks and mutual savings banks, respectively, on time deposits of six years or more).

The second new deposit category established by the FDIC authorizes nonmember banks to pay interest on nonnegotiable time deposits of $10,000 or more with maturities of six months (26 weeks) at a maximum rate equal to the discount yield on the most recently issued six-month United States Treasury bills (auction average). (Mutual savings banks may pay ¼ of 1 percent more than the discount yield.) United States Treasury bills maturing in six months (26 weeks) are auctioned weekly by the Treasury Department, normally on Monday, and are issued three business days later, normally on Thursday. Beginning on the date the six-month United States Treasury bills are issued (normally on Thursday), nonmember banks may pay interest on deposits of $10,000 or more maturing in six months at a rate not to exceed the auction average rate (discount basis) established for such bills and may continue to pay that rate for new deposits until new six-month United States Treasury bills are issued, at which time the rate paid on such bills becomes the ceiling rate for this category of deposits. The six-month United States Treasury bill rate is published widely in many newspapers throughout the country.

Once established, the maximum rate nonmember banks have contracted to pay to depositors may not be increased during the six months the deposits remain outstanding. If such deposits are renewed, automatically or otherwise, the maximum rate that may be paid may not exceed the six-month Treasury bill rate (discount basis) in effect at the time of renewal. The deposits must be issued in nonnegotiable form and must mature in six months (26 weeks). Maturities of more than six months are not permitted. In accordance with § 329.4(d) of FDIC's regulations (12 CFR 329.4(d)), if the deposit, or any portion, is withdrawn before maturity, the nonmember bank may pay interest on the amount withdrawn at a rate not to exceed that prescribed for savings deposits and, in addition, require that the depositor forfeit three months interest at the savings deposit rate. If the amount withdrawn has been on deposit for three months or less, all interest must be forfeited.

Nonmember banks will be permitted to pay up to the average auction rate paid (discount basis). Should a nonmember bank desire to round off the ceiling rate, such rate may only be rounded down. For example, if the auction average rate for six-month Treasury bills is 7.4638 percent on a discount basis, a nonmember bank may round the rate to 7.463 percent, to 7.46 percent, or 7.4 percent. The rate may not be rounded up. However, in accordance with §§ 329.3(e) and 329.7(c) of FDIC's regulations (12 CFR 329.3(e) and 329.7(c)), in ascertaining the rate of interest that may be paid, the effects of compounding of interest may be disregarded and interest may be computed in accordance with any of the methods authorized by § 329.3(e).

FDIC's actions were taken at this time, after consultation with the Board of Governors of the Federal Reserve System and the Federal Home Loan Bank Board, in order to increase returns for savers by authorizing deposit rate ceilings that are competitive with interest rates available in the market on instruments possessing similar characteristics. Creation of the new deposit categories at this time should increase the flow of mortgage credit and assist the housing market. In order to facilitate the achievement of these objectives as rapidly as possible, particularly in view of the rapid rise in money market rates relative to deposit rate ceilings, which could result in substantial disintermediation by placing financial institutions at a competitive disadvantage, FDIC's Board of Directors finds that application of the notice and public participation provisions of 5. U.S.C. § 553 to these actions would be contrary to the public interest and that good cause exists for making the amendments effective on June 1.

Pursuant to its authority under §§ 9 and 18 of the Federal Deposit Insurance Act (12 U.S.C. §§ 1819 and 1828), effective on June 1 §§ 329.6 and 329.7 of FDIC's regulations are amended by adding a new last line to subsections 329.6(b)(2) and 329.7(b)(4), by amending subsections 329.6(b) (3) and (4) and 329.7(b) (5) and (6), and by adding new subsections 329.6(b)(5) and 329.7(b)(7), as follows:

§ 329.6 Maximum rates of interest payable by insured nonmember banks other than insured nonmember mutual savings banks.[13]

* * * * *

(b) Deposits of less than $100,000. (1) * * *

* * * * *

(2) *Deposits of $1,000 or more with maturities of four years or more.*[13a]

* * * * *

eight years or more—7¾ percent.

(3) *Time deposits of public units.* Except as provided in paragraph (a), no insured nonmember bank shall pay interest on any time deposit of a public unit as defined in section 3(m) of the Federal Deposit Insurance Act at a rate in excess of the maximum rate that can be paid on any time deposit of less than $100,000 with a maturity in excess of six months by any insured nonmember mutual savings bank subject to the provisions of this Part.

(4) *Individual Retirement Account and Keogh (H.R. 10) plan deposits.* Except as provided in paragraph (a), a nonmember bank may not pay interest on any time deposit with a maturity of three years or more that consists of funds deposited to the credit of, or in which the entire beneficial interest is held by, an individual pursuant to an Individual Retirement Account agreement or Keogh (H.R. 10) Plan established pursuant to 26 U.S.C. § 408 or § 401, at a rate in excess of the highest of any of the permissible rates that may be paid on time deposits of under $100,000 with maturities in excess of

[13] * * *

[13a] * * *

six months by any insured nonmember mutual savings bank subject to the provisions of this Part.

(5) *Variable rate time deposits of less than $100,000.* Nonmember banks may pay interest on any nonnegotiable time deposit of $10,000 or more, with a maturity of six months (26 weeks), at a rate not to exceed the rate (auction average on a discount basis) established for the most recently issued six-month Treasury bills. Rounding such rate to the next higher rate is not permissible.

* * * * *

§ 329.7 Maximum rates of interest on dividends payable on deposits of insured nonmember mutual savings banks.[14]

* * * * *

(b) Maximum rates payable.

* * * * *

(4) *Time deposits of $1,000 or more with maturities of four years of more.*[14b]

* * * * *

eight years or more—8 percent.

(5) *Time deposits of public units.* Except as provided in paragraph (b)(2), no insured nonmember mutual savings bank shall pay interest or dividends on any time deposit of a public unit as defined in section 3(m) of the Federal Deposit Insurance Act at a rate in excess of the highest of any of the permissible rates that may be paid on time deposits of less than $100,000 with maturities in excess of six months by any insured nonmember mutual savings bank subject to the provisions of this Part.

(6) *Individual Retirement Account and Keogh (H.R. 10) plan deposits.* Except as provided in paragraph (b)(2), no insured nonmember mutual savings bank may pay interest on any time deposit with a maturity of three years or more that consists of funds deposited to the credit of, or in which the entire beneficial interest is held by, an individual pursuant to an Individual Retirement Account agreement or Keogh (H.R. 10) Plan established pursuant to 26 U.S.C. § 408 or § 401, at a rate in excess of the highest of any of the permissible rates that may be paid on time deposits of under $100,000 with maturities in excess of six months by any insured nonmember mutual savings bank subject to the provisions of this Part.

(7) *Variable rate time deposits of less than $100,000.* Nonmember mutual savings banks may pay interest on any nonnegotiable time deposit of $10,000 or more, with a maturity of six months (26 weeks), at a rate not to exceed the rate (auction average on a discount basis) plus one quarter of one percent established for the most recently issued six-month Treasury bills. Rounding such rate to the next higher rate is not permissible.

* * * * *

By Order of the Board of Directors.

Dated: May 10, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[FR Doc. 78-13544 Filed 5-17-78; 8:45 am]

[14] * * *

[14a] [Reserved]

[6720-01]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 78-286]

PART 526—LIMITATIONS ON RATE OF RETURN

New Certificate Accounts

MAY 10, 1978.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Bank Board has amended its regulations to authorize member institutions to offer two new categories of certificate accounts. The first permits members to pay a rate of return up to eight percent on accounts with minimum deposits of $1,000 and minimum maturities of eight years. The other new category allows nonnegotiable certificates with minimum deposits of $10,000 and maturities of six months (26 weeks) at a rate of return equal to one-quarter of one percent above the discount yield on the most recently issued six-month United States Treasury bills (auction average). These new categories should increase the flow of mortgage credit and assist the housing market while enabling savers to obtain higher rates on their funds.

EFFECTIVE DATE: June 1, 1978.

FOR FURTHER INFORMATION, CONTACT:

Nancy L. Feldman, Assistant General Counsel, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552, 202-377-6443.

SUPPLEMENTARY INFORMATION: Effective June 1, 1978, the Bank Board has amended §§ 526.2 and 526.5 of its regulations for the Federal Home Loan Bank System (12 CFR 526.2 and 526.5) to establish two new categories of certificate accounts. Under the provisions of the first category, member institutions are permitted to pay interest to savers at a maximum rate of eight percent on accounts of $1,000 or more maturing in eight or more years.

The second new category authorizes members to pay interest on nonnegotiable deposits of $10,000 or more with required maturities of six months (26 weeks), at a rate of return equal to one-quarter of one percent more than the discount yield on the most recently issued six-month United States Treasury bills (auction average). United States Treasury bills maturing in six months (26 weeks) are auctioned weekly by the Treasury Department, normally on Monday, and are issued three business days later, normally on Thursday. Beginning on such issuance date, member institutions may pay the above-described interest on such certificates and may continue to pay that rate for new certificates until new six-month United States Treasury bills are issued, at which time the rate paid on such bills (plus one-quarter of one percent) becomes the ceiling rate for this category of account. The six-month United States Treasury bill rate is published widely in many newspapers throughout the country.

Once established, the maximum rate of return member institutions have contracted to pay to savers may not be increased during the six months the accounts remain outstanding. If such accounts are renewed, automatically or otherwise, the maximum rate that may be paid may not exceed one-quarter of one percent above the six-month Treasury bill rate (discount basis) in effect at the time of renewal. The certificate accounts must be issued in nonnegotiable form with maturity of six months (26 weeks); maturities in excess of, or less than, six months are not permitted. The usual early-withdrawal penalties and compounding rules apply to these accounts.

Member institutions will be permitted to base payment calculations on the average auction rate paid (discount basis). Rounding off may only be done by rounding down. For example, if the auction average rate is 6.4638 percent on a discount basis, it may be rounded down to 6.463 percent, 6.46 percent, or 6.4 percent. The one-quarter of one percent additional amount will be added to such figure. The higher rates may be paid only on new deposits or additional funds deposited to existing accounts; rates on existing certificate accounts, including governmental unit and IRA/Keogh accounts, may not be increased prior to the maturity of such accounts. Public unit accounts may be invested in the

new six-month certificate account, provided that the $10,000 minimum amount and six-month maturity requirements are met.

The Bank Board's actions were taken at this time after consultation with the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, and the United States Department of the Treasury in order to increase returns for savers by providing deposit categories competitive with interest rates available in the market on instruments possessing similar characteristics. Creation of the new deposit categories at this time should increase the flow of mortgage credit and assist the housing market. In order to facilitate achievement of these objectives as rapidly as possible, and because these amendments relieve restriction and it is in the public interest that they become effective without delay, the Bank Board hereby finds that notice and public procedure with respect to such amendments is contrary to the public interest and unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of such amendments for the period of time specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of such amendments would, in the opinion of the Bank Board, likewise be unnecessary for the same reasons, the Bank Board hereby provides that such amendments shall become effective as stated below.

Accordingly, the Bank Board hereby revises § 526.2(b)(2), and amends § 526.5 by adding new paragraphs (a)(6) and (a)(7) thereto and revising paragraph (c) thereof, to read as set forth below.

1. Section 526.2 is amended by revising subparagraph (b)(2) to read as follows:

§ 526.2 Maximum rate of return.

* * * * *

(b) * * *

(2) Notwithstanding any reduction in the prescribed maximum rate, a member institution may continue to pay the announced rate of return on any certificate account outstanding on the date such reduction became effective as to the institution for such period, including any renewal period (except that certificate accounts under § 526.5(a)(7) may not be renewed at rates in excess of one-quarter of one percent above the Treasury bill rate in effect at time of renewal), as the certificate account may remain outstanding.

* * * * *

2. Section 526.5 is amended by adding new paragraphs (a) (6) and (7) and revising paragraph (c), to read as follows:

§ 526.5 Maximum rates of return on certificate accounts of less than $100,000.

(a) *Maximum rates.* Except as otherwise provided in this section or in § 526.5-1:

* * * * *

(6) *Maximum rate of 8 percent.* A member institution may pay a return at a rate not in excess of 8 percent per annum on any certificate account of $1,000 or more having a fixed or minimum term or qualifying period of not less than 8 years.

(7) *Maximum rate on six-month certificate.* A member institution may pay a return, at a per annum rate not in excess of one-quarter of one percent above the rate established (auction average on a discount basis) for six-month United States Treasury bills issued on or immediately prior to the date of deposit, on any certificate account of $10,000 or more having a fixed or minimum term or qualifying period of six months (26 weeks). Rounding off such rate may be done only by rounding down.

* * * * *

(c) *Exception as to fixed or minimum term or qualifying period.* A member institution may pay a return at a rate not in excess of the highest rate permitted under paragraph (a) of this section on any certificate account which is a public unit account of $1,000 or more having a fixed or minimum term or qualifying period of not less than 30 days, except that certificate accounts under paragraph (a)(7) of this section must meet the minimum amount and maturity requirements set forth therein.

(Sec. 4, Stat. 823 (12 U.S.C. 1425b); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 Comp. 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc. 78-13522 Filed 5-17-78; 8:45 am]

[8025-01]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Statement of Policy Concerning a Pilot Program To Permit Licensees To Specialize in the Financing of Movie Production and Distribution

AGENCY: Small Business Administration.

ACTION: Revised statement of general policy.

SUMMARY: This statement revises a statement of general policy published on November 29, 1977 (42 FR 60729), concerning a pilot program to permit licensees (SBICs) to specialize in the financing of movie production and distribution. SBA has received a number of inquiries and license applications relating to proposed SBICs which would be organized to specialize in the financing of production and distribution of motion pictures, classified respectively under the Standard Industrial Classification Manual (prepared by the Office of Management and Budget) as Industry Nos. 7813, 7814, 7823, and 7824. SBA has adopted a general policy to undertake a pilot program to test the feasibility of licensing SBICs to specialize in such financing. The pilot program will provide appropriate safeguards to assure full compliance with SBA-approved investment standards and practices and special conditions applicable to such specialized licensees.

DATE: This revised statement of general policy will become effective on May 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Peter F. McNeish, Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, telephone 202-653-6584.

SUPPLEMENTARY INFORMATION: Several comments were received following publication of the statement of general policy on November 29, 1977. Major subjects covered were: (1) The 3:1 maximum leverage restriction on pilot SBICs, including 301(d) pilot licensees; (2) restrictions on aggregate levels of leverage funds; (3) the restriction that not more than 50 percent of the financing of any single film may be undertaken by one or more pilot SBICs without prior SBA approval; (4) the requirement that pilot SBICs organized as limited partnerships furnish an IRS ruling of partnership classification before obtaining SBA leverage; (5) the requirement that tax credits generated by partnership SBIC investments must be applied first to taxable income of the portfolio company before being passed through to the SBIC; (6) the requirement that partnership SBICs must include individual general partners subject to personal liability; (7) the prohibitions against investments in the production or distribution of X-rated films or films of a political or religious nature.

(1) *The 3:1 maximum leverage restriction on pilot licensees, including 301(d) pilot licensees.* Some of the comments asserted that the 3:1 leverage limitation should not apply to

301(d) pilot licensees, but rather that they should have access to the same 4:1 leverage available to all other 301(d) licensees. After due consideration of the high risk attributes of this pilot program, SBA has concluded that the 3:1 leverage ratio should be retained for all pilot SBICs, including any pilot 301(d) licensees.

(2) *Restrictions on aggregate levels of leverage funds.* Several comments asserted that any uncertainty as to the availability of the full amount of leverage would result in the nonavailability of private capital investment in pilot SBICs. In view of the SBA's inherent exposure, the potential budget impact and the other implicit uncertainties associated with the pilot program which must be recognized by private investors, SBA has determined it is appropriate to restrict the aggregate and individual levels of leveraged funds available to pilot SBICs in any one Federal fiscal year. Therefore, in addition to the 3:1 leverage ratio (discussed in (1) above), SBA has determined that the following leverage restrictions shall apply to regular pilot SBICs. Aggregate leverage for regular pilot SBICs shall not exceed $25 million in any one Federal fiscal year. In addition, individual leverage for any single regular pilot SBIC shall not exceed $5 million in any one Federal fiscal year unless a special exception is granted by SBA. Special exceptions shall be determined on the basis of the aggregate demand for leverage (actual and projected) from all regular pilot SBICs during that fiscal year. These additional leverage restrictions shall not apply to 301(d) pilot licensees.

(3) *Restriction that not more than 50 percent of the financing of any single film may be undertaken by one or more pilot SBICs without SBA's prior approval.* The comments asserted that this restriction would cause a severe hardship to section 301(d) pilot licensees in terms of their ability to negotiate profit participation for the portfolio company and such licensees. After due consideration SBA has determined that the single financing restriction for section 301(d) pilot licensees should be not more than 75 percent without SBA's prior approval.

(4) *IRS ruling of partnership classification before a limited partnership pilot SBIC can obtain SBA leverage.* The comments asserted that compliance with this requirement would be difficult, time consuming and would implicitly impose certain requirements that are more stringent than the statutory requirements for qualification as a partnership for tax purposes. SBA's reason for the requirement was to assure that the partnership would not at a later time, after obtaining leverage, be disqualified for partnership taxation, resulting in a tax liability of the partnership adverse to SBA's creditor position. SBA has determined to retain this requirement. However, in order to provide relief from any hardship which may occur due to delays in obtaining an IRS ruling, SBA will entertain interim financial arrangements with a partnership pilot SBIC which will protect SBA's credit position until such time as an IRS ruling can be obtained.

(5) *Requirement that tax credits must be applied first to taxable income of the portfolio company.* The comments asserted that the tax credit is an economic benefit which (a) should be subject to free negotiation between the SBIC and the portfolio concern; (b) may be beneficial to either party depending on the circumstances; (c) could be lost to both parties under SBA's requirement and (d) should be treated similarly as to a partnership SBIC as well as a corporate SBIC. After due consideration, SBA has determined to modify its requirement relating to tax credits to the extent of relieving these problems while protecting the small concerns access to such tax credits.

(6) *Requirement that limited partnership pilot SBICs have individual general partners who are subject to personal liability.* In light of a recent decision of the U.S. Comptroller General to the effect that SBA has authority to make nonrecourse loans to limited partnership pilot SBICs, SBA has determined to eliminate this requirement.

(7) *Restriction prohibiting the financing of X-rated, religious, or political films.* The comments asserted that a blanket prohibition against X-rated films would eliminate a category of films which were serious, creative, and thoughtful, yet not pornographic, and that the determination of "religious or political" films would be difficult to ascertain. SBA has determined to retain a prohibition of pornographic films, and to limit the descriptive language related to political or religious films.

Certain miscellaneous technical corrections are made in the statement of general policy.

This notice is published in accordance with section 3 of the Administrative Procedure Act (5 U.S.C. 552 (a)(1)(D)) requiring Federal agencies to publish in the FEDERAL REGISTER for the guidance of the public "* * * statements of general policy * * * formulated and adopted by the agency."

STATEMENT OF GENERAL POLICY: PILOT PROGRAM TO TEST THE FEASIBILITY OF LICENSEES SPECIALIZING IN THE FINANCING OF MOVIE PRODUCTION AND DISTRIBUTION

SBA has received numerous inquiries and several license applications for proposed SBICs which would specialize in the financing of movie production and distribution. Although the Small Business Investment Act does not prohibit the licensing of SBICs for such purposes, it has become apparent to SBA that the licensing of SBICs to specialize in such financing raises several major issues of public policy for the Agency. These policy issues include such matters as: the actual impact the financing would have on the development of independent small business participation in the field of movie production and distribution; the validity of employing Government leverage funds in a specialized field of endeavor generally considered to have high risk attributes; the effective risk reduction techniques that might be applied to such special-purpose SBICs; the SBIC program budgetary impact which might result from such specialization; and the assurance of independence of operation on the part of the portfolio small firms.

In order to resolve these policy issues, SBA has determined to undertake a pilot program for a minimum period of three (3) years, to test the feasibility of SBICs specializing in the field of movie production and distribution.

The pilot program will apply to "movie-specialist" SBICs, defined as those SBICs having more than one-third of their portfolio (as of the close of any full fiscal year) invested in the financing of movie production and distribution. A limited number of such specialized SBICs, not to exceed six, will be licensed under the pilot program. Six qualified applicants filed on or before December 29, 1977, on the basis of experience, management capability, financial soundness, economic feasibility, probability of success, and similar factors, pursuant to section 301 of the Small Business Investment Act (15 U.S.C. 681). These selected applicants are:

Crescent Film Capital Corp., Los Angeles, Calif.

Entertainment Capital Corp., Los Angeles, Calif.

Filmworks Capital Corp., New York, N.Y.

Independent Film Ventures, Inc. (MESBIC), Los Angeles, Calif.

International Film Investors, New York, N.Y.

Jermyn Venture Capital Corp., Beverly Hills, Calif.

Should any of the selected applicants fail to qualify for a license, no alternative or substitute selections will be made by the SBA. Moreover, in order to eliminate any possibility of trafficking in this limited group of specialized licenses, SBA will not grant approval to any changes in ownership or control of such licensees (as required by § 107.701) during the period of this pilot program.

Maximum leverage available to pilot SBICs (including 301(d) licensees) will

be limited to 3:1 under section 303 of the Act. Aggregate leverage for regular pilot SBICs shall not exceed $25 million in any one Federal fiscal year. In addition, individual leverage for any single regular pilot SBIC shall not exceed $5 million in any one Federal fiscal year unless a special exception is granted by SBA. Special exceptions shall be determined on the basis of the aggregate demand for leverage (actual and projected) from all regular pilot SBICs during that fiscal year. These additional leverage restrictions shall not apply to 301(d) pilot licensees.

In addition, participating pilot SBICs will be subject to special conditions related to the following: SBA-approved investment practices and risk reduction standards; preservation of the independence of the portfolio concern; and special provisions for SBICs organized as limited partnerships.

Pilot SBICs will be required to enter into an agreement with SBA pursuant to § 107.1008 of the SBIC regulations incorporating the special conditions which will be relied on to achieve the foregoing objectives. These special conditions will include: (1) not more than 50 percent of the aggregate financing of any single film production may be undertaken by one or more pilot SBICs without prior SBA approval, *Provided, however,* That not more than 75 percent of the aggregate financing of any single film production may be undertaken exclusively by one or more pilot section 301(d) SBICs without prior SBA approval; (2) not more than 10 percent of the investment in any one film may be in preproduction financings; (3) funds committed to film production financings must be protected by insurance coverage standard in the film industry (for example, catastrophic loss); (4) where the SBIC's capital impairment reaches 25 percent of private capital, additional investments will be subject to prior SBA approval, and restrictions will be placed on salaries, fees, and other expenditures; (5) borrowings from outside sources senior to SBA's creditor-position will require prior SBA approval; (6) pilot SBICs organized as limited partnerships must furnish an IRS ruling of partnership classification before obtaining SBA leverage, *Provided, however,* That where a delay in obtaining an IRS ruling would cause a hardship to the pilot SBIC, SBA may, pending receipt of such a ruling, make leverage funds available to the pilot SBIC under interim financial arrangements which, in SBA's judgment, are satisfactory to protect SBA's creditor position from an adverse IRS determination; (7) tax credits available to portfolio concerns as a result of pilot SBIC investments must be brought to the attention of the portfolio concerns and, unless otherwise negotiated by the parties to the financing, must be applied to taxable income of the portfolio company before being passed through to the SBIC; and (8) pilot SBICs will be prohibited from making any investments relating to the production or distribution of X-rated or unrated films regardless of the method of their exhibition (other than educational or industrial films) or of films having a predominant theme of a political or religious nature.

The agreement incorporating special conditions for pilot SBIC operations will also include specific conditions for fair investment and profitsharing practices as well as assurance that the portfolio enterprise will have freedom of action as in independent small concern, without tying, reciprocal, or other restrictive arrangements (for example, with major film production or distribution companies). Prior to licensing, each pilot SBIC will be required to submit to SBA prototype financing documents to be utilized, showing flow of funds to all parties, including associates of the SBIC. Prior SBA approval will be required for any material deviation from the approved prototype financing, and from the foregoing criteria.

The agreement will also incorporate a condition that, should SBA decide, in its discretion, to terminate the pilot program as a whole, or the participation of any single pilot SBIC, each affected SBIC would acknowledge SBA's nonliability for alleged damages due to termination and agree that such termination will be accomplished by: (a) A settlement agreement under which the SBIC would cease to make new investments, and would place existing assets in liquidation, as a condition precedent to repayment of SBA leverage and license surrender; or (b) an agreement under which the pilot SBIC would continue to operate as a nonspecialist SBIC, and would transfer its film assets to a wholly owned liquidating subsidiary.

Progress of the pilot program will be monitored closely by SBA with the assistance of a working group of experts in film production and distribution. These experts will conduct periodic reviews and make recommendations concerning the achievement of program objectives.

Dated: May 11, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-13548 Filed 5-17-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINSTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-EA-18; Amdt. 39-3212]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule (AD) cancels AD 77-09-09 applicable to Piper J-3, J-4, J-5, PA-11, PA-12, PA-14, PA-16, PA-18, PA-20, and PA-22 type airplanes, but reissues with minor changes its alteration and inspection requirements for the fuel caps to preclude venting problems. The amendment will give clarification to the former AD.

EFFECTIVE DATE: May 23, 1978.

ADDRESS: Piper Service Bulletins may be acquired from the manufacturer at Piper Aircraft Corp., 820 East Bald Eagle Street, Lock Haven, Pa. 17745.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: AD 77-09-09 concerned problems of inadequate fuel flow due to defective venting of the fuel tank. It required a drilling of two vent holes in the cap and inspection of the gaskets. This amendment and revision will require all of the foregoing and an additional two vent holes. Further, the AD is being rewritten for clarification. Since fuel exhaustion affects air safety, the same need exists as originally for expeditious publishing of the rule. Thus, notice and public procedure hereon are impractical and cause exists for making the rule effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are F. Covelli, Flight Standards Division, and Thomas C. Halloran, Esq., Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

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

§ 39.13 [Amended]

1. Delete the reference to AD 77-09-09.

2. Amend and revise former AD 77-09-09 to read as follows:

PIPER.—Applies to all J-3, J-4, J-5, PA-11, PA-12, PA-14, PA-16, PA-18, PA-20 and PA-22 type aircraft.

Compliance required within the next 10 hours in service after effective date of this AD unless already accomplished.

In order to prevent inadequate fuel venting, accomplish the following:

(a) Modify fuel caps and inspect fuel tank inlet rubber seal in accordance with Piper Service Bulletin No. 522 dated September 28, 1976 (former AD 77-09-09 Sketch 1) or approved equivalent.

(b) Drill 2 additional vent holes .098 inch diameter through locking cam of fuel cap (Sketch 2) in accordance with instructions of Piper Service Bulletin No. 573 dated February 8, 1978, or approved equivalent.

(c) Upon compliance with (b), vibro-etch Part No. 60707-04 as shown in Sketch 2.

(d) Equivalent alterations must be approved by Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(Piper Service Bulletins Nos. 522 and 573 pertain to this subject.)

Effective Date: This amendment is effective May 23, 1978.

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

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

Issued in Jamaica, N.Y., on May 9, 1978.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc. 78-13445 Filed 5-17-78; 8:45 am]

[4910-13]

[Docket No. 78-NE-11; Amdt. 39-3214]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft Models JT8D -15, -17, and -17R Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection of high pressure compressor disks, Stages 9 through 12, for tierod hole cracking on Models JT8D -15, -17, and -17R turbofan engines. The AD is needed to detect cracks in disk tierod holes which have resulted in rupture of a disk and engine failure.

DATES: Effective June 2, 1978. Compliance schedule as prescribed in body of AD.

ADDRESSES: The applicable service bulletin may be obtained from: Pratt & Whitney Aircraft, Division of United Technologies Corp., 400 Main Street, East Hartford, Conn. 06108. A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591, or Rules Docket, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Mass. 01803.

FOR FURTHER INFORMATION CONTACT:

Jay J. Pardee, Propulsion Section (ANE-214), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Mass. 01803, telephone 617-273-7347.

SUPPLEMENTARY INFORMATION: The FAA has determined that cracks have occurred in the tierod holes in high pressure compressor disks, Stages 9 through 12, of JT8D engines which, in one instance on a Model JT8D-17, progressed and caused a disk rupture and engine failure. Since this condition is likely to exist or develop on other engines of the same type design, an airworthiness directive is being issued which requires inspection of high pressure compressor disks, Stages 9 through 12, for tierod hole cracking on Models JT8D -15, -17, and -17R turbofan engines.

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

DRAFTING INFORMATION

The principal authors of this document are Jay J. Pardee, Propulsion Section, Engineering and Manufacturing Branch, and George L. Thompson, Office of the Regional Counsel, New England Region.

ADOPTION OF THE AMENDMENT

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

PRATT & WHITNEY AIRCRAFT: Applies to Pratt & Whitney Aircraft Models JT8D -15, -17, and -17R turbofan engines.

Compliance required as indicated, unless already accomplished.

To prevent crack propagation and possible disk failure, inspect Stages 9 through 12 high pressure compressor disks at the tierod holes in accordance with Pratt & Whitney Aircraft Alert Service Bulletin No. 4723, Revision 3, dated May 3, 1978, or later FAA approved revision, or equivalent means approved by the Chief, Engineering and Manufacturing Branch, New England Region.

Accomplish first inspection prior to the first inspection limits given by stage and engine model in Tables I through III of Alert Service Bulletin 4723, Revision 3, dated May 3, 1978, or later FAA approved revision, or within the next 1,000 cycles after the effective date of this AD, whichever is later. Reinspect disks at the intervals specified in Tables I through III of Alert Service Bulletin 4723, Revision 3, dated May 3, 1978, or later FAA approved revision. Disks inspected prior to the first inspection limit must be reinspected before reaching the specified reinspection interval, or the first inspection limit, whichever is later. In no case shall the established life limit of the disk be exceeded.

Remove cracked disks from service. They may be returned to service if repaired in accordance with Paragraph 6 of Alert Service Bulletin 4723, Revision 3, Dated May 3, 1978, or later FAA approved revision.

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, New England Region, may adjust the inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

The manufacturer's service bulletins, maintenance manuals, and overhaul manuals identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Pratt & Whitney Aircraft, Division of United Technologies Corp., 400 Main Street, East Hartford, Conn. 06108. These documents may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Mass. 01803, and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at New England Region.

This amendment becomes effective June 2, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85).)

Issued in Burlington, Mass., on May 10, 1978.

ROBERT E. WHITTINGTON,
Director,
New England Region.

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

[FR Doc. 78-13451 Filed 5-17-78; 8:45 am]

[4910-13]

[Docket No. 77-GL-20; Amdt. 39-3211]

PART 39—AIRWORTHINESS DIRECTIVES

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to General Electric Co. CF6-6D and CF6-6D1 engines, requiring periodic inspection and modification of certain stage compressor spools. This amendment is needed to correct serial errors and add additional serials that were omitted from the existing AD.

DATES: Effective—May 22, 1978. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service bulletins may be obtained from: General Electric Co., Cincinnati, Ohio 45215. Copies of the service information incorporated in this AD are contained in the Rules Docket, Office of the Regional Counsel, 2300 East Devon Avenue, Des Plaines. Ill. 60018; and at FAA Headquarters, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FUTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: This notice amends Amendment 39-3164, 43 FR 13867, AD 78-07-03 which currently requires periodic inspection and modification of 11-13 Stage Compressor Spool, Part Number (P/N) 9021M66 (all assembly part numbers). After issuing Amendment 39-3164, the FAA has determined that there were errors and omissions in the serial numbers specified. Therefore, the FAA is amending Amendment 39-3164 by correcting the errors and adding the serial numbers that were inadvertently omitted.

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

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

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-3164, 43 FR 13867, AD 78-07-03 as follows:

Delete serial numbers:

MP00268, MP024832, MP024833, MP025436, MP034484, MP035323, MP035345, MP035346, MP035829, MP037109, MP0A0141, MP0A0459.

Add serial numbers:

MP0A0273, MP0A0379, MP0A0383, MP0A0400, MP0A0402, MP0A0404, MP0A0430, MP0A0579, MP0A0591, MP0A0811, MPA00830, MP024432, MP024433, MP025463, MP034332, RP024401, MP035351, MP035353.

This amendment becomes effective: May 22, 1978.

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

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

Issued in Des Plaines, Ill., on May 3, 1978.

JOHN M. CYROCKI,

Great Lakes Region.

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

[FR Doc. 78-13492 Filed 5-17-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-RM-14]

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

Redesignation of Control Zone, Aberdeen, S. Dak.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

EFFECTIVE DATE: July 13, 1978, 0501 G.m.t.

FOR FURTHER INFORMATION CONTACT:

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

HISTORY

The National Weather Service at Aberdeen, S. Dak., currently provides full time weather reporting service supporting the full time control zone at Aberdeen, S. Dak. Beginning July 13, 1978, operational hours for the National Weather Service at Aberdeen, S. Dak., will be changed from full time to periods from 0600 to 2200 hours local time daily and weather reporting service will not be available for an 8-hour period. Therefore, the present continuous effective period of the Aberdeen, S. Dak., control zone must be revised to establish effective times for this control zone coincidental with the availability of weather reporting service by the National Weather Service.

Since effective periods for the Aberdeen, S. Dak., control zone are contingent on the availability of weather reporting service at this location, it was further determined that issuance of a notice of proposed rulemaking for this amendment would be impractical and not within the public interest.

RULE

This amendment to Part 71 of the Federal Aviation regulations (14 CFR Part 71) revises the control zone at Aberdeen, S. Dak. The reduced hours of weather reporting service by the National Weather Service at Aberdeen, S. Dak., necessitates the changing of the effective hours of operation for the Aberdeen, S. Dak., control zone.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation

regulations (14 CFR Part 71) is amended effective July 13, 1978 as follows:

§ 71.171 [Amended]

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

ABERDEEN, S. DAK.

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

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

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

Issued in Aurora, Colo., on May 8, 1978.

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

[FR Doc. 78-13447 Filed 5-17-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-ASW-18]

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

Alteration of Control Zone; Enid, Okla.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment divides the Enid, Okla., control zone into two separate portions to provide controlled airspace to the surface at the Enid Woodring Municipal Airport whenever the Woodring Airport Traffic Control Tower is in operation and Vance Air Force Base (the airport on which the control zone is designated) is closed.

EFFECTIVE DATE: July 13, 1976.

FOR FURTHER INFORMATION CONTACT:

David Gonzalez, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION: In Subpart F, 71.171 (43 FR 355) of FAR Part 71, Enid, Okla., control zone is designated around the primary airport, Vance Air Force Base (AFB). The control zone also encompasses Woodring Municipal Airport. Hourly and special weather observations, requirements for control zone operation, are taken from Vance AFB and coincide with the base's hours of operation. When this weather service is not available, control zone designation also terminates at Woodring Municipal Airpoort, even if the Woodring Airport Traffic Control Tower is operating.

Specialists at the Woodring Airport Traffic Control Tower will be certified to take weather observations and this amendment will allow that portion of the control zone accommodating Woodring Airport operations, to be designated coincident with the control tower hours of operation.

The alteration will also allow for control zone designation to exist when Vance AFB is operational and Woodring Control Tower is closed. The affected airspace configuration remains unchanged and continues as a part-time designation. Consequently, we have determined to omit circularization of the change for comment.

THE RULE

This amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR 71) alters the Enid, Okla., control zone by redescribing it into two separate portions. The action allows controlled airspace to exist down to the runway surface at Woodring Municipal Airport coincident with the airport traffic control tower hours of operation.

DRAFTING INFORMATION

The principal authors of this document are David Gonzalez, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 355) is amended, effective 0901 G.m.t., July 13, 1978, as follows:

§ 71.171 [Amended]

In Subpart F, 71.171 (43 FR 355), the Enid, Okla., control zone is amended as follows:

ENID, OKLA. (VANCE AFB)

That airspace within a 5-mile radius of Vance AFB (latitude 36°20'20" N., longitude 97°55'00" W.) and within 3 miles west and 3 miles east of the Vance VORTAC (latitude 36°20'43" N., longitude 97°55'04" W.) 178.5° radial extending from the 5-mile radius zone to the 7 DME fix; and within 4 miles west and 5 miles east of the Vance VORTAC 358.5° radial extending from the 5-mile radius zone to the 6 DME fix; and within a 5-mile radius of Enid Woodring Municipal Airport (latitude 36°22'46" N., longitude 97°47'28" W.) and within 2 miles each side of the Woodring VOR (latitude 36°22'26" N., longitude 97°47'17" W.) 354.5° radial, extending from the 5-mile radius zone to 8 miles north of the VOR; and within 2 miles east and 4 miles west of the Woodring VOR 184.5° radial, extending from the 5-mile zone to 8 miles south of the VOR; excluding that portion of airspace east of longitude 97°51'00" W. when the Woodring Municipal Airport control zone is in effect. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continously published in the Airport/Facility Directory.

In Subpart F, 71.171 (43 FR 355) the following control zone is added:

ENID, OKLA. (WOODRING MUNICIPAL AIRPORT)

That airspace within a 5-mile radius of Enid Woodring Municipal Airport (latitude 36°22'46" N., longitude 97°47'28" W.) and within 2 miles each side of the Woodring VOR (latitude 36°22'26" N., longitude 97°47'17" W.) 354.5° radial, extending from the 5-mile radius zone to 8 miles north of the VOR; and within 2 miles east and 4 miles west of the Woodring VOR 184.5° radial, extending from the 5-mile zone to 8 miles south of the VOR; excluding that portion of airspace west of longitude 97°51'00" W. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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

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

Issued in Fort Worth, Tex., on May 8, 1978.

PAUL J. BAKER,
Acting Director,
Southwest Region.

[FR Doc. 78-13459 Filed 5-17-78; 8:45 a.m.]

[4910-13]

[Airspace Docket No. 77-PC-3]

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

Alteration of Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters a VOR Federal airway identified as V-17 in the State of Hawaii. This action

provides for the safe and efficient use of the navigable airspace by reducing the amount of chart clutter south of the Island of Maui and deleting a segment of V-17 that is no longer needed.

EFFECTIVE DATE: July 13, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

On February 21, 1978, the FAA proposed to amend Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter Hawaiian VOR Federal Airway V-17 in the State of Hawaii, (43 FR 7244). The purpose of the alteration is to facilitate the reading and publication of charts by reducing the amount of chart clutter. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. We received one response to the NPRM in which the commenter posed no objection to the proposal. Section 71.127 was republished in the FEDERAL REGISTER on January 3, 1978, (43 FR 343).

THE RULE

This amendment to Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) adopts the airspace action proposed in the NPRM (43 FR 7244).

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 343) is amended, effective 0901 G.m.t., July 13, 1978, as follows:

§ 71.127 [Amended].

In § 71.127 under V-17 "118° and Maui, Hawaii, 201°" is deleted and "106° and Maui, Hawaii, 197°" is substituted therefor.

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

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

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

B. KEITH POTTS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 78-13458 Filed 5-17-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-WE-26]

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

Designation of Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes a control zone at San Nicolas Island, Calif. This action provides protected airspace for aircraft making instrument approaches to San Nicolas Island Outlying Field (OLF).

EFFECTIVE DATE: July 13, 1978.

FOR FUTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

On March 23, 1978, the FAA published for comment a proposal to establish a control zone at San Nicolas Island, Calif. (43 FR 12026). Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. The only comment received expressed no objection. Section 71.171 of Part 71 was published in the FEDERAL REGISTER on January 3, 1978 (43 FR 355). Since this action involved, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provision of Executive Order 10854.

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations designates a control zone (CZ) at San Nicolas Island, Calif. This action provides controlled airspace for the protection of aircraft executing TACAN Runway 30 and the NDB Runway 30 instrument approaches to the San Nicolas Island (OLF).

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.171 of Part 71 of the Feredal Aviation Regulations (14 CFR Part 71) as republished (43 FR 355) is amended, effective 0901 GMT, July 13, 1978, by adding the following:

§ 71.171 [Amended].

SAN NICOLAS ISLAND, CALIF. (SAN NICOLAS ISLAND OLF)

Within a 5-mile radius of the San Nicolas Island Outlying Field (Lat. 33°13'30" N., Long. 119°27'50" W.) and within one mile each side of the 135° and 315° bearings from the Navy San Nicolas Island NDB (Lat. 33°14'10" N., Long. 119°26'56" W.) extending from seven miles southeast to seven miles northwest of the NDB. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport Facility Directory.

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

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

Issued in Washington, D.C., on May 10, 1978.

B. KEITH POTTS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 78-13456 Filed 5-17-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-WE-3]

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

Alteration of Airway Floor

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment lowers a portion of the airway floor of Victor Airway No. 165 between Reno, Nev., and Lakeview, Oreg. This action pro-

vides controlled airspace for aircraft departing Alturas Municipal Airport, Calif., and proceeding via V-165 airway.

EFFECTIVE DATE: July 13, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

On March 20, 1978 (43 FR 11586) the FAA proposed to amend Part 71 of the Federal Aviation Regulations (FARs) (14 CFR Part 71) to alter a portion of the airway floor of V-165 between Reno, Nev., and Lakeview, Oreg. Interested persons were invited to participate in the rule making proceeding by submitting comments on the proposal to the FAA. No comments were received. This amendment is the same as that proposed in the notice. Section 71.123 was republished in the FEDERAL REGISTER on January 3, 1978 (43 FR 307).

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (FARs) lowers a portion of the airway floor of V-165 between Reno, Nev., and Lakeview, Oreg. The Alturas, Calif., Municipal Airport is located 15 miles west of V-165. Transition areas around the airport provide sufficient controlled airspace for Alturas departures until reaching the edge of V-165 where the floor of controlled airspace is 13,500 feet MSL. Alturas departures cannot reach 13,500 feet MSL before entering the airway and exiting the controlled airspace unless a circling climb is executed. This amendment establishes an airway floor of 1,200 feet AGL in this vicinity so that Alturas departures can climb to cruising altitude without leaving controlled airspace.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.123 of Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR part 71) as republished (43 FR 307) is amended, effective 0901 GMT, July 13, 1978, as follows:

§ 71.123 [Amended]

Under V-165 "Reno, Nev.; 40 miles, 7 miles, 115 MSL, 87 miles, 135 MSL, Lakeview, Oreg.;" is deleted and "Reno, Nev.; 40 miles 12 AGL, 7 miles 115 MSL, 54 miles 135 MSL, 81 miles 12 AGL, Lakeview, Oreg.;" is substituted therefor.

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

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

Issued in Washington, D.C., on May 10, 1978.

B. KEITH POTTS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 78-13453 Filed 5-17-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-SW-3]

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

Alteration of Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters V-17, V-17E, V-68S, V-161, and V-163W airway segments in the vicinity of San Antonio, Tex. The airway alterations are associated with a new navigation aid (VORTAC) located at Center Point, Tex. Air traffic flow will be improved and congestion will be reduced by this action.

EFFECTIVE DATE: July 13, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

On April 24, 1978, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter V-17, V-17E, V-68S, V-161 and V-163W in the vicinity of San Antonio, Tex. (43 FR 17367). Interested persons were invited to participate in the rulemaking proceeding by submitting written comments on the proposal to the FAA. The comments received expressed no objection. This amendment is the same as proposed in the notice. Section 71.123 was republished in the FEDERAL REGISTER on January 3, 1978 (43 FR 307).

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) realigns the following airway segments:

1. V-17 between Cotulla, Tex. and San Antonio, Tex., via the INT of the Cotulla 046°T (037°M) and the San Antonio 198°T (189°M) radials.
2. V-17E between Cotulla and San Antonio via the INT of Cotulla 046°T (037°M) and the San Antonio 183°T (174°M) radials.
3. V-68S between Junction, Tex. and San Antonio via Center Point.
4. V-161 to begin at Three Rivers, Tex., via Center Point to Llano, Tex., thence as presently designated.
5. V-163W between Three Rivers and San Antonio via the INT of Three Rivers 327°T (318°M) and San Antonio 183°T (174°M) radials.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 307) and amended (42 FR 63167 and 43 FR 3549) is further amended, effective 0901 G.m.t., July 13, 1978, as follows:

1. Under V-17 "INT Cotulla 047° and San Antonio, Tex., 198° radials; San Antonio, including an east alternate via the INT Cotulla 047° and San Antonio 183° radials;" is deleted and "INT Cotulla 046° and San Antonio, Tex., 198° radials; San Antonio, including an east alternate via the INT Cotulla 046° and San Antonio 183° radials;" is substituted therefor.
2. Under V-68 "INT Junction 144° and San Antonio 290° radials;" is deleted and "Center Point, Tex.;" is substituted therefor.
3. Under V-161 "From Llano, Tex., via" is deleted and "From Three Rivers, Tex., via Center Point, Tex.; Llano, Tex.;" is substituted therefor.
4. Under V-163 "INT Three Rivers 326° and San Antonio 183° radials;" is deleted and "INT Three Rivers 327° and San Antonio 183° radials;" is substituted therefor.

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

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

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

B. KEITH POTTS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 78-13513 Filed 5-17-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-RM-7]

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

Extension of Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates an extension of V-421 airway to overlie a route that is extensively used from Gunnison, Colo. to Kremling, Colo., via an intersection near Aspen, Colo. This action permits the use of additional services that can be provided by FAA to promote safety and convenience for users of the route.

EFFECTIVE DATE: July 13, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

On April 10, 1978, the FAA published for comment a proposal to designate an extension of V-421 airway from Gunnison, Colo., to Kremling, Colo., via the INT of Gunnison 010°T (356°M) and Kremling 203°T (189°M) radials (43 FR 14971). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. The only comment received expressed no objection. Section 71.123 of Part 71 was republished in the FEDERAL REGISTER on January 3, 1978, (43 FR 307).

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations designates an extensively used direct route as an airway. This route is presently used without the benefit of charted radials and minimum flight altitudes. Its designation as an airway will provide valuable charted information, as well as reduce the coordination and communication time required for the use of this route.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 307) is amended, effective 0901 GMT, July 13, 1978, as follows:

Under V-421 "Gunnison, Colo." is deleted and "Gunnison, Colo.; INT Gunnison 010° and Kremling, Colo., 203° radials; to Kremling." is substituted therefor.

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

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

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

B. KEITH POTTS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 78-13514 Filed 5-17-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-EA-1]

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

Alteration of Victor Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment increases exclusions currently made to several airways near Tidioute, Pa. The portions of these airways which are within the Youngstown, Ohio, Military Operations Area (MOA) are currently excluded when the MOA is activated so that Air Force jets may operate off airways within the MOA. This amendment increases the airway exclusions to coincide with the increase in the size of the MOA.

EFFECTIVE DATE: July 13, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

On March 20, 1978, (43 FR 11585) the FAA proposed to amend Part 71 of the Federal Aviation Regulations (FAR's) (14 CFR Part 71) to increase exclusions currently made to several airways near Tidioute, Pa. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. Two public comments were received and due consideration has been given to all matters presented. This amendment is the same as that proposed in the notice. Section 71.123 was republished in the FEDERAL REGISTER on January 3, 1978, (43 FR 307).

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (FAR's) increases exclusions currently made to several airways near Tidioute, Pa., which penetrate the Youngstown MOA. The Youngstown MOA extends within a 15 mile radius of the Tidioute VORTAC and extends from 10,000 feet MSL to and including 15,000 feet MSL. The vertical extent of the MOA is being increased through nonrulemaking procedures to include the airspace from 10,000 feet MSL to and including 17,000 feet MSL. Simultaneously with that action, the name of the MOA will be changed from Youngstown MOA to Tidioute MOA. Those portions of Victor Airways Nos. V-72, V-115, V-116, V-126, V-170, V-184 and V-188 which penetrate Youngstown MOA are currently excluded from 10,000 feet MSL to 15,000 feet MSL during the time the Youngstown MOA is activated by NOTAM. The action taken herein increases this exclusion of these airways to 17,000 feet MSL concurrently with the vertical increase of the MOA.

DISCUSSION OF COMMENTS

One commenter objected to the proposal stating that the increased airways exclusions would impose undue operating restrictions on air carrier aircraft traversing the area. However, the MOA is normally used 2 days per week in VFR conditions only, and a review of airline schedules between Philadelphia and Erie, Pa., and between Buffalo, N.Y., and Erie, Pa., reveals that only five flights are scheduled during the times the MOA is normally used. The altitudes generally filed by air carriers in the Tidioute area are FL 200 and FL 210 which is well above the highest altitude authorized for the MOA. The FAA believes the MOA exclusions will have minimal effect on airline operations. The only other comment expressed no objections.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 307) and amended (43 FR 3545 and 4421) is further amended, effective July 13, 1978, as follows:

In § 71.123 in the text of V-72, V-115, V-116, V-126, V-170, V-184 and V-188, "The airspace within a 15 NM radius of Tidioute, Pa., at and above 10,000 feet MSL to and including 15,000 feet MSL is excluded during the times that the Youngstown Military Operations Area (MOA) is activated by NOTAM." is deleted and "The airspace within a 15 NM radius of Tidioute, Pa., at and above 10,000 feet MSL to and including 17,000 feet MSL is excluded during the times that the Tidioute Military Operations Area (MOA) is activated by NOTAM." is substituted therefor.

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

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

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

B. KEITH POTTS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 78-13515 Filed 5-17-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-ASW-7]

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

Designation of Transition Area: Follett, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to designate a transition area at Follett, Tex. The intended effect of the action is to provide controlled airspace for aircraft executing a proposed instrument approach procedure to the Follett/Lipscomb County Airport, utilizing the Gage, Okla., navigation facility (VORTAC). The circumstance which created the need for the action was a requirement to provide capability for flight under instrument flight rules (IFR) procedures to the airport.

DATE: Effective date: July 13, 1978.

FOR FURTHER INFORMATION CONTACT:

David Gonzalez, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

HISTORY

On April 6, 1978, a notice of proposed rulemaking was published in the FEDERAL REGISTER (43 FR 14518) stating that the Federal Aviation Administration proposed to designate the Follett, Tex., transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments received contained no objections. Except for editorial changes this amendment is that proposed in the notice.

THE RULE

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) designates the Follett, Tex., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing instrument approach procedures to the Follett/Lipscomb County Airport. Coincident with this action, the airport is changed from VFR to IFR status.

DRAFTING INFORMATION

The principal authors of this document are David Gonzalez, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 440) is amended, effective 0901 GMT, July 13, 1978 as follows.

In Subpart G, § 71.181 (43 FR 440), the following transistion area is added:

FOLLETT, TEX.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Follett/Lipscomb County Airport, Follett, Tex. (latitude 36°26'25" N., longitude 100°07'20" W.).

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

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

Issued in Fort Worth, Tex., on May 10, 1978.

PAUL J. BAKER,
Acting Director, Southwest Region.

[FR Doc. 78-13516 Filed 5-17-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-GL-9]

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

Alteration of Terminal Control Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Chicago O'Hare Terminal Control Area (TCA) in order to insure that all operations of large turbine powered aircraft are fully contained within the TCA airspace on all instrument approach and departures at O'Hare International Airport, to raise the floor in the outer portion of the present TCA Area, and to clarify the TCA boundary. The action was based on a study of actual operations. This rule will return to general aviation use a significant amount of presently restricted navigable airspace and make slight adjustments in the present TCA configuration to insure that all high performance aircraft are fully contained within the TCA limits.

EFFECTIVE DATE: July 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Ill. 60018, telephone 312-694-4500, extension 456.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rule Making was published in the FEDERAL REGISTER on June 13, 1977 (42 FR 30213) proposing to alter the terminal control area at Chicago, Ill.

DRAFTING INFORMATION

The principal authors of this document are Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, and Joseph T. Brennan, Office of the Regional Counsel.

DISCUSSION OF COMMENTS

All comments submitted with respect to the proposed amendment

were given due consideration. Substantial aeronautical objections were received to the proposal from the Department of Navy and from the Department of Army. The Department of Navy and Army objections were based upon the fact that the alteration of the TCA would involve lowering the floor in the vicinity of NAS Glenview, having a substantial adverse affect to the mission requirements of the Naval Training Station and affecting the Army Reserve and USMC Reserve helicopter operations from that base. On the basis of a review and study of these objections, it was determined that the TCA could be revised from that proposed to accommodate the airspace requirements of NAS Glenview and that a special Letter of Agreement could be initiated between NAS Glenview and the O'Hare ATCT wherein the requirements of the Military and the Operations at O'Hare would be more compatible. The alteration to the TCA involves an adjustment of the boundary of Area A. Area A as defined in the Notice of Proposed Rule Making was described as that airspace extending upward from the surface to and including 7,000' AMSL within 5 DME (NM) radius of Chicago O'Hare (ORD) VORTAC from the 347° radial clockwise to the 052° radial then within a 6.5 DME (NM) radius to the 242° radial, etc. The alteration will now redescribe Area A as follows:

(1) Area A. That airspace extending upward from the surface to and including 7,000' AMSL within 5 DME (NM) radius of Chicago O'Hare (ORD) VORTAC from the 347° radial clockwise to the 070° radial then within the 6.5 DME (NM) radius of Chicago O'Hare (ORD) VORTAC from the 070° radius clockwise to the 242° radial. The remainder of Area A is as described in the Notice of Proposed Rule Making.

A comment was received from Chicagoland Airport, Inc. expressing concern that the lowering of the TCA floor to the north of the Chicagoland Airport from 4,000' to 3,600' would require student pilots to fly a greater distance from the airport in order to conduct pilot training. Aeronautical study by the FAA reveals that only a very small portion of the basic and advanced flight training by pilots at Chicagoland Airport would be affected, (basic and advanced training involving steep turns, stalls and inadvertent spins) by the adjustment in the TCA floor. In addition, the boundary of existing federal low altitude airways is such that this type of pilot training is normally conducted outside the area of the TCA. Therefore, the alteration is not considered to have a significant adverse affect.

This alteration has the effect of a further reduction of the TCA with the result of additional airspace being returned to general aviation use. Accordingly, notice and public procedure with regard to this change is not considered necessary.

ADOPTION OF THE AMENDMENT

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

In § 71.401 (43 FR 647), the following Terminal Control Area is amended to read:

CHICAGO, ILL., TERMINAL CONTROL AREA

a. *Primary airport:* (1) Chicago O'Hare International Airport (latitude 41°58'57" N., longitude 87°54'25" W.).

(2) Chicago O'Hare VORTAC (latitude 41°59'16" W., longitude 87°54'17" W.).

b. *Boundaries:* (1) Area A. That airspace extending upward from the surface to and including 7,000' MSL within 5 DME (NM) radius of Chicago O'Hare (ORD) VORTAC from the 347° radial clockwise to the 070° radial then within the 6.5 DME (NM) radius of Chicago O'Hare (ORD) VORTAC from the 070° radial clockwise to the 242° radial thence via a direct line to intercept the 6.5 DME (NM) on the 295° radial, then clockwise via the 6.5 DME (NM) radius to the 347° radial, thence via the 347° radial to the point of origin.

Area B. That airspace extending upward from 1,900' MSL to and including 7,000' MSL within 10.5 DME (NM) radius of Chicago O'Hare (ORD) VORTAC, excluding Area A previously described and that area bounded on the southeast by a line 2 nautical miles northwest and parallel to the extended centerline of Runway 22R, on the south by the Chicago O'Hare (ORD) VORTAC 5 DME (NM) radius, and southwest by the southwest boundary of Glenview, Ill. control zone, on the north by a 10.5 DME (NM) radius of the Chicago O'Hare (ORD) VORTAC, and excluding Area E described hereinafter.

Area C. That airspace extending upward from 3,000' MSL to and including 7,000' MSL within 15 DME (NM) radius of Chicago O'Hare (ORD) VORTAC, excluding Areas A and B, previously described, Area E, described hereinafter.

Area D. That airspace extended upward from 3,600' MSL to and including 7,000' MSL within 25 DME (NM) radius of Chicago O'Hare (ORD) VORTAC, excluding Areas A, B, and C, previously described, Area E described hereinafter, and excluding the area between the 20 and 25 DME (NM) radii of Chicago O'Hare (ORD) VORTAC from a line 7 nautical miles southwest of and parallel to the extended centerline of Rwy 32L, clockwise to a line 7 nautical miles southeast of and parallel to the extended centerline of Rwy 4R, and excluding the area between the 20 and 25 DME (NM) radii of Chicago O'Hare (ORD) VORTAC from a line 7 nautical miles northwest of and parallel to the extended centerline of Rwy 4L clockwise to a line extending from a point on the 20 DME (NM) radius of Chicago O'Hare (ORD) VORTAC 7 nautical miles southwest of the extended centerline of Rwy 14R and a point on the 25 DME (NM) radius of Chicago O'Hare (ORD) VORTAC 6 nautical miles southwest of the extended centerline of Rwy 14R.

Area E. That airspace northeast of Chicago extending upward from 2,500' MSL to and including 7,000' MSL bounded on the northeast by the 10.5 DME (NM) radius of Chicago O'Hare (ORD) VORTAC, on the south by the extended centerline of Rwy 9/27 at NAS Glenview and on the northwest of and parallel to the extended centerline of Rwy 22R at Chicago O'Hare International Airport.

This amendment is made under the authority of section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); section 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

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

Issued in Des Plaines, Ill., on May 1, 1978.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc. 78-13517 Filed 5-17-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-WA-5]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the name of the designated facility under the controlling agency (FAA) of two restricted areas identified as R-3101A PMRFAC Four, Hawaii and R-3120 PMRFAC Five, Hawaii. This action reflects the correct identity of the designated facility under the FAA.

EFFECTIVE DATE: May 18, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart B of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is to change the name of the designated facility under the controlling agency (FAA). This action assures that the appropriate facility under the controlling agency is identified. Since this amendment is an administrative matter in which the public would have no particular interest, notice and public procedure thereon are unnecessary.

Further, since it is essential that the designated facility under the controlling agency be correctly identified, good cause exists for making this amendment effective immediately.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart B of Part 73 of the Federaal Aviation Regulations (14 CFR Part 73) as republished (43 FR 680) is amended, effective May 18, 1978, as follows:

§ 73.31 [Amended]

In § 73.31 under R-3101 PMRFAC Four, Hawaii and R-3129 PMRFAC Five, Hawaii, "Lihue Combined Station/Tower" is deleted and "Honolulu ARTC Center" is substituted therefor.

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

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

Issued in Washington, D.C., on May 10, 1978.

B. KEITH POTTS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 78-13457 Filed 5-17-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-EA-59]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment increases the designated time of use of Indiantown Gap, Pa., Restricted Area R-5802 by extending the hours of use on Saturdays to 2400 hours local time during the summer months. This action eliminates the necessity for the U.S. Army to issue NOTAMs each time training requirements cannot be completed within the currently designated time of use.

EFFECTIVE DATE: July 13, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

On January 30, 1978, (43 FR 3919) the FAA proposed to amend Part 73 of the Federal Aviation Regulations (FARs) (14 CFR Part 73) to alter the time designation of Fort Indiantown Gap, Pa., Restricted Area R-5802. Interested persons were invited to participate in the rulemaking proceeding by submitting written comments on the proposal to the FAA. No objectionable comments were received. This amendment is the same as that proposed in the notice. Section 73.58 was republished in the FEDERAL REGISTER on January 3, 1978, (43 FR 703).

THE RULE

This amendment to Part 73 of the Federal Aviation Regulations alters the designated time of use for Fort Indiantown Gap, Pa., Restricted Area R-5802. Time of designation for this restricted area is staggered throughout the year and currently includes 0800 to 2000 local time every day from May 11 to August 31. This amendment increases this time of designation on Saturdays, between May 11 and August 31 from 0800 to 2400 local time.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, the time of designation for R-5802 under § 73.58 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73), as republished (43 FR 703), is amended, effective 0901 GMT July 13, 1978, to read as follows:

§ 73.58 Pennsylvania.

R-5802 Fort Indiantown Gap, Pa.

Time of designation. February 15 through May 10 and September 1 through December 15, 0800-2300 local time on Saturdays and 0800-1200 local time on Sundays; May 11 through August 31, 0800-2400 local time on Saturdays and 0800-2000 local time on all other days; other times by Notice to Airmen (NOTAM) issued at least 48 hours in advance.

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

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

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

B. KEITH POTTS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 78-13511 Filed 5-17-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-SO-21]

PART 73—SPECIAL USE AIRSPACE

Change in Using Agencies

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment updates the name of the using agency for several restricted areas in the Jacksonville, Fla., and the Virginia Beach, Va., areas. The U.S. Navy requested this name change and the FAA concurs. These changes will cause aeronautical charts and publications to accurately reflect the using agencies of the affected restricted areas.

EFFECTIVE DATE: July 13, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

THE RULE

The purpose of this amendment to Subpart B of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is to amend the name of the using agency of Restricted Areas R-2906, R-2907A & B and R-2910, in the Jacksonville, Fla., area and the name of the using agency for Restricted Areas R-5301A, B, C and R-5313 in the Virginia Beach, Va., area. The U.S. Navy has requested these amendments and the FAA concurs and such action is taken herein. Subpart B of Part 73 of the Federal Aviation Regulations was republished in the FEDERAL REGISTER on January 3, 1978, (43 FR 672 and 697). Since this amendment is a minor matter in which the public would have no particular interest, notice and public procedure thereon are unnecessary.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administra-

tor, Subpart B of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (43 FR 672 and 697) is amended, effective 0901 GMT, July 13, 1978, as follows:

§ 73.29 Florida.

R-2906, Rodman, Fla.
R-2907, Lake George, Fla. (Subarea A.)
R-2907, Lake George, Fla. (Subarea B.)
R-2910, Pinecastle, Fla.

Using agency. Fleet Area Control and Surveillance Facility (FACSFAC JAX), NAS Jacksonville, Fla.

§ 73.53 North Carolina.

R-5301 A/B/C, Albemarle Sound, N.C.
R-5313, Long Shoal Point, N.C.

Using agency. Fleet Area Control and Surveillance Facility (FACSFAC VACAPES), NAS Oceana, Virginia Beach, Va.

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

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

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

B. KEITH POTTS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 78-13512 Filed 5-17-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-SW-14]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Route No. J-138

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realigns Jet Route No. J-138 between Fort Stockton, Tex., and San Antonio, Tex., via the Center Point, Tex., VORTAC (an air navaid) which is located slightly north of the centerline of the present route. Use of the Center Point VORTAC will improve the radio navigation signal by reducing the distance between VORTACs and will assist in reducing the congestion and improving the traffic flow in the San Antonio area.

EFFECTIVE DATE: July 13, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Part 75 is to realign J-138 from Fort Stockton to San Antonio via Center Point. The new Center Point navaid at Lat. 29°55'20" N., Long. 99°12'50" W., is approximately 2.5 miles north of the present direct route between Fort Stockton and San Antonio. The use of the new navaid will improve both the en route and terminal traffic flow in the area of San Antonio. Because this action merely realigns J-138 a very small amount (almost 4°), this is a minor amendment which will enhance the public use of the navigable airspace if it is charted during the current charting cycle. However, its benefits would be delayed if it were not adopted immediately. Thus, notice and public procedure on this action is impractical and is not necessary.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Adminstrator, § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (43 FR 714) is amended, effective 0901 GMT, July 13, 1978, as follows:

§ 75.100 [Amended]

In Jet Route No. 138, "From Fort Stockton, Tex.;" is deleted and "From Fort Stockton, Tex., via Center Point, Tex.;" is substituted therefor.

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

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

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

B. KEITH POTTS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 78-13452 Filed 5-17-78; 8:45 am]

[4910-13]

[Docket No. 17908; Amdt. No. 1111]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

FOR EXAMINATION

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

FOR PURCHASE

Individual SIAP copies may be obtained from: 1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

BY SUBSCRIPTION

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

FOR FURTHER INFORMATION CONTACT:

William L. Bersch, Flight Procedures and Airspace Branch (AFS-730), Aircraft Programs Division,

Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-8277

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

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

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

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

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

ADOPTION OF THE AMENDMENT

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

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

* * * Effective July 13, 1978:

Indianapolis, IN—Indianapolis Brookside Airpark, VOR Rwy 36, Amdt. 3.
Llano, TX—Llano Municipal, VOR-A, Amdt. 1.
Charleston, WV—Kanawha, VOR-A, Amdt. 10.
Parkersburg, WV— Wood County Gill Robb Wilson Field, VOR Rwy 21, Amdt. 11.
Sheboygan, WI—Sheboygan County Memorial, VOR Rwy 3, Amdt. 2.
Sheboygan, WI—Sheboygan County Memorial, VOR Rwy 21, Amdt. 2.

* * * Effective June 29, 1978:

Torrance, CA- Torrance Municipal, VOR Rwy 11L, Amdt. 11.
Kissimmee, FL—Kissimmee Municipal, VOR/DME-A, Amdt. 3.
Rochelle, IL—Rochelle Municipal, VOR-A, Amdt. 4.
Ames, IA—Ames Muni., VOR Rwy 31, Amdt. 3.
Wichita, KS—Beech Factory, VOR-B, Amdt. 9.
Baltimore, MD—Baltimore-Washington Int'l, VOR Rwy 28, Amdt. 17.
Salem, MI—Salem, VOR-A, Amdt. 1.
St. Lous, MO—Lambert-St. Louis Int'l, VOR Rwy 12R, Amdt. 17.
Ashland, OH—Ashland County, VOR-A, Original.
DuBois, PA—DuBois-Jefferson County, VOR/DME Rwy 7, Amdt. 1.
Port Angeles, WA—Port Angeles CGAS, VOR-B, Amdt. 1.
Port Angeles, WA—Port Angeles CGAS, VOR-D, Original.
Richland, WA—Richland, VOR/DME-A, Original.

* * * Effective June 1, 1978:

Tuscaloosa, AL—Tuscaloosa Muni., VOR Rwy 4, Amdt. 7.

The FAA Published an amendment in Docket No. 17830, Amdt. No. 1109, to Part 97 of the Federal Aviation Regulations (Vol. 43, FR No. 77, page 16711, dated April 20, 1978) § 97.23 effective June 1, 1978, which is hereby amended as follows:

Austin, TX—Robert Mueller Municipal VOR/DME or TACAN Rwy 12R, Amdt. 4, effective date changed to July 13, 1978.
Austin, TX—Robert Mueller Minicipal VOR/DME or TACAN Rwy 16R, Amdt. 3, effective date changed to July 13, 1978.

The FAA published an amendment in Docket No. 17695, Amdt. No. 1107, to Part 97 of the Federal Aviation Regulations (43 FR No. 57, page 11973; dated March 23, 1978) under § 97.23 effective May 18, 1978, which is hereby amended as follows:

Grundy, VA—Grundy Muni., VOR Rwy 4, Original, effective date changed to June 29, 1978.

The FAA published an amendment in Docket No. 17830, Amdt. No. 1109, to Part 97 of the Federal Aviation Regulations (Vol. 43, FR No. 77, page 16711; dated April 20, 1978) under § 97.23, effective June 15, 1978, which is hereby amended as follows:

LaCrosse, WI—LaCrosse Municipal, VOR Rwy 13, Amdt. 17, and VOR Rwy 36, Amdt. 19, effective date changed to July 13, 1978.

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

* * * Effective July 13, 1978:

Anderson, IN—Anderson Municipal, LOC (BC) Rwy 12, Amdt. 1.

The FAA published an amendment in Docket No. 17830, Amdt. No. 1109, to Part 97 of the Federal Aviation Regulations (Vol. 43, FR No. 77, page 16712; dated April 20, 1978) under § 97.25 effective June 15, 1978, which is hereby amended as follows:

LaCrosse, WI—LaCrosse Municipal LOC (BC) Rwy 36, Amdt. 5, effective date changed to July 13, 1978.

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

* * * Effective July 13, 1978:

Spirit Lake, IA—Spirit Lake Muni., NDB Rwy 16, Amdt. 2.
Wahoo, NE—Wahoo Muni., NDB Rwy 20, Original.
Columbus, OH—Port Columbus International, NDB Rwy 28L, Amdt. 10.
Parkersburg, WV—Wood County Gill Robb Wilson Field, NDB Rwy 3, Amdt. 3.
Milwaukee, WI—General Mitchell Field, NDB Rwy 1L, Amdt. 2.
Sheboygan, WI—Sheboygan Co. Memorial, NDB Rwy 21, Amdt. 3.

* * * Effective June 29, 1978:

Kissimmee, FL—Kissimmee Municipal, NDB Rwy 15, Amdt. 5.
Ames, IA—Ames Muni., NDB Rwy 31, Amdt. 5.
St. Louis, MO—Lambert-St. Louis Int'l, NDB Rwy 12R, Amdt. 8.
St. Louis, MO—Lambert-St. Louis Int'l, NDB Rwy 24, Amdt. 31.
Sikeston, MO—Sikeston Memorial Muni., NDB Rwy 20, Amdt. 5.
Wilkesboro, NC—Wilkes County, NDB Rwy 24, Amdt. 2.
Port Angeles, WA—Port Angeles CGAS, NDB-C, Amdt. 1.

* * * Effective May 7, 1978:

Greenville, AL-Greenville Muni., NDB Rwy 33, Amdt. 1.

The FAA published an Amendment in Docket No. 17830, Amdt. No. 1109,

to Part 97 of the Federal Aviation Regulations (Vol 43 FR No. 77, page 16712; dated April 20, 1978) under § 97.27, effective June 1, 1978, which is hereby amended as follows:

Austin, TX—Robert Mueller Municipal NDB Rwy 30L, Amdt 28, effective date changed to July 13, 1978.

The FAA published an amendment in Docket No. 17830, Amdt. No. 1109, to Part 97 of the Federal Aviation Regulations (Vol 43 FR No. 77, page 16712; dated April 20, 1978) under § 97.27, effective June 15, 1978, which is hereby amended as follows:

LaCrosse, WI—LaCrosse Municipal, NDB Rwy 18, Amdt 6, effective date changes to July 13, 1978.

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

Effective July 13, 1978:

Titusville, FL—Titusville-Cocoa, ILS Rwy 36, Amdt. 5.
Columbus, OH—Port Columbus International, ILS Rwy 28L, Amdt. 23.
Charleston, WV—Kanawha, ILS Rwy 23, Amdt. 24.
Parkersburg, WV—Wood County Gill Robb Wilson Field, ILS Rwy 3, Amdt. 6.
Milwaukee, WI—General Mitchell Field, ILS Rwy 1L, Amdt. 2.
Milwaukee, WI—General Mitchell Field, ILS Rwy 19R, Amdt. 4.

Effective June 29, 1978:

Detroit, MI—Detroit Metropolitan Wayne County, ILS Rwy 3L, Amdt. 2.
Detroit, MI—Detroit Metropolitan Wayne County, ILS Rwy 21R, Amdt. 12.
St. Louis, MO—Lambert-St. Louis Int'l, ILS Rwy 12R, Amdt. 13.
St. Louis, MO—Lambert-St. Louis Int'l, ILS Rwy 24, Amdt. 35.

The FAA published an amendment in Docket No. 17830, Amdt. No. 1109, to Part 97 of the Federal Aviation Regulations (Vol 43 FR No. 77, page 16712; dated April 20, 1978) under § 97.29, effective June 1, 1978, which is hereby amended as follows:

Austin, TX—Robert Mueller Municipal ILS Rwy 12R, Amdt 2, effective date changed to July 13, 1978.
Austin, TX—Robert Mueller Municipal ILS Rwy 30L, Amdt 27, effective date changed to July 13, 1978.

The FAA published an amendment in Docket No. 17830, Amdt. No. 1109, to Part 97 of the Federal Aviation Regulations (Vol 43 FR No. 77, page 16712; dated April 20, 1978) under § 97.29 effective June 15, 1978, which is hereby amended as follows:

LaCross, WI—LaCrosse Municipal, ILS Rwy 18, Amdt 6, effective date changed to July 13, 1978.

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

Effective July 13, 1978:

Greenville, SC—Greenville-Downtown, RADAR-1, Amdt. 10.
Charleston, WV—Kanawha, RADAR-1, Amdt. 10.

Effective June 29, 1978:

St. Louis, MO—Lambert-St. Louis Int'l, RADAR-1, Amdt. 20.

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

Effective July 13, 1978:

Oxford, MS—University-Oxford, RNAV Rwy 9, Original.
Oxford, MS—University-Oxford, RNAV Rwy 27, Original.
Charleston, WV—Kanawha, RNAV Rwy 14, Amdt. 4.

Effective June 29, 1978:

Kissimmee, FL—Kissimmee Muni., RNAV Rwy 15, Amdt. 1.
Ames, IA—Ames Muni., RNAV Rwy 13, Original.
Ames, IA—Ames Muni., RNAV Rwy 31, Original.
Morganton, NC—Morganton-Lenoir, RNAV Rwy 3, Original.
Jacksboro, TN—Campbell County, RNAV-A, Amdt. 1.

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

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

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

JAMES M. VINES,
Chief,
Aircraft Programs Division.

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

[FR Doc. 78-13519 Filed 5-17-78; 8:45 am]

[6320-01]

CHAPTER II—CIVIL AERONAUTICS BOARD

[Reg. ER-1048, Amdt. 1]

PART 202—CERTIFICATES AUTHORIZING SCHEDULED ROUTE SERVICE: TERMS, CONDITIONS, AND LIMITATIONS

Notice of Approval by Comptroller General

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule gives notice of approval by the Comptroller General of the reporting requirements contained in Part 202 concerning the terms, conditions, and limitations of a certificate held by a route air carrier under section 401 of the Federal Aviation Act of 1958, as amended. This approval is required by the Federal Reports Act and was transmitted to the Civil Aeronautics Board by letter dated May 1, 1978.

DATES: Effective: May 11, 1978. Adopted: May 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Raymond Kurlander, Director, Bureau of Accounts and Statistics, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5270.

Accordingly, the Civil Aeronautics Board amends Part 202 of its Economic Regulations (14 CFR 202) by adding the following note at the end of Part 202:

NOTE.—The application requirements contained in §§ 202.13(a), 202.13(b), 202.14(b) and 202.15 and the reporting requirements contained in §§ 202.13(c), 202.13(d) and 202.16(a)(b) have been approved by the U.S. General Accounting Office under No. B-180226 (R0523).

This amendment is issued by the undersigned pursuant to the delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

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

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-13525 Filed 5-17-78; 8:45 am]

[4830-01]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. (549)]

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

Bad debt reserves of thrift institutions

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to additions to reserves for losses on loans of mutual savings banks, domestic building and loan associations, and cooperative banks. Changes in the applicable tax law were made by the Tax Reform Act of 1969. These regulations provide neccessary guidance to certain finan-

cial institutions for compliance with the Act.

DATE: The regulations are effective for taxable years beginning after July 11, 1969.

FOR FURTHER INFORMATION CONTACT:

Lawrence M. Axelrod of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T (202-566-3295, not a toll-free call).

SUPPLEMENTARY INFORMATION:

BACKGROUND

On August 12, 1971, a notice of proposed rulemaking to conform the Income Tax Regulations (26 CFR Part 1) under section 593 of the Internal Revenue Code of 1954 to a portion of the amendment made by section 432 (a) and (b) of the Tax Reform Act of 1969 (83 Stat. 620, 622) was published in the FEDERAL REGISTER (36 FR 15050). Amendments to conform the Income Tax Regulations to the balance of the amendment made by section 432(a) of the Tax Reform Act of 1969 will be published in the FEDERAL REGISTER at a later date with a notice of proposed rulemaking. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is adopted by this document, subject to the changes set forth below.

A taxpayer that is a mutual savings bank, domestic building and loan association, or cooperative bank (hereinafter referred to as a 'thrift institution") is allowed to determine its reasonable addition to a reserve for bad debts for the taxable year under section 593(b). For taxable years beginning after July 11, 1969, section 593 (b) provides for an experience method of determining the amount of the reasonable addition to a reserve for losses on non-qualifying loans and three optional methods (the percentage of taxable income method, the percentage method, and the experience method) of determining the amount of the reasonable addition to a reserve for losses on qualifying real property loans.

Regulations relating to the experience method and the percentage method are reserved and will be published in the FEDERAL REGISTER at a later date with a notice of proposed rulemaking.

Under the percentage of taxable income method, a thrift institution determines its reasonable addition to a reserve for qualifying real property loans by multiplying the amount of taxable income computed under section 593(b)(2)(E) and § 1.593-6A(b) (5) by the "applicable percentage" for the taxable year as provided in section 593(b)(2) (A) and (B) and § 1.593-6A(b)(1) and (2). The amount of the reasonable addition to a reserve is subject to the overall limitation of section 593(b)(2)(D) and § 1.593-6A(b)(4).

Section 1.593-6A(a)(2) as proposed has been clarified to indicate that the amount finally determined to be a reasonable addition to a reserve for qualifying real property loans is controlling as to whether the taxpayer is deemed to have computed its reasonable addition under the percentage of taxable income method for purposes of section 596 and § 1.596-1 (relating to limitation on dividends received deduction).

Section 1.593-6A(b)(2) as proposed provided that the applicable percent age for a taxable year was reduced by 1½ percentage points in the case of a mutual savings bank or three-fourths of 1 percentage point for other thrift institutions for each percentage point "or fraction thereof" by which the thrift institution's percentage of assets described in section 7701(a)(19)(C) fell below a specified percentage of total assets. Section 1.593-6A(b)(2) has been changed to provide that the applicable percentage is reduced only for each full percentage point by which the percentage of assets described in section 7701(a)(19)(C) falls below the specified percentage of total assets.

Section 1.593-6A(b)(5)(i) has been modified to change the reference to "section 593(f)" to "section 593(e)" to reflect a redesignation made by the Tax Reform Act of 1976 (Pub. L. 94-455, section 1901(a)(84)(C)).

Section 1.593-6A(b)(5)(iii) as proposed has been clarified to indicate that for purposes of computing taxable income under the percentage of taxable income method all losses and gains from the sale or exchange of corporate stock and tax-exempt obligations are offset against each other and that the computation is made without regard to the long- or short-term character of the stocks and obligations. An example is added to illustrate the rule.

Section 1.593-6A(b)(5) has been changed to implement the decision to compute taxable income, for purposes of section 593(b)(2), by taking into account deductions such as the charitable contribution deduction and any net operating loss carryback deduction only for taxable years beginning after December 31, 1977.

Section 1.593-11 has been modified to include as a qualifying real property loan a loan secured by an interest in a mobile unit if such mobile unit is permanently fixed to real property.

DRAFTING INFORMATION

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

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, the amendments to 26 CFR Part 1 are adopted as proposed subject to the following changes:

Paragraph 1. Section 1.593 is deleted.

Par. 2. Section 1.593-6A, as set forth in paragraph 5 of the appendix to the notice of proposed rulemaking, is changed as follows:

1. Paragraph (a)(1)(i) is revised.
2. The last sentence of paragraph (a)(1) is deleted.
3. Paragraph (a)(2) is revised.
4. Paragraph (b)(2) is revised.
5. Paragraph (b)(3) is amended by deleting the reference to "§ 301.7701-13A" in each of the four places where it appears and inserting in each place "§ 402.1-2".
6. Paragraphs (b)(5)(i) and (b)(5)(iii) are revised.
7. Paragraph (b)(5) is amended by deleting the flush material at the end and by adding new paragraphs (b)(5)(vi) and (b)(5)(vii).

Par. 3. The amendment to § 1.593-11, as set forth in paragraph 9 of the appendix to the notice of proposed rulemaking, is withdrawn and § 1.593-11 is changed as follows:

1. Three new sentences are added at the end of paragraph (b)(1).
2. Paragraph (b)(3) is revised.
3. Paragraph (b)(4) is revised.

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

JEROME KURTZ,
Commissioner of Internal Revenue.

Approved: March 3, 1978.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

§ 1.593 [Deleted]

PARAGRAPH 1. Section 1.593 is deleted.

* * * * *

PAR. 2. Section 1.593-4 is revised to read as follows:

§ 1.593-4 Organizations to which section 593 applies.

The provisions of section 593 and §§ 1.593-5 through 1.593-11 (except subsection (f) of section 593 and § 1.593-10) apply to any mutual savings bank not having capital stock represented by shares, any domestic building and loan association, and any cooperative bank without capital stock

organized and operated for mutual purposes and without profit. The term "thrift institution", as used in this section and §§ 1.593-5 through 1.593-11, refers to any such financial institution. For definition of the terms "domestic building and loan association" and "cooperative bank", see paragraphs (19) and (32), respectively, of section 7701(a).

PAR. 3. Section 1.593-5 is amended by revising paragraph (a) to read as follows:

§ 1.593-5 Addition to reserves for bad debts.

(a) *Amount of addition.* As an alternative to a deduction from gross income under section 166(a) for specific debts which become worthless in whole or in part, a thrift institution is allowed a deduction under section 166(c) for a reasonable addition to a reserve for bad debts. In the case of a thrift institution, the amount of the reasonable addition to such reserve for a taxable year may not exceed:

(1) For taxable years beginning after July 11, 1969, the sum of (i) the amount determined to be the reasonable addition to the reserve for losses on nonqualifying loans, determined in the same manner as is provided with respect to additions to the reserve for losses on qualifying real property loans under paragraph (d) of § 1.593-6A (relating to the experience method), and (ii) the amount determined under § 1.593-6A to be the reasonable addition to the reserve for losses on qualifying real property loans, or

(2) For taxable years beginning before July 12, 1969, the sum of (i) the amount determined under § 1.166-4 to be the reasonable addition to the reserve for losses on nonqualifying loans, and (ii) the amount determined under § 1.593-6 to be the reasonable addition to the reserve for losses on qualifying real property loans.

* * * * *

PAR. 4. Section 1.593-6 is amended by revising so much thereof as precedes subparagraph (1) of paragraph (a) to read as follows:

§ 1.593-6 Pre-1970 addition to reserve for losses on qualifying real property loans.

(a) *In general.* For purposes of paragraph (a)(2)(ii) of § 1.593-5, the amount of the addition to the reserve for losses on qualifying real property loans for any taxable year beginning before July 12, 1969, is the amount which the taxpayer determines to constitute a reasonable addition to such reserve for such year. However, the amount so determined for such year—

* * * * *

PAR. 5. Immediately after § 1.593-6, the following new section is added:

§ 1.593-6A Post-1969 addition to reserve for losses on qualifying real property loans.

(a) *In general*—(1) *Amount of addition determined for the taxable year.* For purposes of paragraph (a)(1)(ii) of § 1.593-5, the amount of the addition to the reserve for losses on qualifying real property loans for any taxable year beginning after July 11, 1969, is the amount which the taxpayer determines to constitute a reasonable addition to such reserve for such year. However, the amount so determined for such year—

(i) Cannot exceed the largest of the amount determined under section 593 (b) (2), (3), or (4) (relating, respectively, to the percentage of taxable income method, the percentage method, and the experience method), and

(ii) Shall be determined without regard to any amount charged for any taxable year against the reserve for losses on qualifying real property loans pursuant to § 1.593-10 (relating to certain distributions to shareholders by a domestic building and loan association).

For each taxable year the taxpayer must include in its income tax return for such year a computation of the amount of the addition determined under this section. The use of a particular method in the return for a taxable year is not a binding election by the taxpayer to apply such method either for such taxable year or for subsequent taxable years. Thus, in the case of a subsequent adjustment described in paragraph (b)(2) of § 1.593-5 which has the effect of permitting an increase, or requiring a reduction, in the amount claimed in the return for a taxable year as an addition to the reserve for losses on qualifying real property loans, the amount of such addition may be recomputed under whichever method the taxpayer selects for the purpose of such recomputation, irrespective of the method initially applied for such taxable year.

(2) *Method of determination.* For purposes of this section and §1.596-1 (relating to limitation on dividends received deduction), a thrift institution is deemed to have determined the addition to its reserve for losses on qualifying real property loans for the taxable year under the percentage of taxable income method provided by section 593(b)(2) and paragraph (b) of this section if the amount finally determined to be a reasonable addition for such year to such reserve exceeds the amount determined for such year under section 593(b)(3) (relating to the percentage method) and exceeds the amount determined for such year under section 593(b)(4) (relating to the experience method).

(b) *Percentage of taxable income method*—(1) *In general.* Subject to the limitations described in subparagraph (4) of this paragraph and in paragraph (e) of this section, the amount determined under section 593(b)(2) and this paragraph for the taxable year, if such section and paragraph are applicable, is an amount equal to the applicable percentage of the taxable income for such year, reduced by the amount determined under subparagraph (3) of this paragraph. For this purpose, taxable income is computed as provided in subparagraph (5) of this paragraph, and the applicable percentage (except as reduced under subparagraph (2) of this paragraph) is determined under the following table:

For a table year beginning in—	*The applicable percentage under this subparagraph is—*
1969	60 percent.
1970	57 percent.
1971	54 percent
1972	51 percent
1973	49 percent
1974	47 percent.
1975	45 percent.
1976	43 percent.
1977	42 percent.
1978	41 percent.
1979 or thereafter	40 percent.

(2) *Reduction of applicable percentage in certain cases*—(i) *General rule.* If for the taxable year the percentage of the assets of a thrift institution, which are assets described in section 7701(a) (19)(C) (relating to assets of a domestic building and loan association) is less than—

(*a*) 82 percent of the total assets in the case of a thrift institution other than a mutual savings bank, the applicable percentage for such year provided by subparagraph (1) of this paragraph is reduced by three-fourths of 1 percentage point for each 1 percentage point of such difference; or

(*b*) 72 percent of the total assets in the case of a thrift institution which is a mutual savings bank, the applicable percentage for such year provided by subparagraph (1) of this paragraph is reduced by 1½ percentage points for each 1 percentage point of such difference.

If such percentage is less than 60 percent of the total assets in the case of any thrift institution (less than 50 percent of the total assets for a taxable year beginning before 1973 in the case of a thrift institution which is a mutual savings bank), section 593(b)(2) and this paragraph are not applicable. The percentage of total assets specified in this subparagraph is computed as of the close of the taxable year or, at the option of the taxpayer, may be computed on the basis of the average assets outstanding during the taxable year. Such average is determined by computing such percentage either as of the close of each month, as of the close of each quarter,

or as of the close of each semiannual period during the taxable year and by using the yearly average of the monthly, quarterly, or semiannual percentages. A thrift institution which is a mutual savings bank and which determines the amount of the reasonable addition for the taxable year to the reserve for losses on qualifying real property loans under this paragraph shall file for such taxable year a statement which shall show the amount of assets defined in paragraph (e) of § 402.1-2 (Temporary Regulations On Procedure and Administration under Tax Reform Act of 1969) as of the close of the taxable year and a brief description and the amount of all other assets, together with a description of the method used in determining such amounts. If the percentage specified in this subparagraph is computed by such thrift institution on the basis of the average assets outstanding during the taxable year, the statement shall also show such information as of the end of each month, each quarter, or each semiannual period and the manner of calculating the average.

(ii) *Example.* The provisions of this subparagraph may be illustrated by the following example:

Example. M is a cooperative bank to which section 593 applies. For its taxable year beginning in 1970, 80.4 percent of M's assets (computed as of the close of such year) constitute assets described in section 7701(a)(19)(C). M's assets which are assets described in section 7701(a)(19)(C), when computed on semiannual, quarterly, and monthly bases, constitute 79.8, 79.6, and 79.5 percent, respectively, of its total assets computed on the corresponding bases. M's applicable percentage for 1970 is 56.25 percent, determined as follows:

	Percent
Percentage of total assets specified in (*a*) of subdivision (i) of this subparagraph	82.0
Percentage of total assets constituting assets described in section 7701(a)(19)(C)	80.4
Difference	1.6
Applicable percentage determined under table in subparagraph (1) of this paragraph	57.0
Reduction of applicable percentage required by (*a*) of subdivision (i) of this subparagraph (¾ of 1 percentage point for each full percentage point of difference)	.75
Applicable percentage	56.25

(3) *Reduction for addition to reserve for nonqualifying loans*—(i) *General rule.* Subparagraph (1) of this paragraph provides that, subject to certain limitations, the amount determined under the percentage of taxable income method provided by section 593(b)(2) and this paragraph for the taxable year is an amount equal to the applicable percentage of the taxable income for such year, reduced by the amount determined under this subparagraph. In the case of a thrift institution other than a mutual savings bank, the amount determined under this subparagraph is an amount equal to the amount determined under paragraph (a)(1)(i) of § 1.593-5 to be a reasonable addition for the taxable year to the reserve for losses on nonqualifying loans multiplied by a fraction—

(*a*) The numerator of which is 18 percent, and

(*b*) The denominator of which is the percentage (in no case less than 18 percent) of the assets of the taxpayer for such year which are not assets defined in paragraph (e) of § 402.1-2 of this chapter.

In the case of a thrift institution which is a mutual savings bank, the amount determined under this subparagraph is an amount determined in the manner described in the preceding sentence, except that the numerator of the fraction described therein is 28 percent, and the denominator of such fraction shall not be less than 28 percent. For purposes of this subparagraph, the percentage of assets for a taxable year which are not assets defined in paragraph (e) of § 402.1-2 of this chapter is determined upon the same annual or average basis as is used in determining the percentage specified in subparagraph (2) of this paragraph.

(ii) *Examples.* The provisions of this subparagraph may be illustrated by the following examples:

Example (1). K is a domestic building and loan association to which section 593 applies. The amount determined under subparagraph (1) of this paragraph (before reduction by the amount determined under this subparagraph) to be the reasonable addition for the taxable year to K's reserve for losses on qualifying real property loans is $100,000. The amount determined under paragraph (a)(1)(i) of § 1.593-5 as the reasonable addition for the taxable year to the association's reserve for losses on nonqualifying loans is $10,000. The percentage of K's assets which are not assets defined in paragraph (e) of § 402.1-2 is 24 percent. The amount determined under subparagraph (1) of this paragraph ($100,000) must be reduced by $7,500.

$10,000×18 percent/24 percent.

Therefore, subject to the limitations described in subparagraph (4) of this paragraph and in paragraph (e) of this section, the amount determined under this paragraph to be the reasonable addition for the taxable year to K's reserve for losses on qualifying real property loans is $92,500 ($100,000 less $7,500).

Example (2). The facts are the same as in example (1), except that the percentage of K's assets which are not assets defined in paragraph (e) of § 402.1-2 is 12 percent. The amount determined under subparagraph (1) of this paragraph (before reduction by the amount determined under this subparagraph) to be the reasonable addition for the taxable year to K's reserve for losses on qualifying real property loans must be reduced by $10,000.

$10,000×18 percent/18 percent.

Because the denominator of the fraction may not be less than 18 percent, the fraction used in determining the amount of such reduction is equal to 1.

(4) *Overall limitation.* The amount determined under this paragraph shall not exceed the amount necessary to increase the balance (as of the close of the taxable year) of the reserve for losses on qualifying real property loans to 6 percent of such loans outstanding at such time.

(5) *Computation of taxable income.* For purposes of this paragraph, taxable income is computed—

(i) By excluding from gross income any amount included therein by reason of the application of section 593(e) and § 1.593-10 (relating to certain distributions to shareholders by a domestic building and loan association).

(ii) Without regard to any deduction allowable under section 166(c) (whether or not determined under section 593) and the regulations thereunder for an addition to a reserve for bad debts.

(iii) (*a*) By excluding from gross income an amount equal to the excess (if any) or (*1*) the total gains of the taxable year arising from sales and exchanges at a gain of (*i*) obligations the interest on which is excludable from gross income under section 103, and (*ii*) corporate stock, over (*2*) the total losses of such year arising from sales and exchanges at a loss of such obligations and stock.

(*b*) The provisions of this subdivision (iii) may be illustrated by the following example:

Example. For its taxable year beginning in 1971, the gains and losses of a domestic building and loan association from sales of stock and securities (all of which were made on December 31, 1971) were as follows:

	Gain	Loss
Municipal bonds acquired July 1, 1969, the interest on which is excludable from income under sec. 103	$25,000	
Stock of Corporation A, acquired July 14, 1971		$6,000
Stock of Corporation B, acquired Dec. 22, 1970	$3,000	

For purposes of this paragraph, the association's taxable income for 1971 is computed by excluding $22,000 ($25,000+$3,000−$6,000) from its gross income.

(vi) By excluding from gross income an amount equal to the lesser of (*a*) three-eighths of the net long-term capital gain for the taxable year or (b) three-eighths of the net long-term capital gain for the taxable year from the sale or exchange of property other than property described in subdivision (iii) of this subparagraph.

(v)(*a*) By excluding from gross income so much of the amount of dividends with respect to which a deduction is allowable under part VIII, subchapter B, chapter 1, subtitle A of the

Code (section 241 and following) as is in excess of the applicable percentage (determined under subparagraphs (1) and (2) of this paragraph) of the dividends received deduction (determined under part VIII, subchapter B, chapter 1, subtitle A of the Code, without regard to section 596) for the taxable year.

(b) The provisions of this subdivision (v) may be illustrated by the following example:

Example. For its taxable year beginning in 1977, a domestic building and loan association receives dividends of $100 with respect to which a dividends received deduction of $85 is allowable under section 243(a)(1). The association receives no other dividends for the taxable year. The association's applicable percentage for the taxable year, as determined under subparagraphs (1) and (2) of this paragraph, is 42 percent. For purposes of this paragraph, the association's taxable income is computed by excluding from gross income the excess of the amount of dividends received ($100) over the applicable percentage of the allowable dividends received deduction (42 percent of $85, or $35.70), computed without regard to section 596. Thus, for purposes of this paragraph, $64.30 ($100 less $35.70) is excluded from gross income. See section 596 and § 1.596-1 with respect to the computation of the dividends received deduction for purposes of determining taxable income under section 63(a).

(vi) For taxable years beginning before January 1, 1978, without regard to any deduction the amount of which is computed upon, or may be subject to a limitation computed upon, the amount of taxable income, and without regard to any net operating loss carryback to such year under section 172. (For purposes of this subparagraph, a net operating loss deduction under section 172 is not a deduction the amount of which may be subject to a limitation computed upon the amount of taxable income.)

(vii) For taxable years beginning after December 31, 1977, by taking into account any deduction the amount of which is computed upon or may be subject to a limitation computed upon the amount of taxable income, and any other deduction or loss allowed under subtitle A of the Code, such as any deduction allowable under section 172 or any loss allowable under section 1212 (a), unless otherwise provided in this subparagraph.

(c) *Percentage method.* [Reserved]

(d) *Experience method.* [Reserved]

(e) *Percentage of deposits limitation where percentage of taxable income method or percentage method is applied.* If the amount determined by the taxpayer to constitute a reasonable addition for the taxable year to the reserve for losses on qualifying real property loans is greater than the amount determined under paragraph (d) of this section (relating to the experience method), the amount so determined cannot exceed an amount which, when added to the amount determined under paragraph (a)(1)(i) of § 1.593-5 to be a reasonable addition for such year to the reserve for losses on nonqualifying loans, equals the amount by which 12 percent of the total deposits or withdrawable accounts of depositors of the taxpayer at the close of such year exceeds the sum of the taxpayer's surplus, undivided profits, and reserves at the begining of such year (taking into account any portion thereof which is attributable to the period before the first taxable year beginning after December 31, 1951. The terms "surplus, undivided profit, and reserves" and "total deposits or withdrawable accounts" have the same meanings as are assigned to them in paragraph (f) of § 1.593.6.

PAR. 6. Section 1.593-7 is amended by revising paragraph (a)(2)(ii) to read as follows:

§ 1.593-7 Establishment and treatment of reserves for bad debts.

(a) *Establishment of reserves.* * * *

(2) *Accounting for reserves.* * * *

(ii) Any credit or charge to a reserve established pursuant to subparagraph (1) of this paragraph must be made to such reserve irrespective of whether the amount thereof is also credited or charged to any surplus, reserve, or other account which the taxpayer may be required or permitted to maintain pursuant to any Federal or State statute, regulation, or supervisory order. Minimum amounts credited in compliance with such Federal or State statutes, regulations, or supervisory orders to reserve or similar accounts, or additional amounts credited to such reserve or similar accounts and permissible under such statutes, regulations, or orders, against which charges may be made for the purpose of absorbing losses sustained by the taxpayer, may also be credited to the reserve for losses on nonqualifying loans or the reserve for losses on qualifying real property loans, provided that the total of the amounts so credited to the reserve for losses on nonqualifying loans, or to the reserve for losses on qualifying real property loans, for any taxable years does not exceed the amount described in subparagraph (1) or (2) of § 1.593-5(a) (whichever applies) as the addition to such reserve for such year.

* * * * *

PAR. 7. Section 1.593-8 is amended by revising paragraph (d) to read as follows:

§ 1.593-8 Allocation of pre-1952 surplus to opening balance of reserve for losses on qualifying real property loans.

* * * * *

(d) *Treatment of pre-1952 surplus.* Any portion of the taxpayer's pre-1952 surplus which, pursuant to paragraph (a) of this section, is deemed to be included in the opening balance of the reserve for losses on qualifying real property loans shall not be treated as a reserve for bad debts for any purpose other than computing for any taxable year the amount determined under the method described in paragraph (b), (c), or (d) of § 1.593-6 (relating, respectively, to the percentage of taxable income method, the percentage of real property loans method, and the experience method) or paragraph (b), (c), or (d) of § 1.593-6A (relating, respectively, to the percentage of taxable income method, the percentage method, and the experience method). For such limited purpose, such portion shall be deemed to remain in, and constitute a part of, the reserve for losses on qualifying real property loans. For all other purposes, such portion will retain its character as part of the taxpayer's pre-1952 surplus.

* * * * *

PAR. 8. Section 1.593-10 is amended by revising paragraphs (a) and (b)(3) to read as follows:

§ 1.593-10 Certain distributions to shareholders by a domestic building and loan association.

(a) *In general.* Section 593(f) provides that if a domestic building and loan association (as defined in section 7701(a)(19) and the regulations thereunder) distributes property after December 31, 1962, to a shareholder with respect to its stock and if the amount of such distribution is not allowable to the association as a deduction under section 591 (relating to deduction for dividends paid on deposits), then, notwithstanding any other provision of the Code, the distribution shall be treated as provided in paragraphs (b) and (c) of this section. For purposes of the preceding sentence, the term "distribution" includes any distribution in redemption of stock to which section 302(a) or 303 applies, or in partial or complete liquidation of the association, as well as any other distribution which the association may make to a shareholder with respect to its stock. For definition of the term "property", see section 317(a). For determination of the amount of a distribution, see section 301(b). For taxable years beginning after July 11, 1969, this paragraph is not applicable to any transaction to which section 381 (relating to carryovers in certain corporate acquisitions) and the regulations thereunder apply.

(b) *Distributions out of certain reserves.* * * *

(3) *Special rule.* * * *

(i) The balance if such reserve determined as of the close of the taxable year after all adjustments for such

year have been made (including the addition for such year determined under § 1.593-6 or § 1.593-6A (whichever is applicable)), minus.

(ii) * * *

(*b*) The total amount of the annual additions which would have been made to such reserve under section 166(c) for taxable years ending after December 31, 1962, if each such addition had been determined under the experience method described in paragraph (d) of § 1.593-6 or paragraph (d) of § 1.593-6A, whichever is applicable for the taxable year of such addition.

For purposes of subdivision (i) of this subparagraph, the balance of the reserve for losses on qualifying real property loans shall include the total amount of any pre-1963 reserves allocated thereto under paragraph (b)(3) of § 1.593-7, but shall not include any pre-1952 surplus which is deemed to be included therein under paragraph (a) of § 1.593-8 (relating to allocation of pre-1952 surplus to the opening balance of the reserve for losses on qualifying real property loans).

* * * * *

Par. 9. Section 1.593-11 is amended by adding three new sentences at the end of paragraph (b)(1) and by revising paragraphs (b)(3) and (b)(4) to read as follows:

§ 1.593-11 Qualifying real property loan and nonqualifying loan defined.

* * * * *

(b) *Qualifying real property loan defined*—(1) *General rule.* * * * The term "real property" also includes a mobile unit which is permanently fixed to real property. The determination of whether a mobile unit is permanently fixed to real property shall be made on the basis of facts and circumstances in each particular case. For example, a mobile unit is permanently fixed to real property during a taxable year if, except for a brief period during which the unit is transported to a site, such unit was placed upon a foundation at a site with wheels and axles removed, affixed to the ground by means of straps, and connected to water, sewer, gas, and electric facilities.

* * * * *

(3) *Meaning of "interest".* The word "interest" means an interest in real property which, under the law of the jurisdiction in which such property is situated, constitutes either (i) an interest in fee in such property (or in the case of a mobile unit, an ownership interest), (ii) a leasehold interest in such property extending or renewable automatically for a period of at least 30 years, or at least 10 years beyond the date scheduled for the final payment on the loan secured by such interest, (iii) a leasehold interest in improved residential real property consisting of a structure or structures containing, in the aggregate, no more than four family units extending for a period of at least 2 years beyond the date scheduled for the final payment on the loan secured by such interest, or (iv) a leasehold interest in such property held subject to a redeemable ground rent defined in section 1055(c).

(4) *Meaning of "qualifying real property".* The term "qualifying real property" means any real property which is improved real property, or which from the proceeds of the loan will become improved real property. As used in the preceding sentence, the term "improved real property" means—

(i) Land on which is located any building of a permanent nature (such as a house, mobile unit, apartment house, office building, hospital, shopping center, warehouse, garage, or other similar permanent structure), provided that the value of such building is substantial in relation to the value of such land,

(ii) Any building lot or site which, by reason of installations and improvements that have been completed in keeping with applicable governmental requirements and with general practice in the community, is a building lot or site ready for the construction of any building of a permanent nature within the meaning of paragraph (b)(4)(i) of this section,

(iii) Real property which, because of its state of improvement, produces sufficient income to maintain such real property and retire the loan in accordance with the terms thereof, or

(iv) A mobile unit which is permanently fixed to real property.

[FR Doc. 78-13490 Filed 5-17-78; 8:45 am]

[4310-05]

Title 30—Mineral Resources

CHAPTER VII—OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, DEPARTMENT OF THE INTERIOR

PART 715—GENERAL PERFORMANCE STANDARDS

PART 717—UNDERGROUND MINING GENERAL PERFORMANCE STANDARDS

Surface Mining Reclamation Enforcement Provisions Rescission of Rule Relating to Regulation of Manganese in Alkaline Waters

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Rescission of rule relating to regulation of manganese in alkaline waters.

SUMMARY: The Office of Surface Mining is withdrawing the manganese effluent limitations for alkaline waters for surface and underground coal mining and reclamation operations. This action is taken under section 201(c) of the Surface Mining Control and Reclamation Act of 1977. The Secretary has concluded that there are insufficient data to justify effluent liminations for manganese in alkaline waters during the interim regulatory program.

DATES: This rescission is effective May 18, 1978.

ADDRESS: Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, Washington, D.C. 20240, 202-343-4237.

FOR FURTHER INFORMATION CONTACT:

Walter N. Heine, 202-343-4237.

SUPPLEMENTARY INFORMATION: Pursuant to section 201(c) of the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95-87, the Secretary has reconsidered the regulation of manganese in alkaline waters. Based upon a review of the administrative record supporting this rule, the Secretary has conluded that there are insufficient data to justify effluent limitations for manganese in alkaline waters during the interim regulatory program. Therefore, the Secretary hereby rescinds that portion of §§ 715.17(a) and 717.17(a) which requires the removal of manganese in alkaline water. The effluent limitations regulating manganese in acidic water remain unchanged.

DRAFTING INFORMATION: Principal authors of this regulation are Walter N. Heine, Director, Office of Surface Mining and Gerald P. Dodson, Attorney, Office of the Solicitor.

Dated: May 10, 1978.

WALTER N. HEINE,
Director, Office of Surface Mining Reclamation and Enforcement.

In 30 CFR § 715.17, paragraph (a) is amended by adding a new subparagraph (3) to read as follows:

§ 715.17 Protection of the hydrologic system.

(a) * * *

(3) The effluent limitations for manganese shall be applicable only to acid drainage.

* * * * *

In 30 CFR § 717.17, paragraph (a) is amended by adding a new subparagraph (3) to read as follows:

§ 717.17 Protection of the hydrologic system.

(a) * * *

(3) The effluent limitations for manganese shall be applicable only to acid drainage.

* * * * *

[FR Doc. 78-13528 Filed 5-17-78; 8:45 am]

[4910-14]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77-144]

PART 110—ANCHORAGE REGULATIONS

Anchorage Grounds, Prince William Sound, Alaska

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes an anchorage ground in Prince William Sound, Alaska. This anchorage is needed because of increased vessel traffic transiting these waters to and from the oil terminal at Port Valdez. This anchorage is intended to provide a safe haven for these vessels when there are adverse weather conditions, they have navigation problems, or they must wait because of delays at Port Valdez.

EFFECTIVE DATE: This amendment is effective on June 14, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: On September 12, 1977, the Coast Guard published a proposed rule (42 FR 45693). Interested persons were given until October 27, 1977, to submit comments. One comment was received.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are: Lieutenant Commander H. E. Snow, Project Manager, Office of Marine Environment and Systems, and Mr. S. D. Jackson, Project Attorney, Office of Chief Counsel.

DISCUSSION OF MAJOR COMMENTS

The Department of Environmental Conservation, State of Alaska, recommended that the proposed anchorage be relocated approximately one mile south of the proposed site. A survey of vessel use to date indicates that vessels presently anchor from one and one-half to two and one-half miles offshore. The average use of this anchorage, at present, is only one to two vessels per week. The Vessel Traffic Center, Valdez, has been advised to prescribe a minimum distance offshore during the dates May 1 through September 15 so as to minimize disturbance to the sea lion rookeries and bird colonies.

The Department of Environmental Conservation further recommended that the anchorage location be charted on appropriate charts and published in a Notice to Mariners. When this proposal is published in the FEDERAL REGISTER, the area will be marked on the next issuance of the appropriate charts and published in the U.S. Coast Pilot.

In consideration of the foregoing, Part 110 of Title 33 Code of Federal Regulations is amended by adding § 110.233 to read as follows:

§ 110.233 Prince William Sound, Alaska.

(a) *The anchorage grounds.* In Prince William Sound, Alaska, beginning at a point at latitude 60°40'00" N., longitude 146°40'00" W.; thence south to latitude 60°38'00" N., longitude 146°40'00" W.; thence east to latitude 60°38'00" N., longitude 146°30'00" W.; thence north to latitude 60°39'00" N., longitude 146°30'00" W.; thence northwesterly to the beginning point.

(b) *The regulations.* (1) This anchorage area is for the temporary use of vessels during:

(i) Adverse weather or tidal conditions;

(ii) Vessel equipment failure; or

(iii) Delays at Port Valdez;

(2) No vessel may anchor in this anchorage without notifying the vessel traffic center in Valdez; and

(3) Each vessel anchored shall notify the vessel traffic center in Valdez when it weighs anchor.

(Sec. 7, 38 Stat. 1053, as amended (33 U.S.C. 471); sec. 6(g)(1), 80 Stat. 940 (49 U.S.C. 1655(g)(1)); 49 CFR 1.46(c)(1).)

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

Dated: May 9, 1978.

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

[FR Doc. 78-13165 Filed 5-17-78; 8:45 am]

[4910-14]

[CGD 77-214]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Pocomoke River, Md.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amended regulation will provide that from 10 p.m. to 6 a.m., the draw of the bridge across the Pocomoke River, Pocomoke City, Md., need not open for the passage of vessels. This change is being made because of limited vessel traffic. This action will relieve the bridge owner of maintaining constant attendance at this bridge.

EFFECTIVE DATE: This amendment is effective on June 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: On January 9, 1978, the Coast Guard published a proposed rule (43 FR 1363) concerning this amendment. The Commander, Fifth Coast Guard District, also published these proposals as a Public Notice dated January 10, 1978. Interested persons were given until February 8, 1978 to submit comments.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Edward J. Gill, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF COMMENTS

Two comments were received which had no objection to the proposal.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new § 117.245(f)(18) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) * * *

(18) Pocomoke River, Md.; Maryland Department of Transportation draw-

bridge at Pocomoke, Md. The draw need not open from 10 p.m. to 6 a.m. At all other times the draw shall open on signal.

* * * * *

Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5).)

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

Dated: May 9, 1978.

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

[FR Doc. 78-13543 Filed 5-17-78; 8:45 am]

[4310-70]

Title 36—Parks, Forests, and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Yellowstone National Park, Wyo.; Traffic

AGENCY: National Park Service.

ACTION: Final rule.

SUMMARY: This regulation is intended to change the speed limit on U.S. Highway 191 in the park from 60 mph to 55 mph. This would bring that speed limit into compliance with Federal and State law.

EFFECTIVE DATE: Effective May 18, 1978.

FOR FURTHER INFORMATION, CONTACT:

John A. Townsley, Superintendent, Yellowstone National Park, Wyo. 82190.

SUPPLEMENTARY INFORMATION: This change in Yellowstone National Park Special Regulation 36 CFR 7.13(b)(2) is for the purpose of conforming the speed limit on U.S. Highway No. 191 within the boundaries of Yellowstone National Park with the speed limit in Pub. L. 93-239, the Emergency Highway Energy Conservation Act of January 2, 1974 (87 Stat. 1046) and applicable Montana and Wyoming Statutes. For this reason good cause exists to make this change effective immediately.

In consideration of the foregoing, paragraph (b), subparagraph (2) of 36 CFR 7.13 is amended to read as follows:

§ 7.13 Yellowstone National Park.

* * * * *

(b) * * *

(2) The Speed Limit on U.S. Highway 191 in the park is 55 miles per hour.

Dated: April 5, 1978.

LYNN H. THOMPSON,
Regional Director,
Rocky Mountain Region.

[FR Doc. 78-13524 Filed 5-17-78; 8:45 am]

[1505-01]

Title 40—Protection of the Environment

CHAPTER II—ENVIRONMENTAL PROTECTION AGENCY

[FRL-875-6 and 875-7]

PART 35—STATE AND LOCAL ASSISTANCE

Subpart E—Grants for Construction of Treatment Works

Subpart F—State Management Assistance Grants

Correction

The following corrections are being made to Part III of the FEDERAL REGISTER of Tuesday, April 25, 1978.

In FR Doc. 78-11024, make the following changes:

1. In the 3rd column of page 17700, in the 15th and 16th lines of the first full paragraph, replace "(insert 90 days after the effective date)" with "July 24, 1978".

2. On page 17704, the introductory text of paragraph (b), and paragraph (b)(1) was omitted from § 35.909; that material should read as set forth below:

§ 35.909 Step 2+3 grants.

* * * * *

(b) *Limitations.* A step 2+3 grant may be awarded only if the Regional Administrator determines that:

(1) The population is twenty-five thousand or less for the applicant municipality (according to most recent United States Census information or disaggregations thereof); and

* * * * *

3. On page 17708, in § 35.928, in paragraph (b), replace "(insert effective date of this publication)" with "April 25, 1978".

4. On page 17711, in § 35.935-13, make the following changes:

(A). In paragraph (a)(2), replace "(90 days after the effective date of this interim regulation)" with "July 24, 1978".

(B). In the italicized language of paragraph (b), replace "(insert effective date of this regulation)" with "April 25, 1978".

5. In the 3rd column of page 17712, in Appendix A, in paragraph 3— *Applicability,* replace "(insert 60 days after publication)" with "June 26, 1978" in the first and second sentences.

In FR Doc. 78-11022, make the following changes:

1. On page 17718, in paragraph (a)(2) of § 35.1016, replace "(insert the effective date of this regulation)" with "April 25, 1978".

2. On page 17718 in the second column, the title and paragraph (a) for § 35.1020 were inadvertently omitted. The paragraph in this column designated as "(b)" which appears to be paragraph (b) of § 35.1016 is actually paragraph (b) of § 35.1020 for which the title and paragraph (a) are missing. In addition, the correct paragraph (b) for § 35.1016 should be added. As corrected, the full text of § 35.1016 and § 35.1020 reads as set forth below:

§ 35.1016 Limitations on Award.

(a) *Maintenance of effort.* (1) No construction management assistance grant will be awarded in any fiscal year unless the Regional Administrator is satisfied that the expenditure of non-Federal funds for recurrent expenses of its water pollution control programs in that year will be at least equal to the non-Federal expenditures for recurrent expenses for water pollution control programs during fiscal year 1977, unless the Regional Administrator determines that a reduction in State expenditures is attributable to a general nonselective reduction in the programs of all executive branch agencies of the State.

(2) The limitation in paragraph (a)(1) of this section does not apply to a construction management assistance grant awarded in any fiscal year for which, as of (insert the effective date of this regulation), a State budget for environmental protection which contains lower recurrent expenditures than those of fiscal year 1977, was (i) already adopted by the State legislature, or (ii) already formally submitted to the State legislature by the Governor, provided that the State makes no further reduction in that budget.

(b) Upon award of the construction management assistance grant, unexpended section 106 funds (State and Federal) committed to activities which will be covered under the construction management assistance grant will be reprogramed. The reprograming of these funds in the 106 grant agreement shall be discussed in the delegation agreement. The Regional Administrator will review the reprograming for approval in accordance with prior-

ities established by the Agency. Such funds shall be used for section 402 activities such as pretreatment program development assistance and approval, support of enforcement litigation, permitting and compliance monitoring; section 404 regulatory programs to control discharge of dredge or fill material; and activities under section 208(b)(4).

§ 35.1020 Grant amount and award.

(a) As provided in § 35.915-1(a), the Administrator may reserve up to two percent of each State's fiscal year allotment for construction grants or $400,000, whichever is greater, for State management assistance grants. Within these limits, the Regional Administrator may award a construction management assistance grant for 100 percent of the estimated allowable cost of (1) managing, or preparing to manage, under § 35.103-5, sections 201, 203, 204, and 212 of the Act, (2) obtaining and reviewing information on behalf of the Regional Administrator, and (3) performing other essential functions associated with managing the construction grants program as noted in § 35.1030-1.

(b) State programs funded under § 35.913 prior to the effective date of these regulations may continue to be funded under that provision for a period of one year after that effective date, or until a construction management assistance grant is awarded under these regulations, whichever occurs first. In addition, States charging fees under § 35.913 may, with the approval of the Administrator, be reimbursed for efforts carried out under those agreements for the period between October 1, 1977, and the date of execution of an initial construction management assistance grant if the State demonstrates that insufficient funds were available under § 35.913 to support its delegated activities during that period.

(c) Funds for State management assistance grants may be obligated by a grant award at any time during the two year period in which the construction grant allotment is available for obligation.

(d) Funds from initial and subsequent construction management assistance grants which have been awarded will remain available for expenditure for a period not to exceed five years from the date of award of each grant.

(e) Unobligated balances in paragraph (c) of this section and unliquidated balances in paragraph (d) of this section remaining at the end of the period for which they are available will be added to the amount last allotted to a State under section 205(c) of the Act, and will be immediately available for funding the construction of treatment works in the same manner and to the same extent as the last allotment.

[1505-01]

Title 43—Public Lands: Interior

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

APPENDIX—PUBLIC LAND ORDERS

[M-30912; Public Land Order 5635]

MONTANA

Prior Amendment of Executive Order No. 7509; Prior Revocation of Public Land Order No. 5498; Change of Name to Charles M. Russell National Wildlife Refuge; Clarification of Administration and Management Under National Wildlife Refuge System Administration Act

Correction

In FR Doc. 78-12034 appearing at page 19046 in the issue of Wednesday, May 3, 1978, make the following correction:

In column two, in the paragraph labeled "3.," line three, "M-39021" should appear as "M-30912."

[6315-01]

Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

[CSA Notice 6143-7]

PART 1061—EMERGENCY ENERGY CONSERVATION PROGRAM

Subpart—Funding Requirements for Emergency Energy Assistance Program

EXTENSION

AGENCY: Community Services Administration.

ACTION: Final Rule.

SUMMARY: The Community Services Administration is amending its rule on the Emergency Energy Assistance Program published at 43 FR 9476 (CSA Notice 6143-7) March 8, 1978. This change extends the time during which funds may be obligated under the supplemental appropriation and extends the termination date for obligation to specific eligible households from May 1, 1978 to May 20, 1978. This change is in consonance with a request from the Director of the Community Services Administration to the Senate Appropriations Committee asking that they approve an extension of the Emergency Energy Assistance Program so that additional unobligated funds as appropriate, of the $200 Million Appropriation could be used to assist eligible households who were still in crisis from declared Energy Related Emergencies. The Committee reacted favorably to this request and agreed to the extension from May 1, to May 20, 1978.

DATE: As this rule was intended to relieve a restriction, it is effective May 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard M. Saul, Community Services Administration, Office of Program Development, Energy Programs, 1200 19th Street, NW., Washington, D.C. 20506, Tel: 202-632-6503.

(Sec. 602, 78 Stat. 530 (42 U.S.C. 2942).)

GRACIELA (GRACE) OLIVAREZ,
Director.

In Subpart 1061.51-8, all references to "May 1, 1978" are hereby changed to "May 20, 1978".

[FR Doc. 78-13472 Filed 5-17-78; 8:45 am]

[4910-60]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket HM-99; Amdt. 173-115]

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

Transportation of Methane in Specification DOT 3AX, 3AAX, and 3T Cylinders Extension of Time to File Comments

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Extension of time to file comments.

SUMMARY: Several commenters have requested an extension of time to file comments on this Docket (43 FR 13382, March 30, 1978) indicating that extra time is needed to complete studies and prepare detailed comments concerning the quantitative definition of methane set forth in the Amendment. We believe that additional time should be allowed for this purpose; therefore, the time for filing comments is extended as indicated.

DATE: The time for filing comments in Docket HM-99, Amendment 173-115, is extended from May 3, 1978, to July 7, 1978.

ADDRESS: Comments should be sent to: Dockets Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. It is requested that five copies be submitted.

FOR FURTHER INFORMATION CONTACT:

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

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

Issued in Washington, D.C. on May 5, 1978.

ALAN I. ROBERTS,
Director Office of Hazardous Materials Operations.

[FR Doc. 78-13180 Filed 5-17-78; 8:45 am]

[4910-60]

[Docket HM-139; Amdt. No. 173-116]

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

Conversion of Individual Exemptions to Regulations of General Applicability; Correction

AGENCY: Materials Transportation Bureau, Department of Transportation.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule in Docket HM-139; Amdt. 173-116 (43 FR 17942, April 27, 1978) by adding the following sentence in § 173.302(a)(3) which was erroneously omitted: "As used in this paragraph methane is a nonliquefied gas which has a minimum purity of 98.0 percent methane and which is commercially free of corroding components."

EFFECTIVE DATE: April 27, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTAL INFORMATION: In FR Docket 78-11462 beginning on page 17942 in the FEDERAL REGISTER of April 27, 1978, Item 11 is corrected to include the above sentence in § 173.302(a)(3) which was added in Docket HM-99; Amdt. 173-115 (43 FR 13382, March 30, 1978). The paragraph now reads:

§ 173.302 Charging of cylinders with nonliquefied compressed gases.

(a) * * *

(3) Specification 3AX, 3AAX, or 3T (§§ 178.36, 178.37, 178,45 of this subchapter) cylinders are authorized only for the following nonliquefied gases: Air, argon, boron trifluoride, carbon monoxide, ethane, ethylene, helium, hydrogen, methane, neon, nitrogen, or oxygen, except that specification 3T is not authorized for hydrogen. As used in this paragraph methane is a nonliquefied gas which has a minimum purity of 98.0 percent methane and which is commerically free of corroding components.

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

Issued at Washington, D.C., on May 9, 1978.

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

[FR Doc. 78-13164 Filed 5-17-78; 8:45 am]

[4910-60]

SUBCHAPTER D—PIPELINE SAFETY

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

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE

Design of Plastic Pipe

AGENCY: Materials Transportation Bureau (MTB).

ACTION: Postponement of effective date.

SUMMARY: This action defers the effective date of the marking requirement of § 192.63(b) for thermoplastic pipe manufactured after May 17, 1978, from May 18, 1978, until August 16, 1978. The new effective date will allow additional time needed by some plastic pipe manufacturers to obtain equipment needed to mark pipe in accordance with section 9.2 of ASTM D2513 (1975b edition).

EFFECTIVE DATE: This action is effective immediately.

FOR FURTHER INFORMATION CONTACT:

Paul J. Cory, 202-426-2082.

SUPPLEMENTARY INFORMATION: As a result of Amendment 192-31 (43 FR 13880, April 3, 1978), which established § 192.63(b), thermoplastic pipe manufactured after May 17, 1978, and installed in gas pipelines must be marked in acccordance with the coded system contained in section 9.2 of ASTM D2513 (1975b ed.). Under this system, pipe is marked by letters to show its hydrostatic strength and related temperature basis.

When Amendment 192-31 was adopted, MTB did not anticipate any delay by manufacturers in obtaining marking equipment needed to implement the new marking procedures. Since then, however, a large manufacturer of plastic pipe has contacted MTB and advised that despite having placed orders as soon as Amendment 192-31 was published, it will not receive equipment for marking certain sizes of thermoplastic pipe in time to enable its customers to meet the present May 18, deadline. Checking with a sample group of other plastic pipe manufacturers, MTB determined that while some manufacturers anticipated no problems, others are facing an 8 to 10 week delay in delivery of needed equipment. Therefore, to allow sufficient time for manufacturers to obtain the necessary equipment and put it into operation, the effective date of § 192.63(b) with respect to thermoplastic pipe manufacturered after May 17, 1978, is hereby extended until August 16, 1978.

In addition to the new marking requirements in § 192.63(b), Amendment 192-31 established in §§ 192.121 and 192.123 more appropriate limitations on the temperature for operating and testing thermoplastic pipe. Those limitations are not altered by this amendment and still take effect as scheduled on May 18, 1978. Although the temperature and marking requirements are deliberately related to provide assurance in the field that correct material is being installed, MTB believes that operators should nevertheless be allowed to take advantage of the safety and economic benefits of the new temperature limitations in the interim until August 16, 1978. Also, to postpone the effective date of the new temperature limitations would be unfair to those few manufacturers and operators who are now able to meet § 192.63(b). Operators who install thermoplastic pipe before August 16, 1978, for use at temperatures above 38° C (100° F) which is not marked in accordance with section 9.2 of ASTM D2513 (1975b ed.) are reminded that the pipe can be used only within the actual temperature and stress limits for which it has been tested and qualified.

(49 U.S.C. 1672; 49 U.S.C. 1804; App. A of Part 1 and App. A of Part 102 of 49 CFR.)

Issued in Washington, D.C., on May 16, 1978.

CESAR DELEON,
Acting Director, Office of Pipeline Safety Operations.

[FR Doc. 78-13644 Filed 5-17-78; 8:45 am]

proposed rules

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

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Extension of Time for Filing of Written Data, Views, or Arguments

AGENCY: Agricultural Marketing Service (USDA).

ACTION: Extension of time.

SUMMARY: Extending the time for receiving written data, views, or arguments is necessary in order to allow interested persons time to review the proposed administrative rules and make appropriate comments. The additional time was requested by the California Date Administrative Committee.

DATES: Comments on the proposed rules will be extended to May 24, 1978.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be available for inspection during business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), a notice of proposed rulemaking was published in the April 28, 1978, issue of the FEDERAL REGISTER (43 FR 18188) regarding proposed changes in the administrative rules and regulations under the Federal marketing order for California dates (7 CFR 987).

The notice afforded interested persons an opportunity to submit written data, views, or arguments until May 15, 1978. The California Date Administrative Committee which administers the marketing order requested additional time to file its comments on the proposed rule changes. In order to consider these comments, the time for receipt of written data, views, or arguments on the proposal is extended to May 24, 1978.

Dated: May 12, 1978.

CHARLES R. BRADER,
Acting Director,
Fruit and Vegetable Division.

[FR Doc. 78-13526 Filed 5-17-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 78-NE-09]

AIRWORTHINESS DIRECTIVES

Pratt & Whitney JT8D-9, -9A, -11, -15, -17, and -17R Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice (NPRM) proposes to adopt an Airworthiness Directive (AD) that would require eddy current inspection for cracks of certain front compressor front hub blade slots. The proposed AD is needed to detect cracks, originating in the blade slot, which could result in complete fracture of blade retention lugs and liberation of first stage fan blades, posssibly causing massive aircraft engine damage.

DATE: Comments must be received on or before July 24, 1978.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attn: Rules Docket No. 78-NE-09, 12 New England Executive Park, Burlington, Mass. 01803. The applicable service bulletin may be obtained from: Pratt and Whitney Aircraft, Division of United Technologies Corp., 400 Main Street, East Harford, Conn. 06108.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20519, or Rules Docket, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Mass. 01803.

FOR FURTHER INFORMATION CONTACT:

Jay J. Pardee, Propulsion Section (ANE-214), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Mass. 01803; telephone, 617-273-7347.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

The FAA has determined that cracks have occurred in the blade slots of certain part numbered front compressor front hubs. These cracks have progressed from multiple origins near the center of the blade slot pressure face at the edge of a galled area caused by blade root contact. In one instance a complete fracture of a blade retention lug occurred liberating two adjacent first stage fan blades which caused massive engine damage. Two additional front compressor front hubs were found cracked at retirement. Other front compressor front hubs, inspected as part of a sampling program, were uncracked but had galled areas in the center of the blade slot pressure face. Since this condition is likely to exist or develop in other engines of the same type design, the proposed AD would require a repetitive eddy current inspection of front compressor front hubs, in accordance with Pratt and Whitney Aircraft Alert Service Bulletin No. 4841, Revision 1, for cracks in the blade slot pressure face area. The repetitive eddy current inspection requirements of this AD will apply to front compressor front hubs, P/Ns 594301, 791801, 640601, 743301, 750101, and 749801. The proposed intitial inspection at 13,000 cycles is based on known failure statistics. The repetitive inspection interval of 6,000 cycles is based on crack propagation analysis.

DRAFTING INFORMATION

The principal authors of this document are Jay J. Pardee, Propulsion Section, Engineering and Manufacturing Branch, and George L. Thompson, Office of the Regional Counsel, New England Region.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Pratt and Whitney Aircraft: Applies to Pratt and Whitney Aircraft JT8D-9, -9A, -11, -15, -17, and -17R turbofan engine models.

Compliance required as indicated, unless already accomplished.

To detect cracks in front compressor front hubs, P/Ns 594301, 791801, 640601, 743301, 750101, and serial numbered P/N 749801 except those listed in Pratt and Whitney Aircraft Alert Service Bulletin No. 4841, Revision 1, dated March 15, 1978, or later FAA approved revision, which could result in fracture of the retention lugs and release of first stage fan blades, accomplish the following:

Inspect front compressor front hubs for cracks in the blade slots in accordance with Pratt and Whitney Aircraft Alert Service Bulletin No. 4841, Revision 1, dated March 15, 1978, or later FAA approved revision, or equivalent means approved by the Chief, Engineering and Manufacturing Branch, New England Region, prior to the accumulation of 13,000 cycles, since new, or within 2,000 cycles time in service after the effective date of this AD, whichever is later. Disks inspected prior to 13,000 cycles must be reinspected prior to accumulating an additional 6,000 cycles, or upon reaching 13,000 cycles, whichever is later.

Inspect thereafter at intervals not to exceed 6,000 cycles in service since last inspection. Remove cracked front compressor front hubs before further flight.

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA New England Region, may adjust the inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

The manufacturer's alert service bulletin identified and described in this directive is incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received this document from the manufacturer may obtain copies upon request to Pratt and Whitney Aircraft, Division of United Technologies Corp., 400 Main Street, East Hartford, Conn. 06108. This document may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Mass. 01803, and at FAA Headquarters, 800 Independence Aveue SW., Washington, D.C. 20591. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at New England Region.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85.)

Issued in Burlington, Mass., on May 9, 1978.

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

ROBERT E. WHITTINGTON,
Director,
New England Region.

[FR Doc. 78-13479 Filed 5-17-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-GL-8]

TRANSITION AREA

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Kenton, Ohio to accommodate a new (VOR-A) instrument approach procedure into the Hardin County Airport, Kenton, Ohio, established on the basis of a request from the Hardin County Airport officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions, and other aircraft operating under visual conditions.

DATES: Comments must be received on or before July 13, 1978.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 78-GL-8, 2300 East Devon Avenue, Des Plaines, Ill. 60018. A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Ill. 60018.

FOR FURTHER INFORMATION CONTACT:

Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Ill. 60018, telephone 312-694-4500, extension 456.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1,200 feet above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 78-GL-8, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Ill. 60018. All communications received on or before July 13, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot controlled airspace transition area near Kenton, Ohio. Subpart C of Part 71 was republished in the FEDERAL REGISTER on January 3, 1978 (43 FR 440).

DRAFTING INFORMATION

The principal authors of this document are Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, and Joseph T. Brennan, Office of the Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (43 FR 440), the following transition area is added:

KENTON, OHIO

That airspace extending upward from 700 feet above the surface within a 7.5 mile radius of the center, latitude 40°36'48" N, longitude 83°38'39" N of Hardin County Airport, Kenton, Ohio.

This amendment is proposed under the authority of section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

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

Issued in Des Plaines, Ill., on May 8, 1978.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

[FR Doc. 78-13518 Filed 5-17-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208, 212, 215, 244, 249, 296, 385, 389]

[EDR-350A, ODR-15A; Docket No. 32318; dated May 11, 1978]

LIBERALIZED REGULATION OF INDIRECT CARGO CARRIERS

Supplemental Notice of Proposed Rulemaking

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: This notice extends until June 23, 1978, the date for filing comments and until July 24, 1978, the date for filing replies in a rulemaking proceeding proposing a revised Part 296 which substantially liberalizes the Board's procedures in authorizing the indirect air carrier operations of air freight forwarders, international air freight forwarders, and cooperative shippers associations; and removes some of the requirements and restrictions currently imposed on the operations of these carriers.

DATES: Comments by June 23, 1978. Reply comments by July 24, 1978.

FOR FURTHER INFORMATION CONTACT:

John V. Coleman, Special Authorities Division, Bureau of Pricing and Domestic Aviation, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5088.

SUPPLEMENTAL INFORMATION: By Notice of Proposed Rulemaking EDR-350/ODR-15, dated March 30, 1978, (43 FR 15720, April 14, 1978), the Civil Aeronautics Board gave notice of its proposed revision of Part 296 of the Board's Economic Regulations (14 CFR Part 296) to significantly reduce the requirements and restrictions imposed upon various types of indirect air carriers of property. The proposal was made on the Board's own initiative in recognition of the passage of Pub. L. 95-163 enacting deregulation of the air freight industry, and in consideration of changes in the air freight forwarder industry that have occurred in the last 20 years. Comments were requested to be filed by May 23, 1978, and reply comments to be filed by June 12, 1978.

The Board has now received a letter from the shippers National Freight Claim Council, Inc., stating that because of the short period of time between the date of publication and the dates that responses are due, they would be unable to contact the membership of the association and prepare a reply. They believe that adoption of the revised procedural dates would allow sufficient time for notice, comments, and replies.

Upon consideration of the above, the undersigned finds good cause to grant the request for an extension of the time for filing comments and replies. Accordingly, acting under authority delegated in § 385.20(d) of the Board's Organization Regulations (14 CFR 385.20(d)), the time for filing comments in this proceeding is extended to June 23, 1978, and reply comments to July 24, 1978.

In light of this early notice of the extension of the time to submit comments and replies, we will grant further extensions only upon showing of significant and unusual circumstances which necessitate such a request.

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

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

[FR Doc. 78-13508 Filed 5-17-78; 8:45 am]

[1505-01]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 416]

[Reg. No. 16]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Evaluating Resources on Basis of Equity Value

Correction

In FR Doc. 78-11595, appearing at page 18698 in the issue for Tuesday, May 2, 1978, make the following corrections on page 18698:

1. In the summary statement in column 2, in the third line, "marked" should appear as "market."

2. In the summary statement in the fourth line "values" should appear as "value."

3. Also in the twelfth line of the summary statement "euitable" should appear as "equitable."

4. In the third column, line one, "(ADFDC)" should appear as "(AFDC)."

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[LR-181-74]

[26 CFR Parts 1, 20, and 25]

CERTAIN ARMED FORCES SURVIVOR ANNUITIES

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to certain armed forces survivor annuities. Changes in the applicable tax law were made by the Employee Retirement Income Security Act of 1974 ("ERISA"). The regulations would conform existing regulations with ERISA and would affect all personnel contributing to armed forces survivor annuities.

DATES: Written comments and requests for a public hearing must be delivered or mailed by July 17, 1978. The amendments are proposed to be effective for taxable years ending, and to apply to individuals dying, after September 20, 1972.

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

FOR FURTHER INFORMATION CONTACT:

Thomas Rogan of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T-181-74), 202-566-3478 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 122 of the Internal Revenue Code of 1954, to the Estate Tax Regulations

(26 CFR Part 20) under section 2039 of the Code, and to the Gift Tax Regulations (26 CFR Part 25) under section 2517. These proposals would conform the regulations to section 2008 of the Employee Retirement Income Security Act of 1974 (88 Stat. 994) and are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

PRE-ERISA DEVELOPMENTS

Prior to ERISA, section 122 of the Code applied to a reduction in retired or retainer pay of armed forces personnel attributable to a survivor annuity benefit under the Retired Serviceman's Family Protection Plan (10 U.S.C. 1431). Complementary provisions existed under other sections of the Code.

On September 21, 1972, Pub. L. 92-425 established similar benefits under the Survivor Benefit Plan (10 U.S.C. 1447). This Act continued the Retired Serviceman's Family Protection Plan merely to provide for the continuation of rights of persons already retired and their survivors.

EFFECT OF ERISA

Section 2008 of ERISA amends section 122 of the Code and other complementary Code provisions to apply prior tax treatment to armed forces survivor annuities under the Survivor Benefit Plan. The proposed amendments to the regulations under sections 122, 2039, and 2517 of the Code similarly apply prior tax treatment under the regulations to these annuities. Therefore, these proposals are merely conforming in nature.

COMMENTS AND REQUESTS FOR A PUBLIC HEARING

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

DRAFTING INFORMATION

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

PROPOSED AMENDMENTS TO THE REGULATIONS

The proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 122, the Estate Tax regulations (26 CFR Part 20) under section 2039, and the Gift Tax Regulations (26 CFR Part 25) under section 2517 are as follows:

PART 1—INCOME TAX REGULATIONS

§ 1.122 [Deleted]

Paragraph 1. Section 1.122 is deleted.

§ 1.122-1 [Amended]

Par. 2. Paragraph (a) of § 1.122-1 is amended by inserting "subchapter I of" immediately preceding "chapter 73 of title 10 of the United States Code".

Par. 3. Paragraph (b)(1) of § 1.122-1 is amended to read as follows:

§ 1.122-1 Applicable rules relating to certain reduced uniformed services retirement pay.

* * * * *

(b) *Rule applicable after December 31, 1965.*—(1) In a case of a member or former member of the uniformed services of the United States (as defined in 37 U.S.C. 101 (3)), gross income shall not include the amount of any reduction made in his or her retired or retainer pay after December 31, 1965, by reason of—

(i) An election made under the Retired Serviceman's family Protection Plan (10 U.S.C. 1431), or

(ii) The provisions of subchapter II of chapter 73 of title 10 of the United States Code (also referred to in this section as the Survivor Benefit Plan (10 U.S.C. 1447)).

* * * * *

Par. 4. Paragraph (b)(2)(iii) of § 1.122-1 is amended by inserting in subdivision (*a*) "subchapter I of" immediately preceding "chapter 73 of title 10 of the United States Code"; and by substituting in subdivision (*b*) "sections 1438 or 1452 (d)" for "section 1438".

Par. 5. Paragraph (c) of § 1.122-1 is amended by inserting in subparagraphs (1), (3), and (4) "or the Survivor Benefit Plan (10 U.S.C. 1447)" immediately after "Retired Servicemen's Family Protection Plan (10 U.S.C. 1431)" and by inserting in subparagraph (4) "or Survivor Benefit Plan" after "whether or not reduced under the Retired Serviceman's Family Protection Plan".

Par. 6. Paragraph (d) of § 1.122-1 is amended by deleting "(as defined in § 1.79-2(b)(3))" in Example (5) and by revising the material immediately preceding "Example (1)" to read as follows:

§ 1.122-1 Applicable rules relating to certain reduced uniformed services retirement pay.

* * * * *

(d) *Examples with respect to the Retired Serviceman's Family Protection Plan.* The rules discussed in this section relating to the Retired Serviceman's Family Protection Plan (10 U.S.C. 1431) may be illustrated by the following examples:

* * * * *

Par. 7. Section 1.122-1 is amended by adding at the end thereof a new paragraph (e) to read as follows:

§ 1.122-1 Applicable rules relating to certain reduced uniformed services retirement pay.

* * * * *

(e) *Principles Applicable to the Survivor Benefit Plan.* The principles illustrated by the examples set forth in paragraph (d) of this section apply to an annuity under the Survivor Benefit Plan (10 U.S.C. 1447).

PART 20—ESTATE TAX REGULATIONS

§ 20.2039 [Deleted]

Par. 8. Section 20.2039 is deleted.

§ 20.2039-2 [Amended]

Par. 9. Paragraph (b)(4) of § 20.2039-2 is amended by deleting ", also referred to as the Retired Serviceman's Family Protection Plan".

PART 25—GIFT TAX REGULATIONS

§ 25.2517 [Deleted]

Par. 10. Section 25.2517 is deleted.

§ 25.2517-1 [Amended]

Par. 11. Paragraph (b)(1)(iv) of § 25.2517-1 is amended by deleting ", also referred to as the Retired Serviceman's Family Protection Plan".

JEROME KURTZ,
Commissioner of Internal Revenue.

[FR Doc. 78-13582 Filed 5-18-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 879-5]

[40 CFR Part 51]

INTERGOVERNMENTAL CONSULTATION

Requirements for Preparation, Adoption, and Submittal of Implementation Plans

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This rule proposes to consolidate existing regulations requiring intergovernmental cooperation in the development of State plans to achieve national ambient air quality standards and to combine the consolidated regulations with new regulations required by the Clean Air Act Amendments of 1977. The resultant regulations require more comprehensive coverage of air quality programs and additional involvement of affected individuals and groups on a consultation process. The regulations also define the process for designation of a lead planning organization in carbon monoxide and photochemical oxidant nonattainment areas. The new regulations are necessary to meet the requirements of sections 121 and 174 of the revised Clean Air Act. Section 121 requires that the States provide a satisfactory process of consultation with local governments, designated organizations of local elected officials, and Federal land managers. Section 174 requires the designation of a lead organization for coordinating plan revisions in areas with oxidant and carbon monoxide problems and joint State-local determination of responsibilities for plan development, implementation, and enforcement.

DATES: Comments by: June 23, 1978; public hearing: June 19, 1978; proposed publication for final regulations: July 21, 1978; proposed effective date for final regulations: January 1, 1979.

ADDRESSES: Send comments to: Office of Transportation and Land Use Policy (AW-445), Room 931 West Tower, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Jerry Kurtzweg, Office of Transportation and Land Use Policy (AW-445), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-755-0570.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 require increased coordination and consultation among State and local officials in the achievement of national ambient air quality standards. The amended Act (section 121) requires States to include in their State implementation plans (SIP's) procedures for consulting with local governments and Federal land managers. A "satisfactory process of consultation" must be included for transportation controls, air quality maintenance, preconstruction review of direct sources of air pollution, nonattainment areas, prevention of significant deterioration, and certain compliance orders. EPA is required by the amended Act to promulgate regulations to assure adequate consultation.

Such coordination is essential given the complex nature of many control measures, especially transportation control measures, which require the involvement of both State and local governments in their design, implementation, and enforcement. Those organizations and individuals that would be affected by the SIP, (1) because of implementation or enforcement responsibilities, (2) because of the effect of the SIP on other planning responsibilities, or (3) because of the impact of poor air quality and the imposition of sanctions in the absence of an acceptable SIP, should be involved in SIP development. Only with such involvement can a successful program be developed.

In nonattainment areas for carbon monoxide and photochemical oxidants, States have additional consultation requirements under section 174 of the amended Act. States are required to determine jointly with local governments the division of responsibility for development, implementation, and enforcement of the SIP's for these areas. Local governments were provided an opportunity to designate by agreement an organization to prepare the plan for these nonattainment areas, if they did so by February 7, 1978. EPA and the Department of Transportation issued in December 1977 joint guidelines on the process and criteria to be used for such designations. The Governor is required to either certify a locally designated organization or to designate an organization or State agency. The Governor's designation must be made after consultation with local officials and in accordance with the joint determination of responsibilities.

Existing EPA regulations pertaining to intergovernmental cooperation in developing, implementing, and enforcing SIPs are now found primarily in §§ 51.21 and 51.58 of Title 40, Code of Federal Regulations. These sections deal with transference of information from one agency to another (51.21 (a) and (c)), identification of responsibilities (51.21(b)), and coordination of air quality maintenance planning with other planning programs (51.58). The Clean Air Act Amendments of 1977 require a more comprehensive approach in terms of involvement of affected programs and individuals than is required under the existing regulations.

The regulations proposed below reflect a new structure designed to make Part 51 of the Code of Federal Regulations more readable and understandable. All of Part 51 will eventually be rewritten. This new structure incorporates the use of more subparts in which regulatory material currently contained in sections will be placed. The new format also allows the use of more headings than the current format. The additional headings will enable the reader to more readily find pertinent requirements.

These proposed regulations have combined the existing regulations with the new requirements of the Clean Air Act Amendments under a new Subpart M entitled "Intergovernmental Cooperation" within Part 51. Within Subpart M, §§ 51.243 through 51.246 deal primarily with the new requirements for continuing consultation. Section 51.241 includes the process required by Section 174 of the amended Act for designation of an organization for coordinating plan revisions for carbon monoxide and photochemical oxidant nonattainment areas.

Detailed guidelines for implementing Section 174 were issued jointly by EPA and the Department of Transportation (DOT) on December 14, 1977, and were distributed to state and local governments. Because the Amendments require local designation of a planning organization by February 7, 1978, there was insufficient time to issue the information in these guidelines as regulations.

Under the 174 guidelines and the regulations contained in the proposed § 51.241, States are required to submit to the Administrator through EPA regional offices a list of all designated organizations, including a description of their boundaries and responsibilities, and brief discussion of the reasons for the designation. The guidelines request that States identify for EPA by April 1, 1978, the organization responsible for each carbon monoxide and/or photochemical oxidant nonattainment area. A list of the organizations and other related information requested by the regulations must be included in the implementation plan revision submitted by January 1, 1979.

Through the 174 guidelines and these regulations, EPA is also encouraging further coordination and consolidation of Federally sponsored planning programs. Under the guidelines, the State must consider, before designating a lead planning organization, whether the organization has other areawide planning responsibilities. Coordination or integration of common plan elements is required by Section 51.247. This encouragement is consistent with President Carter's Environmental Message of May 1977 and with subsequent actions taken by the President to eliminate, consolidate, or simplify Federal planning requirements. The Environmental Message in part stressed the need for improved implementation of environmental laws through more efficient delivery of Federally funded programs. The need to consolidate Federal planning requirements was reiterated by President Carter in his March 27, 1978, announcement of a national urban policy.

Certain requirements in these regulations related to the transportation

air quality planning processes are being proposed by both EPA and DOT. These requirements will be reflected in revisions to DOT's joint regulations for the Federal Highway Administration (FHWA) and the Urban Mass Transportation Administration (UMTA) on the transportation planning process. The revisions to the FHWA-UMTA regulations will be proposed and adopted in a separate rulemaking action.

A process of consultation is not more specifically defined in these regulations because a satisfactory process may vary depending upon the program or action affected and upon established channels of communication within each State and local area. The regulations do describe the objectives of a satisfactory process of consultation. These objectives include providing for information dissemination and education, the opportunity for collaboration on development of the SIP, and joint determination of key issues in SIP development. As used in these regulations education means more than just dissemination of written information materials and may include workshops, question and answer sessions, personal visits or other techniques. Key issues include the selection of control strategies, especially those that require local enforcement, implementation or commitment of resources.

The regulations are not designed to require the replacement of existing consultation procedures. However, such procedures should be augmented or improved where necessary to ensure that affected organizations or individuals have substantial opportunity to express their opinion and concern during development of the SIP. A satisfactory process of consultation is a necessary component of an approvable SIP.

More specific guidance describing consultation procedures pertaining to the Clean Air Act requirements for a transportation planning process and prevention of significant deterioration (PSD) will be issued in the future. The transportation planning process guidelines will be published shortly. PSD regulations were proposed November 3, 1977 (42 FR 57480).

These regulations are procedural in nature and affect mainly governmental personnel. Because the required level of effort will not necessitate an appreciable increase in resources, these regulations do not meet the minimum criteria for significant regulations requiring a regulatory analysis as described in Executive Order 12044.

The relationship of Indian governing bodies to the States in implementation of EPA programs, including the air pollution control programs affected by these regulations, is currently under consideration by an EPA working group. Thus, this issue was not explicitly addressed in these regulations.

Comments and Opportunity for Public Hearing

Interested parties are encouraged to participate in this proposed rulemaking action by submitting written comments, to Jerry Kurtzweg at the address given above. All relevant comments received no later than June 23, 1978, will be considered. Comments will be available for public inspection during normal business hours at the Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street SW., Washington, D.C. 20460.

EPA will also hold a public hearing on today's actions. The hearing will be of the informal, legislative type. Persons desiring to appear at such a hearing should, no later than June 9, 1978, file a written statement with Jerry Kurtzweg at the address given in the introduction of this preamble. Each statement should indicate the person's name and address, the nature of the person's interest in the rulemaking proceedings, and the group or business entity (if any) such person represents. The hearing will be held on June 19, 1978, in Room 3906, 401 M Street SW., Washington, D.C. 20460. Comments filed in writing will be given equal weight to statements made at public hearings. The EPA official responsible for drafting these regulations is John Hidinger, Director, Office of Transportation and Land Use Policy.

Dated: May 10, 1978.

Douglas M. Costle,
Administrator.

EPA proposes to amend Title 40 of the Code of Federal Regulations, Chapter I, Part 51, as follows:

§ 51.21 [Reserved].

§ 51.58 [Amended].

1. Sections 51.21 and 51.58(b)-(h) are revoked and reserved.

2. Section 51.61, paragraph (d) is revised to read as follows:

§ 51.61 AQMA plan: Submittal format.

* * * * *

(d) AQMA plan. Applicable information required under §§ 51.52(b), 51.53, 51.54, 51.55, 51.56, 51.58, 51.59, 51.60 and Subpart M.

* * * * *

§ 51.63 [Amended].

3. In § 51.63 paragraph (a) the reference to "51.58(h)" is deleted from the first sentence.

Subparts E-L—[Reserved]

4. New Subparts E to L are added and reserved.

5. A new Subpart M is added as follows:

Subpart M—Intergovernmental Cooperation

Agency Designation

Sec.
51.240 General plan requirements.
51.241 Nonattainment areas for carbon monoxide and photochemical oxidants.
51.242 [Reserved]

Continuing Consultation Process

51.243 Consultation process objectives.
51.244 Plan elements affected.
51.245 Organizations and officials to be consulted.
51.246 Timing.

Relationship of Plan to Other Planning and Management Programs.

51.247 Coordination with other programs.
51.248 [Reserved]
51.249 Transmittal of information.
51.250 A-95 clearinghouse review.
51.251 Summary of plan development participation.

Authority: Secs. 110, 121, 174(a), 301(a) Clean Air Act as amended (42 U.S.C. 7410, 7421, 7504, and 7601(a)).

SUBPART M—INTERGOVERNMENTAL COOPERATION

Agency Designation

§ 51.240 General plan requirements.

Each State implementation plan must identify organizations, by official title, that will participate in developing, implementing, and enforcing the plan and the responsibilities of such organizations. The plan shall include any related agreements or memoranda of understanding between the organizations.

§ 51.241 Nonattainment areas for carbon monoxide and photochemical oxidants.

(a) For each region or portion of a region in which the national primary standard for carbon monoxide or photochemical oxidants will not be attained by July 1, 1979, the Governor (or Governors for interstate areas) shall certify the organization of elected officials of local governments designated by agreement of affected local governments, or he or she shall designate, after consultation with local officials, the organization responsible for developing the revised implementation plan or portions thereof for such region. The procedures described in the "Section 174 Guidelines" issued jointly in 1977 by EPA and the Department of Transportation should be consulted in this process.

(b) The Governor shall certify the locally designated organization unless no agreement was reached by affected local governments by February 7, 1978, or the locally designated organization does not meet the criteria for a lead planning organization contained in the "Section 174 Guidelines." In making a designation, the governor shall take into consideration any on-

going process of local designation in existence on February 7, 1978. The designation shall be in accordance with the joint determination of responsibilities for plan development, implementation, and enforcement required by section 174(a) of the Clean Air Act, as amended.

(c) The Governor shall certify or designate, where feasible, the metropolitan planning organization responsible for the continuing, cooperative, and comprehensive transportation planning process required under section 134 of Title 23, United States Code; the organization responsible for air quality maintenance planning; or the organization responsible for both. In determining the feasibility of certifying or designating such an organization, the Governor shall also consider whether the organization gives adequate representation to local elected officials of general purpose governments and has areawide planning responsibilities in other Federal environmental or community development planning programs which could contribute to integration and consolidation of planning functions. Where possible, preference should be given to organizations with several programs responsibilities such as comprehensive planning or water quality management. Attention is directed to Part IV of the Office of Management and Budget Circular A-95 (41 FR 2052) which encourages the designation of established, substate comprehensive planning agencies as the agencies to carry out Federally assisted or required areawide planning.

(d) The Governor shall submit the following information to the Administrator of the EPA through the appropriate EPA regional office. The information shall be submitted as part of the State implementation plan revision required on January 1, 1979.

(1) A list of all air quality planning organizations certified or designated within the State.

(2) A description of the geographic jurisdictions of these organizations.

(3) A general description of the responsibilities of the designated or certified organizations.

(4) A brief discussion of the alternatives investigated for consolidation of environmental and other planning functions, and the basis for the selection of the designated organization.

(5) A brief description of the consultative process leading to the selection of a certified or designated organization, including the disposition of significant concerns raised by participants.

§ 51.242 [Reserved]

Continuing Consultation Process

§ 51.243 Consultation process objectives.

Any governmental organization that has the lead responsibility for development of one of the State implementation plan elements listed in § 51.244 shall provide for a continuing intergovernmental consultation process in carrying out those responsibilities. Already established consultation processes, such as those established under § 51.241, may be used, and supplemented if necessary, to meet the requirements of this subpart. A satisfactory consultation process must include provisions to meet the following objectives:

(a) Provide for information dissemination to and education of relevant organizations and individuals.

(b) Provide an opportunity for involvement of affected governmental organizations and elected officials in development of the revised implementation plan.

(c) Provide an opportunity for joint resolution by affected governmental organizations and individuals of key issues in the development of the revised implementation plan. Key issues include the selection of control strategies, especially those that require local enforcement, implementation or commitment of resources.

§ 51.244 Plan elements affected.

The consultation process must ensure consultation during preparation of the following measures:

(a) Procedures for preconstruction review of direct sources of air pollution.

(b) Transportation-related control measures.

(c) Control measures, other than transportation-related measures, applicable to nonattainment areas.

(d) Measures for prevention of significant deterioration of air quality, and protection of visibility in Federal Class I areas.

(e) Air quality maintenance measures.

(f) Delayed compliance orders described in Section 113(d) of the Clean Air Act Amendments of 1977.

§ 51.245 Organizations and officials to be consulted.

A continuing intergovernmental consultation process established in accordance with § 51.243 shall ensure the involvement, where appropriate, of the following organizations or individuals:

(a) State agencies responsible for air pollution control, transportation planning, energy planning, community development and housing planning, solid waste management, and water quality management.

(b) Elected officials of local governments.

(c) Federal land managers having authority over lands affected by State implementation plans.

(d) Affected local and areawide agencies, responsible for air pollution control, comprehensive, community development, transportation or energy planning, and water quality, solid waste or coastal zone management.

(e) Public interest organizations having a major interest in the program.

§ 51.246 Timing

The continuing intergovernmental consultation process shall apply to any measure related to the plan elements in § 51.244 adopted after August 7, 1978. The State implementation plan shall be revised to include such a consultation process no later than January 1, 1979.

Relationship of Plan to Other Planning and Management Programs

§ 51.247 Coordination with other programs.

(a) A governmental organization that has a major responsibility for developing any of the State implementation plan elements listed in § 51.244 shall coordinate with other planning and management programs substantially affecting or affected by such elements through the development of procedures to ensure the following:

(1) Use of common data.

(2) Coordination, and where possible, integration of work programs.

(3) Use, where possible, of common policy advisory bodies.

(4) Coordinated, and where possible, common public participation and information programs.

(5) Incorporation of appropriate air quality criteria as a factor in other planning programs.

(6) Consideration of other planning objectives in development of control strategies.

(b) The coordination procedures shall include a process for determining consistency between the State implementation plan and other plans and programs, such as those pertaining to transportation, land use, solid waste, water quality, or community development substantially affecting or affected by the implementation plan. It shall include a list of any memoranda of understanding developed, as part of that process, between the agencies responsible for development, implementation, or enforcement of air quality plans. The provisions of items 3a through d, Part IV of the Office of Management and Budget Circular A-95 shall be considered in the preparation of memoranda of understanding.

§ 51.248 [Reserved]

§ 51.249 Transmittal of information.

Each plan shall provide assurances that the governmental organization having primary responsibility for implementing national air quality standards in any region, or portion thereof, will promptly transmit to other orga-

nizations having similar or related responsibility in the same or other States, information on factors (e.g., construction of new industrial plants) which may signficantly affect air quality in any portion of such region or in any adjoining region.

§ 51.250 A-95 clearinghouse review.

A draft of any major implementation plan revision including any of the six elements listed in § 51.244 shall be submitted to the cognizant State and areawide clearinghouse as established under the Office of Management and Budget Circular A-95, for review and comment for a period of 45 days. Comments received from the clearinghouses within that 45-day period shall be considered. Copies of these comments shall be retained by the organization initiating the plan revision for inspection by the Administrator and the public.

§ 51.251 Summary of plan development participation.

An organization with responsibility for the development of all or a portion of the implementation plan elements listed in § 51.244 shall include in the plan:

(a) A summary of the procedure used to involve the public, local and areawide governmental organizations, State agencies and the State legislature, and Federal land managers in the development of the plan revision.

(b) A discussion of any significant comments raised during the consultation process, including those received in the A-95 clearinghouse review or in any public hearing held on the plan. The discussion shall include a description of the final disposition of such points.

[FR Doc. 78-13552 Filed 5-17-78; 8:45 am]

[4910-59]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 74-9; Notice 04]

CHILD RESTRAINT SYSTEMS; SEAT BELT ASSEMBLIES AND ANCHORAGES

Proposed Rulemaking and Invitation for Applications for Financial Assistance

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

ACTION: Notice of proposed rulemaking and invitation for applications for financial assistance in commenting on the notice.

SUMMARY: This notice is being issued in response to public requests. It would amend the existing child restraint standard by extending its applicability to all types of child restraints designed for use in motor vehicles. It would also upgrade existing child restraint performance requirements by improving the performance criteria and by replacing static tests with dynamic tests using anthropomorphic child dummies. The amendments are intended to reduce the number of children under 5 years of age that are killed or injured in motor vehicle accidents.

DATES: Comments must be received on or before December 1, 1978. Applications for financial assistance in commenting on this notice must be received on or before June 19, 1978. Proposed effective dates: The date of publication of the final rule in the FEDERAL REGISTER for optional compliance with Standard No. 213-80 instead of existing Standard 213, and May 1, 1980, for Standard No. 213-80 and for the deletions from Standard No. 209.

ADDRESSES: Comments should refer to the docket number and must be submitted in writing to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. Applications for financial assistance should be submitted in writing to: Ms. Jeanette Feldman, Public and Consumer Affairs, National Highway Traffic Safety Administration, Room 5232, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0670.

FOR FURTHER INFORMATION CONTACT:

Mr. Jere Medlin, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-2244.

SUPPLEMENTARY INFORMATION:

APPLICATIONS FOR FINANCIAL ASSISTANCE

The National Highway Traffic Safety Administration (NHTSA) invites all qualified individuals, organizations and other parties financially unable to participate in this proceeding to apply for financial assistance. The agency is particularly interested in applications that will innovatively address the problems of improving child restraint usage rates and the prevention of misuse.

Each applicant should specify in its application which issued it proposes to address if it receives assistance and describe the nature of its proposed work product. The agency urges applicants to indicate whether and how they will address the following issues in their comments:

(1) The impact, if any, on the cost of child restraints that would be caused by the amendments proposed in this notice and by any additional amendments advocated by the applicant;

(2) The highest practicable level of safety that child restraints can be required to achieve without causing the cost of those restraints to increase to the point that a significant number of consumers are inhibited from voluntarily purchasing child restraints; and

(3) Whether the proposed amendments alone would adequately address the problem of misuse of child restraints or whether those amendments should be replaced or supplemented by alternative nonregulatory (educational) measures. Descriptions of ideas for specific alternative measures are invited. Examples of such measures include sample labels for restraints, pamphlets to be distributed in places such as obstetricians' and pediatricians' offices, scripts for films to be shown in childbirth classes of maternity wards or on television, spot media announcements, and educational materials for groups such as medical students. Applicants who indicate that they will address the alternative measures should outline their plans for explaining why they think those measures will be effective.

All applications submitted before the deadline specified at the beginning of this notice will be examined by an evaluation board of NHTSA and Department of Transportation officials to determine whether each applicant is eligible to receive funding. Consideration of late applications is at the discretion of the evaluation board.

In general, an applicant is deemed eligible if it demonstrates in its application that: (1) It represents an interest whose representation can be reasonably expected to contribute to a full and fair determination of the issues in the proceeding; (2) its participation is reasonably necessary to represent that interest; (3) it can competently represent that interest; and (4) it lacks financial resources to participate in the absence of such assistance. If more than one applicant representing the same or similar interest is deemed eligible, the board will either select more than one applicant if the eligible applicants seek to present significantly different points of view regarding this notice or select the applicant which demonstrates that it can make the strongest presentation.

Payment may be made as soon as possible after the selected applicant has completed its work and submitted its claim. Each applicant must submit as part of its application all information required by section 5 of the financial assistance regulation which governs the operation of the Department's public participation program (42 FR 2864, January 13, 1977). Failure to submit the required information may result in delays in evaluation and possible disqualification of an application. A copy of the regulation may be obtained from Ms. Jeanette

Feldman at the address and telephone number indicated at the beginning of this notice.

BACKGROUND

NHTSA data indicate that approximately 1,000 children up to age 5 are killed and approximately 100,000 children in this age group are injured yearly as occupants of motor vehicles. Many of these deaths and injuries could be prevented or reduced in severity by restraining the child so that he or she is not thrown against the vehicle interior during a crash. Safety belts, air bags, and other devices are or will be available in motor vehicles. However, these safety devices are generally not designed for use by infants and small children and, as a consequence, offer them limited protection. The size and fragility of infants and small children makes their use of safety belts alone impractical in many cases.

Car beds, infant carriers, child seats, and child harnesses are the commonly available means of providing restraint in motor vehicles for children under 5 years of age. These child restraint systems are not mandatory safety equipment in passenger cars, but are purchased by parents voluntarily for use in motor vehicles. In addition to providing the benefit of restraint in collisions, use of these systems prevents children from falling and being injured during vehicle turns and stops. Use also prevents the children from distracting or interfering with the driver by moving around inside the vehicle while it is in motion.

Before the issuance of existing Standard No. 213, there were numerous inexpensive child seats that offered very limited protection. Standard No. 213 required the elimination or improvement of those seats.

There is substantial room for improvement in Standard No. 213 and in the provisions of Standard No. 209 regulating child harnesses. Neither standard regulates car beds or infant carriers. Both standards rely upon static instead of dynamic tests for measuring the performance of child restraints.

Further, a concerted effort needs to be made to reduce the problem of misuse of child restraints. Misuse substantially reduces the safety value of these restraints. The misuse typically takes the form of incorrect attachment of the restraint to the vehicle or incorrect securing of the child in the restraint.

Any move to upgrade Federal standards regulating child restraints is complicated by the possible price sensitivity of such restraints. The NHTSA has learned from data supplied by child seat manufacturers that approximately 20 percent of child seat sales are in the lowest price brackets. This suggests that any amendment that would significantly raise the price of the cheapest seats could potentially have a substantial adverse effect on the sales of these voluntarily purchased items of safety equipment. The net effect on safety could be negative if the effect of sales losses exceeds the benefit of the improved performance of the restraints which are purchased. Thus, to maximize the total safety benefits of its efforts to extend and upgrade its restraint requirements, the agency must balance those improvements against impacts on the price of restraints.

The agency must also consider the effects of improved performance on the ease of using child restraints. If either the attaching of restraints to vehicles or securing of children in the restraints becomes overly complex, the already substantial problem of misuse could be greatly exacerbated.

In response to the need for an improved Federal child restraint safety standard, the NHTSA published a proposal to expand the scope of the standard to cover all forms of infant and child restraints, require dynamic crash simulation tests of the restraints with anthropomorphic test dummies, and specify the dummies to be used for those tests (39 FR 7959; March 1, 1974). Further action on that proposal was delayed pending additional work on dummy specifications and calibration. Based on recent child restraint misuse studies and a desire to improve usage of child restraints while improving safety, and on evaluation of the comments concerning the 1974 proposal, the NHTSA has decided to issue a modified proposal for a revised child restraint system standard and seek further public comment.

In a separate notice appearing elsewhere in this issue of the FEDERAL REGISTER, the agency is proposing specifications and performance criteria for test dummies that simulate a 3-year old child and a 6-month old infant to Part 572, Anthropomorphic Test Dummies. The comment closing date for this notice has been set for December 1, 1978, to allow child restraint manufacturers to procure, test, and evaluate their restraints using the proposed dummies. The agency would, however, appreciate receiving any preliminary comments on the proposed child restraint standard by manufacturers before testing and by other concerned individuals or organizations who will not be conducting any testing.

SUMMARY OF PROPOSED AMENDMENTS

The most significant amendments proposed by this notice are set forth below:

(1) Dynamic tests would be used to evaluate the performance of the child seating system in a manner which simulates an actual vehicle crash. The simulated crash would be straight forward (0 degree frontal) at 30 mph. The seating systems would be anchored in accordance with the manufacturers' instructions. For restraints equipped with supplementary anchorage belts or tether straps, an additional frontal test at 20 mph would be conducted with the child restraint secured by the lap belt only, and without the tether strap attached. This test is intended to ensure a minimum level of safety performance when the tether strap is not used as data indicate happens about 50 percent of the time.

(2) A standard seat assembly, specified by drawings in docket 74-9, would be used to represent the typical vehicle bench seat and thereby avoid the cost of testing child restraints on numerous production vehicle bench seats.

(3) Injury criteria would be specified for both the head and chest of the dummy for child restraints recommended by their manufacturers for children over 20 pounds. Padding requirements would have to be met by restraints to be used by children weighing not more than 20 pounds.

(4) Frontal head and knee excursion limits would be specified for front-facing child restraints and for harnesses.

(5) During and after dynamic testing, each child restraint would have to retain the dummy within the system; exhibit no complete separation of any load-bearing structural element; if adjustable, remain in its pre-test adjusted position; and limit the collapse of the restraint seat back.

(6) To prevent child restraint surfaces from injuring children or other vehicle occupants during crashes, size, shape and energy absorption requirements would be specified for those surfaces.

(7) Requirements would be set forth for the construction of belt restraints and for the provision of belts in certain child restraint systems.

(8) The amount of force necessary to open belt buckles and release a child from a child restraint system would be specified.

(9) Child seating systems would have to be attachable to the vehicle by means of the vehicle seat belts.

(10) Specified information, such as installation instructions, and the height and weight limits for children which should use the child restraint, would have to be both on the restraint and in an accompanying information booklet or sheet.

MAJOR DIFFERENCES BETWEEN CURRENT AND 1974 PROPOSALS

(1) The current proposal proposes dynamic frontal test only while the 1974 proposal proposed dynamic frontal, lateral and rear tests.

(2) The current proposal would require child seats with tethers to be

tested at 30 mph with the tether attached and at 20 mph without it attached, while the 1974 proposal would have required only the former test.

(3) The current proposal specifies less stringent limits than the 1974 proposal specified for the distance which the child dummy head can move forward during restraint tests. However, knee excursion limits to prevent "submarining" of occupants are included in this proposal.

(4) The current proposal specifies tha use of a standard vehicle bench seat assembly for testing instead of the provision in the 1974 proposal for testing on production vehicles bench seats.

(5) The current proposal sets forth three alternative ranges of permissible force levels necessary to release buckles on child restraint harnesses while the 1974 proposal used the level in existing FMVSS No. 213.

(6) The current proposal does not itself propose specifications regarding the dummies to be used for dynamic testing but is premised upon the issuance of a separate notice which will contain those specifications.

Proposal for Standard No. 213-80

Applicability

Standard No. 213-80 would impose requirements on all types of child restraints used in motor vehicles. Currently, the Federal safety standards cover only child seats, i.e., restraints for children weighing up to 50 pounds who are capable of remaining erect when seated (Standard No. 213), and type 3 belt assemblies, known as child harnesses, which are combination pelvic and upper torso restraints for children who weigh not more than 50 pounds and are capable of sitting upright by themselves (Standard No. 209). In addition to these restraints, the proposed standard would also regulate restraints, such as car beds and infant seats, used by children unable to sit erectly.

Standard No. 213 would be amended to permit, at the manufacturer's option, compliance with the current requirements of that standard or with the new requirements beginning on the date that the final rule is published in the Federal Register. Beginning on May 1, 1980, compliance with the new requirements (i.e., Standard 213-80) would become mandatory.

In 1974, the Juvenile Products Manufacturers Association (JPMA) recommended postponement of the requirements for infant carriers because the JPMA believes that there is a lack of sufficient data regarding the biomedical characteristics, such as cranial impact tolerance, of very small children to determine the proper criteria to be used for infant restraints. The NHTSA estimates indicate that approximately 225 deaths and 22,100 injuries occurred to children under 1 year of age during 1975 in crashes where restraints could have prevented death or serious injury. Therefore, the NHTSA considers such requirements essential and cannot justify further delay in their issuance. This proposal does not establish the criteria discussed by JPMA, but instead adopts the approach of specifying padding requirements for restraints used by children 20 pounds or under.

Volvo of America argued that "vehicle specific" child restraints (systems uniquely designed for installation in a particular make and model automobile but which do not utilize vehicle seat belts for anchorage) should be exempt from the new regulation. The agency has considered the currently available vehicle specific systems and concluded that when used properly they would provide an adequate level of dynamic and other performance characteristics. Despite this advantage, the agency is concerned that allowing a device which is uniquely designed for specific vehicles would result in misuse; i.e., use in other than those specific vehicles. It is traditional in the United States for families with children to "hand down" the paraphenalia, such as child restraints, needed for infants and small children to other families with infants. Thus, it can be expected that a vehicle specific child restraint would be handed down to someone with a different make and model of car who would then attempt to use it dispite its inappropriateness for that vehicle. The safety value of a restraint used improperly is greatly diminished. Also the installation of these devices even in Volvos varies from model to model and requires complex instructions. All of these factors make the possibility of improper use very high.

Standardization of the means of anchoring a child restraint to a vehicle is vital to prevent misuse. By requiring all restraints to be attachable to vehicle seats by the vehicle seat belt, consumers will be assured of a uniform method of attaching the restraint and there will be less confusion regarding that aspect of use. For similar reasons, the agency requires that all vehicle seat belts have push button releases.

A simple, effective way of testing vehicle specific seats has not been devised. Therefore the agency is concerned that if an exemption were allowed for vehicle specific seats, the absence of control over their manufacture could result in the design and production of relatively unsafe seats which do not securely attach to the vehicle, and do not provide an adequate level of child protection.

For these reasons, the agency proposes that vehicle specific child restraints must comply with the new standard.

Dynamic Tests

One of the most significant prerequisites for a safe, useful child restraint system is that is use means that do not injure the child for providing restraint and preventing occupant impact with the vehicle interior. Other significant prerequisites are that restraints not concentrate excessive loads on the soft portions of a child's body, or collapse, separate, or fold to compress or otherwise injure a child during a crash.

The static force test currently in Standard 213 can only partially ensure that these prerequisites are met. In these tests, forces that are in the range of those encountered in a crash are gradually applied to the restraint system by means of a laboratory tensioning device. While this method of testing measures the strength of the device, it does not evaluate the performance of the system under conditions similar to those found in an actual vehicle crash.

A superior way of evaluating the performance of a child restraint is to do so in a dynamic simulation of a vehicle impact. This way provides greater assurance that the restraint will withstand and actual crash without injuring the child. The dynamic simulation involves securing a test dummy in the child restraint which in turn is attached to a representative three position vehicle bench seat. The assembly is then subjected to acceleration to simulate a vehicle crash.

Dynamic testing such as this is routinely used to evaluate the performance of both experimental and mass-produced vehicles and equipment. For example, the agency's Standards Nos. 204, 208, 212, and 301-75 employ dynamic testing to evaluate vehicle systems.

The NHTSA has drawn upon substantial work on dynamic testing in developing this proposal. Several organizations and the NHTSA have undertaken research and testing to develop a suitable dynamic test requirement for child restraint systems. An existing Canadian standard specifies dynamic test requirements. The Economic Commission of Europe and some member countries have developed drafts of dynamic test standards. As noted above, the NHTSA issued and received comment on a proposed dynamic test standard. Further, Consumers Union has conducted comparative dynamic tests of child restraint systems available in this country.

A standard vehicle seat assembly with three seating positions would be used in the dynamic testing. It was developed by the Highway Safety Research Institute at the University of Michigan. The standard seat, which has replaceable foam cushions, would save the restraint system manufacturers the expense which they would have borne under the 1974 proposal of

testing their restraints on a variety of production vehicle bench seats. Use of the standard seat will also greatly simplify the testing program. The seat is representative of production bench seats. For example, the standard seat back deflects a programmed amount in frontal crash simulations to reflect the performance of production seats. This standard seat has already been used in three child restraint system testing programs. Copies of the Drawing Package SAD-100-1000 for the standard seat assembly may be purchased from the NHTSA's Technical Reference Division at the same address given above for the Docket Room or by calling Mr. Robert Hornickle at 202-426-2768. The original report regarding the seat's development is available under Contract No. DOT-HS-4-00865, "Fabrication of a Standard Vehicle Bench Seat."

The child restraints would be tested in the center seating position of the standard seat. Available data indicate that the center position is generally the safest position in which to install a child restraint system and is consequently the position recommended by this agency for use by motorists.

In response to Hamill's request to know the number of tests necessary as a basis for certification, the agency notes that the Act requires that each vehicle and item of equipment comply with applicable standards, and that the manufacturer must certify compliance with those standards "in the exercise of due care" (15 U.S.C. 1397 (b)(2)). The NHTSA's longstanding position is that a manufacturer is free, within the limits of due care, to choose any means to determine that a vehicle or item of equipment would comply if tested by the agency in the manner specified in the standard. Thus, the chosen means must be reasonably calculated to establish compliance. What constitutes due care varies with the circumstances of each manufacturer. All manufacturers must make the initial determination of what is sufficient as part of their duty to certify. The final determination is made by the agency.

Questor Corporation asked for a tolerance for the impact velocity at which a child restraint system must comply. As the agency has stated in its interpretations on similar issues, the safety standards do not set forth instructions, but performance levels that vehicles and equipment are required by law to be capable of meeting. The use of any tolerance for this purpose would be meaningless and confusing. For example, stating that a product must meet a performance requirement while traveling at 30 mph, plus or minus 1 mph, is the legal equivalent of specifying 29 mph with no tolerance. Manufacturers can accommodate any problems they may have in this regard by testing at a speed sufficiently higher than the speed specified in the standard. Questor's suggestion has, therefore, not been adopted.

Test Dummies

A six-month old dummy and a three-year old dummy have been tentatively selected for testing child restraint systems under the proposed standard. The six-month old dummy was specified in the 1974 proposal as being of "sailcloth construction filled with plastic pellets and lead shot for correct weight distribution." The dummy has since been dynamically tested, modified, and retested in infant carriers of three different maufacturers. The new dummy represents and advance in the state-of-the-art and is vastly superior to the former dummy. Very precise definitions of the new dummy are contained in a set of five blueprints and an engineering description which are available in docket 74-9 to all interested persons.

The tentatively selected three-year old dummy is the NHTSA test dummy SA103C, a slightly modified version of the Alderson Model VIP-3C dummy. The NHTSA test dumy SA103C is available for purchase from at least one dummy manufacturer and blueprints are available in docket 74-9 for use by any manufacturer wishing to produce these dummies. An operation and maintenance manual for the dummy is also available in the docket. Detailed instructions for clothing the three-year old dummy are specified in the proposal to ensure that the test conditions are carefully controlled.

Drawing Packages for both the six-month old dummy and the three-year old dummy may be obtained from: Cooper-Trent Operation, Keuffel-Esser Co., 15251 N. Danville St., Arlington, Va. 22201, Attention: V. Cascio 703-524-9000.

As noted above, a proposal to incorporate the specifications and performance criteria for the tentatively selected six-month and three-year-old dummies in Part 572, Anthropomorphic Test Dummy, of Title 49 of the Code of Federal Regulations appears in today's issue of the Federal Register. The December 1, 1978, comment closing date will permit child restraint manufacturers to procure the proposed dummies and test and evaluate their restraints during the comment period.

Dynamic Performance

In the simulated crash tests, the child restraint would be required to maintain system integrity (i.e., not fracture or separate) and limit excursion of the torso, head, and knees. These requirements would reduce the likelihood that a child using a child restraint system would be injured by the collapse or disintegration of the system or by contact with the interior of the passenger compartment. A head injury criterion (HIC) and maximum acceleration level for the chest would be specified to limit forces on the child to tolerable levels.

One objective of the system integrity requirements is to prevent ejection from the restraint system. Another is to ensure that the system does not fracture or separate in such a way as to harm the child. To this end, this notice proposes that when a restraint system is dynamically tested with the appropriate dummy (some systems, such as ones convertible from infant carriers to child seats, would be tested with both dummies) seated in it, there would not be any complete separation of any load bearing structural element of the system or any partial separation exposing surfaces with sharp edges that may contact an occupant. This proposal is a modification of the 1974 one which would have prohibited any separation. This change was made in response to the comment by most child restraint manufacturers that some separation might be purposely designed into a restraint system to improve its energy absorption performance.

This proposal specifies that an adjustable-position restraint would have to be able to meet the system integrity requirements at any designated adjustment position recommended by the restraint's manufacturer for use in motor vehicles and that it remain in its adjusted position during the test. USI West Company suggested that "controlled change of adjustment" or limited movement from one adjustment position to another be permitted. Dynamic tests have shown that the movement of adjustable or reclinable restraints can trap a child's finger between the moving parts and sever it. Therefore, USI West's suggestion has not been adopted.

Some front-facing restraint systems have seat backs that could collapse during a crash and injure children by compressing them. Accordingly, this proposal would require that front-facing restraints be construed so that the angle between the child restraint seat back and the restraint seating surface is not less than 45° after the test.

Injury criteria (expressed in terms of limits on resultant acceleration) are proposed for both the head and chest of the three-year-old test dummy to allow a quantitative evaluation of the dynamic performance of the child restraints to be made. This approach permits the measurement of padding effectiveness during the dynamic test, thus eliminating any need for a separate test for that purpose and the costs associated with such a test. Since the construction of the six-month-old

dummy prevents installing accelerometers so that they will stay in place within the dummy during a test and give accurate measurements, the injury criteria would apply only to restraints recommended by their manufacturers for use by children weighing over 20 pounds.

This notice proposes forward head and knee excursion limits (i.e., limits on how far these portions of the body may move forward) for front-facing child restraints and harnesses. The head excursion limits reflect the maximum available distance for safe forward movement available in cars today.These limits are greater than those proposed in 1974. The increase is proposed to encourage child restraint designs that are easy for motorists to use properly. The knee excursion limits would prevent restraint manufacturers from controlling head excursion by designing their restraints so that their occupants submarine excessively during a crash, i.e., so that their bodies slide down and foward, legs first.

Further, front-facing child restraints and child harnesses would be required to retain the torso of the dummy within their confines during the dynamic testing. In the case of child harnesses and front-facing child restraints with harnesses, the retention requirement would be met if after the dynamic testing the belts of the harness were still located across the appropriate areas of the torso. In the case of front-facing systems without harnesses, the agency is considering defining retention as not permitting the center of each head target point on either side of the dummy head to touch or pass through a horizontal plane 4 inches vertically above the center of the head target points when the dummy is places in accordance with the proposal in the system before the dynamic testing.

When dynamically tested, rear-facing restraints (i.e., infant carriers) would be required to retain the dummy's head within the confines of the restraint and the back support surface would not be allowed to tip forward far enough for the angle between it and the vertical to exceed 60 degrees. If the support surface were allowed to tip more, the infant in the restraint could slide headfirst out of the shoulder straps because of the rounded shape of an infant's shoulders. Retention here would have the same meaning suggested above for child harnesses. Child beds would be required to retain the dummy's head and torso within its confines during the dynamic testing. The typical car bed is rectangular and has an open top and sides of uniform height. Retention in the case of these car beds would mean not permitting any portion of the dummy head or torso to pass through a plane tangent to the tops of the car bed sides.

Unlike the 1974 proposal, this proposal does not contain requirements for lateral dynamic tests and for limits on lateral excursion. During 1977, the NHTSA tested a number of child restraints and found that in outside seating positions only one of those restraints, one which required a tether, could meet the lateral head excursion limits necessary to prevent head contact with the door and other interior vehicle side surfaces in a 20 mph test at a horizontal angle of 60 degrees from the direction of the test platform travel. Some restraints with impact shields, which performed well in frontal crashes and which are rarely misused, could not pass the lateral test even when placed in the center seating position. Because of the cost of the design changes necessary to meet the lateral test, the problems with misuse of tethers, and the possible price sensitivity of child restraint sales, the agency decided not to repropose lateral requirements now.

Rear dynamic tests too have not been reproposed. One reason for not doing so is that child restraint systems having head restraints meeting the requirements proposed in this notice present virtually no problem related to protecting a child in a rear crash. To require the balance of the restraint systems to have such head restraints would raise the same price concerns posed by lateral test requirements without commensurate benefits.

All restraints would be required to meet the applicable proposed performance requirements at 30 mph, the same speed used in Standard No. 208 for testing occupant restraints for children over the age of 5 and adults. Adjustable restraints would be in any position intended for use in a motor vehicle. The restraints would be secured by a vehicle lap belt and, if provided with the restraint, a supplementary tether strap.

The agency is also proposing an additional dynamic test at 20 mph for child restraint systems equipped with tether straps as a supplemental means of attaching the system to a car. The test would be conducted with the system secured by a vehicle lap belt, but the tether would be left unattached. When the tethers on these restraints are properly attached and the lap belt properly tightened, these restraints generally provide superior protection against striking the side of the vehicle interior. They are also among the most effective in preventing children from striking interior surfaces in front of the child restraint. However, surveys show that the tether straps are unused by motorists about 50 percent of the time. The agency is concerned that a single 30 mph test of these systems with the tether attached would therefore be inadequate. The additional test would assure that at least a minimum level of protection is provided when the tether is not used to attach these systems to the vehicle. The NHTSA has tested existing child restraints and determined that the proposed 20 mph test requirement can be met without the use of a tether.

Comment is requested on whether all restraints, including those equipped with tethers, should be required to meet the performance requirements when tested at 30 mph while secured by means of a vehicle lap belt only. Such a requirement would provide increased assurance of safe performance even when child restraints with tethers are installed without the use of the tethers.

Energy Absorption and Distribution

Child restraint systems can be designed so that they do not present hostile or hard surfaces capable of injuring a child during a crash. The primary means for accomplishing this goal is to ensure that restraint surfaces absorb and distribute crash forces.

There are two categories of force distribution requirements proposed by this notice. The first relates to the support surfaces that would have to be provided in most restraints other than car beds to control the rearward movement of a child's head during a crash. Unless the child restraint enabled a child to sit low enough so that the vehicle seat back would provide rearward head restraint, child restraints other than car beds would have to have a seat back of a minimum height and width.

The second category of force distribution requirements specifies minimum surface area requirements for forward and side restraint surfaces and contour requirements for forward, side, and rear surfaces which are provided in restraints other than car beds. It should be emphasized that these provisions would not require the provision of such surfaces. They would simply regulate those that the manufacturers decide to provide.

Back supports would have to have at least 85 square inches of surface area. This figure represents the minimum torso contact area, based on calculations utilizing the three-year old dummy, that should be provided to keep force levels within an acceptable range. The torso dimensions of that dummy are also the basis of the proposed minimum areas and contours of the side and forward support surfaces.

To eliminate one way in which motorists misuse forward facing child restraints, this proposal would prohibit restraints from having any surface or component that is or can be adjusted or moved so that it is directly in front of the child, except for surfaces and components designed to restrain the

child in a forward crash. This provision would eliminate arm rests that flip down in front of a child and that are not designed to provide restraint. Typically, these arm rests are present on child restraint systems that are equipped with harnesses and that are designed for use by children who sit erect. These arm rests are often mistaken by motorists as means by themselves of adequately restraining the child and are partially responsible for the low usage rate (46 percent) of harnesses in child seats.

Child restraints recommended for children who weigh 20 pounds or less cannot be tested with the three-year old dummy. Thus, no quantifiable performance evaluation can be made of those restraints. Therefore, the agency proposes for these restraints that surfaces that are contacted by the dummy head during dynamic testing must meet a padding requirement and static compression test.

Injury from contacting protrusions, such as the pointed ends of screws mounted in flexible materials, would be prevented by this proposal. The height of such protrusions would be limited to not more than three-eighths of an inch above any immediately adjacent surface. Further, an exposed edge with a radius of less than one-fourth of an inch would be prohibited. Also, restraints would not be permitted to separate and create jagged edges that could injure a child during a crash.

Child Restraint Belt Systems

To ensure the safe performance of the belts and associated hardware used to attach the child restraint to the vehicle, or to hold the child in the restraint, the agency is proposing requirements for the construction of belts, where provided, and for the provision of belts in certain restraints. A minimum width of 1½ inches would be required if the belt is contactable by the dummy during test procedures. Standard No. 209's belt and buckle requirements, such as those relating to abrasion, resistance to light, resistance to microorganisms, color fastness, corrosion resistance and temperature resistance, would also be required to be met. Belt elongation and strength would not be specifically regulated in new Standard No. 213-80. However, these factors would have to be considered by manufacturers of child restraints equipped with belts to ensure that the webbing abrasion and the proposed acceleration and excursion limits are met.

In addition to these construction requirements, the agency is proposing requirements for the provision of a minimum number and configuration of belts. Any restraint system belt that contacts the dummy during the test procedure would be prohibited from also being used for attachment of the restraint to the vehicle if it allows inertial forces from the child seat or vehicle seat back to impose a load on the child. Over-the-shoulder belts and a pelvic-crotch belt combination would be required for child harnesses. The harness would also prevent a child from standing while harnessed so that he or she would not be subjected to whiplash. Other child restraints would be required to provide upper and lower torso restraint that could be satisfied by over-the-shoulder belts and a pelvic-crotch belt if the restraint is recommended for use only by children weighing over 20 pounds.

In the interest of preserving system integrity, this notice proposes also that buckles used in restraint systems be operable following the prescribed dynamic tests. JPMA, Volvo, and USI West suggested that a 30-pound maximum be established as the force necessary to release a buckle so that a buckle could be designed to discourage release by the child while the vehicle is in motion. USI West also suggested a minimum lower release force of 15 pounds. Other commenters indicated that the buckle release force on child restraints should be sufficiently low to assure that children could escape from the restraints in emergencies without the help of an adult. The Economic Commission of Europe (ECE) Group or Rapporteurs on Protective Devices proposed in March 1977 that the release force for buckles on child restraints be between 2.25 pounds and 13.5 pounds. This range, the Group said, allows the restraint manufacturer flexibility in designing his restraint system buckles to meet whichever of the two goals described above he believes is perferred by consumers. The National Swedish Road and Traffic Institute conducted a 1975 study entitled, "Handling Performance of Buckles on Child Seats with Regard to Opening Force Requirements." This study suggests the desirability of 12 pound minimum and 20 pound maximum requirements.

To maintain rulemaking flexibility, three alternatives for buckle release force are proposed. The first adopts the 12 pound minimum and 20 pound maximum force requirements indicated by the Swedish Road and Traffic Institute study. The second adopts force requirements in the CEC proposal. The third option is that the maximum force necessary to operate the buckle cannot be greater than 20 pounds. This is the existing Standard No. 213 requirement.

Orientation and Method of Installation

Experience with early child seating systems demonstrated that the means for attaching the systems to a vehicle is crucial to the safety of their performance in a crash. For example, a seating system which hooks over the back of a vehicle seat could come loose in a crash. One reason for that problem is that the vehicle seat back is not strong enough to anchor a restraint unless the seat back is anchored by auxiliary means. Standard No. 213 currently prohibits attaching child restraints to vehicle seat backs by such over-the-seat means. This prohibition has not proven sufficient to ensure that child restraints are properly attached to vehicles. Recent surveys show that only about half of the child restraints are anchored in the vehicle properly, i.e., with a vehicle lap belt. A factor which contributes to this problem is the designing of child restraints so that they have a component which is inserted between the vehicle seat and seat back. As these components are often used as the only means of attaching the restraints to the vehicle, motorists appear to believe that the components are adequate by themselves for that purpose. Such is not the case. To prevent this improper installation, this proposal would prohibit child restraints from having any components that are designed to be used to attach the restraints to a vehicle seat or seat back or any components (other than belts) that can be inserted between a vehicle seat and seat back.

All child restraints, with the exception of child harnesses, must be capable of being secured to a vehicle with a Type I (lap) seat belt as specified in Standard No. 209. The restraint must be capable of being anchored tightly to the vehicle with the lap belts specified in Standard No. 208 for passenger seats. One auxiliary anchorage strap (tether) would be permitted to be supplied with the child restraint.

This proposal would also require that car beds be designed to be installed so that their longitudinal axis is perpendicular to the longitudinal axis of the vehicle in which it is installed. This requirement would ensure that an infant lies crosswise in the vehicle so that the crash loads in frontal crashes would not be imposed along the direction of the infant's spinal cord and would be distributed over the maximum body area.

Labeling and Instructions for Users

Commenters on the 1974 proposal generally agreed that one of the most significant problems in improving child safety through child restraints is the incorrect use of the restraints by motorists. This notice proposes new labeling requirements to encourage proper use of child restraints. So that the information would serve as a constant reminder, information on the correct use of the child restraint would be required to be visible on the system as it is installed in a vehicle.

Such information is currently often placed on the bottom or backs of child restraint systems. The agency recognizes that some child restraint systems may have limited space for displaying the instructions and warnings in the manner proposed in this notice. Comment is requested on the relative importance of displaying each of the instructions and warnings so that it is visible when the system is installed. A diagram showing the restraint correctly installed in a vehicle would be included in the labeling information. The labeling information would also contain items such as the height and weight limits of the children for which the restraint is designed, and warnings to use and snugly adjust all belts, to secure the restraint according to its manufacturer's instructions, to use any supplemental anchorage strap (tether) for attaching the restraint to a vehicle, and not to use any restraint adjustment position specified as being inappropriate for use in a motor vehicle. The proposal would also require that the manufacturer indicate the manufacturer and model of the child restraint, and the month, year, and place of manufacture, and state that the restraint complies with all applicable Federal motor vehicle safety standards.

Another means for encouraging proper use of child restraints is the instruction sheet or booklet that accompanies restraints. Consequently, the agency is proposing that all restraints be accompanied by instructions, including diagrams, for installing the restraints in any passenger seat in motor vehicles. The instructions would not necessarily have to address each type of motor vehicle expressly or separately. However, they must provide sufficient information to enable a user of a restraint in any type of vehicle to install the restraint in any passenger seat in that vehicle. For example, general information on installation of tether anchorages in vehicle floors may be sufficient to inform users of station wagons, vans, and hatchbacks how to install such anchorages. The instructions would also be required to state that the center rear seating position in passenger cars is the safest seating position and that child restraints should therefore be installed in that position. Comments are invited on what additional instructions manufacturers should be required to give to ensure proper use of child restraints. Questions include what advice should be given consumers using cars without a center rear seating position and to consumers having 2 or more children using child restraints. Comments are also requested on whether a brief explanation should be given of the primary consequences of not following the warnings and instructions provided by the manufacturer on the restraint. An example of such an explanation is that failure to attach the tether on systems having top tethers may result in the top part of the system bending forward during a crash and striking the dashboard or back of the front seat, depending on where the restaint is installed. Another example would be explain that failure to adjust belts snugly may result in the child coming entirely out of the restraint during a crash or in crash forces being placed on the wrong portions of the child's body.

Vehicle Seat Belts and Child Restraint Belt Anchorages

This rulemaking action raises a number of tangential issues regarding motor vehicle seat belts and anchorages for child restraint belts or tethers. Comment is invited on these issues. One issue concerns the compatibility of inertial reels for seat belts with child restraints. The agency has conducted tests of properly positioned child restraints anchored with inertial reel belts and has found no significant problem in crash environments. However, information is desired on the extent to which inertial reels may permit child restraints to move out of position during turns, slow stops and the initial phases of a quick stop.

The Physicians for Automotive Safety has raised another issue. That organization has petitioned to amend Standard 208, relating to occupant restraints, to require that lap belts be provided with passive belts in order that child restraints may be installed in any passenger seat equipped with passive belts. Volkswagen has submitted information to the public docket indicating that their passive belt restraint system performs better in a frontal crash without a lap belt than with one. Therefore, they do not want that seating positions equipped with a passive belt to be required to have a lap belt also. At the same time, the NHTSA is concerned that the absence of a lap belt in the front seat of passenger cars might further discourage the use of child restraints. It is clear that child restraints are more effective when properly used in the center rear seating position than in the front seat. However, the agency anticipates that some motorists will nevertheless install child restraints in the front seat. Comments are requested on this issue.

There are two issues regarding anchorages for tethers supplied with some child restraints. One additional way of prompting proper use of the tethers would be to require vehicle manufacturers to install anchorages as standard equipment. Another way would be to require vehicle manufacturers to inform new vehicle purchasers of the best places for installing tether anchorages for each passenger seat. Comments on these issues should include a discussion of the benefits and other impacts of rulemaking to address the underlying problems. The agency also requests comments on the cost and desirability of requiring child restraints to meet the flammability requirements of Federal Motor Vehicle Safety Standard No. 302.

Costs and Benefits

The NHTSA has conducted a preliminary evaluation of the economic and other consequences of this proposal on the public and private sectors. An environmental impact assessment and an economic evaluation have been placed in the docket for this rulemaking.

The benefits from the existing child restraint standard are severely limited by the low rate of child restraint use and by the even lower rate of proper use of the restraint. Surveys indicate that adults properly restrain at best 20 percent of infants in motor vehicles and a mere 5 percent of children aged 1–4 years.

The projected benefits for this proposal are similarly affected by use rates. The agency estimates that the extensive requirements for label warnings and installation instructions will result in slightly higher use rates and projects that the proposal would result in 5 newer fatalities and 980 fewer injuries annually. Should those restraints being improved to meet the new standard undergo some loss in sales due to their expected higher prices, the NHTSA still estimates benefits of 4 fewer fatalities and 725 fewer injuries per year. Because of the large difference in effectiveness between restraints that can pass the proposed dynamic test and those which have passed only a static test, there would have to be five lost sales for every restraint being upgraded to completely offset the safety gains. The agency finds no indication that there will be any sales loss even approaching this magnitude.

Because of this proposal, restraints which have already been designed to pass dynamic tests are expected to increase in price by about $1. Those now failing the dynamic test would be expected to increase in price by approximately $14. The average price increase would be about $3.70.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a succinct and concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel,

NHTSA, at the address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. section 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been released to the public.

The agency has reviewed the impacts of this regulation and determined that it is not a significant regulation within the meaning of Executive Order 12044.

The principal authors of this notice are Mr. Jere Medlin, Office of Vehicle Safety Standards, and Ms. Kathleen DeMeter, Office of the Chief Counsel.

In consideration of the foregoing, it is proposed that the following amendments be made in Part 571, Chapter V of Title 49, Code of Federal Regulations:

1. Standard No. 209, Seat Belt Assemblies (49 CFR 571.209), would be revised as follows:

§ 571.209 Standard No. 209; Seat belt assemblies.

S1. *Purpose and Scope.* This standard specifies requirements for seat belt assemblies.

S2. *Application.* This standard applies to seat belt assemblies for use in passenger cars, multipurpose passenger vehicles, trucks, and buses.

S3. *Definitions.* "Seat belt assembly" means any strap, webbing, or similar device designed to secure a person in a motor vehicle in order to mitigate the results of any accident, including all necessary buckles and other fasteners, and all hardware designed for installing such seat belt assembly in a motor vehicle.

"Pelvic restraint" means a seat belt assembly or portion thereof intended to restrain movement of the pelvis.

"Upper torso restraint" means a portion of a seat belt assembly intended to restrain movement of the chest and shoulder regions.

"Hardware" means any metal or rigid plastic part of a seat belt assembly.

"Buckle" means a quick release connector which fastens a person in a seat belt assembly.

"Attachment hardware" means any or all hardware designed for securing the webbing of a seat belt assembly to a motor vehicle.

"Adjustment hardware" means any or all hardware designed for adjusting the size of a seat belt assembly to fit the user, including such hardware that may be integral with a buckle, attachment hardware, or retractor.

"Retractor" means a device for storing part or all of the webbing in a seat belt assembly.

"Nonlocking retractor" means a retractor from which the webbing is extended to essentially its full length by a small external force, which provides no adjustment for assembly length, and which may or may not be capable of sustaining restraint forces at maximum webbing extension.

"Automatic-locking retractor" means a retractor incorporating adjustment hardware by means of a positive self-locking mechanism which is capable when locked of withstanding restraint forces.

"Emergency-locking retractor" means a retractor incorporating adjustment hardware by means of a locking mechanism that is activated by vehicle acceleration, webbing movement relative to the vehicle, or other automatic action during an emergency and is capable when locked of withstanding restraint forces.

"Seat back retainer" means the portion of some seat belt assemblies designed to restrict forward movement of a seat back.

"Webbing" means a narrow fabric woven with continuous filling yarns and finished selvages.

"Strap" means a narrow nonwoven material used in a seat belt assembly in place of webbing.

"Type 1 seat belt assembly" is a lap belt for pelvic restraint.

"Type 2 seat belt assembly" is a combination of pelvic and upper torso restraints.

"Type 2a shoulder belt" is an upper torso restraint for use only in conjunction with a lap belt as a Type 2 seat belt assembly.

S4 *Requirements.*

S4.1 (a) *Single occupancy.* A seat belt assembly shall be designed for use by one, and only one, person at any one time.

(b) *Pelvic restraint.* A seat belt assembly shall provide pelvic restraint whether or not upper torso restraint is provided, and the pelvic restraint shall be designed to remain on the pelvis under all conditions, including collision or roll-over of the motor vehicle. Pelvic restraint of a Type 2 seat belt assembly that can be used without upper torso restraint shall comply with requirement for Type 1 seat belt assembly in S4.1 to S4.4.

(c) *Upper torso restraint.* A Type 2 or Type 3 seat belt assembly shall provide upper torso restraint without shifting the pelvic restraint into the abdominal region. An upper torso restraint shall be designed to minimize vertical forces on the shoulders and spine. Hardware for upper torso restraint shall be so designed and located in the seat belt assembly that the possibility of injury to the occupant is minimized.

A Type 2a shoulder belt shall comply with applicable requirements for a Type 2 seat belt assembly in S4.1 to S4.4, inclusive.

(d) *Hardware.* All hardware parts which contact under normal usage a person, clothing, or webbing shall be free from burrs and sharp edges.

(e) *Release.* A Type 1 or Type 2 seat belt assembly shall be provided with a buckle or buckles readily accessible to the occupant to permit his easy and rapid removal from the assembly. Buckle release mechanism shall be designed to minimize the possibility of accidental release. A buckle with release mechanism in the latched position shall have only one opening in which the tongue can be inserted on the end of the buckle designed to receive and latch the tongue.

(f) *Attachment hardware.* A seat belt assembly shall include all hardware necessary for installation in a motor vehicle in accordance with SAE Recommended Practice J800B, Motor Vehicle Seat Belt Installations, September 1965. However, seat belt assemblies designed for installation in motor vehicles equipped with seat belt assembly anchorages that do not require anchorage nuts, plates, or washers, need not have such hardware, but shall have 7/16-20 UNF-2A or 1/2-13UNC-2A attachment bolts or equivalent hardware. The hardware shall be designed to prevent attachment bolts and other parts from becoming disengaged from the vehicle while in service. Reinforcing plates or washers furnished for universal floor installations shall be of steel, free from burrs and sharp edges on the peripheral edges adjacent to the vehicle, at least 0.06 inch in thickness and at least 4 square inches in projected area. The distance between any edge of the plate and the edge of the bolt hole shall be at least 0.6 inch. Any corner shall be rounded to a radius of not less than 0.25 inch or cut so that no corner angle is less than 135° and no side is less than 0.25 inch in length.

(g) *Adjustment.* (1) A Type 1 or Type 2 seat belt assembly shall be capable of adjustment to fit occupants whose dimensions and weight range from those of a 5th-percentile adult female to those of a 95th-percentile adult male. The seat belt assembly shall have either an automatic-locking retractor, an emergency-locking retractor, or an adjusting device that is within the reach of the occupant.

(2) A Type 1 or Type 2 seat belt assembly for use in a vehicle having seats that are adjustable shall conform to the requirements of S4.1(g)(1) regardless of seat position. However, if a seat has a back that is separately adjustable, the requirements of S4.1(g)(1) need be met only with the seat back in the manufacturer's nominal design riding position.

(3) The adult occupants referred to in S4.1(g)(1) shall have the following measurements:

	5th-percentile adult female	95th-percentile adult male
Weight	102 lbs	215 lbs.
Erect sitting height	30.9 in	38 in.
Hip breadth (sitting)	12.8 in	16.4 in.
Hip circumference (sitting).	36.4 in	47.2 in.
Waist circumference (sitting).	23.6 in	42.5 in.
Chest depth	7.5 in	10.5 in.
Chest circumference:		
Nipple	30.5 in	44.5 in.
Upper	29.8 in	44.5 in.
Lower	26.6 in	44.5 in.

(h) *Webbing.* The ends of webbing in a seat belt assembly shall be protected or treated to prevent raveling. The end of webbing in a seat belt assembly having a metal-to-metal buckle that is used by the occupant to adjust the size of the assembly shall not pull out of the adjustment hardware at maximum size adjustment. Provision shall be made for essentially unimpeded movement of webbing routed between a seat back and seat cushion and attached to a retractor located behind the seat.

(i) *Strap.* A strap used in a seat belt assembly to sustain restraint forces shall comply with the requirements for webbing in S4.2, and if the strap is made from a rigid material, it shall comply with applicable requirements in S4.2, S4.3, and S4.4.

(j) *Marking.* Each seat belt assembly shall be permanently and legibly marked or labeled with year of manufacture, model, and name or trademark of manufacturer or distributor, or of importer if manufactured outside the United States. A model shall consist of a single combination of webbing having a specific type of fiber weave and construction, and hardware having a specific design. Webbings of various colors may be included under the same model, but webbing of each color shall comply with the requirements for webbing in S4.2

(k) *Installation instructions.* A seat belt assembly or retractor shall be accompanied by an instruction sheet providing sufficient information for installing the assembly in a motor vehicle except for a seat belt assembly installed in a motor vehicled by an automobile manufacturer. The installation instructions shall state whether the assembly is for universal installation or for installation only in specifically stated motor vehicles, and shall include at least those items in SAE Recommended Practice, Motor Vehicle Seat Belt Installations—SAE J800b, published by the Society of Automotive Engineers.

(l) *Usage and maintenance instructions.* A seat belt assembly or retractor shall be accompanied by written instructions for the proper use of the assembly, stressing particularly the importance of wearing the assembly snugly and properly located on the body, and on the maintenance of the assembly and periodic inspection of all components. The instructions shall show the proper manner of threading webbing in the hardware of seat belt assemblies in which the webbing is not permanently fasted. Instructions for a nonlocking retractor shall include a caution that the webbing must be fully extended from the retractor during use of the seat belt assembly unless the retractor is attached to the free end of webbing which is not subjected to any tension during restraint of an occupant by the assembly. Instructions for Type 2a shoulder belt shall include a warning that the shoulder belt is not to be used without a lap belt.

(m) *Workmanship.* Seat belt assemblies shall have good workmanship in accordance with good commercial practice.

S4.2 *Requirements for webbing.*

(a) *Width.* The width of the webbing in a seat belt assembly shall be not less than 1.8 inches, except for portions that do not touch a 95th percentile adult male with the seat in any adjustment position and the seat back in the manufacturer's nominal design riding position when measured under the conditions prescribed in S5.1(a).

(b) *Breaking strength.* The webbing in a seat belt assembly shall have not less than the following breaking strength when tested by the procedures specified in S5.1(b): Type 1 seat belt assembly—6,000 pounds or 2,720 kilograms; Type 2 seat belt assembly—5,000 pounds or 2,270 kilograms for webbing pelvic restraint and 4,000 poinds or 1,810 kilograms for webbing in upper torso restraint.

(c) *Elongation.* The webbing in a seat belt assembly shall not extend to more than the following elongation when subjected to the specified forces in accordance with the procedure specified in S5.1(c): Type 1 seat belt assembly—20 percent at 2,500 pounds or 1,130 kilograms; Type 2 seat belt assembly—30 percent at 2,500 pounds or 1,130 kilograms for webbing in pelvic restraint and 40 percent at 2,500 pounds or 1,130 kilograms for webbing in upper torso restraint.

(d) *Resistance to abrasion.* The webbing of a seat belt assembly, after being subjected to abrasion as specified in either S5.1(d) or S5.3(c), shall have a breaking strength of not less than 75 percent of the breaking strength listed in S4.2(b) for that type of belt assembly.

(e) *Resistance to light.* The webbing in a seat belt assembly after exposure to the light of a carbon arc and tested by the procedure specified in S5.1(e) shall have a breaking strength not less than 60 percent of the strength before exposure to the carbon arc and shall have a color retention not less than No. 2 on the Geometric Gray Scale published by the American Association of Textile Chemists and Colorists, Post Office Box 886, Durham, N.C.

(f) *Resistance to micro-organisms.* The webbing in a seat belt assembly after being subjected to micro-organisms and tested by the procedures specified in S5.1(f) shall have a breaking strength not less than 85 percent of the strength before subjection to micro-organisms.

(g) *Colorfastness to crocking.* The webbing is a seat belt assembly shall not transfer color to a crock cloth either wet or dry to a greater degree than Class 3 on the AATCC Chart for Measuring Transference of Color published by the American Association of Textile Chemists and Colorists, when tested by the procedure specified in S5.1(g).

(h) *Colorfastness to staining.* The webbing in a seat belt assembly shall not stain to a greater degree than Class 3 on the AATCC Chart for Measuring Transference of Color published by the American Association of Textile Chemists and Colorists, when tested by the procedure specified in S5.1(h).

S4.3 *Requirements for hardware.*

(a) *Corrosion resistance.* (1) Attachment hardware of a seat belt assembly after being subjected to the conditions specified in S5.2(a) shall be free of ferrous corrosion on significant surfaces except for permissible ferrous corrosion at peripheral edges or edges of holes on underfloor reinforcing plates and washers. Alternatively, such hardware at or near the floor shall be protected against corrosion by at least a Type KS electrodeposited coating of nickel, or copper and nickel, and other attachment hardware shall be protected by a Type QS electrodeposited coating of nickel or copper and nickel, in accordance with Tenative Specifications for Electrodeposited Coatings of Nickel and Chromium on Steel, ASTM Designation: A166-61T, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103, but such hardware shall not be racked for electroplating in locations subjected to maximum stresses.

(2) Surfaces of buckles, retractors and metallic parts, other than attach-

ment hardware, of a seat belt assembly after subjection to the conditions specified in S5.2(a) shall be free of ferrous or nonferrous corrosion which may be transferred, either directly or by means of the webbing, to the occupant or his clothing when the assembly is worn. After test, buckles shall conform to applicable requirements in paragraphs (d) to (g) of this section.

(b) *Temperature resistance.* Plastic or other nonmetallic hardware parts of a seat belt assembly when subjected to the conditions specified in S5.2(b) shall not warp or otherwise deteriorate to cause the assembly to operate improperly or fail to comply with applicable requirements in this section and S4.4.

(c) *Attachment hardware.* (1) Eye bolts, shoulder bolts, or other bolts used to secure the pelvic restraint of a seat belt assembly to a motor vehicle shall withstand a force of 9,000 pounds or 4,080 kilograms when tested by the procedure specified in S5.2(c)(1), except that attachment bolts of a seat belt assembly designed for installation in specific models of motor vehicles in which the ends of two or more seat belt assemblies can not be attached to the vehicle by a single bolt shall have a breaking strength of not less than 5,000 pounds or 2,270 kilograms.

(2) Other attachment hardware designed to receive the ends of two seat belt assemblies shall withstand a tensile force of at least 6,000 pounds or 2,720 kilograms without fracture of any section when tested by the procedure specified in S5.2(c)(2).

(3) A seat belt assembly having single attachment hooks of the quick-disconnect type for connecting webbing to an eye bolt shall be provided with a retaining latch or keeper which shall not move more than 0.08 inch or 2 millimeters in either the vertical or horizontal direction when tested by the procedure specified in S5.2(c)(3).

(d) *Buckle release.* (1) The buckle of a Type 1 or Type 2 seat belt assembly shall release when a force of not more than 30 pounds or 14 kilograms is applied and the buckle of a Type 3 seat belt assembly shall release when a force of not more than 20 pounds or 9 kilograms is applied as prescribed in S5.2.

(2) A buckle designed for pushbutton application of buckle release force shall have a minimum area of 0.7 square inch or 4.5 square centimeters with a minimum linear dimension of 0.4 inch or 10 millimeters for applying the release force, or a buckle designed for lever application of buckle release force shall permit the insertion of a cylinder 0.4 inch or 10 millimeters in diameter and 1.5 inches or 38 millimeters in length to at least the midpoint of the cylinder along the cylinder's entire length in the actuation portion of the buckle release. A buckle having other design for release shall have adequate access for two or more fingers to actuate release.

(3) The buckle of a Type 1 or Type 2 seat belt assembly shall not release under a compressive force of 400 pounds applied as prescribed in paragraph S5.2(d)(3). The buckle shall be operable and shall meet the applicable requirement of paragraph S4.4 after the compressive force has been removed.

(e) *Adjustment force.* The force required to decrease the size of a seat belt assembly shall not exceed 11 pounds or 5 kilograms when measured by the procedure specified in S5.2(e).

(f) *Tilt-lock adjustment.* The buckle of a seat belt assembly having tilt-lock adjustment shall lock the webbing when tested by the procedure specified in S5.2(f) at an angle of not less than 30 degrees between the base of the buckle and the anchor webbing.

(g) *Buckle latch.* The buckle latch of a seat belt assembly when tested by the procedure specified in S5.2(g) shall not fail, nor gall or wear to an extent that normal latching and unlatching is impaired, and a metal-to-metal buckle shall separate when in any position of partial engagement by a force of not more than 5 pounds or 2.3 kilograms.

(h) *Nonlocking retractor.* The webbing of a seat belt assembly shall extend from a nonlocking retractor within 0.25 inch or 6 millimeters of maximum length when a tension is applied as prescribed in S5.2(h). A nonlocking retractor on upper torso restraint shall be attached to the nonadjustable end of the assembly, the reel of the retractor shall be easily visible to an occupant while wearing the assembly, and the maximum retraction force shall not exceed 1.1 pounds or 0.5 kilogram in any strap or webbing that contacts the shoulder when measured by the procedure specified in S5.2(h), unless the retractor is attached to the free end of webbing which is not subjected to any tension during restraint of an occupant by the assembly.

(i) *Automatic-locking retractor.* The webbing of a seat belt assembly equipped with an automatic locking retractor, when tested by the procedure specified in S5.2(i), shall not move more than 1 inch or 25 millimeters between locking positions of the retractor, and shall be retracted with a force under zero acceleration of not less than 0.6 pound or 0.27 kilogram when attached to pelvic restraint, and not less than 0.45 pound or 0.2 kilogram nor more than 1.1 pounds or 0.5 kilogram in any strap or webbing that contacts the shoulders of an occupant when the retractor is attached to upper torso restraint. An automatic locking retractor attached to upper torso restraint shall not increase the restraint on the occupant of the seat belt assembly during use in a vehicle traveling over rough roads as prescribed in S5.2(i).

(j) *Emergency-locking retractor.* An emergency-locking retractor of a Type 1 or Type 2 seat belt assembly, when tested in accordance with the procedures specified in paragraph S5.2(j)—

(1) Shall lock before the webbing extends 1 inch when the retractor is subjected to an acceleration of 0.7g;

(2) Shall not lock, if the retractor is sensitive to webbing withdrawal, before the webbing extends 2 inches when the retractor is subjected to an acceleration of 0.3g or less;

(3) Shall not lock, if the retractor is sensitive to vehicle acceleration, when the retractor is rotated in any direction to any angle of 15° or less from its orientation in the vehicle;

(4) Shall exert a retractive force of at least 0.6 pound under zero acceleration when attached only to the pelvic restraint.

(5) Shall exert a retractive force of not less than 0.2 pound and not more than 1.1 pounds under zero acceleration when attached only to an upper torso restraint;

(6) Shall exert a retractive force of not less than 0.2 pound and not more than 1.5 pounds under zero acceleration when attached to a strap or webbing that restrains both the upper torso and the pelvis.

(k) *Performance of retractor.* A retractor used on a seat belt assembly after subjection to the tests specified in S5.2(k) shall comply with applicable requirements in paragraphs (h) to (j) of this section and S4.4, except that the retraction force shall be not less than 50 percent of its original retraction force.

S4.4 Requirements for assembly performance.

(a) *Type 1 seat belt assembly.* The complete seat belt assembly including webbing, straps, buckles, adjustment and attachment hardware, and retractors shall comply with the following requirements when tested by the procedures specified in C5.3(a):

(1) The assembly loop shall withstand a force of not less than 5,000 pounds or 2,270 kilograms; that is, each structural component of the assembly shall withstand a force or not less than 2,500 pounds or 1,130 kilograms.

(2) The assembly loop shall extend not more than 7 inches or 18 centimeters when subjected to a force of 5,000 pounds or 2,270 kilograms; that is, the length of the assembly between achorages shall not increase more than 14 inches or 36 centimeters.

(3) Any webbing cut by the hardware during test shall have a breaking strength at the cut of not less than 4,200 pounds of 1,910 kilograms.

(4) Complete fracture through any solid section of metal attachment hardware shall not occur during test.

(b) *Type 2 seat belt assembly.* The components of a Type 2 seat belt assembly including webbing, straps, buckles, adjustment and attachment hardware, and retractors shall comply with the following requirements when tested by the procedure specified in S5.3(b):

(1) The structural components in the pelvic restraint shall withstand a force of not less than 2,500 pounds or 1,139 kilograms.

(2) The structural components in the upper torso restraint shall withstand a force of not less than 1,500 pounds or 680 kilograms.

(3) The structural components in the assembly that are common to pelvic and upper torso restraints shall withstand a force of not less than 3,000 pounds or 1,360 kilograms.

(4) The length of the pelvic restraint between anchorages shall not increase more than 20 inches or 50 centimeters when subjected to a force of 2,500 pounds or 1,130 kilograms.

(5) The length of the upper torso restraint between anchorages shall not increase more than 20 inches or 50 centimeters when subjected to a force of 1,500 pounds or 680 kilograms.

(6) Any webbing cut by the hardware during test shall have a breaking strength of not less than 3,500 pounds or 1,590 kilograms at a cut in webbing of the pelvic restraint, or not less than 2,800 pounds or 1,270 kilograms at a cut in webbing of the upper torso restraint.

(7) Complete fracture through any solid section of metal attachment hardware shall not occur during test.

S5 *Demonstration Procedures.*

S5.1 *Webbing.* (a) *Width.* The width of webbing from three seat belt assemblies shall be measured after conditioning for at least 24 hours in an atmosphere having relative humidity between 48 and 67 percent and a temperature of 23°±2° C. or 73.4±3.6° F. The tension during measurement of width shall be not more than 5 pounds or 2 kilograms on webbing from a Type 1 seat belt assembly, and 2,200±100 pounds or 1,000±50 kilograms on webbing from a Type 2 seat belt assembly. The width of webbing from a Type 2 seat belt assembly may be measured during the breaking strength test described in paragraph (b) of this section.

(b) *Breaking strength.* Webbing from three seat belt assemblies shall be conditioned in accordance with paragraph (a) of this section and tested for breaking strength in a testing machine of suitable capacity verified to have an error or not more than 1 percent in the range of the breaking strength of the webbing by the Tentative Methods of Verification of Testing Machines, ASTM Designation: E4-64, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.

The machine shall be equipped with split drum grips illustrated in Figure 1, having a diameter between 2 and 4 inches or 5 and 10 centimeters. The rate of grip separation shall be between 2 and 4 inches per minute or 5 and 10 centimeters per minute. The distance between the centers of the grips at the start of the test shall be between 4 and 10 inches or 10 and 25 centimeters. After placing the specimen in the grips, the webbing shall be stretched continuously at a uniform rate to failure. Each value shall be not less than the applicable breaking strength requirement in S4.2(b), but the median value shall be used for determining the retention of breaking strength in paragraphs (d), (e), and (f) of this section.

(c) *Elongation.* Elongation shall be measured during the breaking strength test described in paragraph (b) of this section by the following procedure: A preload between 44 and 55 pounds or 20 and 25 kilograms shall be placed on the webbing mounted in the grips of the testing machine and the needle points of an extensometer, in which the points remain parallel during test, are inserted in the center of the specimen. Initially the points shall be set at a known distance apart between 4 and 8 inches or 10 and 20 centimeters. When the force on the webbing reaches the value specified in S4.2(c), the increase in separation of the points of the extensometer shall be measured and the percent elongation shall be calculated to the nearest 0.5 percent. Each value shall be not more than the appropriate elongation requirement in S4.2(c).

(d) *Resistance to abrasion.* The webbing from three seat belt assemblies shall be tested for resistance to abrasion by rubbing over the hexagon bar prescribed in Figure 2 in the following manner: The webbing shall be mounted in the apparatus shown schematically in Figure 2. One end of the webbing (A) shall be attached to a weight (B) which has a mass of 5.2±0.1 pounds or 2.35±0.05 kilograms. The webbing shall be passed over the two new abrading edges of the hexagon bar (C) and the other end attached to an oscillating drum (D) which has a stroke of 13 inches or 33 centimeters. Suitable guides shall be used to prevent movement of the webbing along the axis of hexagonal bar C. Drum D shall be oscillated for 5,000 strokes or 2,500 cycles at a rate of 60±2 strokes per minute or 30±1 cycles per minute. The abraded webbing shall be conditioned as prescribed in paragraph (a) of this section and tested for breaking strength by the procedure described in paragraph (b) of this section. The median values for the breaking strengths determined on abraded and unabraded specimens shall be used to calculate the percentage of breaking strength retained.

(e) *Resistance to light.* Webbing at least 20 inches or 50 centimeters in length from three seat belt assemblies shall be suspended vertically on the inside of the specimen rack in a Type E carbon-arc light-exposure apparatus described in recommended Practice for Operation of Light- and Water-Exposure Apparatus (Carbon-Arc Type) for Artificial Weathering Test, ASTM Designation: E42-64, published by the American Society for Testing and Materials. The apparatus shall be operated without water spray at an air temperature of 60°±2° C. or 140°±3.6° F. measured at a point 1±0.2 inch or 25±5 millimeters outside the specimen rack and midway in height. The temperature sensing element shall be shielded from radiation. The specimens shall be exposed to the light from the carbon arc for 100 hours and then conditioned as prescribed in paragraph (a) of this section. The colorfastness of the exposed and conditioned specimens shall be determined on the Geometric Gray Scale issued by the American Association of Textile Chemists and Colorists. The breaking strength of the specimens shall be determined by the procedure prescribed in paragraph (b) of this section. The median values for the breaking strengths determined on exposed and unexposed specimens shall be used to calculate the percentage of breaking strength retained.

(f) *Resistance to micro-organisms.* Webbing at least 20 inches or 50 centimeters in length from three seat belt assemblies shall be subjected successively to the procedures prescribed in Section 1C1—Water Leaching, Section 1C2—Volatilization, and Section 1B3—Soil Burial Test of AATCC Tentative Test Method 30—1957T, Fungicides, Evaluation of Textiles; Mildew and Rot Resistance of Textiles, published by American Association of Textile Chemists and Colorists. After soil-burial for a period of 2 weeks, the specimen shall be washed in water, dried and conditioned as prescribed in paragraph (a) of this section. The breaking strengths of the specimens shall be determined by the procedure prescribed in paragraph (b) of this section. The median values for the breaking strengths determined on exposed and unexposed specimens shall be used to calculate the percentage of breaking strength retained.

NOTE.—This test shall not be required on webbing made from material which is inherently resistant to micro-organisms.

(g) *Colorfastness to crocking.* Webbing from three seat belt assemblies shall be tested by the procedure specified in Standard Test Method 8—1961, Colorfastness to Crocking (Rubbing) published by the American Association of Textile Chemists and Colorists.

(h) *Colorfastness to staining.* Webbing from three seat belt assemblies shall be tested by the procedure specified in Standard Test Method 107—1962, Colorfastness to Water, published by the American Association of Textile Chemists and Colorists, with the following modifications: Distilled water shall be used, perspiration tester shall be used, the drying time in paragraph 4 of procedures shall be 4 hours, and section entitled "Evaluation Method for Staining (3)" shall be used to determine colorfastness to staining on the AATCC Chart for Measuring Transference of Colors.

S5.2 *Hardware*—(a) *Corrosion resistance.* Three seat belt assemblies shall be tested by Standard Method of Salt Spray (Fog) Testing, ASTM Designation: B 117-64, published by the American Society for Testing and Materials. The period of test shall be 50 hours for all attachment hardware at or near the floor, consisting of two periods of 24 hours exposure to salt spray followed by 1 hour drying and 25 hours for all other hardware, consisting of one period of 24 hours exposure to salt spray followed by 1 hour drying. In the salt spray test chamber, the parts from the three assemblies shall be oriented differently, selecting those orientations most likely to develop corrosion on the larger areas. At the end of test, the seat belt assembly shall be washed thoroughly with water to remove the salt. After drying for at least 24 hours under standard laboratory conditions specified in S5.1(a) attachment hardware shall be examined for ferrous corrosion on significant surfaces, that is, all surfaces that can be contacted by a sphere 0.75 inch or 2 centimeters in diameter, and other hardware shall be examined for ferrous and nonferrous corrosion which may be transferred, either directly or by means of the webbing, to a person or his clothing during use of a seat belt assembly incorporating the hardware.

NOTE.—When attachment and other hardware are permanently fastened, by sewing or other means, to the same piece of webbing, separate assemblies shall be used to test the two types of hardware. The test for corrosion resistance shall not be required for attachment hardware made from corrosion-resistant steel containing at least 11.5 percent chromium or for attachment hardware protected with an electrodeposited coating of nickel, or copper and nickel, as prescribed in S4.3(a). The assembly that has been used to test the corrosion resistance of the buckle shall be used to measure adjustment force, tilt-lock adjustment, and buckle latch in paragraphs (e), (f), and (g), respectively, of this section, assembly performance in S5.3 and buckle release force in paragraph (d) of this section.

(b) *Temperature resistance.* Three seat belt assemblies having plastic or nonmetallic hardware or having retractors shall be subjected to the conditions prescribed in Procedure IV of Standard Methods of Test for Resistance of Plastics to Accelerated Service Conditions published by the American Society for Testing and Materials, under designation D 756-56. The dimension and weight measurement shall be omitted. Buckles shall be unlatched and retractors shall be fully retracted during conditioning. The hardware parts after conditioning shall be used for all applicable tests in S4.3 and S4.4.

(c) *Attachment hardware.* (1) Attachment bolts used to secure the pelvic restraint of a seat belt assembly to a motor vehicle shall be tested in a manner similar to that shown in Figure 3. The load shall be applied at an angle of 45° to the axis of the bolt through attachment hardware from the seat belt assembly, or through a special fixture which simulates the loading applied by the attachment hardware. The attachment hardware or simulated fixture shall be fastened by the bolt to the anchorage shown in Figure 3, which has a standard 7/16-20 UNF-2B or 1/2-13 UNC-2B threaded hole in a hardened steel plate at least 0.4 inch or 1 centimeter in thickness. The bolt shall be installed with two full threads exposed from the fully seated position. The appropriate force required by S4.3(c) shall be applied. A bolt from each of three seat belt assemblies shall be tested.

(2) Attachment hardware, other than bolts, designed to receive the ends of two seat belt assemblies shall be subjected to a tensile force of 6,000 pounds or 2,720 kilograms in a manner simulating use. The hardware shall be examined for fracture after the force is released. Attachment hardware from three seat belt assemblies shall be tested.

(3) Single attachment hook for connecting webbing to any eye bolt shall be tested in the following manner: The hook shall be held rigidly so that the retainer latch or keeper, with cotter pin or other locking device in place, is in a horizontal position as shown in Figure 4. A force of 150±2 pounds or 68±1 kilograms shall be applied vertically as near as possible to the free end of the retainer latch, and the movement of the latch by this force at the point of application shall be measured. The vertical force shall be released, and a force of 150±2 pounds or 68±1 kilograms shall be applied horizontally as near as possible to the free end of the retainer latch. The movement of the latch by this force at the point of load application shall be measured. Alternatively, the hook may be held in other positions, provided the forces are applied and the movements of the latch are measured at the points indicated in Figure 4. A single attachment hook from each of three seat belt assemblies shall be tested.

(d) *Buckle release.* (1) Three seatbelt assemblies shall be tested to determine compliance with the maximum buckle release force requirements, following the assembly test in S5.3. After subjection to the force applicable for the assembly being tested, the force shall be reduced and maintained at 150 pounds on the assembly loop of a Type 1 seatbelt assembly, 75 pounds on the components of a Type 2 seatbelt assembly. The buckle release force shall be measured by applying a force on the buckle in a manner and direction typical of those which would be employed by a seatbelt occupant. For pushbutton-release buckles, the force shall be applied at least 0.125 inch from the edge of the pushbutton access opening of the buckle in a direction that produces maximum releasing effect. For lever-release buckles, the force shall be applied on the centerline of the buckle level or finger tab in a direction that produces maximum releasing effect.

(2) The area for application of release force on pushbutton actuated buckle shall be measured to the nearest 0.05 square inch or 0.3 square centimeter. The cyliner specified in S4.3(d) shall be inserted in the actuation portion of a lever released buckle for determination of compliance with the requirement. A buckle with other release actuation shall be examined for access of release by fingers.

(3) The buckle of a Type 1 or Type 2 seatbelt assembly shall be subjected to a compressive force of 400 pounds applied anywhere on a test line that is coincident with the centerline of the belt extended through the buckle or on any line that extends over the center of the release mechanism and intersects the extended centerline of the belt at an angle of 60°. The load shall be applied by using a curved cylindrical bar having a cross section diameter of 0.75 inch and a radius of curvature of 6 inches, placed with its longitudinal centerline along the test line and its center directly above the point on the buckle to which the load will be applied. The buckle shall be latched, and a tensile force of 75 pounds shall be applied to the connected webbing during the application of the compressive force. Buckles from three seatbelt assemblies shall be tested to determine compliance with paragraph S4.3(d) (3).

(e) *Adjustment force.* Three seat belt assemblies shall be tested for adjustment force on the webbing at the buckle, or other manual adjusting device normally used to adjust the size of the assembly. With no load on the anchor end, the webbing shall be drawn through the adjusting device at a rate of 20±2 inches per minute or 50±5 centimeters per minute and the maximum force shall be measured to

the nearest 0.25 pound or 0.1 kilogram after the first 1 inch or 25 millimeters of webbing movement. The webbing shall be precycled 10 times prior to measurement.

(f) *Tilt-lock adjustment.* This test shall be made on buckles or other manual adjusting devices having tilt-lock adjustment normally used to adjust the size of the assembly. Three buckles or devices shall be tested. The base of the adjustment mechanism and the anchor end of the webbing shall be oriented in planes normal to each other. The webbing shall be drawn through the adjustment mechanism in a direction to increase belt length at a rate of 20±2 inches per minute or 50±5 centimeters per minute while the plane of the base is slowly rotated in a direction to lock the webbing. Rotation shall be stopped when the webbing locks, but the pull on the webbing shall be continued until there is a resistance of at least 20 pounds or 9 kilograms. The locking angle between the anchor end of the webbing and the base of the adjustment mechanism shall be measured to the nearest degree. The webbing shall be precycled 10 times prior to measurement.

(g) *Buckle latch.* The buckles from three seat belt assemblies shall be opened fully and closed at least 10 times. Then the buckles shall be clamped or firmly held against a flat surface so to permit normal movement of buckle part, but with the metal mating plate (metal-to-metal buckles) or webbing and (metal-to-webbing buckles) withdrawn from the buckle. The release mechanism shall be moved 200 times through the maximum possible travel against its stop with a force of 30±3 pounds or 14±1 kilograms at a rate not to exceed 30 cycles per minute. The buckle shall be examined to determine compliance with the performance requirements of S4.3(g). A metal-to-metal buckle shall be examined to determine whether partial engagement is possible by means of any technique representative of actual use. If partial engagement is possible, the maximum force of separation when in such partial engagement shall be determined.

(h) *Nonlocking retractor.* After the retractor is cycled 10 times by full extension and retraction of the webbing, the retractor and webbing shall be suspended vertically and a force of 4 pounds or 1.8 kilograms shall be applied to extend the webbing from the retractor. The force shall be reduced to 3 pounds or 1.4 kilograms when attached to a pelvic restraint, or to 1.1 pounds or 0.5 kilogram per strap or webbing that contacts the shoulder of an occupant when retractor is attached to an upper torso restraint. The residual extension of the webbing shall be measured by manual rotation of the retractor drum or by disengaging the retraction mechanism. Measurements shall be make on three retractors. The location of the retractor attached to upper torso restraint shall be examined for visibility of reel during use of seat belt assembly in a vehicle.

NOTE: This test shall not be required on a nonlocking retractor attached to the free-end of webbing which is not subjected to any tension during restraint of an occupant by the assembly.

(i) *Automatic-locking retractor.* Three retractors shall be tested in a manner to permit the retraction force to be determined exclusive of the gravitational forces on hardware or webbing being retracted. The webbing shall be fully extended from the retractor. While the webbing is being retracted, the average force or retraction within plus or minus 2 inches or 5 centimeters of 75 percent extension (25 percent retraction) shall be determined and the webbing movement between adjacent locking segments shall be measured in the same region of extension. A seat belt assembly with automatic locking retractor in upper torso restraint shall be tested in a vehicle in a manner prescribed by the installation and usage instructions. The retraction force on the occupant of the seat belt assembly shall be determined before and after traveling for 10 minutes at a speed of 15 miles per hour or 24 kilometers per hour or more over a rough road (e.g., Belgian block road) where the occupant is subjected to displacement with respect to the vehicle in both horizontal and vertical directions. Measurements shall be made with the vehicle stopped and the occupant in the normal seated position.

(j) *Emergency-locking retractor.* A retractor shall be tested in a manner that permits the retraction force to be determined exclusive of the gravitational forces on hardware or webbing being retracted. The webbing shall be fully extended from the retractor, passing over or through any hardware or other material specified in the installation instructions. While the webbing is being retracted, the lowest force of retraction within plus or minus 2 inches of 75 percent extension shall be determined. A retractor that is sensitive to webbing withdrawal shall be subjected to an acceleration of 0.3g within a period of 50 ms. while the webbing is at 75 percent extension, to determine compliance with S4.3(j)(2). The retractor shall be subjected to an acceleration of 0.7g within a period of 50 milliseconds, while the webbing is at 75 percent extension, and the webbing movement before locking shall be measured under the following conditions: For a retractor sensitive to webbing withdrawal, the retractor shall be accelerated in the direction of webbing retraction while the retractor drum's central axis is oriented horizontally and at angles of 45°, 90°, 135°, and 180° to the horizontal plane. For a retractor sensitive to vehicle acceleration, the retractor shall be—

(1) Accelerated in the horizontal plane in two directions normal to each other, while the retractor drum's central axis is oriented at the angle at which it is installed in the vehicle; and,

(2) Accelerated in three directions normal to each other while the retractor drum's central axis is oriented at angles of 45°, 90°, 135°, and 180° from the angle at which it is installed in the vehicle, unless the retractor locks by gravitational force when tilted in any direction to any angle greater than 45° from the angle at which it is installed in the vehicle.

(k) *Performance of retractor.* After completion of the corrosion-resistance test described in paragraph (a) of this section, the webbing shall be fully extended and allowed to dry for at least 24 hours under standard laboratory conditions specified in S5.1(a). The retractor shall be examined for ferrous and non-ferrous corrosion which may be transferred, either directly or by means of the wedding, to a person or his clothing during use of a seat belt assembly incorporating the retractor, and for ferrous corrosion on significant surfaces if the retractor is part of the attachment hardware. The webbing shall be withdrawn manually and allowed to retract for 25 cycles. The retractor shall be mounted in an apparatus capable of extending the webbing fully, applying a force of 20 pounds or 9 kilograms at full extension, and allowing the webbing to retract freely and completely. The webbing shall be withdrawn from the retractor and allowed to retract repeatedly in this apparatus until 2,500 cycles are completed. The retractor and webbing shall then be subjected to the temperature resistance test prescribed in paragraph (b) of this section. The retractor shall be subjected to 2,500 additional cycles of webbing withdrawal and retraction. Then, the retractor and webbing shall be subjected to dust in a chamber similar to one illustrated in Figure 8 containing about 2 pounds or 0.9 kilogram of coarse grade dust conforming to the specification given in SAE Recommended Practice, Air Cleaner Test Code—SAE J726a, published by the Society of Automotive Engineers. The dust shall be agitated every 20 minutes for 5 seconds by compressed air, free of oil and moisture, at a gage pressure of 80±8 pounds per square inch or 5.6±0.6 kilograms per square centimeter entering through an orifice 0.060±0.004 inch or 1.5±0.1 millimeters in diameter. The webbing shall be

extended to the top of the chamber and kept extended at all times except that the webbing shall be subjected to 10 cycles of complete retraction and extension within 1 to 2 minutes after each agitation of the dust. At the end of 5 hours, the assembly shall be removed from the chamber. The webbing shall be fully withdrawn from the retractor manually and allowed to retract completely for 25 cycles. An automatic-locking retractor or a nonlocking retractor attached to pelvic restraint shall be subjected to 5,000 additional cycles of webbing withdrawal and retraction. An emergency-locking retractor or a nonlocking retractor attached to upper torso restraint shall be subjected to 45,000 additional cycles of webbing withdrawal and retraction between 50 and 100 percent extension. The locking mechanism of an emergency locking retractor shall be actuated at least 10,000 times within 50 to 100 percent extension of webbing during the 50,000 cycles. At the end of test, compliance of the retractors with applicable requirements in S4.3 (h), (i), and (j) shall be determined. Three retractors shall be tested for performance.

S5.3 *Assembly Performance*—(a) *Type 1 seat belt assembly.* Three complete seat belt assemblies, including webbing, straps, buckles, adjustment and attachment hardware, and retractors, arranged in the form of a loop as shown in Figure 5, shall be tested in the following manner:

(1) The testing machine shall conform to the requirements specified in S5.1(b). A double-roller block shall be attached to one head of the testing machine. This block shall consist of two rollers 4 inches or 10 centimeters in diameter and sufficiently long so that no part of the seat belt assembly touches parts of the block other than the rollers during test. The rollers shall be mounted on antifriction bearings and spaced 12 inches or 30 centimeters between centers, and shall have sufficient capacity so that there is no brinelling, bending or other distortion of parts which may affect the results. An anchorage bar shall be fastened to the other head of the testing machine.

(2) The attachment hardware furnished with the seat belt assembly shall be attached to the anchorage bar. The anchor points shall be spaced so that the webbing is parallel in the two sides of the loop. The attaching bolts shall be parallel to, or at an angle of 45° or 90° to the webbing, whichever results in an angle nearest to 90° between webbing and attachment hardware except that eye bolts shall be vertical, and attaching bolts or nonthreaded anchorages of a seat belt assembly designed for use in specific models of motor vehicles shall be installed to produce the maximum angle in use indicated by the installation instructions, utilizing special fixtures if necessary to simulate installation in the motor vehicle. Rigid adapters between anchorage bar and attachment hardware shall be used if necessary to locate and orient the adjustment hardware. The adapters shall have a flat support face perpendicular to the threaded hole for the attaching bolt and adequate in area to provide full support for the base of the attachment hardware connected to the webbing. If necessary, a washer shall be used under a swivel plate or other attachment hardware to prevent the webbing from being damaged as the attaching bolt is tightened.

(3) The length of the assembly loop from attaching bolt to attaching bolt shall be adjusted to about 51 inches or 130 centimeters, or as near thereto as possible. A force of 55 pounds or 25 kilograms shall be applied to the loop to remove any slack in webbing at hardware. The force shall be removed and the heads of the testing machine shall be adjusted for an assembly loop between 48 and 50 inches or 122 and 127 centimeters in length. The length of the assembly loop shall then be adjusted by applying a force between 20 and 22 pounds or 9 and 10 kilograms to the free end of the webbing at the buckle, or by the retraction force of an automatic-locking or emergency-locking retractor. A seat belt assembly that cannot be adjusted to this length shall be adjusted as closely as possible. An automatic-locking or emergency-locking retractor when included in a seat belt assembly shall be locked at the start of the test with a tension on the webbing slightly in exccess of the retractive force in order to keep the retractor locked. The buckle shall be in a location so that it does not touch the rollers during test, but to facilitate making the buckle release test in S5.2(d) the buckle should be between the rollers or near a roller in one leg.

(4) The heads of the testing machine shall be separated at a rate between 2 and 4 inches per minute or 5 and 10 centimeters per minute until a force of 5,000±50 pounds or 2,270±20 kilograms is applied to the assembly loop. The extension of the loop shall be determined from measurements of head separation before and after the force is applied. The force shall be decreased to 150±10 pounds or 68±4 kilograms and the buckle release force measured as prescribed in S5.2(d).

(5) After the buckle is released, the webbing shall be examined for cutting by the hardware. If the yarns are partially or completely severed in a line for a distance of 10 percent or more of the webbing width, the cut webbing shall be tested for breaking strength as specified in S5.1(b) locating the cut in the free length between grips. If there is insufficient webbing on either side of the cut to make such a test for breaking strength, another seat belt assembly shall be used with the webbing repositioned in the hardware. A tensil force of 2,500±25 pounds or 1,135±10 kilograms shall be applied to the components or a force of 5,000±50 pounds or 2,270±20 kilograms shall be applied to an assembly loop. After the force is removed, the breaking strength of the cut webbing shall be determined as prescribed above.

(6) If a Type 1 seat belt assembly includes an automatic-locking retractor or an emergency-locking retractor, the webbing and retractor shall be subjected to a tensile force of 2,500±25 pounds or 1,135±10 kilograms with the webbing fully extended from the retractor.

(7) If a seat belt assembly has a buckle in which the tongue is capable of inverted insertion, one of the three assemblies shall be tested with the tongue inverted.

(b) *Type 2 seat belt assembly.* Components of three seat belt assemblies shall be tested in the following manner:

(1) The pelvic restraint between anchorages shall be adjusted to a length between 48 and 50 inches or 122 and 127 centimeters, or as near this length as possible if the design of the pelvic restraint does not permit its adjustment to this length. An automatic-locking or emergency-locking retractor when included in a seat belt assembly shall be locked at the start of the test with a tension on the webbing slightly in excess of the retractive force in order to keep the retractor locked. The attachment hardware shall be oriented to the webbing as specified in paragraph (a)(2) of this section and illustrated in Figure 5. A tensile force of 2,500±25 pounds or 1,135±10 kilograms shall be applied on the components in any convenient manner and the extension between anchorages under this force shall be measured. The force shall be reduced to 75±5 pounds or 34±2 kilograms and the buckle release force measured as prescribed in S5.2(d).

(2) The components of the upper torso restraint shall be subjected to a tensile force of 1,500±15 pounds or 680±5 kilograms following the procedure prescribed above for testing pelvic restraint and the extension between anchorages under this force shall be measured. If the testing apparatus permits, the pelvic and upper torso restraints may be tested simultaneously. The force shall be reduced to 75±5 pounds or 34±2 kilograms and

the buckle release force measured as prescribed in S5.2(d).

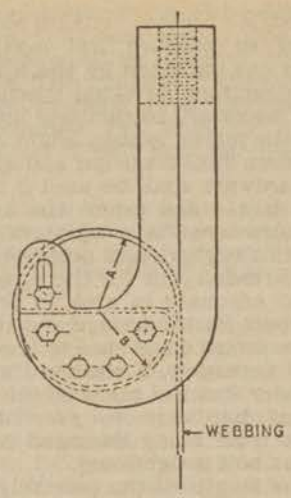
(3) Any component of the seat belt assembly common to both pelvic and upper torso restraint shall be subjected to a tensile force of 3,000±30 pounds or 1,360±15 kilograms.

(4) After the buckle is released in tests of pelvic and upper torso restraints, the webbing shall be examined for cutting by the hardware. If the yarns are partially or completely severed in a line for a distance of 10 percent or more of the webbing width, the cut webbing shall be tested for breaking strength as specified in S5.1(b) locating the cut in the free length between grips. If there is insufficient webbing on either side of the cut to make such a test for breaking strength, another seat belt assembly shall be used with the webbing repositioned in the hardware. The force applied shall be 2,500±25 pounds or 1,135±10 kilograms for components of pelvic restraint, and 1,500±15 pounds or 680±5 kilograms for components of upper torso restraint. After the force is removed, the breaking strength of the cut webbing shall be determined as prescribed above.

(5) If a Type 2 seat belt assembly includes an automatic-locking retractor or an emergency-locking retractor, the webbing and retractor shall be subjected to a tensile force of 2,500±25 pounds or 1,135±10 kilograms with the webbing fully extended from the retractor, or to a tensile force of 1,500±15 pounds or 680±5 kilograms with the webbing fully extended from the retractor if the design of the assembly permits only upper torso restraint forces on the retractor.

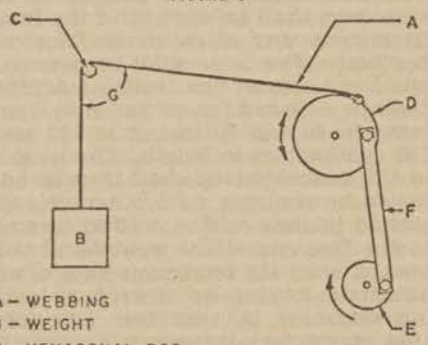
(6) If a seat belt assembly has a buckle in which the tongue is capable of inverted insertion, one of the three assemblies shall be tested with the tongue inverted.

(d) *Resistance to buckle abrasion.* Seatbelt assemblies shall be tested for resistance to abrasion by each buckle or manual adjusting device normally used to adjust the size of the assembly. The webbing of the assembly to be used in this test shall be exposed for 4 hours to an atmosphere having relative humidity of 65 percent and temperature of 70° F. The webbing shall be pulled back and forth through the buckle or manual adjusting device as shown schematically in Figure 9. The anchor end of the webbing (A) shall be attached to a weight (B) of 3 pounds. The webbing shall pass through the buckle (C), and the other end (D) shall be attached to a reciprocating device so that the webbing forms an angle of 8° with the hinge stop (E). The reciprocating device shall be operated for 2,500 cycles at a rate of 18 cycles per minute with a stroke length of 8 inches. The abraded webbing shall be tested for breaking strength by the procedure described in paragraph S5.1(b).



A 1 TO 2 INCHES OR 2.5 TO 5 CENTIMETERS
B A MINUS 0.06 INCH OR 0.15 CENTIMETER

FIGURE 1



A – WEBBING
B – WEIGHT
C – HEXAGONAL ROD
STEEL – SAE 51416
ROCKWELL HARDNESS – B-97 TO B-101
SURFACE – COLD DRAWN FINISH
SIZE – 0.250 ± 0.001 INCH OR
6.35 ± 0.03 MILLIMETER
RADIUS ON EDGES – 0.020 ± 0.004 INCH OR
0.5 ± 0.1 MILLIMETER
D – DRUM DIAMETER – 16 INCHES OR
40 CENTIMETERS
E – CRANK
F – CRANK ARM
G – ANGLE BETWEEN WEBBING – 85 ± 2 DEGS.

FIGURE 2

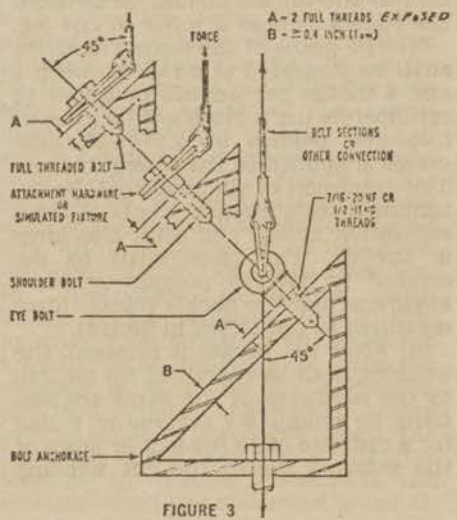


FIGURE 3

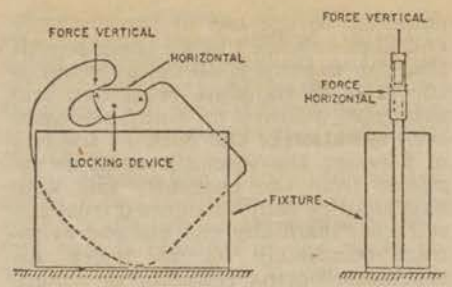


FIGURE 4

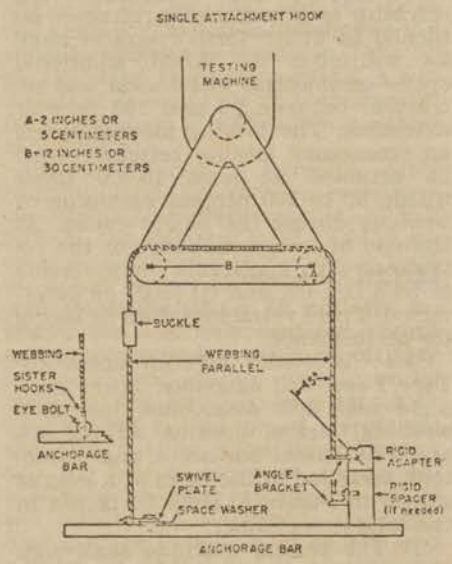


FIGURE 5

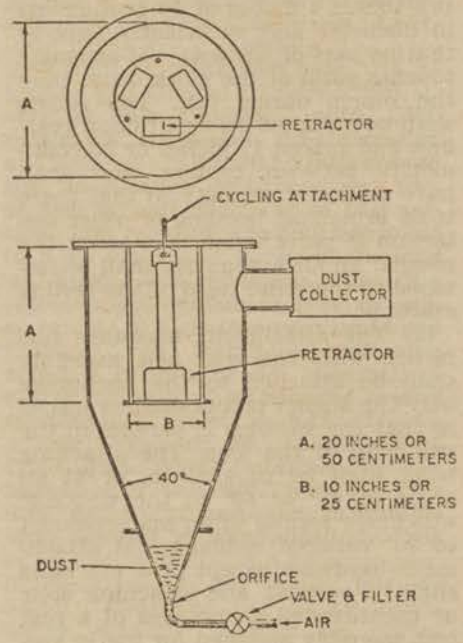


FIGURE 8

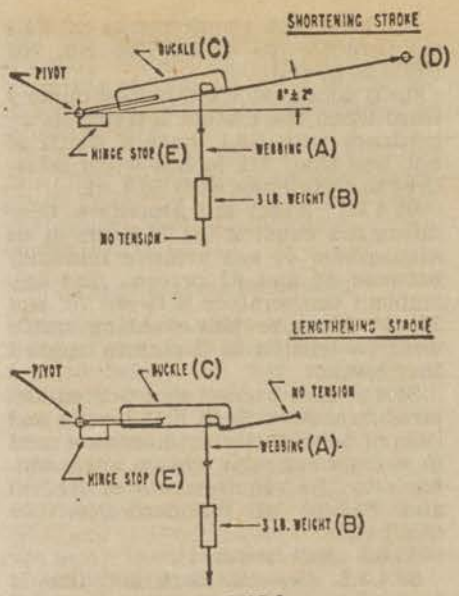


FIGURE 9

§ 571.213 [Amended]

2. Section S4 of Standard No 213, Child Seating Systems (49 CFR 571.213), would be amended to read as follows:

S4. *Requirements.* Each child seating system manufacturer before May 1, 1980, shall meet, at the option of the manufacturer, either the requirements of S4.1 through S4.11 of this standard, or the requirements of § 571.213-80 of this part (Standard No. 213-80).

3. A new Federal Motor Vehicle Safety Standard No. 213-80, Child Restraint Systems, would be added to read as set forth below.

§ 571.213-80 Standard No. 213-80; child restraint systems.

S1. *Scope.* This standard specifies requirements for child restraint systems used in motor vehicles.

S2. *Purpose.* The purpose of this standard is to reduce the number of children killed or injured in motor vehicle crashes.

S3. *Application.* This standard applies to child restraint systems for use in motor vehicles.

S4. *Definitions.*

"Car bed" means a child restraint system designed to restrain or position a child in the supine or prone position on a continuous flat surface.

"Child restraint system" means any device, except Type I or Type II seat belts, designed for use in a motor vehicle to restrain, seat, or position children who weigh not more than 50 pounds.

"Contactable surface" means any child restraint system surface (other than that of a belt, belt buckle, or belt adjustment hardware) that may contact any part of the head or torso of the appropriate test dummy, specified in S7, when a child restraint system is tested in accordance with S6.1.

"Seat orientation reference line" or "SORL" means the horizontal line through Point Z as illustrated in Figure 1A.

S5. *Requirements.* Each child restraint system shall meet the requirements in this section when, as specified, tested in accordance with S6.1.

S5.1 *Dynamic performance.*

S5.1.1 *Child restraint system integrity.* When tested in accordance with S6.1, each child restraint system shall:

(a) Exhibit no complete separation of any load bearing structural element and no partial separation exposing either surfaces with a radius of less than ¼ inch or surfaces with protrusions greater than ⅜ inch above the immediate adjacent surrounding contactable surface of any structral element of the system;

(b) If adjustable to different positions, remain in the same adjustment position during the testing as it was immediately before the testing; and

(c) If a front facing child restraint system, not allow the angle between the system's back support surfaces for the child and the system's seating surface to be less than 45 degrees at the completion of the test.

S5.1.2 *Injury criteria.* When tested in accordance with S6.1, each child restraint system that, in accordance with S5.5.2(f), is recommended for use by children weighing more than 20 pounds, shall—

(a) Limit the resultant acceleration at the location of the accelerometer mounted in the test dummy head as specified in Part 572 such that the expression:

$$\left[\frac{1}{t_2-t_1}\int_{t_1}^{t_2} a\,dt\right]^{2.5}(t_2-t_1)$$

shall not exceed 1,000, where a is the resultant acceleration expressed as a multiple of g (the acceleration of gravity), and t_1 and t_2 are any two moments during the impacts.

(b) Limit the resultant acceleration at the location of the accelerometer mounted in the test dummy upper thorax as specified in Part 572 to not more than 60 g's, except for intervals whose cumulative duration is not more than 3 milliseconds.

S5.1.3 *Occupant excursion.* When tested in accordance with S6.1 and adjusted in any position which the manufacturer has not, in accordance with S5.5.2(i), specifically warned against using in motor vehicles, each child restraint system shall meet the applicable excursion limit requirements specified in S5.1.3.1-S5.1.3.3.

S5.1.3.1 *Child restraint systems other than rear-facing ones and car beds.* In the case of each child restraint system other than a rear-facing child restraint system or a car bed, the test dummy's torso shall be retained within the system and no portion of the test dummy's head nor of either knee pivot point shall pass through the vertical transverse plane that is 30 inches forward of point z on the standard seat assembly, measured along the center SORL (as illustrated in Figure 1B).

S5.1.3.2 *Rear-facing child restraint systems.* In the case of rear-facing child restraint system, all portions of the test dummy's torso shall be retained within the system and no portion of the target point on either side of the dummy's head shall pass through the vertical transverse or horizontal planes which contain, respectively, the forward-most and topmost points on the child restraint system surfaces (illustrated in Figure 1C).

S5.1.3.3 *Car beds.* In the case of car beds, all portions of the test dummy's head and torso shall be retained within the confines of the car bed.

S5.1.4 *Back support angle.* When a rear-facing child restraint system is tested in accordance with S6.1, the angle between the system's back support surface for the child and the vertical shall not exceed 60 degrees.

S5.2 *Force distribution.*

S5.2.1 *Minimum head support surface—child restraints other than car beds.*

S5.2.1.1 Except as provided in S5.2.1.2, each child restraint system other than a car bed shall provide restraint against rearward movement of the head of the child (rearward in relation to the child) by means of a continuous seat back which is an integral part of the system and which—

(a) Has a height, measured along the system seat back surface for the child in the vertical longitudinal plane passing through the longitudinal centerline of the child restraint systems from the lowest point on the system

seating surface that is contacted by the buttocks of the seated dummy, as follows:

Weight [1] (in pounds)	Height [2] (in inches)
Less than 20 lb	18
20 lb or more, but not more than 40 lb	20
More than 40 lb	22

[1] When a child restraint system is recommended under S5.5(f) for use by children of the above weights.

[2] The height of the portion of the system seat back providing head restraint shall not be less than the above.

(b) Has a width of not less than 8 inches, measured in the horizontal plane at the height specified in paragraph (a) of this section.

(c) Limits the rearward rotation of the test dummy head so that the angle between the head and torso of the dummy specified in S7 when tested in accordance with S6.1 is not more than 45 degrees greater than the angle between the head and torso after the dummy has been placed in the system in accordance with S6.1.2.3 and before the system is tested in accordance with S6.1.

S5.2.1.2 A front-facing child restraint system is not required to comply with S5.2.1.1 if the target point on either side of the dummy's head is below a horizontal plane tangent to the top of the standard seat assembly when the dummy is positioned in the system and the system is installed on the assembly in accordance with S6.1.2.

S5.2.2 *Torso impact protection.* Each child restraint system other than a car bed shall comply with the applicable requirements of S5.2.2.1 and S5.2.2.2.

S5.2.2.1(a) The system surface provided for the support of the child's back shall be flat or concave and have a continuous surface area of not less than 85 square inches.

(b) Each system surface provided for support of the side of the child's torso shall be flat or concave and have a continuous surface of not less than 24 square inches for systems recommended for children weighing 20 pounds or more, or 48 square inches for systems recommended for children weighing less than 20 pounds.

(c) Each horizontal cross section of each system surface designed to restrain forward movement of the child's torso shall be flat or concave and each vertical longitudinal cross section shall be flat or convex with a radius of curvature of not less than 3 inches.

S5.2.2.2 Each forward facing child restraint system shall have no fixed or movable surface directly forward of the dummy and intersected by a horizontal line parallel to the SORL and passing through any portion of the dummy, except for surfaces designed to restrain the dummy when the system is tested in accordance with S6.1.

S5.2.3 *Head impact protection.*

S5.2.3.1 Each child restraint system, other than a child harness, which is recommended under S5.5.2(f) for children weighing less than 20 pounds shall comply with S5.2.3.2.

S5.2.3.2 Each system surface which is contactable by the dummy head when the system is tested in accordance with S6.1 shall be covered with slow recovery, energy absorbing material with the following characteristics:

(a) A thickness of not less than ¾ inch; and

(b) A 25 percent compression-deflection resistance of not less than 5 and not more than 9 pounds per square inch when tested in accordance with S6.3.

S5.2.4 *Protrusion limitation.* Any portion of a rigid structural component within or underlying a contactable surface, or any portion of a child restraint system surface that is subject to the requirements of S5.2.3 shall, with any padding or other flexible overlay material removed, have a height above any immediately adjacent restraint system surface of not more than ⅜ inch and no exposed edge with a radius of less than ¼ inch.

S5.3 *Installation.*

S5.3.1 Each child restraint system shall have no means designed for attaching the system to a vehicle seat cushion or vehicle seat back and no component (except belts) that is designed to be inserted between the vehicle seat cushion and vehicle seat back.

S5.3.2 When installed on a vehicle seat, each child restraint system, other than child harnesses, shall be capable of being restrained against forward movement solely by means of a Type I seat belt assembly (defined in S571.209) that meets Standard No. 208 (S571.208), or by means of a Type I seat belt assembly plus one additional anchorage strap that is supplied with the system and conforms to S5.4.

S5.3.3 *Car beds.* Each car bed shall be designed to be installed on a vehicle seat so that the car bed's longitudinal axis is perpendicuir to a vertical longitudinal plane through the longitudinal axis of the vehicle.

S5.4 *Belts, belt buckles, and belt webbing.*

S5.4.1 *Performance requirements.* The webbing of belts provided with a child restrain system and used to attach the system to the vehicle or to restrain the child within the system shall—

(a) After being subjected to abrasion as specified in S5.1(d) or S5.3(c) of FMVSS No. 209 (S571.209), have a breaking strength of not less than 75 percent of the strength of the unabraided webbing when tested in accordance with S5.1(b) of FMVSS No. 209.

(b) Meet the requirements of S4.2 (e) through (h) of MFVSS No. 209 (S571.209); and

(c) If contactable by the test dummy torso when the system is tested in accordance with S6.1, have a width of not less than 1½ inches when measured in accordance with S5.4.1.1.

S5.4.1.1 *Width test procedure.* Condition the webbing for 24 hours in an atmosphere of any relative humidity between 48 and 67 percent, and any ambient temperature between 70° and 77° F. Measure belt webbing width under a tension of 5 pounds applied lengthwise.

S5.4.2 *Belt buckles and belt adjustment hardware.* Each belt buckle and item of belt adjustment hardware used in a child restraint system shall conform to the requirements of S4.3(a) and S4.3(b) of Standard No. 209 (S571.209).

S5.4.3 *Belt Restraint.*

S5.4.3.1 *General.* Each belt that is part of a child restraint system and that is designed to restrain a child using the system shall be adjustable to snugly fit any child whose height and weight are within the ranges recommended in accordance with S5.5.2(f) and who is positioned in the system in accordance with the instructions required by S5.6.

S5.4.3.2 *Direct restraint.* Each belt that is part of a child restraint system and that is designed to restrain a child using the system and to attach the system to the vehicle shall, when tested in accordance with S6.1, impose no loads on the child that result from the mass of the system or the mass of the seat back of the standard seat assembly specified in S7.3.

S5.4.3.3 *Seating systems.* Except for child restraint systems subject to S5.4.3.4, each child restraint system that is designed for use by a child in a seated position and that has belts designed to restrain the child shall, with the test dummy specified in S7 positioned in the system in accordance with S6.1.2.3, provide:

(a) Upper torso restraint, including belts passing over each shoulder of the child;

(b) Lower torso restraint in the form of a lap belt assembly making an angle between 45° and 90° with the child restraint seating surface at the lap belt attachment points;

(c) In the case of each seating system recommended for children over 20 pounds, a crotch strap connectable to the lap belt.

S5.4.3.4 *Harnesses.* Each child harness shall:

(a) Provide upper torso restraint, including belts passing over each shoulder of the child;

(b) Provide lower torso restraint by means of lap and crotch belt; and

(c) Prevent a child of any height for which the restraint is recommended

for use pursuant to S5.5.2(f) from standing upright on the vehicle seat when the child is placed in the device in accordance with the instructions required by S5.6.

S5.4.3.5 *Buckle Release.* Any buckle in a child restraint system belt assembly designed to restrain a child using the system shall, when tested in accordance with S6.2—

ALTERNATIVE PROPOSALS

Proposal A. (a) Not release when a force of not more than 12 pounds is applied before the test specified in S6.1, and (b) Release when a force of not more than 20 pounds is applied after the test specified in S6.1.

Proposal B. (a) Not release when a force of not more than 2.25 pounds is applied before the test specified in S6.1, and (b) Release when a force of not more than 13.5 pounds is applied after the test specified in S6.1.

Proposal C. Release when a force of not more than 20 pounds is applied before and after the test specified in S6.1.

S5.5 *Labeling.*

S5.5.1 Each child restraint system shall be permanently labeled with the information specified in S5.5.2 (a) through (k).

S5.5.2 The information specified in paragraphs (a)-(k) of this section shall be stated in the English language and lettered in block letters and numbers that are not less than $\frac{5}{32}$ inch high and are on a contrasting background.

(a) The model name or number of the system.

(b) The manufacturer's name. A distributor's name may be used instead if the distributor assumes responsibility for all duties and liabilities imposed on the manufacturer with respect to the system by the National Traffic and Motor Vehicle Safety Act, as amended.

(c) The statement: "Manufactured in ——," inserting the month and year of manufacture.

(d) The place of manufacture (city and State, or foreign country). However, if the manufacturer uses the name of the distributor, then it shall state the location (city and State, or foreign country) of the principal offices of the distributor.

(e) The statement: "This child restraint system conforms to all applicable Federal motor vehicle safety standards."

(f) The following statement, inserting the manufacturer's recommendations for the maximum weight and height of children who can safely occupy the system:

THIS CHILD RESTRAINT IS DESIGNED FOR USE ONLY BY CHILDREN WHO WEIGH BETWEEN — AND — POUNDS AND ARE BETWEEN — AND — INCHES IN HEIGHT.

(g) The statement:

TO PROTECT YOUR CHILD IN A CRASH, THIS RESTRAINT MUST BE SECURED TO THE VEHICLE WITH A VEHICLE BELT AS SPECIFIED IN THE MANUFACTURER'S INSTRUCTIONS.

(h) In the case of each child restraint system that has belts designed to restrain children using them:

WARNING: TO PROTECT YOUR CHILD, USE AND SNUGLY ADJUST THE BELTS PROVIDED WITH THIS RESTRAINT TO RESTRAIN YOUR CHILD.

(i) In the case of each child restraint system which is not intended for use in motor vehicles at certain attitude or adjustment positions, the following statement, inserting the manufacturer's attitude or adjustment restrictions:

WARNING: TO PROTECT YOUR CHILD IN A CRASH, DO NOT USE THE —— ADJUSTMENT POSITION(S) OF THIS CHILD RESTRAINT IN A MOTOR VEHICLE.

(j) In the case of each child restraint system equipped with an anchorage strap, the statement:

WARNING: TO SAFELY RESTRAIN YOUR CHILD, THE ANCHORAGE BELT PROVIDED WITH THIS CHILD RESTRAINT *MUST* BE SECURED AS SPECIFIED IN THE MANUFACTURER'S INSTRUCTIONS.

(k) An installation diagram showing the child restraint system installed in a vehicle as specified in the manufacturer's instructions.

S5.5.3 The information specified in S5.5.2 (f)-(j) shall be located on the child restraint system so that it is visible when the system is installed as specified in S5.6.

S5.6 *Installation instructions.* Each child restraint system shall be accompanied by printed instructions in the English language that provide a step-by-step procedure, including diagrams, for installing the system in motor vehicles, securing the system in the vehicles, positioning a child in the system, and adjusting the system to fit the child.

S5.6.1 The instructions shall state that the rear center seating position is the safest seating position in most vehicles for installing a child restraint system.

S5.6.2 The instructions shall specify in general terms the types of vehicles, seating positions, and vehicle lap belts with which the system can or cannot be used.

S6 *Test Conditions and Procedures.*

S6.1 *Dynamic Systems Test.*

S6.1.1 *Test Conditions.*

S6.1.1.1 The test device is the standard seat assembly specified in S7.3. It is mounted on a dynamic test platform so that the center SORL of the seat is parallel to the direction of the test platform travel and so that movement between the base of the assembly and the platform is prevented. The platform is instrumented with an accelerometer and data processing system having a frequency response of 60Hz channel class as specified in Society of Automotive Engineers Recommended Practice J211a, "Instrumentation for Impact Tests." The accelerometer sensitive axis is parallel to the direction of the test platform travel.

S6.1.1.2 The tests are frontal barrier impact simulations and for—

(a) Test configuration I specified in S6.1.2.1.1, are at a velocity change of 30 mph with the acceleration of the test platform wholly within the shaded area in figure 2.

(b) Test configuration II specified in S6.1.2.1.2, are at a velocity change of 20 mph with the acceleration of the test platform wholly within the shaded area in figure 3.

S6.1.1.3 Type I seat belt assemblies meeting the requirements of Standard No. 209 (S571.209) and having webbing with a width of not more than 2 inches are attached, without the use of retractors or reels of any kind, to the seat belt anchorage points (illustrated in Figure 1B) provided on the standard seat assembly.

S6.1.1.4 Performance tests under S6.1 are conducted at any ambient temperature from 66° to 78° F and at any relative humidity from 10 percent to 70 percent.

S6.1.2 *Dynamic Test Procedure.*

S6.1.2.1 *Test Configuration.*

S6.1.2.1.1 *Test Configuration I.* In the case of each child restraint system, install a new child restraint system at the center seat position of the standard seat assembly in accordance with the manufacturer's instructions provided in accordance with S5.6 with the system.

S6.1.2.1.2 *Test Configuration II.* In the case of each child restraint system, other than a child harness, which is equipped with an anchorage belt, install a new child restraint system at the center seat position of the standard seat assembly in accordance with S6.1.2.1, using only the standard seat lap belt to secure the system to the standard seat.

S6.1.2.2 Tighten all belts used to attach the child restraint system to the standard seat assembly to a tension of not less than 12 pounds and not more than 15 pounds, as measured by a load cell used as specified in S7.3 on the webbing portion of the belt.

S6.1.2.3 Place in the child restraint any dummy specified in S7 for testing systems for use by children of the heights and weights for which the system is recommended in accordance with S5.6.

S6.1.2.3.1 When placing the 3-year-old test dummy in child restraint systems other than car beds, position the test dummy according to the instructions for child positioning provided by the manufacturer with the system in

accordance with S5.6 while conforming to the following:

(a) Place the test dummy in the seated position within the system with the midsagittal plane of the test dummy head coincident with the center SORL of the standard seating assembly, holding the torso upright until it contacts the system's design seating surface.

(b) Extend the arms of the test dummy as far as possible in the upward vertical direction. Extend the legs of the dummy as far as possible in the forward horizontal direction, with the dummy feet perpendicular to the centerline of the lower legs.

(c) Using a flat square surface with an area of 4 square inches, apply a force of 40 pounds, perpendicular to the plane of the back of the standard seat assembly, first against the dummy crotch and then at the dummy thorax in the midsagittal plane of the dummy.

(d) After the steps specified in paragraph (c) of this section, rotate each dummy limb downwards in the plane parallel to its midsagittal plane until the limb contacts a surface of the child restraint system or the standard seat. Position the limbs, if necessary, so that limb placement does not inhibit torso or head movement in tests conducted under S6.

S6.1.2.3.2 When placing the 6-month-old dummy in child restraint systems other than car beds, position the test dummy according to the instructions for child positioning provided with the system by the manufacturer in accordance with S5.6 while conforming to the following:

(a) With the dummy in the supine position on a horizontal surface, and while preventing movement of the dummy torso by placing a hand on the center of the torso, rotate the dummy legs upward by lifting the feet until the legs contact the upper torso and the feet touch the head, and then slowly release the legs but do not return them to the flat surface.

(b) Place the dummy in the child restraint system so that the back of the dummy torso contacts the back support surface of the system, and tape the dummy head against the front of the seat back surface of the system by means of a single thickness of ¼-inch-wide paper masking tape placed across the center of the dummy face.

(c) Position the dummy arms vetically upwards and then rotate each arm downward toward the dummy's lower body until it contacts a surface of the child restraint system or the standard seat assembly, ensuring that no arm is restrained from movement in other than the downward direction, by any part of the system or the belts used to anchor the system to the standard seat assembly.

S6.1.2.3.3 When placing the 6-month-old dummy or 3-year-old dummy in a car bed, place the dummy in the car bed in the supine position with its midsagittal plane perpendicular to the center SORL of the standard seat assembly and position the dummy within the car bed in accordance with instructions for child positioning provided with the car bed by its manufactuer in accordance with S5.6.

S6.1.2.4 If provided, shoulder and pelvic belts that directly restrain the dummy shall be adjusted as follows:

Tighten the belts until a 2-pound force applied (as illustrated in figure 5) to the webbing at the top of each dummy shoulder and to the pelvic webbing two inches on either side of the torso vertical certerline pulls the webbing ¼ inch from the dummy.

S6.1.2.5 Accerlerate the test platform to simulate frontal impact in accordance with S6.1.1.2(a) or S6.1.1.2(b), as appropriate.

S6.1.2.6 Measure dummy excursion and determine conformance to the requirements specified in S5.1 as appropriate.

S6.2 *Buckle release test procedure.* The buckles on the belts of each child restraint system equipped with buckled belts shall be tested in accordance with S6.2.1 through S6.2.5.

S6.2.1 Install the child restraint system on a standard seat assembly and place the appropriate test dummy in the system in accordance with S6.1.2.1 through S6.1.2.4.

S6.2.2 Tie a self-adjusting sling to each ankle and wrist of the dummy in the manner illustrated in figure 4.

S6.2.3 Pull the sling horizontally in the manner illustrated in figure 4 and parallel to the center SORL of the seat assembly and apply a force of 20 pounds in the case of a system tested with a 6 month-old dummy and 45 pounds in the case of a system tested with a 3 year-old dummy.

S6.2.4 While applying the force specified in S6.2.3, operate the buckle release mechanism in the manner specified in S5.2(d) of Standard No. 209 (S571.209).

S6.2.5 Measure the force required to release the buckle.

S6.3 *Head impact protection—energy absorbing material test procedure.*

S6.3.1 Prepare test specimens of the energy absorbing material used to comply with S5.2.3 in accordance with section 14 of the American Society for Testing and Materials (ASTM) Standard D1056-73, "Standard Specification for Flexible Cellular Materials—Sponge or Expanded Rubber."

S6.3.2 Subject the prepared test specimens to the 25 percent compression-deflection test described in sections 17, 19, and 20 of that ASTM standard.

S7 *Test dummies.*

S7.1 *Six-month-old dummy.* An unclothed "Six-month-old Size Manikin" conforming to Subpart D of Part 572 of this chapter is used for testing a child restraint system that is recommended by its manufacturer in accordance with S5.6 for use by children in a weight range that includes children weighing not more than 20 pounds.

S7.2 *Three-year-old dummy.* A three-year-old dummy conforming to Subpart C of Part 572 of this chapter is used for testing a child restraint that is recommended by its manufacturer in accordance with S5.6 for use by children in a weight range that includes children weighing more than 20 pounds.

S7.2.1 Before being used in testing under this standard, the dummy is conditioned at any ambient temperature from 66° F to 78° F and at any relative humidity from 10 percent to 70 percent for at least 4 hours.

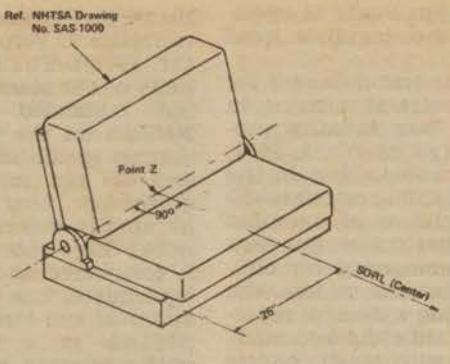
S7.2.2 When used in testing under this standard, the dummy is clothed in thermal knit waffle-weave polyester and cotton underwear, a size 4 long-sleeved shirt weighing 0.2 pounds, a size 4 pair of long pants weighing 0.2 pounds and cut off just far enough above the knee to allow the knee target to be visible, and size 7M sneakers with rubber toe caps, uppers of dacron and cotton or nylong and a total weight of 1 pound. Clothing other than the shoes is machine-washed in 160° F to 180° F water and machine-dried at 120° F to 140° F for 30 minutes.

S7.3 *Standard seat assembly.* The standard seat assembly used in testing under this standard is a simulated vehicle bench seat, with three seating positions, which is described in Drawing Package SAD-100-1000 and consists of drawings and a bill of materials.

(Secs. 103, 112, 114, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1403, 1407); delegations of authority at 49 CFR 1.50 and 501.8.)

Issued on May 10, 1978.

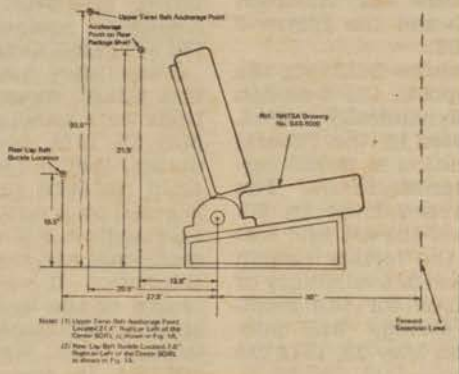
MICHAEL M. FINKELSTEIN,
Acting Associate Administrator for Rulemaking.



SORL=SEAT ORIENTATION REFERENCE LINE (HORIZONTAL)

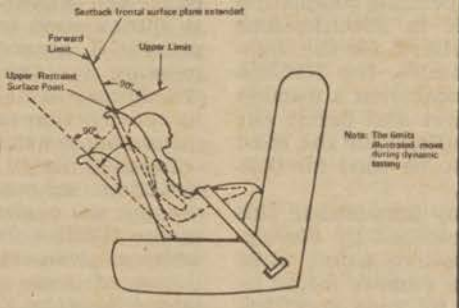
SORL LOCATION ON THE STANDARD SEAT

FIGURE 1A



LOCATIONS OF ADDITIONAL BELT ANCHORAGE POINTS AND FORWARD EXCURSION LIMIT

FIGURE 1B



REAR FACING CHILD RESTRAINT
FORWARD AND UPPER HEAD EXCURSION LIMITS

FIGURE 1C

PERMISSIBLE RANGE OF ACCELERATION FUNCTION FOR ΔV = 30 MPH

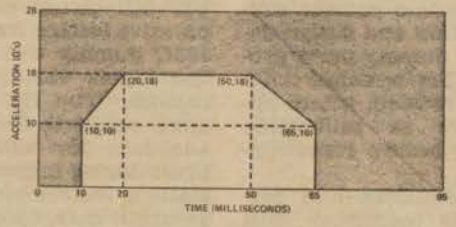


FIGURE 2

PERMISSIBLE RANGE OF ACCELERATION FUNCTION FOR ΔV = 20 MPH

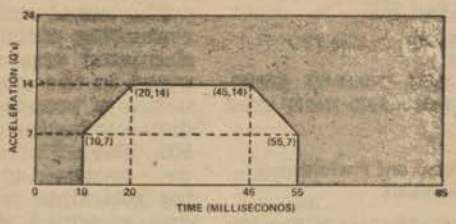
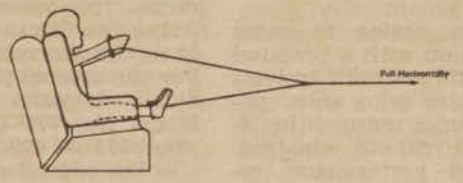
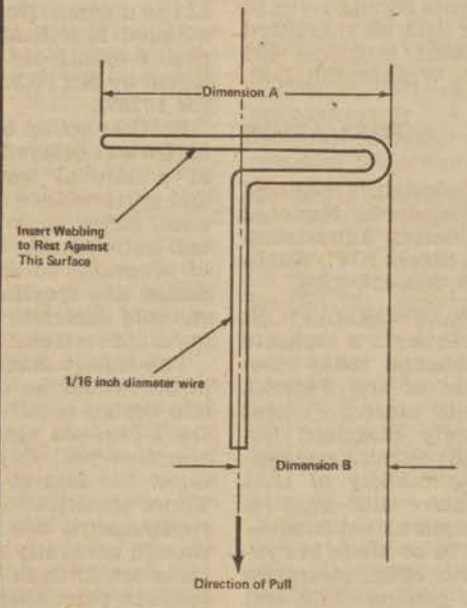


FIGURE 3



BUCKLE RELEASE TEST

FIGURE 4



Dimension A - Width of Webbing Plus 1/8 inch
Dimension B - 1/2 of Dimension A

WEBBING TENSION PULL DEVICE

FIGURE 5

[FR Doc. 78-13157 Filed 5-10-78; 4:55 pm]

[4910-59]

[49 CFR Part 572]

[Docket No. 78-09; Notice 1]

ANTHROPOMORPHIC TEST DUMMIES REPRESENTING SIX MONTH OLD AND THREE YEAR OLD CHILDREN

Proposed Specifications and Performance Requirements

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice is being issued in conjunction with a proposal to require that child restraint systems be dynamically tested using anthropomorphic test dummies representing 6-month-old and 3-year-old children. Specifications and performance requirements for those dummies are proposed in this notice.

DATES: Comments must be received on or before December 1, 1978. Proposed effective date: Date of publication of the final rule on test dummies in the FEDERAL REGISTER.

ADDRESS: Comments should refer to the docket number and be submitted to Room 5108, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Mr. Vladislav Radovich, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street NW., Washington, D.C. 20590, 202-426-2264.

SUPPLEMENTARY INFORMATION: This proposal supplements a separate proposal being published today elsewhere in this issue of the FEDERAL REGISTER that would amend Federal Motor Vehicle Safety Standard No. 213, relating to child restraint systems, to expand the applicability of that standard and to require that child restraints be tested in simulated crashes. The measurements to be made in dynamically testing the child restraints would be made by placing child test dummies in the child restraints and subjecting the dummies and restraints to specified acceleration sled tests. Two sorts of dummies would be used in those tests. One would represent a 6 month old infant (infant dummy) and the other, a 3-year-old child (3-year-old child dummy). That proposal would require that, during the dynamic tests, the dummies be retained within the child restraints and that child restraints designed for children weighing more than 2 pounds (those restraints would typically be tested using the 3-year-old child dummy) limit the acceleration levels at specified locations in the dummy's head and chest.

The use of similar test dummies for evaluating child restraint systems in simulated crashes was initially proposed in the agency's March 1, 1974, notice of proposed rulemaking on the dynamic testing of child restraints (39 FR 7959). Three classes of dummies were proposed in that notice. For testing restraints recommended for children weighing 17 pounds or less, the notice proposed using a dummy representing a 6 month old child and made of sail cloth, filled with plastic pellets and lead shot. For the 17 to 43 pound range, the agency proposed use of either the Sierra 3 year old P/N 492-03 or the Alderson Model No. VIP-3C. For the over 43 pound range, the candidate dummies were the Alderson Model No. VIP-6C and the Sierra 6 year old P/N 492-106.

In the several months following the March 1, 1974, proposal, the 6 month old dummy was dynamically tested, modified, and retested by the Federal Aviation Administration in infant carriers of three manufacturers. The modified dummy represented an advance in the state-of-the-art and was vastly superior to the former version of the dummy. Notice of availability of detailed specifications for the modified 6-month-old dummy was published by NHTSA on May 22, 1974 (39 FR 18287).

Further action on the March 1, 1974, notice was delayed pending completion of additional work in specifications and performance criteria for the dummies. Since that notice, the NHTSA has initiated and completed a number of programs to select and define the design and specifications for the most suitable dummies to be used for testing child restraints.

The infant dummy proposed in this notice would be specified by descriptive design specifications alone, while the 3-year-old child dummy would be specified not only by such specifications, but also in performance terms. Those specifications and performance requirements are similar in type, although generally not in magnitude, to those set forth in Part 572, Subpart B, for 50th percentile male dummies. Mechanical drawings would provide uniformity of construction and design details in dummies or dummy parts produced by suppliers. Performance criteria would also be provided, where appropriate, to serve as calibration checks and help to assure repeatability of performance.

The use of specifications and performance criteria is consistent with the statements by the U.S. Court of Appeals for the Sixth Circuit regarding the 50th percentile male dummy in its December 5, 1972, decision on petitions for review of Safety Standard No. 208, Occupant Crash Protection (*Chrysler* v. *Volpe*, 472 F. 2d 659 (6th Cir. 1972)). The Court upheld the validity of the standard in most respects, but remanded the proceeding to NHTSA on the ground that the test dummy specifications were inadequate and did not meet the statutory requirement that the standard be phrased in objective terms. The Court noted three specific respects in which it considered the specifications to be inadequate. The Court also noted with approval the statement made by the NHTSA in a previous rulemaking notice relating to Standard No. 208: "(S)ince the dummy is merely a test instrument and not an item of regulated equipment, it is not necessary to describe it in performance terms; its design could be legally 'frozen' by detailed, blue-print-type drawings and complete equipment specifications" (36 FR 19255; October 1, 1971).

The agency has tentatively selected the infant dummy whose specifications were announced in the agency's May 22, 1974, notice to be the infant dummy used for testing under the new child restraint proposal. The dummy is based on a very simple design which represents a 6 month old infant in dimensional and mass distribution characteristics. It will provide a reliable record of the dynamics of a child restraint occupant during simulated impact tests. When it was used by NHTSA in assessing the ability of infant carriers to retain their occupants and maintain structural integrity during such tests, it was found to provide a consistent and repeatable measure for this purpose. However, the dummy is not suitable because of its construction to be instrumented for measuring inertial forces.

Detailed design drawings and a construction manual for the infant dummy are available for examination in the NHTSA Docket Section at the address given above for comments. Copies of these materials may be obtained from the Keuffel and Esser Co., 1512 North Danville Street, Arlington, Va. 22201.

The tentatively selected 3-year-old child dummy is the NHTSA test dummy SA 103C. It is a slightly modified version of the Alderson Model VIP-3C. After comprehensive comparative testing by the agency, the SA 103C dummy was selected instead of the Sierra 492-03 for the following reasons: The SA 103C dummy has more complete design details; is more adequate for withstanding the test loads during impact testing and for installing instrumentation; has a more accurate anthropometry and mass distribution and has more childlike kinematic responses during impacts; and has more consistent head and chest acceleration measurements during impacts.

The specifications for the 3-year-old child dummy would consist of the following three elements: a drawing package containing all of the technical details of the dummy parts and dummy assembly; a set of master patterns for all molded and cast parts of the dummy which enable rapid reproduction of them; and a maintenance manual containing instructions for assembly, disassembly, use, adjustments, and maintenance of dummies. These elements would ensure that the dummies would vary little in their construction. Performance criteria would also be specified to serve as calibration checks and further assure the uniformity of dummy construction and the repeatability of performance in dynamic testing.

The dummies would be equipped with photographic targets attached to the head and knees. They would also be instrumented with accelerometers for measurement of accelerations in the head and chest during impacts. The rule would specify the manner and location of installation of accelerometers so that there would be no variability in their measurements resulting from different locations and mountings of the accelerometers. As a further safeguard, the calibration tests would ensure the absence of damage from previous use.

Data obtained from impact testing of several child restraints with 3-year-old child dummies in them revealed that the dummies' performance has adequate levels of repeatability. This establishes their reliability as a tool for measuring child restraint performance. The use of these dummies, therefore, would provide an objective measure of the effectiveness of child restraints in car crashes.

The agency emphasizes that the calibration for the 3-year-old dummy is still tentative and anticipates that the final rule may reduce the response ranges further. Testing regarding the appropriate calibrations for that dummy will continue after issuance of this notice. The results of those tests will be placed in the public docket as soon as possible after completion of the tests.

Drawings and specifications for the 3-year-old child dummy are available for examination in the NHTSA Docket Section. Copies of those materials and an operation and maintenance manual can be obtained from the Keuffel and Esser Co. In addition, patterns for all cast and molded parts are available on a loan basis from the NHTSA Office of Vehicle Safety Standards.

The cost of the infant dummy is estimated to be less than $500 and of the 3-year-old child dummy, about $3,600. The materials used in the dummies are commercially obtainable, and are similar to those used in the 50th percentile male dummy described in Subpart B of Part 572.

From the agency's point of view anyone is free to produce the dummies used for testing and in fact the availability of relevant mechanical drawings through the NHTSA designated supply sources is intended to make that possible. The negotiation or adjudication of any patent or other private claims that may arise should be dealt with by the commercial and legal processes of the private sector.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a succinct and concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. section 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commentor or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been released to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

The agency has reviewed the impacts of this regulation and determined that it is not a significant regulation within the meaning of Executive Order 12044.

The principal authors of this notice are Mr. Vladislav Radovich, Office of Vehicle Safety Standards, and Mr. Stephen Wood, Office of the Chief Counsel.

In consideration of the foregoing, it is proposed that 49 CFR Part 572, Anthropomorphic Test Dummies, be amended by adding a new Subpart C—Three Year Old Child and new Subpart D—Six Month Old Infant immediately after Subpart B as follows:

Subpart C—Three Year Old Child

Sec.

572.15 General description.
572.16 Head.
572.17 Neck.
572.18 Thorax.
572.19 Lumbar, spine, abdomen and pelvis.
572.20 Limbs.
572.21 Test conditions and instrumentation.

Subpart C—Three Year Old Child

§ 572.15 General description.

(a)(1) The dummy consists of the component assemblies specified in drawing SA 103C 001, which are described in their entirety by means of approximately 114 drawings and specifications grouped by component assemblies under the following headings:

SA 103C 010	Head Assembly
SA 103C 020	Neck Assembly
SA 103C 030	Torso Assembly
SA 103C 041	Upper Arm Assembly Left
SA 103C 042	Upper Arm Assembly Right
SA 103C 051	Forearm Hand Assembly Left
SA 103C 052	Forearm Hand Assembly Right
SA 103C 061	Upper Leg Assembly Left
SA 103C 062	Upper Leg Assembly Right
SA 103C 071	Lower Leg Assembly Left
SA 103C 072	Lower Leg Assembly Right
SA 103C 081	Foot Assembly Left
SA 103C 082	Foot Assembly Right

The drawings and specifications are incorporated in this part by reference to the thirteen headings and are available for examination in Docket 78-09, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. Copies may be obtained from Keuffel & Esser Co., 1521 North Danville Street, Arlington, Va. 22201.

(2) The patterns of all cast and molded parts for reproduction of the molds needed in manufacturing of the dummies are incorporated in this part by reference. A set of the patterns can be obtained on a loan basis by manufacturers of the test dummies, or others if need is shown, from the Office of Vehicle Safety Standards, NHTSA, 400 Seventh Street SW., Washington, D.C. 20590.

(3) An Operation and Maintenance Manual with instructions for the use and maintenance of the test dummies dated May 28, 1976, Contract No. DOT-HS-6-01294 is incorporated in the part by reference. Copies of the manual can be obtained from the Keuffel & Esser Co. All provisions of this manual are valid unless modified by this regulations. This document is available for examination in Docket 78-09.

(4) The drawings, specifications and the manual are subject to changes, but any change will be accomplished by appropriate administrative procedures and announced by publication in the FEDERAL REGISTER and be available for examination and copying as indicated in this paragraph.

(5) The drawings, specifications, patterns, and manual are on file in the reference library of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C.

(b) Adjacent segments are joined in a manner such that throughout the range of motion and also under simulated crash-impact conditions, there is no contract between metallic elements except for contacts that exist under static conditions.

(c) The structural properties of the dummy are such that the dummy conforms to this part in every respect both before and after being used in tests specified by Standard No. 213 (§ 571.213).

§ 572.16 Head.

(a) The head consists of the assembly shown in drawing SA 103C 001 by number SA 103C 010, and conforms to each of the drawings listed under this number on drawing SA 103C 002, sheet 8.

(b) When the head is impacted in accordance with paragraph (c) of this section by a test probe conforming to § 572.21(a) at 7 fps., the peak resultant accelerations measured at the location of the accelerometers mounted in the headform in accordance with § 571.21(b) shall be not less than 95g, and not more than 122g. The recorded acceleration-time curve for this test shall be unimodal and shall lie at, or above the 50g level for an interval not less than 2.0 and not more than 3.0 milliseconds. The lateral acceleration vector shall not exceed 5g.

(c) *Test Procedure:*

(1) Seat the dummy on a seating surface having a back support as specified in § 572.21(h) and orient the dummy in accordance with § 572.21(h) and adjust the joints of the limbs at any setting between 1g and 2g, which just supports the limbs' weight when the limbs are extended horizontally forward.

(2) Adjust the test probe so that its longitudinal centerline is at the forehead midsagittal plan 2.9±0.1 inches below the top of the head and coincides within 2 degrees with the line made by the intersection of horizontal and midsagittal planes passing through this point.

(3) Adjust the dummy so that the surface area on the forehead immediately adjacent to the projected longitudinal centerline of the test probe is vertical.

(4) Impact the head with the test probe so that at the moment of impact the probe's longitudinal centerline falls within 2 degrees of a horizontal line in the dummy's midsagittal plane.

(5) Guide the probe during impact so that it moves with no significant lateral, vertical, or rotational movement.

(6) Allow a time period of at least 20 minutes between successive tests of the head.

§ 572.17 Neck.

(a) The neck consists of the assembly shown in drawing SA 103C 001 as number SA 103C 020, and conforms to each of the drawings listed under this number on drawing SA 103C 002, sheet 9.

(b) When the head-neck assembly is tested in accordance with paragraph (c) of this section, the head shall rotate in reference to the pendulum's longitudinal centerline a total of 84 degrees ± 8 degrees about its center of gravity, rotating to the extent specified in the following table at each indicated point in time, measured from impact, with the chordal displacement measured at its center of gravity. The chordal displacement at time T is defined as the straight line distance between (1) the position relative to the pendulum arm of the head center of gravity at time zero, and (2) the position relative to the pendulum arm of the head center of gravity at time T as illustrated by figure 3. The peak resultant acceleration recorded at the location of the accelerometers mounted in the headform in accordance with § 572.21(b) shall not exceed 30g. The pendulum shall not reverse direction until the head's center of gravity returns to the original zero time position relative to the pendulum arm.

Rotation (degrees)	Plus or minus	Time	Chordal (inches ± 0.8)
0	0	2±.08t	0
30	21	2±.08t	2.2
60	36	2±.08t	4.3
Maximum	62	2±.08t	5.8
60	91	2±.08t	4.3
30	108	2±.08t	2.2
0	123	2±.08t	0

(c) *Test Procedure:*

(1) Mount the head and neck on a rigid pendulum as specified in Figure 4, so that the head's midsagittal plane is vertical and coincides with the plane of motion of the pendulum's longitudinal centerline. Mount the neck directly to the pendulum as shown in Figure 15.

(2) Release the pendulum and allow it to fall freely from a height such that the velocity at impact is 17.00 ± 1.0 feet per second (fps), measured at the center of the accelerometer specified in figure 4.

(3) Decelerate the pendulum to a stop with an acceleration-time pulse described as follows:

(i) Establish 5g and 20g levels on the a-t curve.

(ii) Establish t_1 at the point where the a-t curve first crosses the 5g level, t_2 at the point where the rising a-t curve first crosses the 20g level, t_3 at the point where the decaying a-t curve last crosses the 20g level, and t_4 at the point where the decaying a-t curve first crosses the 5g level.

(iii) t_2-t_1, shall be not more than 3 milliseconds.

(iv) t_3-t_2, shall be not less than 18 and not more than 21 milliseconds.

(v) t_4-t_3, shall be not more than 5 milliseconds.

(vi) The average deceleration between t_2 and t_3 shall be not less than 20g and not more than 36g.

(4) Allow the neck to flex without contact of the head or neck with any object other than the pendulum arm.

(5) Allow a time period of at least 1 hour between successive tests of the head and neck.

§ 572.18 Thorax.

(a) The thorax consists of the part of the torso shown in assembly drawing SA 103C 001 by number SA 103C 030 and conforms to each of the applicable drawings listed under this number on drawing Sa 103C 002, sheets 10 and 11.

(b) The thorax rib cage is constructed so as to permit the midpoint of the sternum to be depressed 1.5 inches without contact between the rib cage and other parts of the dummy.

(c) When impacted by a test probe conforming to § 572.21(a) at 10 fps. in accordance with paragraph (d) of this section, the peak resultant accelerations at the location of the accelerometers mounted in the chest cavity in accordance with § 572.21(c) shall be not less than 46g and not more than 78g. The acceleration-time curve for the test shall be unimodal and shall lie at or above the 30g level for an interval not less than 2.0 milliseconds and not more than 4.0 milliseconds. The lateral acceleration vector shall not exceed 5g.

(d) *Test Procedure:*

(1) With the dummy seated without back support on a surface as specified in § 572.21C(h) and oriented as specified in § 572.21(h), adjust the dummy arms and legs until they are extended horizontally forward parallel to the

midsagittal plane. the joints of the limbs are adjusted at any setting between 1g and 2g, which just supports the limbs' weight when the limbs are extended horizontally forward.

(2) Place the longitudinal centerline of the test probe at the chest midsagittal plane so that it is 11.25 ± 0.1 inches below the tope of the head at impact.

(3) Align the test probe so that at impact its longitudinal centerline coincides within 2 degrees with the line formed by intersection of the horizontal and midsagittal planes passing through the designated impact point.

(4) Adjust the dummy so that the surface area on the thorax immediately adjacent to the projected longitudinal centerline of the test probe is vertical.

(5) Impact the thorax with the test probe so that at the moment of impact the probe's longitudinal centerline falls with 2 degrees of a horizontal line in the dummy midsagittal plane.

(6) Guide the probe during impact so that it moves with no significant lateral, vertical or rotational movement.

(7) Allow a time period of at least 20 minutes between successive tests of the chest.

§ 572.19 Lumbar spine, abdomen and pelvis.

(a) The lumbar spine, abdomen, and pelvis consist of the part of the torso assembly shown by number SA 103C 030 on drawing SA 103C 001 and conform to each of the applicable drawings listed under this number on drawing SA 103C 002, sheets 10 and 11.

(b) When subjected to continuously applied force in accordance with paragraph (c) of this section, the lumbar spine assembly shall flex by an amount that permits the rigid thoracic spine to rotate from its initial position in accordance with Figure 18 of this subpart by 40 degrees at a force level of not less than 43 pounds and not more than 83 pounds, and straighten upon removal of the force to within 5 degrees of its initial position.

(c) *Test Procedure:* (1) The dummy with lower legs removed is positioned in an upright seated position on a seat as indicated in Figure 18, ensuring that all dummy component surfaces are clean, dry and untreated unless otherwise specified.

(2) Attach the pelvis to the seating surface by a bolt C/328, modified as shown in Figure 18, and the upper legs at the knee axial rotation joints by the attachments shown in Figure 18. Tighten the mountings so that the pelvis-lumbar joining surface is horizontal and adjust the femur friction plungers at each hip socket joint to 50 inch pounds torque.

(3) Flex the thorax forward 50 degrees and then rearward as necessary to return to its initial position in accordance with Figure 18 unsupported by external means.

(4) Apply a forward force perpendicular to the thorax instrument cavity rear face in the midsagittal plane 11.2 inches vertically above the dummy's seating surface. Apply the force at any torso deflection rate between 0.5 and 1.5 degrees per second up to 40 degrees of flexion but no further; continue to apply for 10 seconds the force necessary to maintain 40 degrees of flexion, and record the highest applied force at that time. Release all force as rapidly as possible and measure the return angle 3 minutes after the release.

§ 572.20 Limbs.

The limbs consist of the assemblies shown on drawing SA 103C 001 as Nos. SA 103C 041, SA 103C 042, SA 103C 051, SA 103C 052, SA 103C 061, SA 103C 062, SA 103C 071, SA 103C 072, SA 103C 081, SA 103C 082, and conform to each of the applicable drawings listed under their respective numbers of the drawing SA 103C 002, sheets 12 through 21.

§ 572.21 Test conditions and instrumentation.

(a) The test probe used for head and thoracic impact tests is a cylinder 3 inches in diameter, 13.8 inches long and weights 10 lbs., 6 ozs. Its impacting end has a flat right face that is rigid and that has an edge radius of 0.5 inches.

(b) Accelerometers are mouted in the head on the mounting block (A/310) located on the horizontal transverse bulkhead shown in the drawings subreferenced under assembly SA 103C 010 so that their sensitive axes intersect orthogonally, except in the case of tri-axial accelerometers, at the axial intersection point located at the intersection of a line connecting the longitudinal centerlines of the transfer pins in the sides of the dummy head with the midsagittal plane of the dummy head. In the case of a tri-axial accelerometer, the intersection of two of the sensitive axes of the accelerometer can be located up to 1 inch from the axial intersection point and the third sensitive axis can be located up to 0.3 inches from the axial intersection point. One accelerometer is aligned with its sensitive axis parallel to the vertical bulkhead and midsagittal plane, and with its seismic mass center at the intersection of the midsagittal and horizontal planes passing through the axial intersection point at any distance up to 0.3 inches dorsal to the axial intersection point. another accelerometer is aligned with its sensitive axis in the horizontal plane and perpendicular to the midsagittal plane, and with its seismic mass center at any distance up to 0.2 inches seismic mass center at any distance up to 0.2 inches inferior to, 0.4 inches to the right of, and 1 inch dorsal to the axial intersection point (right side of dummy is the same as that of child). A third accelerometer is aligned with its sensitive axisparallel to the midsagittal and horizontal planes, and with its seismic mass center at any distance up to 0.2 inches inferior to, 0.5 inches dorsal to, and 0.4 inches to the right of the axial intersection point. In the case of a tri-axial accelerometer, its axes are aligned in the same way that the axes of three separate accelerometers are aligned.

(c) Accelerometers are mounted in the thorax on the mounting plate attached to the vertical transverse bulkhead shown in the drawings subreferenced under assembly No. SA 103C 030 in drawing SA 103C 001 so that their sensitive axes intersect orthogonally at the axial intersection point located in the midsagittal plane 3 inches above the top surface of the lumber spine and 0.3 inches dorsal to the accelerometer mounting plate surface. In the case of a tri-axial accelerometer, one sensitive axis of the accelerometer can be at any distance up to 0.9 inches from the axial intersection point. One accelerometer is aligned with its sensitive axis parallel to the vertical bulkhead and mid-sagittal planes, and with its seismic mass center at the intersection of transverse vertical and horizontal planes passing through the axial intersection point and at any distance up to 0.4 inches to the left of the axial intersection point. Another accelerometer is aligned with its sensitive axis in the vertical transverse plane and perpendicular to the midsagittal plane and with its seismic mass center at the intersection of the midsagittal and vertical transverse planes passing through the axial intersection point and at any distance up to 0.5 inches superior to the axial intersection point. A third accelerometer is aligned with its sensitive axis parallel to the midsagittal and horizontal planes and with its seismic mass center at any distance up to 0.5 inches superior, dorsal and to the right of the axial intersection point. In the case of a tri-axial accelerometer, its axes are aligned in the same way that the axes of three separate accelerometers are aligned.

(d) The outputs of accelerometers installed in the dummy, and of test apparatus specified by this part, are recorded in individual data channels that conform to the requirements of SAE Recommended Practice J211a, December 1971, with channel classes as follows:

(1) Head acceleration—Class 1000.

(2) Pendulum acceleration—Class 60.

(3) Thorax acceleration—Class 180.

(e) The mountings for accelerometers have no resonance frequency within a range of 3 times the frequency range of the applicable channel class.

(f) Limb joints are set at the force between 1-2g, which just supports the limbs' weight when the limbs are extended horizontally forward. The force required to move a limb segment does not exceeed 2g throughout the range of limb motion.

(g) Performance tests are conducted at any temperature from 66° F to 78° F and at any relative humidity from 10 percent to 70 percent after exposure of the dummy to these conditions for a period of not less than 4 hours.

(h) For the performance tests specified in §§ 572.16, 572.18, and 572.19, the dummy is positioned in accordance with Figures 16, 17, and 18 as follows:

(1) The dummy is placed on a flat, rigid, clean, dry, horizontal surface of teflon sheeting with a smoothness of 10 microinches and whose length and width dimensions are not less than 16 inches, so that the dummy's midsagittal plane is vertical and centered on the test surface. For head tests, the seat has a vertical back support whose top is 12.4±0.2 inches above the seating surface. The rear surfaces of the dummy's shoulders and buttocks are touching the back support as shown in Figure 16. For thorax and lumbar spine tests, the seating surface is without the back support as shown in Figures 17 and 18, respectively.

(2) The shoulder yokes are adjusted so that they are at the midpoint of their anterior-posterior travel with their upper surfaces horizontal.

(3) The dummy is adjusted for head impact and lumbar flexion tests so that the rear surfaces of the shoulders and buttocks are tangent to a transverse vertical plane.

(4) The arms and legs are positioned so that their centerlines are in planes parallel to the midsagittal plane.

(i) The dummy's dimensions are specified in drawings No. SA 103C 002, sheets 22 through 26.

(j) Performance tests of the same component, segment, assembly or fully assembled dummy are separated in time by a period of not less than 20 minutes unless otherwise specified.

(k) Surfaces of the dummy components are not painted except as specified in this part or in drawings subtended by this part.

Subpart D—Six Month Old Infant

Sec.
572.25 General description.

Subpart D—Six Month Old Infant

§ 572.25 General Description.

(a) The infant dummy is specified in its entirety by means of 5 drawings (No. SA 100I 001) and a construction manual which describes in detail the materials and the procedures involved in the manufacturing of this dummy. The drawings and the manual are incorporated in this part by reference and are available for examination in Docket 78-09, Room 5108, 400 Seventh Street SW., Washington, D.C. Copies may be obtained from Keuffel & Esser Co., 1512 North Danville Street, Arlington, Va. 22201. The drawings and the manual are subject to changes, but any change will be accomplished by appropriate administrative procedures and announced by publication in the FEDERAL REGISTER and be available for examination and copying as indicated in this paragraph. The drawings and manual are on file in the reference library of the FEDERAL REGISTER, National Archives and Records Services, General Services Administration, Washington, D.C.

(b) The structural properties and dimensions of the dummy are such that the dummy conforms to this part in every respect, both before and after being used in tests specified by Standard No. 213 (571.213).

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 501.8.)

Issued on May 10, 1978.

MICHAEL M. FINKELSTEIN,
Acting Associate Administrator for Rulemaking.

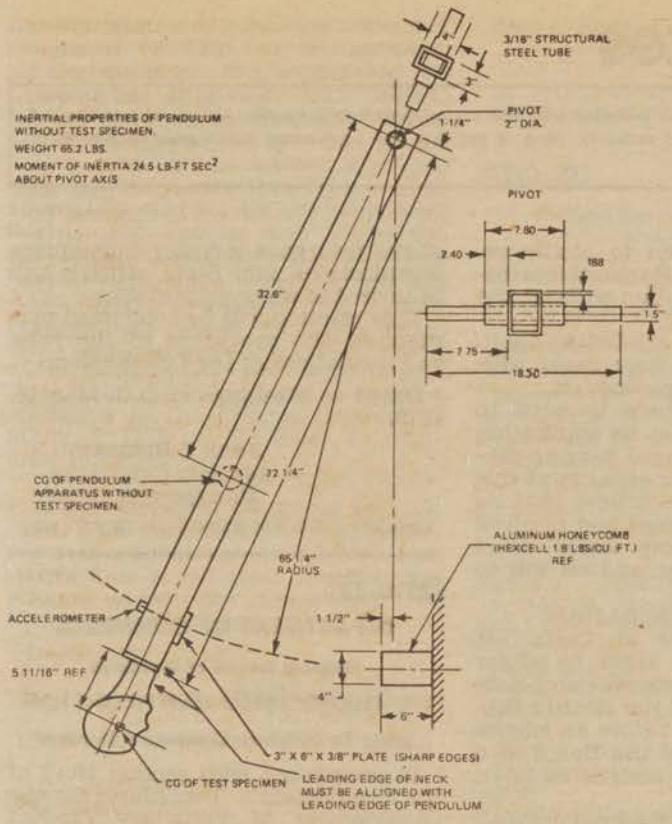


FIGURE NO. 15
NECK COMPONENT TEST

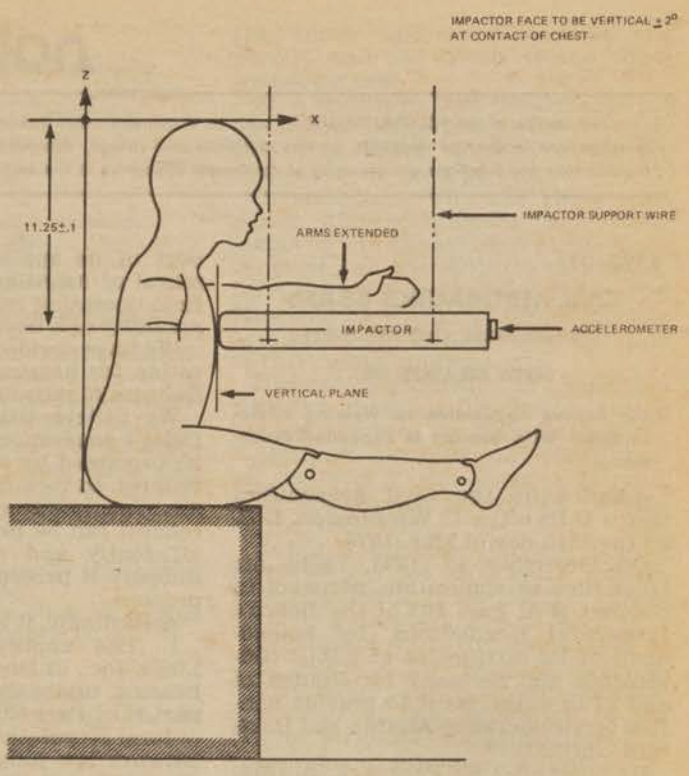


FIGURE NO. 17
CHEST IMPACT TEST

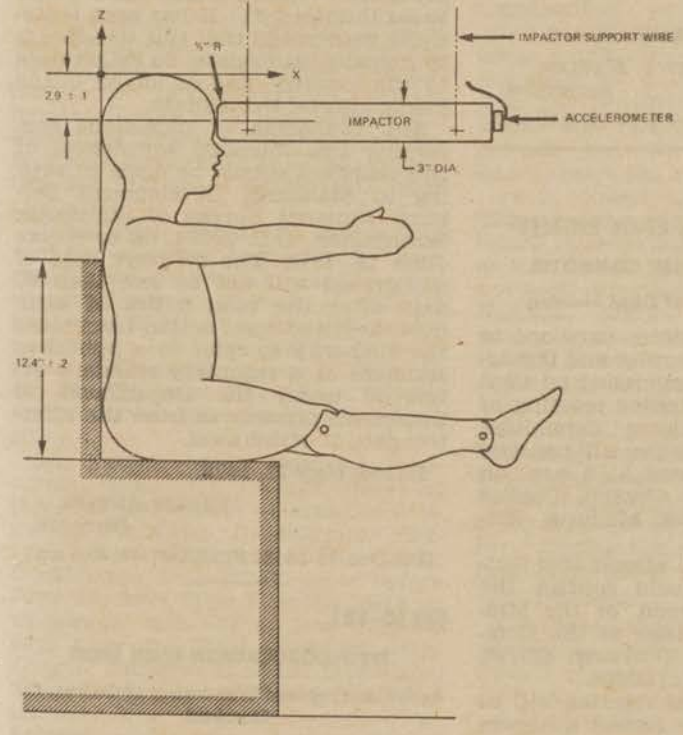


FIGURE NO. 16
HEAD IMPACT TEST

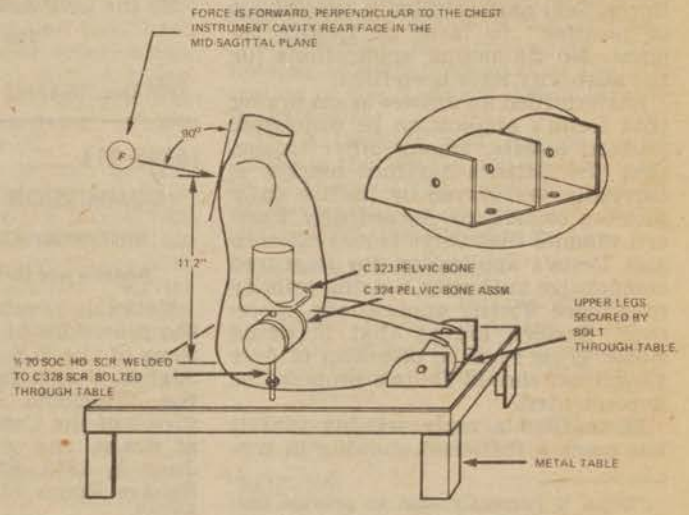


FIGURE NO. 18
LUMBAR SPINE FLEXION TEST

[FR Doc. 78-13158 Filed 5-10-78; 4:55 pm]

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

[Docket 31821; Order 78-5-57]

DELTA AIR LINES, INC.

Order Setting Application for Hearing in Accordance With Subpart N Expedited Procedures

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 11th day of May, 1978.

On December 13, 1977, Delta Air Lines filed an application, pursuant to Subpart N of Part 302 of the Board's Procedural Regulations, for amendment of its certificates of public convenience and necessity for Routes 24 and 27 to authorize it to provide nonstop service between Atlanta and Hartford/Springfield.[1]

By order 78-2-80, February 15, 1978, the Board denied Eastern Air Lines' request that Delta's application be dismissed, and set the application for further proceedings under Rules 1406-1410 of Subpart N.

Answers in support of Delta's application were filed by the Atlanta parties[2] and the Hartford parties.[3] The Springfield parties[4] filed a "statement of position" in favor of Delta's request. No competing applications for the authority have been filed.

Eastern filed an answer again urging that Delta's application be dismissed. Eastern asserts, among other things, that the Atlanta-Hartford market is currently well-served by its five daily nonstop roundtrips. Accordingly, Eastern submits that there is no reason to give Delta's application for improved competitive authority hearing priority over more worthy applications, moreover, Eastern argues that it would suffer gross revenue diversion of over $3 million should Delta's proposal be implemented.

Delta filed a reply arguing that it has made a sufficient showing in support of its application to justify removal of its Atlanta-Hartford/Springfield operating restriction without the necessity of a hearing.

We have decided to set Delta's application for hearing in accordance with Subpart N expedited procedures.

We believe that there is merit to Delta's suggestion that its application be processed by non-oral hearing procedures. In view of our capacity at this moment, however, we believe that its request can be processed and resolved efficiently and rapidly under usual Subpart N procedures, and we will so proceed.

Accordingly, it is ordered that:

1. The application of Delta Air Lines, Inc., in Docket 31821, be set for hearing, under the procedures of Subpart N of Part 302 of the Board's Procedural Regulations, before an administrative law judge of the Board at a time and place to be designated later; and

2. This order shall be served upon all persons listed in the service list attached to the application of Delta Air Lines, Inc., in Docket 31821.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[5]
Secretary.

[FR Doc. 78-13546 Filed 5-17-78; 8:45 am]

[1] Delta is currently able to provide one-stop, single-plane service in the Atlanta-Hartford/Springfield market through combination of Routes 24 and 27, via the common junctions points of Philadelphia, Baltimore, Washington or New York.

[2] The City of Atlanta and the Atlanta Chamber of Commerce.

[3] The City of Hartford, the Hartford Chamber of Commerce and the Connecticut Department of Transportation.

[4] The City of Springfield and the Greater Springfield Chamber of Commerce.

[5] All Members concurred.

[6335-01]

COMMISSION ON CIVIL RIGHTS

WISCONSIN ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Wisconsin Advisory Committee (SAC) of the Commission will convene at 9 a.m. and will end at 5 p.m. on June 1, 1978. State Capitol, Capitol Square Room 321 NE, Madison, Wis. 53702.

Persons wishing to attend this factfinding meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32d Floor, Chicago, Ill. 60604.

The purpose of this meeting will be to discuss Redlining Issues; members of the insurance industry, community organizations, and State officials will be invited to make presentation.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C. May 16, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-13688 Filed 5-17-78; 9:07 am]

[3510-13]

DEPARTMENT OF COMMERCE

National Bureau of Standards

TFE—FLUOROCARBON RESIN FLEXIBLE HOSE

Intent To Withdraw Commercial Standard

In accordance with section 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10), notice is hereby given of the intent to withdraw Commercial Standard CS 247-62, "TFE-Fluorocarbon (Potytetra- fluoroethylene) Resin Flexible Hose (Wire Braid Reinforced)." It has been tentatively determined that this standard is technically inadequate, no longer used by the industry, and no longer in the public interest to maintain.

Any comments or objections concerning this intended withdrawal of this standard should be made in writing to Standards Development Services, National Bureau of Standards, Washington, D.C. 20234, on or before June 19, 1978. The effective date of withdrawal will not be less than 60 days after the final notice of withdrawal. Withdrawal action terminates the authority to refer to a published standard as a voluntary standard developed under the Department of Commerce procedures from the effective date of withdrawal.

Dated: May 12, 1978.

ERNEST AMBLER,
Director.

[FR Doc. 78-13484 Filed 5-17-78; 8:45 am]

[3510-13]

TFE-FLUOROCARBON RESIN SHEET

Action on Proposed Withdrawal of Commercial Standard

In accordance with section 10.12 of the Department's "Procedures for the

Development of voluntary Product Standards" (15 CFR Part 10), notice is hereby given of the withdrawal of Commercial Standard CS 239-63, "TFE-Fluorocarbon (Polytetra- fluoroethylene) Resin Sheet."

This withdrawal action is being taken for the reason that CS 239-63 is adequately covered by the American Society for Testing and Materials' standard ASTM D3293-74, "Standard Specification for TFE-Fluorocarbon Resin Sheet," and duplication is inappropriate and not in the public interest. This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing in the *Federal Register* of March 7, 1978 (43 FR 9330), to withdraw this standard.

The effective date for the withdrawal of this standard will be on July 17, 1978. This withdrawal action terminates the authority to refer to this standard as a voluntary standard developed under the Department of Commerce procedures.

Dated: May 12, 1978.

ERNEST AMBLER,
Director.

[FR Doc. 78-13485 Filed 5-17-78; 8:45 am]

[3510-13]

THERMAL CONDUCTANCE FACTORS FOR PREFORMED ABOVE-DECK ROOF INSULATION

Intent To Withdraw Simplified Practice Recommendation

In accordance with section 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10), notice is hereby given of the intent to withdraw Simplified Practice Recommendation R 257-55, "Thermal Conductance Factors for Preformed Above-Deck Roof Insulation."

It has been tentatively determined that this standard is technically inadequate and that revision would serve no useful purpose because the subject matter of R 257-55 is adequately covered by the American Society for Testing and Materials' standard ASTM C 855-77, "Thermal Resistance Factors for Preformed Above-Deck Roof Insulation."

Any comments or objections concerning this intended withdrawal of this standard should be made in writing to Standards Development Services, National Bureau of Standards, Washington, D.C. 20234, on or before June 19, 1978. The effective date of withdrawal will not be less than 60 days after the final notice of withdrawal. Withdrawal action terminates the authority to refer to a published standard as a voluntary standard developed under the Department of Commerce procedures from the effective date of withdrawal.

Dated: May 12, 1978.

ERNEST AMBLER,
Director.

[FR Doc. 78-13483 Filed 5-17-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

MARINE MAMMAL

Notice of Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protecion Act of 1972 (16 U.S.C. 1361-1407); and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:
   a. Name: V. J. A. Manton; The Zoological Society of London (P-169A).
   b. Address: Whipsnade Park, Dunstable Beds LU6 2LF, Whipsnade 872171.
2. Type of Permit:
   Public Display.
3. Name and Number of Animals:
   bottlenosed dolphin (*Tursiops truncatus*)—1.
4. Type of Activities;
   To capture and maintain in a permanent facility.
5. Location of Activities:
   Gulf of Mexico.
6. Period of Activities:
   2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammal involved.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application bas been submitted in accordance with National Marine Fisheries Service policy concerning such applications (40 FR 11614, March 12, 1975). In this regard, the application:

(a) Was submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, through the Department of the Environment of the United Kingdom, that Department being responsible, among other things, for ensuring the suitable care of animals in captivity;

(b) Includes:

i. A verification from the Ministry of Agriculture Fisheries and Food of the United Kingdom, of the information set forth in the application;

ii. A certification from the Department of the Environment that the Government of the United Kingdom is prepared to monitor compliance with the terms and conditions of the permit, and will do so, if and when necessary; and

iii. A statement that the Department of the Environment will have no objection to a NMFS decision to amend, suspend or revoke a permit.

In accordance with the above cited policy, the certification and statements of the Department of the Environment and the Ministry of Agriculture, Fisheries and Food of the United Kingdom have been found appropriate and sufficient to allow consideration of this permit application.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and—

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Fla. 33702.

Concurrent with the publication of this notice in the FEDERAL REGISTER the Secretary of Commerce is forwarding copies of this applcation to the Marine Mammal Commission and The Committee of Scientific Advisors.

Written data and views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before June 19, 1978. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: April 20,1978.

ROLAND FINCH,
Acting Deputy Assistant, Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc. 78-13491 Filed 5-17-78; 8:45 am]

[3510-17]

Office of the Secretary

[Dept. Org. Order 25-5A, Amdt. 3]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Statement of Organization, Functions and Delegation of Authority

This order effective May 5, 1978 further amends the material appearing at 42 FR 35672 of July 11, 1977, 43 FR

6127 of February 13, 1978 and 43 FR 6218 of February 13, 1978.

Department Organization Order 25-5A of June 3, 1977 is hereby further amended as shown below. The purpose of this amendment is to delete the requirement for the Administrator, NOAA to advise the Secretary before any final action is taken on the establishment of schedules of fees under paragraph 204(b)(10) of the Fishery Conservation and Management Act of 1976, yet retain the limitation upon subsequent redelegation of such final actions beyond an Assistant Administrator.

Section 3. *Delegation of authority.* a. In pen and ink at the end of subparagraph 3.01dd.2.(c) add the word "and" after the semicolon, delete subparagraph 3.01dd.2.(d), reletter subparagraph 3.01dd.2.(e) as 3.10dd.2.(d), and replace the semicolor at the end of the new 3.01dd.2.(d) with a period.

b. Subparagraph 3.01dd.3. is revised to read as follows:

3. The Administrator shall not redelegate beyond an Assistant Administrator any of the final actions to be taken under those provisions of the Act set forth in subparagraphs 3.01dd.2. (a) through (d) of this order, or the establishment of schedules of fees under paragraph 204(b)(10) of the Act."

Effective date: May 5, 1978.

ELSA A. PORTER,
Assistant Secretary for Administration.

[FR Doc. 78-13482 Filed 5-17-78; 8:45 am]

[3510-17]

OFFICE OF EMERGENCY READINESS

Revocation Order

This order effective April 19, 1978 supersedes the material appearing at 41 FR 37829 of September 8, 1976.

Revocation. Department Organization Order 20-4, dated August 10, 1976 is hereby revoked.

Explanation. The functions, personnel, funds, property, and records of the Office of Emergency Readiness have been transferred to the Office of Organization and Management Systems (DOO 20-7).

Effective date: April 19, 1978.

ELSA A. PORTER,
Assistant Secretary for Administration.

[FR Doc. 78-13480 Filed 5-17-78; 8:45 am]

[3510-17]

[Dept. Org. Order 20-7, Amdt. 3]

OFFICE OF ORGANIZATION AND MANAGEMENT SYSTEMS

Statement of Organization, Functions, and Delegation of Authority

This order effective April 19, 1978 further amends the material appearing at 41 FR 50321 of November 15, 1976, 42 FR 11863 of March 1, 1977 and 43 FR 6132 of February 13, 1978.

Department Organization Order 20-7, dated November 1, 1976, is hereby further amended. The purpose of this amendment is to reflect the transfer of the functions and organization of the Office of Emergency Readiness to the Office of Organization and Management Systems and the establishment of the Emergency Planning and Coordination Division.

1. In Section 3. *Functions.* In pen and ink, change the designation of the existing subparagraph 3.01b. to 3.01c., and add the following new subparagraph 3.01b.:

"b. Serve as the principal staff component within the Department for coordinating and assisting in the development, implementation, and continuation of a Departmentwide emergency preparedness program, particularly as applicable to the requirements of Executive Order 11490."

2. In Section 4. *Organization.* Add a new paragraph 4.03, to read as follows:

".03 The *Emergency Planning and Coordination Division* shall coordinate and assist Departmentwide in complying with the requirements of Executive Order 11490; direct the development, coordination, testing, evaluation, and implementation of all emergency plans and programs in the fields of continuity of government, natural disaster recovery assistance, civil preparedness, and domestic crises; assist operating units in the development of their emergency plans and review these plans for adequacy in terms of assigned functions; administer the Department's National Defense Executive Reserve Program; prepare, maintain, and control emergency assignments for the Secretary, Secretarial Officers and others, as required, and brief these officials on the current status of the Department's emergency functions; establish and maintain an emergency alerting procedure for headquarters and field personnel, and plan, coordinate, and evaluate emergency tests and exercises conducted by the Department; coordinate the plans, procedures, and activities of the Department and its operating units in disaster assistance and crises management programs, including Departmental reports to the Federal Preparedness Agency (FPA/GSA) and other Federal agencies; develop and coordinate Department Administrative Orders pertaining to emergency preparedness plans, procedures, operations, and related programs; control approval of the obligation of funds for emergency activities charged against the Working Capital Fund, and evaluate budget requests of other units of the Department concerned with emergency actitivies; develop and administer, both at national and field levels, the Department's policies on continuity of essential functions, and the acquisition, maintenance, staffing, and operations of all emergency operating facilities. The head of the Division shall also perform the functions of Emergency Coordinator for the Department, as prescribed in Federal Preparedness Circular No. 10 of August 20, 1976, and issue instructions and guidance to the Department's Regional Emergency Coordinators, as provided for in Appendix A to this order."

All outstanding Department orders, delegations, memoranda, agreements, proceedings, investigations, or other such actions affecting the former Departmental Office of Emergency Readiness shall continue and remain in force until they expire, are amended, or are revoked by appropriate authority.

Effective date: April 19, 1978.

ELSA A. PORTER,
Assistant Secretary for Administration.

APPENDIX A

REGIONAL EMERGENCY COORDINATORS

Emergency programs at the field level shall be coordinated by the Bureau of Field Operations District Office Directors selected to represent the Secretary in each of the ten Federal Regional Council cities (e.g., Boston, New York, Philadelphia, Atlanta, Chicago, Dallas, Kanas City, Denver, San Francisco, and Seattle.)

The Bureau of Field Operations District Office Directors in the ten cities are hereby designated Regional Emergency Coordinators and as such they shall be the principal advisers and contact points for the Department in their respective regions, and shall provide staff liaison concerning activities of interest to the Department. Also, they shall maintain a list of specialists from other Commerce field elements whom they can call on for expertise related to a particular plan or program.

Acting in accordance with instructions and guidance issued by the Chief, Emergency Planning and Coordination Division, OOMS, through the Bureau of Field Operations, ITA, the Regional Emergency Coordinators shall:

1. Represent the Department on regional, State and local government committees, boards and working groups involved in emergency preparedness plans and programs, including continuity of essential functions, emergency management of resources, civil preparedness disaster assistance, and related activities;

2. Provide guidance and assistance to those elements of State governments charged with preparedness planning for the

emergency management of resources for which the Department has been assigned responsibilities;

3. Serve as the Department's principal advisers to the Directors of the respective FPA/GSA Defense Civil Preparedness Agency (DCPA) regions on matters relating to the functions of the operating units of the Department;

4. Serve as liaison between the field installations of the Department and the FPA/GSA/DCPA Regional Directors in emergency preparedness matters;

5. Establish and maintain an emergency essential records file at the FPA/GSA/DCPA Federal Regional Centers, and provide guidance and advice to field installations on provisions for emergency essential records;

6. Establish and maintain a Regional Alerting Procedure for Commerce regional emergency cadres;

7. Participate, as directed by national headquarters, in planning and evaluating periodic regional, State and local government emergency preparedness tests and exercises;

8. Prepare, as necessary or required by the Emergency Planning and Coordination Division, OOMS, reports on the status of emergency preparedness plans, programs and operations; and

9. Inform the Emergency Planning and Coordination Division, OOMS of their activities and emergency programs to enable that Division to fulfill its Departmentwide liaison and coordinating role.

[FR Doc. 78-13481 Filed 5-17-78; 8:45 am]

[6740-02]

[Docket Nos. G-12149, et al.]

APPLICATIONS FOR CERTIFICATES, ABANDONMENT OF SERVICE AND PETITIONS TO AMEND CERTIFICATES[1]

MAY 8, 1978.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 16, 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 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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-12149, D, June 27, 1977	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	Colorado Interstate Gas Co., (Mocane Field, Beaver County, Okla.).	Acreage assigned.	
CI63-538, C/D, July 8, 1977	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Cities Service Gas Co., (NW. Lovedale Field, Harper County, Okla.).	Certain wells plugged and abandoned in 1977. New leases purchased and completed new well, the Freda Yauk unit, well No. 2 in sec. 22-28N-21W.	
CI76-342, C, June 30, 1977	Pan Eastern Exploration Co., P.O. Box 1642, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Woodward County, Okla.	(1)	14.65
CI77-37, C, August 2, 1977	Phillips Petroleum Co., 5 C4 Phillips Building, Bartlesville, Okla. 74004.	El Paso Natural Gas Co., Hugoton-Anadarko Area, Wheeler County, Tex.	(1)	14.73
CI77-281, C, April 7, 1977	do	Michigan Wisconsin Pipe Line Co., Hugoton-Anadarko Area (deep gas) Sherman County, Tex.	(1)	14.65

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Filing code: A—Initial service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total succession. F—Partial succession.

[FR Doc. 78-13309 Filed 5-17-78; 8:45 am]

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER78-349]

ARIZONA PUBLIC SERVICE CO.

Filing of Supplemental Agreement

MAY 11, 1978.

Take notice that on May 2, 1978, Arizona Public Service Co. (APS) tendered for filing a Supplemental Agreement dated March 28, 1978 to the Wholesale Power Supply Agreement between Arizona Power Authority (APA) and APS respecively, previously designated APS-FPC Rate Schedule No. 59. APS indicates that this Supplement revises the maxium and minimum contract demands and also provides for the right to file a unilateral rate change.

APS requests waiver of the Commission's notice requirements to allow for an effective date of April 1, 1978.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

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 22, 1978. Protests will be considered by the Commission in determining the appropritate 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. 78-13493 Filed 5-17-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket No. ER77-331]

CENTRAL POWER & LIGHT CO.

Order Accepting Service Agreements for Filing, Granting Intervention, Denying Motion for Consolidation and Waiving Notice Requirements

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 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 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 these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977 by the Secretary 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.

The Central Power & Light Co. (CPL) on April 25, 1977, tendered for filing with the Commission[1] executed service agreements for electric service to ten (10) wholesale customers,[2] pursuant to section 35.12 of the Commission's Regulation.[3] CPL was informed by Commission letter dated May 24, 1977, that such filing was deficient. On July 11, 1977, CPL satisfied the Commission's Regulations with the submittal of additional cost data. CPL requests an effective date of May 4, 1976, and thus, seeks waiver of the Commission's notice requirements, section 35.11 of the regulations.

In the instant proceeding, CPL filed contracts for full requirements firm power service to its electric cooperative customers, with rates consisting of flat demand and energy charges subject to fuel adjustment.

CPL also tendered for filing interconnection and interchange agreements which pertained to the Lower Colorado River Authority, City of Brownsville, and South Texas Electric and Medina Electric Cooperatives, including fuel adjustment clauses.

Notice of the filing was issued on July 28, 1977, with comments, protests or petitions to intervene due on or before August 12, 1977. On August 9, 1977, the Magic Valley Electric Cooperative, Kimble Electric Cooperative and Rio Grande Electric Cooperative (hereinafter referred to as *Petitioners*) filed a petition to intervene in this proceeding. Petitioners urge this Commission to condition acceptance of CPL's initial rate schedules upon the requirement that the rate be made subject to refund. Petitioners contend that CPL's tardy filing of the rate schedule and dilatory response to the Commission's filing requirements cannot help but raise doubts as to the justness and reasonableness of those rates. Further, Petitioners request that the instant docket be consolidated with the proceeding in Docket No. ER77-514.

CPL, On August 19, 1977, answered Petitioners' pleading indicating that the rate schedules were filed in compliance with the Commission's order in Docket No. E-9558. CPL contends that due to the initial nature of the filing, the rates cannot be made subject to refund. CPL further asserts that the instant rate and service provisions were mutually agreed to between it and the wholesale customers.

DISCUSSION

In their petition to intervene, Petitioners merely alluded to the possibility of the unreasonableness of the filed rates based solely on CPL's "dilatory response" to the Commission's filing requirements. Petitioners did not indicate any specifics of the filing that could be used to test their contention of unreasonableness. Nevertheless, our review of the proposed filing indicate that the revenues collected from the ten wholesale customers pursuant to the instant rates are reasonable.

We further conclude that the fuel clauses contained in the electric cooperative agreements do not conform to section 35.14 of the Regulations. However, CPL on July 12, 1977, submitted a revised fuel adjustment clause which complied with section 35.14 of the Regulations and is applicable to the electric cooperative customers as part of its rate increase request filed in Docket No. ER 77-514.[4] Our review also indicates that the fuel clauses contained in the tendered interconnection rate schedules applicable to the city of Brownsville, and South Texas Electric and Medina Electric Cooperatives are not in agreement with the requirements of section 35.14 of the Regulations. CPL is hereby directed to file a fuel clause applicable to the aforementioned customers which conforms to section 35.14 of the Regulations within thirty days from the issuance of this order.

Moreover, in light of the fact that we have determined the rates con-

[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.

[2] The ten (10) wholesale customers are: Magic Valley Electric Cooperative, Inc., Nueces Electric Cooperative, Inc., Rio Grande Electric Cooperative, Inc., Kimble Electric Cooperative, Inc., Medina Electric Cooperative, Inc., Victoria County Electric Cooperative Co. (Refugio, Tex. and Goliad, Tex.), South Texas Electric and Medina Electric Cooperatives, city of Brownsville and Lower Colorado River Authority. See Attachment A for list of designations.

[3] By orders issued July 21, 1976 and September 17, 1976, in Docket No. E-9558, the FPC determined that Central Power & Light Co. is a "public utility" pursuant to section 201 of the Federal Power Act (16 U.S.C. § 824) and, therefore, subject to the jurisdiction of the Commission for having commenced the transmission of electric energy in interstate commerce and the sale of electric energy at wholesale in interstate commerce.

[4] On July 12, 1977, CPL tendered for filing with the Commission in Docket No. ER77-514, superseding rates applicable to the electric cooperative customers. The proposed increase in rates was supported by the same data that was submitted by CPL on July 11, 1977 to cure the deficiency in Docket No. ER77-331. Thereafter by orders dated August 3 and September 8, 1977, the Commission suspended the rates for the statutory maximum period until January 8, 1978, subject to refund.

tained herein to be reasonable and hearing procedures unwarranted, we conclude that consolidation of the proceedings in this docket with those in Docket No. ER77-514 is not in the public interest.

Petitioners are wholesale customers of CPL and their interests as well as the public interest may be served by permitting intervention in the instant case.

The Commission finds: (1) Good cause exists to deny Petitioners' Motion for Consolidation.

(2) CPL's fuel adjustment clauses applicable to the City of Brownsville and South Texas Electric and Medina Electric Cooperatives in the interconnection agreements do not conform to section 35.14 of the Regulations.

(3) Participation of Petitioners in this proceeding may be in the public interest.

(4) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the service agreements tendered in this docket be accepted for filing to become effective May 4, 1976.

(5) Good cause exists to waive the requirements of section 35.11 of the Commission's Regulations.

The Commission orders: (A) The service agreements are hereby accepted for filing to become effective May 4, 1976.

(B) Petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of the intervenors shall be limited to matters effecting the rights and interests specifically set forth in the petition to intervene, and *provided, further,* that the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(C) This acceptance of filing does not constitute approval of any service, rate, charge, classification, or any rule, regulation, contract, or practice affecting such rates or services provided for in the designations as shown on the attachment; nor shall such acceptance be deemed as recognition of any claimed contractual right or obligation affecting or relating to such services or rates; and such acceptance is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the parties.

(D) CPL shall within thirty (30) days from the date of issuance of this order file with the Commission fuel clauses applicable to the city of Brownsville and South Texas Electric and Medina Electric Cooperatives which conform to section 35.14 of the Regulations.

(E) The requirements of section 35.11 of the Regulations are hereby waived.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission. Chairman Curtis voted present.

KENNETH F. PLUMB,
Secretary.

ATTACHMENT A.—*Central Power & Light Co., Docket No. ER77-331*

Dated: (1) June 8, 1967, (2) Dec. 14, 1971, (3) June 1, 1973, (4) June 20, 1962, (5) Feb. 7, 1968, (6) Dec. 11, 1968, (7) Jan. 2, 1970, (8) Apr. 21, 1975, (9) May 20, 1973, (10) Sept. 20, 1974, (11) Nov. 3, 1971, (12) July 2, 1951, (13) May 20, 1952, and (14) Feb. 22, 1954.
Filed: July 11, 1977.

Designation	Other party	Description
Rate schedule FPC No. 50	South Texas Electric Cooperative and Medina Electric Cooperative.	Purchase and exchange and pooling agreement.
Rate schedule FPC No. 51	City of Brownsville	Power purchase agreement.
Rate schedule FPC No. 52	Lower Colorado River Authority.	Interchange agreement.
Rate schedule FPC No. 53	Magic Vally Electric Cooperative.	Electric service contract.
Supplement No. 1 to rate schedule FPC No. 53.	do	Amendment and extension agreement.
Supplement No. 2 to rate schedule FPC No. 53.	do	Amendatory agreement.
Supplement No. 3 to rate schedule FPC No. 53.	do	Do.
Rate schedule FPC No. 54	Nueces Electric Cooperative	Electric service contract.
Rate schedule FPC No. 55	Rio Grande Electric Cooperative.	Do.
Rate schedule FPC No. 56	Kimble Electric Cooperative	Do.
Rate schedule FPC No. 57	Medina Electric Cooperative	Do.
Rate schedule FPC No. 58	Victoria County Electric Cooperative.	Electric service contract—Refugio, Tex.
Supplement No. 1 to rate schedule FPC No. 58.	Victoria County Electric Cooperative.	Amendment and modification of electric service contract.
Rate schedule FPC No. 59	do	Electric service contract, Goliad, Tex.

[FR Doc. 78-13310 Filed 5-17-78; 8:45 am]

[6740-02]

[Project No. 2791]

CLARK-COWLITZ JOINT OPERATING AGENCY

Application for New Major License for Constructed Project

MAY 11, 1978.

Public notice is hereby given that application for a new major license was filed on February 18, 1977, and supplemented on December 13, 1977, under the Federal Power Act (16 U.S.C. 791a-825r) by Clark-Cowlitz Joint Operating Agency, (correspondence to: Harry G. Kelsey, President, Clark-Cowlitz Joint Operating Agency, P.O. Box 1279, Longview, Wash. 98632; with copies to: Robert W. Peery, Secretary, Clark-Cowlitz Joint Operating Agency, P.O. Box 1626, Vancouver, Wash. 98633; C. T. Mertsching, Walstead, Mertsching, Husemoen, Donaldson, and Barlow, P.O. Box 1174, Longview, Wash. 98632; John F. Wynne, Blair, Schaefer, Hutchinson, Wynne, Potter & Horton, P.O. Box 1148, Vancouver, Wash. 98660; Robert L. McCarty, McCarty & Noone, 1225 Connecticut Avenue NW., Wash. D.C. 20036), for the constructed Merwin Project, FERC Project No. 2791, located in Cowlitz and Clark Counties, Wash., near the town of Woodland, on the North Fork of the Lewis River. The project affects 138.18 acres of United States lands and navigable waters of the United States. The original project license (FERC No. 935), issued to Pacific Power & Light Co. will expire of December 11, 1979.

The constucted Merwin Project consists of: (1) A concrete arch dam 313 feet high, with an arch length of 728 feet; (2) a reservoir, 14.5 miles long, with a surface area of 4,040 acres at maximum operating pool elevation; (3) Three penstocks 15½ feet in diameter and 150 feet long; (4) a powerhouse containing 4 generating units, 3 rated at 45,000 kW and a 1,000 kW station service generating unit; (5) 9 single-phase 13.8/115-kV transformers located on the upper powerhouse deck and an adjacent switchyard; (6) two transmission lines, one which extends to the Cardwell substation and the other, to the dead-end tower on the north bank of the Columbia River near Portland; and (7) appurtenant facilities.

Power produced by this project would be used by the Applicant to meet its system load requirements and any excess would be sold on a "when and if available" basis.

The principal recreational features of the project are: Merwin Park, which can accommodate 3,000 people for picnics and swimming; Speelyai Bay Park, located 10 miles upstream from the dam, which provides swimming, boating and picnic facilities; and Woodland Park, consisting of private

residential homesites. Potential recreational areas exist at Crescent Bay and Buncombe Hollow Creek.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 14, 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 person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13494 Filed 5-17-78; 8:45 am]

[6740-04]

[Docket No. CP66-237]

NATURAL GAS PIPELINE CO. OF AMERICA

Further Exension of Time

MAY 11, 1978.

On May 8, 1978, Natural Gas Pipeline Co. of America filed a motion to suspend or to further extend the procedural dates established by Commission Order issued December 19, 1977, in the captioned proceeding. The procedural dates have been previously extended by Notices issued January 5, and March 23, 1978.

The instant motion states that the Commission has not yet acted upon the merits of the pending applications for rehearing of the December 19, 1977 Order. A tolling order granting rehearing for purposes of further consideration was issued on February 17, 1978.

Upon consideration, notice is hereby given that the procedural dates in this proceeding are further extended as follows:

Filing and service on all parties, the Presiding Administrative Law Judge, and Commission Staff of the direct case of Natural, including testimony on the issue raised by the December 19, 1977 Order—July 14, 1978.
Filing of testimony and exhibits comprising the case-in-chief of supporting intervenors—July 21, 1978.
Filing of testimony of opposing intervenors and Staff Counsel—August 7, 1978.
Rebuttal testimony of Natural and supporting intervenors—August 18, 1978.
Prehearing Conference—August 28, 1978.

Any further procedural dates will be established by the Presiding Administrative Law Judge.

KENNETH F. PLUMB.
Secretary.

[FR Doc. 78-13495 Filed 5-17-78; 8:45 am]

[6740-02]

[Docket No. CP78-302]

NATURAL GAS PIPELINE CO. OF AMERICA AND COLUMBIA GULF TRANSMISSION CO.

Pipeline Application

MAY 11, 1978.

Take notice that on April 24, 1978, Natural Gas Pipeline Co., of America, 122 South Michigan Avenue, Chicago, Ill. 6060 (Natural), and Columbia Gulf Transmission Co., 3805 West Alabama, Houston, Tex., 77027 (Columbia) (Collectively applicants), filed in docket No CP78-302 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of up to 39,900 Mcf per day of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Natural has contracted to purchase or has preferential rights to purchase volumes of gas from East Cameron block 34, offshore Louisiana. A joint application by Natural and others has been made at docket No. CP78-71 to construct facilities to get gas from block 34 onshore to a new point of connection to Tennessee Gas Pipeline Co. in Cameron Parish, La. Tennessee has filed at docket No. CP78-197 to transport up to 39,900 Mcf per day for Natural and to deliver such volumes to Columbia for Natural's account at an existing interconnection near Chalkley, La.

Columbia Gas Transmission Corp., an affiliate of Columbia, own or control certain reserves in High Island area, offshore Texas, which will be transported to shore first through facilities of High Island Offshore System then through facilities owned by U-T Offshore System (UTOS).

Applicants propose to exchange up to 39,900 Mcf of natural gas with Columbia receiving gas for Natural's account from Tennessee near Chalkley, Cameron Parish, La. Natural will receive thermally equivalent volumes for Columbia's account at the existing interconnection between Natural and UTOS, Cameron Parish, La, or at existing interconnections of Natural and Columbia at the Mobile Oil Corp.'s Cameron Meadows plant, Cameron Parish, La, or Texaco, Inc.'s Henry plant located in Vermilion 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. 78-13496 Filed 5-17-78; 8:45 am]

[6740-02]

[Project No. 77]

PACIFIC GAS & ELECTRIC CO. (POTTER VALLEY PROJECT)

Extension of Time

MAY 12, 1978.

On May 2, 1978, the Humboldt County Board of Supervisors and Cal-

Trout (intervenors) filed a request for a 240-day extension of time to review and comment on Commission staff's draft environmental impact statement (DEIS) on the referenced project, the availability of which was announced by notice issued March 22, 1978. Intervenors state that, of the 240-day requested extension, 180-days are required to complete indepth feasibility studies and acquire more data on the effects on spawning and nursery habitats of various operation practices at Potter Valley project. It the DEIS is deficient, the intervenors should so state in their comments, but good cause has not been shown to delay this proceeding substantially by granting the full 8-month extension requested for commenting on the DEIS.

Upon consideration, notice is herby given that an extension of time is granted to and including June 30, 1978, within which to file comments on staff's DEIS in this proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-13497 Filed 5-17-78; 8:45 am]

[6740-02]

[Docket No. CP76-362]

TEXAS EASTERN TRANSMISSION CORP.

Petition To Amend

MAY 11, 1978.

Take notice that on April 24, 1978, Texas Eastern Transmission Corp. (Texas Eastern), P.O. Box 2521, Houston, Tex. 77001 (petitioner), filed in docket No. CP76-362 a petition to amend Commission order, issued August 31, 1976, to authorize the inclusion of an additional point of receipt for the transportation of natural gas.

Petitioner, pursuant to the terms of the March 23, 1976, agreement and the authorization issued at docket No. CP76-362, initiated a transportation arrangement involving volumes produced and sold to Transco in West Cameron block 480 and delivered to East Cameron block 245, offshore Louisiana, for transportation onshore by Texas Eastern with a total obligation to transport up to 54,000 Mcf of gas per day.

Transco has secured the rights to purchase gas volumes produced from block 436, West Cameron area, offshore Louisiana, and has filed with the Commission jointly with Texas Eastern and Natural Gas Pipeline Co. of America (Natural) an application at docket No. CP78-236 for authorization to construct the necessary pipeline facilities required to connect West Cameron 436 production to Texas Eastern's existing subsea tap on its offshore pipeline system located in block 286, West Cameron area. Petitioner seeks authorization to add the new point to the March 23, 1976, agreement. The total 54,000 Mcf/d obligation will not be increased.

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. 78-13498 Filed 5-17-78; 8:45 am]

[6740-02]

[Docket No. CP77-568]

TEXAS EASTERN TRANSMISSION CORP. AND NATURAL GAS PIPELINE CO. OF AMERICA

Petition to Amend

MAY 11, 1978.

Take notice that on April 21, 1978, Texas Eastern Transmission Corp. (Texas Eastern), P.O. Box 2521, and Natural Gas Pipeline Co. of America (Natural), 122 South Michigan Avenue, Chicago, Ill. 60603 (petitioners), filed in docket No. CP77-568 a petition to amend Commission order issued November 29, 1977, to authorize an increase in the exchange volumes previously authorized for and between the petitioners.

Petitioners seek authorization to increase the quantity of natural gas to be transported and exchanged by said parties for each other from 15,000 Mcf per day up to a maximum of 25,000 Mcf per day, and for the inclusion of an additional point of receipt for the transportation and exchange of natural gas.

Volumes of gas available to Texas Eastern from West Cameron block 593 have increased to a volume in excess of 15,000 Mcf per day. Natural has also secured the right to purchase gas volumes produced from block 437 West Cameron area, and has filed jointly with Texas Eastern and Transcontinental Gas Pipe Line Corp. (Transco) to the Commission for a certificate of public convenience and necessity at docket No. CP78-236 seeking authorization to construct the necessary pipeline facilities required to connect West Cameron 437 production to Texas Eastern's offshore Louisiana system at a point in block 286 West Cameron, offshore Louisiana. Petitioners herein seek authorization to increase the firm quantity of natural gas to be exchanged, as provided by the amendment of April 4, 1978, from 15,000 Mcf per day to 25,000 Mcf per day and establish the West Cameron block 286 point as a new exchange point under the November 29, 1977, agreement.

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 jurisdication 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. 78-13499 Filed 5-17-78; 8:45 am]

[6740-02]

[Docket No. CP76-35]

WESTERN TRANSMISSION CORP.

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, 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 functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a) (1) or (2) of the DOE Act.

Take notice that on May 2, 1978, Western Transmission Corp. (petitioner), 2700 Fidelity Union Tower, Dallas, Tex. 75201, filed in docket No. CP75-35 a petition to amend the order of October 7, 1975 (54 FPC ——) issued by the Federal Power Commission (FPC) in the instant docket so as to provide for the transportation of natural gas for Colorado Interstate Gas Co. (CIG) from additional acreage within the Blue Gap II area of Carbon County, Wyo., which acreage is at present largely undeveloped, 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 October 7, 1975, petitioner was authorized to transport natural gas for CIG from said Blue Gap II area to a point of delivery on CIG's existing system in Sweetwater County, Wyo., pursuant to a gas transportation agreement dated July 15, 1975, between the two companies.

By an amendment dated March 27, 1978, petitioner and CIG have amended the July 15, 1978, agreement to provide for the additional acreage.

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. 78-13500 Filed 5-17-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 897-6; OPP-00072A]

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA) SCIENTIFIC ADVISORY PANEL

Open Meeting—Change in Agenda

On Friday, May 5, 1978, notice of the May 25-26, 1978 open meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel was published in the FEDERAL REGISTER (43 FR 19449). Agenda item number 2 under SUPPLEMENTARY INFORMATION is changed to read as follows:

2. A briefing will be given to the Scientific Advisory Panel on the principal decision options which are being considered by the Agency to conclude the chlorobenzilate RPAR (rebutable presumption against registration).

AUTHORITY: Sec. 25(d) of FIFRA, as amended (86 Stat. 973, 89 Stat. 751; 7 U.S.C. 136(a) et seq.) and Sec. 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 94-463; 86 Stat. 770).

Dated: May 15, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 78-13551 Filed 5-17-78; 8:45 am]

[6560-01]

[FRL 898-1]

GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

Program Requirements Memorandum

This notice is published to advise that a Program Requirements Memorandum from the Administrator has been distrubuted to the Environmental Protection Agency Regional Offices and became effective May 11, 1978. This Program Requirements Memorandum provides a warning on the use of certain chemical grouts used for sewer rehabilitation. As indicated in the memorandum additional information on this matter will be issued as soon as it becomes available.

FOR FURTHER INFORMATION CONTACT:

Alan B. Hais, Chief, Municipal Technology Branch, Municipal Construction Division (WH-547), Environmental Protection Agency, Washington, D.C. 20460, 202-426-8976.

Dated: May 15, 1978.

THOMAS C. JORLING,
Assistant Administrator, Water and Hazardous Materials.

[PRM No. 78-11]

Subject: Toxicity of Chemical Grouts for Sewer Rehabilitation
From: John T. Rhett, Deputy Assistant Administrator for Water Program Operations (WH-546)
To: Regional Administrators, Regions I thru X

PURPOSE

This Program Requirements Memorandum provides an alert on the potential health hazards associated with the field application of a major chemical grout used in correcting sewer infiltration. The grouting material is AM-9 manufactured by American Cyanamid. Your immediate action is requested in distributing this memorandum and the attached materials to all Construction Grant Program grantees.

DISCUSSION

In applying the AM-9 grout, a catalyst containing dimethyl amino propionitrile (DMAPN) is used. On April 7, 1978, OSHA issued a health hazard alert concerning DMAPN. It stated, "There is no current permissible exposure limit. It is unknown at the present time if there is any safe limit for human exposure to ESN (a trademark name for DMAPN). The use of the material has been discontinued in plants in both Maryland and Massachusetts. Accordingly, based on serious and immediate adverse human health effects already evident *it is imperative that worker exposure to ESN and its components be completely avoided.*" (Emphasis added)

The OSHA alert was based on operations involved in the manufacture of polyurethane foam. However, on the basis of this alert, the Washington Metropolitan Transit Authority recently requested that all future use of this product (DMAPN) be stopped immediately and the product be removed from all of its subway construction sites. DMAPN had previously been used in grouting operations in subway tunnels.

ACTION

1. Distribute this memorandum and the attached OSHA alert to the State Agencies in your region and to all grantees who are or may potentially be using the above chemical grouts in sewer rehabilitation projects.

2. There are already underway to continue grouting with AM-9 using a different catalyst agent. However, we understand that the production of AM-9 will be discontinued as

of July 31, 1978. In view of this and the health related concerns discussed above, please assess the impact of these events on the infiltration/inflow program as it relates to the overall management of the Construction Grant Program. You will be notified as soon as additional information becomes available. Please keep me advised of your findings and conclusions.

ATTACHMENT TO PROGRAM REQUIREMENTS MEMORANDUM

OSHA HEALTH HAZARD ALERT: NIAX CATALYST ESN

It has come to OSHA's attention that your firm has used and may still be using NIAX catalyst ESN (registered TM, Union Carbide). ESN is composed of two chemicals: (1) Dimethyl amino propionitrile, and (2) BIS-2, dimethyl amino ethyl ether. The material is chiefly used as a catalyst in certain polyurethane foam production operations.

There have been documented reports on serious adverse health effects among male and female employees exposed to ESN in plants in both Maryland and Massachusetts. The most striking symptoms uniformly reported by afflicted workers are those of urinary dysfunction. In one Maryland plant 69 of 101 workers questioned complained of difficulty starting urination, pain and burning on voiding, incomplete emptying of the bladder, slowness in expelling urine, and other urinary problems. There have also been employee reports of impotence and sexual difficulties. A few individuals have received urological surgery. There is evidence that for a smaller number of employees toxic effects of ESN include damage to the nervous system (peripheral neuropathy) with symptoms of muscule weakness, loss of balance and coordination, numbness, tingling, and loss of feelings. ESN exposure may also cause liver dysfunction.

Employees have reported symptoms of toxic effects after as few as three of ESM exposure. In addition to these immediate urinary and neurological effects, exposure to ESN can lead to serious and permanent health damage to the afflicted worker.

The material has moderate to severe toxicity by the skin, inhaltion, and oral routes of administration in acute animal studies. OSHA has not found any animal toxicology data on long-term or chronic effects of ESN exposure.

There is no current permissible exposure limit. It is unknown at the present time if there is any safe limit for human exposure to ESN. The use of the material has been discontinued in plants in both Maryland and Massachusetts. Accordingly, based on the serious and immediate adverse human health effects already evident, it is imperative that worker exposure to ESN and its components be completely avoided. It is also essential that employers take the following actions regarding ESN:

(1) Inform all employees of the possible adverse health effects of exposure.

(2) Provide all employees with a copy of this telegram.

(3) Advise all employees with symptoms described in this notice to see a physician and show him/her this message. The physician should be made aware that the urological complaints have been mistaken for nonoccupationally caused prostatic or bladder disease.

(4) Urge all employees with symptoms to report them to OSHA, to their bargaining agent if there is one, and to the corporate medical department if any.

(5) Advise the corporate medical department or other designated physician to inform OSHA promptly of all employee reports of symptoms described above.

Those involved contact the OSHA regional administrator to convey all employee reports of symptoms. A complete list of OSHA regional administrators is attached as an appendix to this document. Physicians and others seeking more technical or medical information on health effects of ESN should call the OSHA regional administrator for referral. Further, since serious physicial harm to employees has taken place after short periods of exposure to ESN, OSHA compliance officers have been directed to institute imminent danger proceedings where appropriate measures have not been taken to eliminate this exposure.

Workers exposed to the individual components of ESN, alone or in combination with other chemical compounds, should be investigated for similar adverse health effects, with particular reference to urinary tract symptoms.

EULA BINGHAM,
Assistant Secretary for Occupational Safety and Health.

APRIL 7, 1978.

OSHA REGIONAL ADMINISTRATORS

1. Region I—Gilbert Saulter, 617-223-5535 (Connecticut, Maine, Massachusetts, Rhode Island, Vermont).
2. Region II—Alfred Barden, 212-399-5941 (New Jersey, New York, Puerto Rico, Virgin Islands).
3. Region III—David Rhone, 215-596-1206 (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia).
4. Region IV—Allan McMillan, 404-881-2305 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee).
5. Region V—Berry White, 312-353-4716 (Illinois, Indiana, Michigan, Minnesota,, Ohio, Wisconsin).
6. Region VI—Robert Wendell, 214-749-3473 (Arkansas, Louisiana, New Mexico, Oklahoma, Texas).
7. Region VII—Vernon Strahm, 816-374-5048 (Iowa, Kansas, Missouri, Nebraska).
8. Region VIII—Curtis Foster, 303-837-3416 (Connecticut, Montana, North Dakota, South Dakota, Utah, Wyoming).
9. Region IX—Gabrel Gillotti, 415-556-0586 (Arizona, California, Guam, Hawaii, Nevada, American Samoa, Trust Territory, Northern Mariannas).
10. Region X—James Lake, 206-442-5930 (Alaska, Idaho, Oregon, Washington).

[FR Doc. 78-13549 Filed 5-17-78; 8:45 am]

[6560-01]

[FRL 897-8; OPP-30148]

REGISTRY OF PESTICIDE PRODUCTS CONTAINING NEW ACTIVE INGREDIENTS

Receipt of Applications

Applications have been submitted to the Environmental Protection Agency (EPA) to register pesticide products containing active ingredients which have not been included in any previously registered pesticide products. Applications were made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89 Stat. 751; 7 U.S.C. 136(a) et seq.), and the regulations thereunder (40 CFR 162). Notice of receipt of these applications does not indicate a decision by the Agency on the applications.

Interested persons are invited to submit written comments on any applications referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M St. SW, Washington, DC 20460. The comments must be received on or before June 19, 1978 and should bear a notation indicating the EPA File Symbol number of the application to which the comments pertain. Comments received within the specified time period will be considered before a final decision is made with respect to the pending application. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Specific questions concerning these applications and the data submitted should be directed to the Product Managers (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address or appropriate telephone number cited. The labels furnished by each applicant as well as all written comments filed pursuant to this notice, will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Notice of approval or denial of the applications to register pesticide products listed will be announced in the FEDERAL REGISTER. Except for such material protected by section 10 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the test data and other information submitted in support of registration as well as other scientific information deemed relevant to the registration decision may be made available for approval under the provisions of the Freedom of Information Act. The procedures for requesting such data will be given in the FEDERAL REGISTER if an application is approved.

Dated: May 10, 1978.

MARTIN H. ROGOFF,
Acting Director, Registration Division.

APPLICATIONS RECEIVED

EPA File Symbol 707-RUE. Rohm and Haas, Independence Mall West, Philadelphia, PA 19105. GOAL-2E. Active Ingredient: *2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl) benzene* 23.5%. Application proposes that this product be classified for general use for pre-emergence control of

certain annual grass and broadleaf weeds in soybeans. PM25 (202-426-2632)

EPA File Symbol 35977-R. Hoffman-La Roche Inc., 340 Kingsland St., Nutley, NJ 07110. ATRINAL TM PLANT REGULATOR. Active Ingredient: *Sodium salt of 2,3:4,6-Bis-O-(1-Methylethylidene)-a-L-Xylo-2-Hexulofuranosonic acid* 18.5%. Application proposes that this product be classified for general use as a plant regulator in azaleas and other ornamental plants. PM25

[FR Doc. 78-13550 Filed 5-17-78; 8:45 am]

[6560-01]

[FRL 896-7]

WATER QUALITY CRITERIA

Request for Comments

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: EPA is soliciting public comments on technical guidelines which set forth a methodology for deriving water quality criteria. Under the Clean Water Act, water quality criteria may form the basis for enforceable water quality standards. EPA is considering using the guidelines, as refined in response to comments, to develop proposed water quality criteria for 65 toxic pollutants in compliance with a Court order.

DATES: Written public comments should be submitted to the person listed immediately below by July 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Kenneth M. Mackenthun, Director, Criteria and Standards Division (WH-585), Office of Water Planning and Standards, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, telephone 202-755-0100.

SUPPLEMENTARY INFORMATION: Section 304(a) of the Clean Water Act, as amended, 33 U.S.C. 1251 et seq., requires EPA to publish and periodically update national water quality "criteria" for use by the States in the development of water quality standards under section 303. These criteria are to reflect the latest scientific knowledge on the identifiable effects of various pollutants on public health and welfare, aquatic life, and recreation.

Under Paragraph 11 of the Settlement Agreement in *Natural Resources Defense Council et al.* v. *Train* 8 ERC 2120 (D.D.C. 1976), the Agency must publish criteria for 65 specified toxic pollutants. For each of the 65 pollutants, the criteria are to state maximum recommended concentrations consistent with the protection of aquatic life and human health. The Agency is now in the process of developing criteria documents for these 65 pollutants for proposal in the FEDERAL REGISTER in the latter half of this year.

During the process of developing information under § 304 and the Settlement Agreement, EPA has revised and refined the methodology for deriving aquatic-based criteria which it has used in the past. In this notice, EPA is publishing guidelines which set forth this refined methodology. (Criteria for the protection of human health are being developed separately from an essentially different data base.) Members of the interested public are invited to submit comments on the validity and accuracy of the guidelines to assist the agency in determining whether further refinements are needed.

In its previous publications under § 304(a)[1] the Agency used the following general procedures for interpreting available data and deriving criteria. Data on the acute, long term, and bioaccumulative effects of individual pollutants were surveyed. For many constituents, a criterion was derived by reducing the lowest concentration known to have acute lethal effects on half of an aquatic species (the LC50 value) by a factor intended to protect against chronic effects. Where data showed a substance to be bioaccumulative or to have other significant long-term effects, a factor was used to reduce the indicated concentrations to a criterion presumed to be protective.

The guidelines appearing below provide a more formalized, systematic approach to deriving criteria from scientific data. It is not expected that the numbers derived using the guidelines will be very different from those which would be derived from the less formalized method EPA has used in the past. It is expected, however, that the systematic treatment of all appropriate aquatic data will make the rationale for the criteria more obvious.

The guidelines are also intended to provide a basis for deriving criteria specific to different water characteristics for pollutants whose toxicity varies significantly under different water conditions. A heavy metal such as cadmium, for instance, may be considerably less toxic in hard water than in soft because of precipitation, complexation, and antagonism. Differentiation between fresh and marine species may also be appropriate. Should such factors prove to be fundamental and provide a rational basis for differentiation, separate criteria will be developed for specific variables. This approach could assist States in adopting numbers more appropriate to their individual waters and help avoid overly restrictive national numbers.

Public comment is invited on all aspects of the methodology presented in the guidelines. Comments should be sent (preferably in triplicate) to the address noted in the introduction to this Notice no later than [45 days after FEDERAL REGISTER publication].

EPA is particularly interested in comments on the following issues relating to the guidelines appearing below:

1. Is the degree of conservatism or species coverage too protective, adequate or not protective enough?
2. Should maximum and average concentrations be established as criteria?
3. Are toxicological principles correctly used?
4. Is the statistical treatment of the data scientifically sound? For instance, are correction factors appropriately defined (as geometric means) and derived (as ratios)? Has data variability been adequately addressed?

EPA expects to propose criteria for the 65 toxic pollutants in the latter half of 1978. All comments received during the public comment period on today's notice will be considered before that proposal. The proposal will be accompanied by a full explanation of the methodology adopted, and a response to major substantive comments received on today's notice.

Dated: May 9, 1978.

THOMAS C. JORLING,
Assistant Administrator for Water and Hazardous Materials.

GUIDELINES FOR DERIVING WATER QUALITY CRITERIA FOR THE PROTECTION OF AQUATIC LIFE

PREFACE

The guidelines are intended to provide a systematic means of interpreting a variety of data in an objective, consistent and scientifically valid manner and should be modified only if sound scientific evidence for an individual pollutant indicates the need to do so. They provide uniform rules for deriving criteria from data bases of varying degrees of adequacy and supply rules for estimating some effects for which data are unavailable. The guidelines are not intended to be used where certain minimum data are unavailable, for instance, where no final fish or invertebrate chronic value can be obtained. In these cases another approach may be employed to develop criteria.

The guidelines provide a means of estimating the limiting concentrations which produce no observable effects on a specified percent of aquatic species. (For some pollutants, these limiting values may be based on bioconcentration or tainting). For example the guidelines might show that, to protect 95 percent of the species in an aquatic ecosystem, the concentration of nickel should be no more than x mg/1, while to protect 90 percent, the concentration should not exceed 2x mg/1, and so on. The guidelines therefore serve as a mechanism for building any desired degree of safety into all criteria

[1] The most recent of these publications is the "Quality Criteria for Water" issued in July, 1976. Notice of this document's availability appeared in 41 FR 32947, August 1976.

and the policy decision as to how protective the criteria should be can be reached separately and applied consistently.[1]

The guidelines are based on aquatic toxicity data from laboratory tests on individual species. A broad range of aquatic toxicity data was used to provide a representative data base for developing the guidelines. (Tables 1-10).

The guidelines are designed to be applied to all available aquatic toxicity data for individual pollutants, after screening for reliability, to calculate concentration levels for each pollutant which can be expected to protect a desired percentage of the species of an aquatic ecosystem. For this purpose data showing the following effects are addressed separately: (1) acute toxicity to fish; (2) acute toxicity to invertebrates; (3) chronic toxicity to fish; (4) chronic toxicity to invertebrates; (5) toxicity to plant life; and (6) bioconcentration. Provision is also made to consider any data that do not fit in the above categories but which indicate a need to provide greater protection.[2]

The application of the guidelines to data for an individual substance involves the following three steps: (1) standardization of data where appropriate; (2) derivation of values within categories; and (3) derivation of criteria.

Standardization of Acute Toxicity Data

Most tests of acute toxicity to aquatic life involve observing what concentration of a pollutant will kill half of a test species in a given amount of time. For instance, a test may show that exposure to x mg/1 of a substance for 96 hours is fatal to 50 percent of the guppies in the test population, while the corresponding number for trout is y mg/1, and for fathead minnows z mg/1. These figures are commonly expressed as median lethal concentrations of LC50's.

LC50 values are not always comparable, however, since aquatic toxicologists employ a variety of techniques. The three major variables in lethal concentration testing are the following:

(1) *Exposure.* The length of exposure varies. Typical exposures are 24, 48, 72, and 96 hours, although some LC50 data reflect much longer exposure periods.

(2) *Static/flow-through.* Some experiments employ flows of water containing specified concentrations of the test substance, while in other tests the water is not renewed. The flow-through test is regarded as more accurate since the concentration of the pollutant can be maintained and metabolites removed.

(3) *Calculated/Measured.* Some data reflect how much of a substance was presumed to be added to the water (calculated concentration), while other data reflect a measurement of how much was actually added (measured concentration).

The guidelines apply "correction factors" to standardize acute toxicity data for fish and invertebrates. These factors are calculated from the data in published references for each of the variables noted above.

Fish. "Correction factors" for estimating 96-hour LC50 values from toxicity tests of shorter duration were reached by comparing 308 24-hour LC50 tests with corresponding 96-hour data. This comparison showed that the geometric mean of the ratio of the 96-hour LC50 to the 24-hour LC50 is 0.66. The corresponding number for 48-hour tests is 0.81, and for 72-hour tests, 0.92.

The relationship of static to flow-through results from fish tests was calculated in a similar fashion. A comparison of 24 pairs of tests on twelve toxicants showed that the geometric mean of the static test LC50's was on the average 71 percent that of the flow-through tests. The guidelines adjust for the test discrepancy by multiplying static data by .71. This adjustment also reflects more closely the toxicity of the chemicals being tested.

Calculated concentration data are similarly standardized to measured concentration. For fish, this correction factor was developed from a comparison of 89 tests on 39 pollutants which reveals that the geometric mean of the measured concentration is 77 percent of the calculated value. This correction factor is applied to all test data based on unmeasured values so that the toxicity expressed more nearly reflects the true exposure concentration.

Invertebrates. Acute toxicity data for invertebrates are standardized in the same manner as those for fish. The correction factors for invertebrates are different from those used for fish because invertebrate data exhibit relationships somewhat different from those observed among fish. in addition, 48-hour LC50 data for certain species (daphnia, cladocera, midges, copepods and mollusc bivalve and barnacle larvae) are not corrected to the 96-hour level because the standard tests on these species are 48-hour tests.

Standardization of Fish Chronic Values

The only chronic data that must be adjusted to compensate for differences in test methods are those derived from embryo-larval tests.

A comparison of 75 sets of chronic data shows that in only five instances were the results of a life cycle test more than a factor of two lower than the results of a comparable embryo-larval test. The guidelines therefore reduce embryo-larval toxicity figures by a factor of two to allow for the possibility that the embryo-larval chronic estimate is too high.

Derivation of Values Within Categories

Specific procedures have been developed to obtain concentration values for each of the six categories. These procedures are described below.

Fish Acute Values. After LC50 data on acute toxicity to fish are standardized, concentration limits necessary to protect against acute toxicity are calculated. A geometric mean LC50 is calculated from all LC50 data on a given pollutant. A factor based on the varying sensitivities of different species to different pollutants is then applied to adjust that figure to the desired degree of protectiveness. A preliminary estaimate of the sensitivity factor for freshwater fish is 1 divided by 3.9. The product of the geometric mean LC50 and the sensitivity factor is the "final fish acute value."

Invertebrate Acute Values. A final invertebrate acute value is derived from standardized acute data for invertebrates in the same manner as for fish.

Fish Chronic Values. Chronic toxicity data are usually measured as the maximum acceptable toxicant concentration or MATC. The MATC is the highest concentration of a pollutant that would have no measurable adverse effect on survival, growth, or reproduction of a species. A life cycle or partial life cycle test establishes limits within which the MATC must lie. The guidelines employ life cycle or partial life cycle data wherever available.

Since such data do not always exist, short term tests have been developed to estimate the results of these tests. The guidelines employ one of these substitutes, the embryolarval test, adjusted as described above (see Standardization of Fish Chronic Values), which has been demonstrated to give a good estimate of MATC values where long term data are lacking.

The geometric mean of all the chronic values for fish for a given pollutant is then calculated and multiplied by a sensitivity factor to reach an estimate of the concentration that will provide protection against chronic effects for a given percentage of the species. A preliminary estimate of the sensitivity factor for fish is 1 divided by 6.7. The geometric mean MATC times the sensitivity factor provides a first estimate of the fish chronic value.

To estimate chronic toxicity for untested species, existing LC50 data are used to determine "calculated" chronic values. Application factors are calculated for all matching pairs of MATC limits and 96-hour LC50's. The mean application factor is then calculated and employed to determine the MATC for species where such data are lacking. As set out in II.C.3.c., the mean application factor times the square root of the geometric mean of the LC50 values multiplied by the final fish acute value from I.G., gives the estimated MATC. This formula is based on analysis of data for ten toxicants for which application factors were estimated for more than one species of fish.

In order to provide consistent and reasonable estimates, these two MATC calculations are performed to the extent that data allow, and the lowest value is selected as the "final fish chronic value." If any individual chronic value is lower it is used instead.

Invertebrate Chronic Values. The calculation of invertebrate chronic toxicity is similar to that for fish. The geometric mean of all MATC values is reduced by a sensitivity factor calculated to produce the desired degree of protection. Analysis of nine sets of invertebrate MATC data shows that division by 5.1 will give the concentration level expected to protect 95% of the species.

Substitutes for life cycle or partial life cycle tests are not used in these calculations. Since the biochemistry and physiology of invertebrates is highly diverse, the guidelines do not employ application factors to estimate invertebrate MATC values. Nor have short term tests for invertebrates proven adequate substitutes for long term tests.

Plant Values. Relatively few tests exist for aquatic vascular plants. For algae, growth inhibition has been used to estimate effects, but no commonly accepted way of determining lethal concentrations has been developed. Since testing of toxicity to plants has not been standardized as for fish and invertebrates, the lowest available plant toxicity values are used as an indication of toxicity to plants.

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[1] In reviewing the guidelines, therefore, the reader should distinguish between the validity of the data treatment and application, and the policy decisions regarding coverage and safety.

[2] Examples of such data might include increased incidence of tumors of other adverse effects which may occur at lower concentrations than would be indicated by bioconcentration of other chronic toxicity tests.

BIOCONCENTRATION VALUES OR RESIDUE LIMITED TOXICITY

Concentrations (RLTC). Bioconcentration data reflect the capacity of a toxicant to accumulate in organisms. The capacity of a substance to bioconcentrate can be determined in whole animal tests, or from the measured or estimated octanol/water partition coefficient. Bioconcentration may produce unacceptable residue levels in organisms, even though the concentration in the water is not directly toxic.

The water concentration which would not result in an unacceptable residue can be calculated by dividing the bioconcentration potential of a given substance into the permissible residue concentration determined from FDA action levels or from animal feeding studies. This water concentration is called the residue limited toxicant concentration (RLTC). Where no acceptable residue levels are known, no RLTC is calculated.

DERIVATION OF CRITERIA

After values are obtained in each of the categories for which adequate data exist (see *Derivation of Values within Categories,* above), the lower of the two actue values is taken to represent the "final acute value." Likewise the lowest value obtained from calculations based on chronic effects is selected as the "final chronic value."

A two-fold criterion is then recommended consisting of an instantaneous maximum based on the final acute value and a 24-hour average based on the final chronic value.

The use of a 24-hour average departs from the previous custom of setting a criterion that is irrespective of time. It is suggested here because experimental evidence indicates that chronic effect limits can safely be exceeded for brief periods so long as the 24-hour average is maintained.

For certain pollutants, the acutely toxic concentration may be very close to the "no effect" chronic concentration. In these cases the 24-hour average concentration indicated by the final chronic value may not afford adequate protection.

The guidelines therefore provide that where 0.44[3] of the final acute value is lower than the indicated chronic value, the former figure should be used as the permissible average concentration limit to protect against acute toxicity to more sensitive species or during more sensitive periods in the life cycle.

[3]The figure of 0.44 is an "adjustment factor" applied to LC50 data to determine the concentration likely to be lethal to be between 0 percent and 10 percent. It is based on 219 acute toxicity tests which showed that the mean concentration lethal to 0-10 percent of the test population was 0.44 times the LC50.

GUIDELINES

I. FINAL FISH ACUTE VALUE (DO SEPARATELY FOR FRESHWATER AND SALT WATER)

A. EC50 values based on immobilization are used as LC50 values. If no acceptable 24-, 48-, 72-, or 96-hr LC50 values are available for fish, no final fish acute value is derived. If LC50 values are available from one test for more than one of these time periods, use only the one for the longest duration. For use of LC50 values for other time periods and for durations longer than 96 hours, see Section VII.

B. Multiply all values based on unmeasured concentrations by a correction factor of 0.77 to simulate results based on measured concentrations (a).[4]

C. Multiply all 24-, 48-, and 72-hr LC50 values by correction factors of 0.66, 0.81, and 0.92, respectively, to simulate 96-hr values (b).

D. Multiply all values from static and renewal tests by a correction factor of 0.71 to simulate values from flow-through tests (c).

E. For each species calculate the geometric mean of all of the (corrected when necessary) LC50 values.

F. Calculate the geometric mean of the geometric means of all the species.

G. Obtain the final fish acute value by selecting the lower of 1 and 2:

1. Divide the geometric mean LC50 by 3.9 for freshwater fish and by 3.7 for saltwater fish (d).

2. Select the lowest (corrected when necessary) LC50 value based on *measured* concentrations and obtained using *flow-through* procedures comparable to those in Methods for Acute Toxicity Tests with Fish, Macroinvertebrates and Amphibians (12975, EPA-660/3-75-009).

II. FINAL FISH CHRONIC VALUE (DO SEPARATELY FOR FRESHWATER AND SALTWATER)

A. Chronic values are calculated as the geometric mean of the MATC limits obtained from a life-cycle test or a partial life-cycle test, or one-half the geometric mean of the limits obtained from an embryo-larval test (e).

NOTE.—Some authors report "MATC limits" that are not MATC limits as defined herein.

B. If no acceptable chronic values are available for fish, no final fish chronic value is derived.

C. Obtain the final fish chronic value by selecting the lowest value obtained from 1, 2, and 3:

1. Select the lowest chronic value.

2. a. For each species calculate the geometric mean of all the chronic values.

b. Calculate the geometric mean of the geometric means of all the species.

c. Divide the geometric mean chronic value by 6.7 (f).

3. a. For each matched pair of MATC limits and 96-hr LC50 values from flow-through tests with measured concentrations, calculate an application factor by dividing the geometric mean of the MATC limits by the 96-hr LC50.

b. Calculate the geometric mean of all of the AF values.

c. Obtain a calculated chronic value from:

$$X\sqrt{YZ}, \text{ where (g)}$$

X=geometric mean AF

[4]Small letters in parentheses refer to the footnotes.

Y=geometric mean of the LC50 values used in calculation of X

Z=final fish acute value from I. G

III. FINAL INVERTEBRATE ACUTE VALUE (DO SEPARATELY FOR FRESHWATER AND SALTWATER)

A. 48-hr LC50 and EC50 values for mollusc bivalve and barnacle larvae, daphnia and other cladocera, midges, and copepods are used as 96-hr values. For use of LC50 and EC50 values for time periods other than 48 hours for these species, see Section VII.

B. EC50 values based on shell deposition for oysters or based on immobilization for other invertebrates are used as LC50 values. If no acceptable 24-, 48-, 72-, or 96-hr LC50 values are available for invertebrates, no final invertebrate acute value is derived. If LC50 values are available from one test for more than one of these time periods, use only the one for the longest duration. For use of LC50 values for other time periods and for durations longer than 96 hours, see Section VII.

C. Multiply all values based on unmeasured concentrations by a correction factor of 0.77 to simulate results based on measured concentrations (a).

E. Multiply all values from static and renewal tests by a correction factor of 1.1 to simulate values from flow-through tests (i).

F. For each species calculate the geometric mean of all the (corrected when necessary) LC50 values.

G. Calculate the geometric mean of the geometric means of all the species.

H. Obtain the final invertebrate acute value by selecting the lower value obtained from 1 and 2:

1. Divide the geometric mean LC50 by 21 for freshwater invertebrates and by 49 for saltwater invertebrates (j).

2. Select the lowest (corrected when necessary) LC50 value based on *measured* concentrations and obtained using *flow-through* procedures comparable to those in Methods for Acute Toxicity Tests with Fish, Macroinvertebrates, and Amphibians (1975, EPA-660/3-75-009).

IV. FINAL INVERTEBRATE CHRONIC VALUE (DO SEPARATELY FOR FRESHWATER AND SLATWATER)

A. Chronic values are calculated as the geometric mean of the MATC limits obtained from a life-cycle test or a partial life-cycle test.

B. If no acceptable chronic values are available for invertebrates, no final invertebrate chronic value is derived.

C. Obtain the final invertebrate chronic value by selecting the lower value obtained from 1 and 2:

1. Select the lowest chronic value.

2. a. For each species calculate the geometric mean of all the chronic values.

b. Calculate the geometric mean of the geometric means of all the species.

c. Divide the geometric mean chronic value by 5.1 (k).

V. FINAL PLANT VALUE (DO SEPARATELY FOR FRESHWATER AND SALTWATER)

A. A plant value can be obtained from a toxicity test on algae, duckweed or other aquatic plant.

B. If no values are available for plants, no final plant value is derived.

Select the lowest plant value as the final plant value.

VI. RESIDUE LIMITED TOXICANT CONCENTRATION (RLTC) (DO SEPARATELY FOR FRESHWATER AND SALTWATER)

A. A MAXIMUM PERMISSIBLE TISSUE CONCENTRATION CAN BE (1) OBTAINED FROM AN FDA ACTION LEVEL OR FROM ANIMAL FEEDING STUDIES, OR (2) CALCULATED FROM ORAL DOSE DATA IN THE REGISTRY OF TOXIC EFFECTS OF CHEMICAL SUBSTANCES PUBLISHED BY THE NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH.

B. IF NO MAXIMUM PERMISSIBLE TISSUE CONCENTRATION IS AVAILABLE, NO RLTC CAN BE DERIVED.

C. AN ARITHMETIC AVERAGE BIOCONCENTRATION FACTOR (BCF) SHOULD BE CALCULATED FROM MEASURED EQUILIBRIUM OR GREATER-THAN-27-DAY BCF VALUES AVAILABLE FOR FISH, OR FROM COMPARABLE VALUES FOR OTHER AQUATIC ORGANISMS IF THEY ARE HIGHER THAN THE AVERAGE FOR FISH OR IF NO VALUES ARE AVAILABLE FOR FISH. BCF VALUES SHOULD BE CALCULATED USING WET WEIGHT OF EITHER EDIBLE PORTION, MUSCLE TISSUE, OR WHOLE BODY. TO CONVERT VALUES EXPRESSED ON A DRY WEIGHT BASIS TO WET WEIGHT, MULTIPLY THE DRY WEIGHT VALUE BY 0.1 FOR PLANKTON AND BY 0.2 FOR FISH AND OTHER INVERTEBRATES (L). USE BCF VALUES FROM FIELD SITUATIONS ONLY WHEN CERTAIN OF THE EXPOSURE CONDITIONS.

D. For organic chemicals, if no BCF values is available for aquatic organisms, a BCF can be obtained (m) from Log (BCF) = 0.542 Log P + 0.124, where P is the octanol/water partition coefficient and can either be measured directly or obtained from the retention time on a calibrated reverse phase liquid chromatography system (n). As a last resort, an empirically derived partition coefficient can be used (o).

E. Calculate the RLTC by dividing the lowest maximum permissible tissue concentration by the measured or calculated bioconcentration factor

VII. OTHER DATA (DO SEPARATELY FOR FRESHWATER AND SALTWATER)

A. For some substances acceptable pertinent information that cannot be used in SectionsI–VI will be available concerning adverse effects on aquatic organisms and their uses.

B. Especially for organic compounds, data on closely related materials may be useful in the absence of similar data on the substance of concern.

C. For some substances data on other obviously important adverse effects, such as flavor impairment, fish avoidance, reduction in swimming speed, fish coughing, reproductive impairment, or loss in weight may be used.

D. Sometimes LC50 values for durations of longer than 96 hours, such as 7 or 30 days, on a sensitive species may be lower than the final chronic value, if chronic values are only available for insensitive species.

E. Data from behavioral, microcosm, field, and physiological studies may be available.

VIII. FINAL VALUES (DO SEPARATELY FOR FRESHWATER AND SALTWATER)

A. The "final acute value" is obtained from the final fish acute value and the final invertebrate acute value by selecting the lower available value.

B. The "final chronic value" is obtained from the final fish chronic value, the final invertebrate chronic value, the final plant value, and the RLTC by selecting the lowest available value, unless other data (see Section VII) exist to show that a lower value should be used.

IX. CRITERION (DO SEPARATELY FOR FRESHWATER AND SALTWATER)

A. No criterion is developed by this guideline unless either a final fish chronic value is available from Section II, or a final invertebrate chronic value is available from Section IV, or a good substitute is available from Section VII for either the final fish or final invertebrate chronic value.[2]

B. The maximum concentration should never exceed the final acute value (p). The 24-hr average concentration should never exceed (select the lower of 1 and 2):

1. 0.44 times the final acute value (q) from Section VIII A.

2. The final chronic value from Section VIII B.

FOOTNOTES

(a) The value of 0.77 is the geometric mean of values from 89 tests on 39 toxicants (see Table 1).

(b) The values of 0.66, 0.81, and 0.92 are geometric means of 308, 197, and 104 comparisons of 24-, 48-, and 72-hr LC50 values, respectively, with 96-hr LC50 values for fish (see Table 2).

(c) The value of 0.71 is the geometric mean of values for 24 pairs of tests on 12 toxicants (see Table 3).

(d) The value of 3.9 is the antilog of the product of 1.645 times the square root of the average of logarithmic variances calculated from 62 sets of fish LC50 values (see Table 4). The value of 1.645 is the t-value for p=0.05 for a one-tailed test so that 95% of the distribution will be above the lower limit. The value of 3.7 is derived similarly for saltwater fish.

(e) The value of one-half is used since in only 5 of 75 comparisons were the results of a life cycle test more than a factor of two lower than the results of a comparable embryo-larval test. See:

Macek, K. J. and B. H. Sleight, III, 1977. In *Aquatic Toxicology and Hazard Evaluation*, ASTM STP 634, F. L. Mayer and J. L. Hamelink, eds. American Society for Testing and Materials, Philadelphia, PA. pp. 137–146.

McKim, J. M., 1977. Jour. Fish. Res. Bd. Canada, 34:1148–1154.

Hansen, D., Personal Communication, Environmental Research Laboratory, Sabine Island, Gulf Breeze, Florida.

(f) The value of 6.7 is the antilog of the product of 1.645 times the square root of the average of logarithmic variances calculated from 14 sets of freshwater fish chronic values (see Table 5). No comparable data are available for saltwater fish, but 6.7 is probably reasonable since the available chronic values for saltwater fish are in the same range as those for freshwater fish.

(g) See: Andrew, R. W. *et al.*, Evaluation of an Application Factor Hypothesis, manuscript.

(h) The values of 0.26, 0.43, and 0.61 are geometric means of 400, 238, and 29 comparisons of 24-, 48-, and 72-hr LC50 values, respectively, with 96-hr LC50 values for invertebrates (see Table 6).

(i) The value of 1.1 is the geometric mean of values for 12 pairs of tests on 8 toxicants (see Table 7).

(j) The values of 21 and 49 are the antilogs of the products of 1.645 times the square roots of the averages of the logarithmic variances calculated from 25 and 34 sets of acute values for freshwater and saltwater invertebrates, respectively (see Table 8).

(k) The value of 5.1 is the antilog of the product of 1.645 times the square root of the average of logarithmic variances calculated from 9 sets of freshwater invertebrate chronic values (see Table 9). No comparable data are available for saltwater invertebrates, but 5.1 is probably reasonable since the available chronic values for saltwater invertebrates are in the same range as those for freshwater invertebrates.

(l) The values of 0.2 and 0.1 were derived from data published in:

McDiffett, W. F., 1970. Ecology 51:975–988.

Brocksen, R. W. *et al.*, 1968. J. Wildlife Management 32:51–75.

Cummins, K. W. *et al.*, 1973. Ecology 54:336–345.

Pesticide Analytical Manual, Volume I, Food and Drug Administration, 1969.

Love, R. M., 1957. In The Physiology of Fishes, Vol. I, M. E. Brown, ed. Academic Press, New York. p. 411.

Ruttner, F., 1963. Fundamentals of Limnology. 3rd ed. Trans. by D. G. Frey and F. E. J. Fry. Univ. of Toronto Press, Toronto.

Some additional values can be found in:

Sculthorpe, C. D., 1967. The Biology of Aquatic Vascular Plants. Arnold Publishing Ltd., London.

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(n) Veith, G. D., and R. T. Morris. A Rapid Method for Estimating Log P for Organic Chemicals, manuscript.

(o) Leo, A. J., 1975. In *Symposium on Structure-Activity Correlations in Studies of Toxicity and Bioconcentration with Aquatic Organisms.* G. D. Veith and D. E. Konasewich, eds. International Joint Commission, Windsor, Ontario, pp. 151–176.

(p) Tests with copper, zinc, diazinon, simazine, TFM and 2,4-D have shown that exposures to some concentrations above the MATC for short periods of time do not adversely effect survival, growth or reproduction.

(q) The value of 0.44 is the geometric mean of the quotients of the highest concentration that killed 0–10% of the organisms divided by the LC50 in 219 acute toxicity tests (see Table 10).

GLOSSARY

1. LC50: the concentration of a toxicant in water which is lethal to 50 percent of the organisms of a particular species under a given set of conditions in a specified length of time (i.e., 24-, 48-, 96-hours).

2. EC50: the concentration of a toxicant in water required to produce a defined effect in 50 percent of the organisms of a particular species in a specified length of time.

3. Maximum Acceptable Toxicant Concentration (MATC): the highest concentration of toxicant that has no adverse effect on survival, growth or reproduction of a species based on the results of a life-cycle or partial life-cycle toxicity test. A life-cycle or partial life-cycle test cannot produce a value for the

[2] As mentioned in the preface above, the Agency may employ other methods for deriving criteria where minimum data are not available for criterion derivation using the guidelines.

MATC; a test can only produce limits within which the MATC must fall.

4. Life-Cycle Toxicity Test: consists of exposing several groups of individuals of one species to different concentrations of a toxic agent throughout a life cycle in order to study the effect of the toxic agent on the survival, growth and reproduction of the species. To insure that all life stages and life processes are exposed, the test begins with embryos or newly hatched larvae less than 48 hours old, continues through maturation and reproduction, and with fish ends not less than 30 days (90 days for salmonids) after the hatching of the next generation.

5. Partial Life-Cycle Toxicity Test: consits of exposing several groups of individuals of one species to different concentrations of a toxic agent through part of a life-cycle in order to study the effect of the toxic agent on survival, growth and reproduction. Partial life-cycle tests are conducted with fish species that require more than a year to reach sexual maturity, so that the test can be completed in less than 15 months, but still expose all major life stages to the toxicant. With fish, exposure to the toxic agent begins with immature juveniles at least 2 months prior to active gonad development, continues through maturation and reproduction, and ends not less than 30 days (90 days for salmonids) after the hatching of the next generation.

6. Application Factor (AF): for fish, the quotient of the maximum acceptable toxicant concentration (MATC) divided by the 96-hour LC50 (AF=MATC/96-hr LC50).

7. Embryo-Larval Toxicity Test: a 28-day (60-90 days for salmonids) toxicity test involving exposure during the early life stages of a fish from fertilization through embryonic, larval, and early juvenile development. The biological effects measured are hatchability, survival, growth and deformities.

8. Bioconcentration Factor (BCF): quotient of the concentration of a chemical in the tissue of an aquatic organism divided by the concentration in the water in which the organism resides.

9. Equilibrium Bioconcentration Factor: a BCF that is constant over a period of time such as one week.

10. Partition Coefficient: the quotient of the solubility of a compound in octanol divided by its solubility in water.

11. Empirically Derived Partition Coefficient: partition coefficient that is calculated from measured partition coefficients for structures which contain the important 'interactive' fragments of the chemicals for which partition coefficients must be calculated.

12. Maximum Permissible Tissue Concentration: the maximum concentration of a substance in aquatic organism tissue that causes no toxic effects when consumed by man or other animals.

13. FDA Action Level: the concentration of a substance in edible materials considered by FDA to be unacceptable for human or animal consumption.

14. Residue Limited Toxicant Concentration (RLTC): the highest toxicant concentration in water that will not produce a tissue residue in aquatic organisms that is above a maximum permissible tissue concentration.

15. In the *static* technique test solution and test organisms are placed in test chambers and kept there for the duration of the test.

16. The *renewal* technique is like the static technique except that the test organisms are periodically exposed to fresh test solution of the same composition, usually once every 24 hours, either by transferring the test organisms from one test chamber to another or by replacing the test solution.

17. In the *flow-through* technique test solutions flow into and out of the test chambers on a once through basis for the duration of the test. Two procedures can be used. In the first large volumes of the test solutions are prepared before the beginning of the test and these flow through the test chambers. In the second and more common procedure fresh test solutions are prepared continuously or every few minutes in a toxicant delivery system.

18. The geometric mean of N numbers is obtained by taking the N^{th} root of the product of the N numbers. Alternatively, the geometric mean can be calculated by adding the logarithms of the N numbers, dividing the sum by N, and taking the antilog of the quotient. The geometric mean of two numbers can also be calculated as the square root of the product of the two numbers. The geometric mean of one number is that number.

The logarithmic variance of a set of numbers is the variance of the logarithms of the numbers. Either natural (base e) or common (base 10) logarithms can be used to calculate geometric means and logarithmic variances as long as they are used consistently within each set of data, i.e. the antilog used must match the logarithm used.

TABLE 1.—*Quotients of measured and nominal toxicant concentrations obtained from acute and chronic flow-through toxicity tests with both marine and freshwater fish and invertebrates*

Toxicant	Measured/ nominal[a]	Number of tests	Reference[b]
Acrolein	0.76	2	1
BHC	*.68	1	2
Cadmium	*1.08	1	3
Do	.90	5	4
Do	.90	2	5
Do	.90	1	6
Do	.78	3	7
Carbaryl	.99	1	8
Carbofuran	*.20	1	9
Chlordane	*.56	1	10
2-Chlorophenol	.73	1	11
Chromium	.97	3	12
Copper	.79	2	13
Do	1.03	3	14
Diazinon	*.72	1	15
Do	.89	3	16
DDT	*.80	1	17
2,4-Dichlorophenol	.98	1	11
Dieldrin	*.65	1	18
2,4-Dimethylphenol	.88	1	11
2,6-Dimethylphenol	.89	1	11
4,6-Dinitro-o-cresol	.80	1	11
2,4,-Dinitrophenol	.94	1	11
Endosulfan	.70	2	1
Endrin	*.63	1	19
Do	.74	1	20
Do	.99	3	21
Fluoride	.90	1	22
Hexachlorobenzene (HCB)	*.61	1	23
Heptachlor	.43	1	1
Kepone	*.83	1	24
Lead	.89	4	25
Do	.74	1	26
Leptophos	*.80	1	27
Lindane	.82	3	28
Malathion	.79	1	29
Do	.94	1	20
Do	*.80	1	17
Mercuric chloride	.99	1	30
Methoxychlor	*.51	1	9
3-Methoxyphenol	.94	1	11
Methyl mercuric chloride	.87	2	31
PCB's:			
1016	.98	1	32
1242	.94	2	33
1248	.56	2	34
1254	.32	1	33
1254	*.43	1	35
Pentachlorophenol	*.90	1	36
Do	1.02	1	11
Phenol	.98	1	11
Toxophene	*.64	1	37
2,4,6-Tribromophenol	1.02	1	11
2,4,6-Trichlorophenol	1.07	1	11
Trifluralin	*.33	1	36
Do	.73	1	1
Zinc	.90	1	14
Do	.92	6	38
Do	1.03	1	6

TABLE 1.—*Quotients of measured and nominal toxicant concentrations obtained from acute and chronic flow-through toxicity tests with both marine and freshwater fish and invertebrates*—Continued

[a] The average measured concentrations divided by the average nominal concentrations in each toxicity test.

[b] Complete sets of nominal and measured values are not available in all referenced papers. In such cases the necessary information was obtained from the cited author.

[c] Denotes values from tests conducted in saltwater.

NOTE.—Geometric mean=0.77; N=58.

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TABLE 2.—*Quotients of LC50 and EC50 values for 24, 48, 72, and 96 hours for fish*

96/24	96/48	96/72	Reference
Inorganic salts (static and flow-through)			
.....	0.64	.....	1
.....	.85	.....	.....
.....	.....	0.72	32
.....	.....	.70	.....
.....	.81	.85	33
0.46	.52	.90	33
.30	.....	.67	17
.39	.60	.....	.....
.41	.....	.....	.....
.51	.79	.....	.....
.48	.93	.....	17
.75	.86	.92	.....
.....	.55	.....	.....
.50	.82	.90	.....
.....	.80	.....	37
.....	.....	.96	.....
.50	.65	.86	38
.55	.78	.96	.....
.34	.55	.66	.....
.33	.62	.94	.....
.58	86	.....	39

TABLE 2.—*Quotients of LC50 and EC50 values for 24, 48, 72, and 96 hours for fish*—Continued

96/24	96/48	96/72	Reference
Inorganic salts (static and flow-through)			
.61	.82	.88	40
.92	.96	.97	.....
1	1	.....	14
.81	1	.....	.....
.71	1	.....	.....
.44	.65	.....	.....
.85	1	.....	14
.74	.74	.....	14
.38	.65	.....	14
.12	.33	.....	.....
.29	.48	.....	.....
.24	.47	.....	.....
.68	.93	.....	14
.92	.97	.....	.....
.69	1	.....	.....
.84	.84	.....	.....
.51	.72	.....	14
.94	.97	.....	14
.01	.19	.....	.....
.37	.76	.....	.....
.81	.86	.....	.....
.44	.89	.....	14
.42	.68	.....	.....
.31	.63	.....	.....
.27	.49	.....	.....
.42	.75	.....	14
.48	.63	.87	40
.88	.94	.97	.....
.79	.95	.99	.....
.89	.94	.97	.....
.29	.43	.67	.....
.44	.65	.89	.....
.22	.64	.98	.....
.36	.53	.86	.....
.84	.94	.99	.....
.86	.99	1	.....
.71	.....	.....	10
.63	.71	.....	14
.77	.89	.....	.....
.38	.84	.....	.....
.28	.49	.....	.....
.44	.74	.....	2
.61	.95	.....	9
.04	.....	.....	11
.96	.96	.....	14
.43	.70	.....	.....
.68	.89	.....	.....
.38	.55	.....	.....
.36	.77	.....	.....
Others (flow-through)			
0.68	0.77	0.77	16
.44	.97	1	.....
.90	.90	.93	.....
.61	.98	1	.....
.93	.99	1	.....
.68	.87	1	.....
.84	1	1	.....
.86	.95	.98	.....
.80	.96	.....	17
.96	.92	.....	.....
.....	.83	.96	15
.72	.90	1	.....
.....	.92	.....	1
.....	1	.....	.....
.....	.86	.94	15
.....	.81	.85	.....
.44	.58	.93	.....
.62	.75	.....	12
.....	.87	.....	13
.59	1	.....	.....
.78	1	.....	.....
.88	.....	.....	19
.80	.....	.....	.....
.53	.....	.....	.....
1	.....	.....	.....
.83	.....	.....	.....
.97	.....	.....	.....
.77	.....	.....	.....
1	.....	.....	.....
1	.....	.....	.....
1	.....	.....	.....
Others (flow-through)			
1	.....	.....	.....
.99	.....	.....	.....
.72	.....	.....	.....
.70	.93	.....	4
.73	.90	1	35
.74	.97	.98	.....
.....	.....	.88	30
.....	.46	.....	.....
.....	.49	.76	.....
.94	.....	.....	19
.80	.....	.....	.....
.53	.....	.....	.....
Others (static)			
0.90	.....	.....	8
.92	.....	.....	.....
.93	.....	.....	8
.87	.....	.....	.....
.95	.....	.....	.....
.97	.....	.....	.....
.85	.....	.....	.....
.96	.....	.....	.....
.72	0.95	.....	2
.....	.65	.....	5
.....	.54	.....	.....
.84	.86	.....	6
.53	.77	.....	6
.84	.95	.....	7
.40	.69	.....	.....
.80	.91	.....	6
.93	.....	.....	18
.73	.....	.....	.....
.81	.....	.....	.....
.83	.....	.....	.....
.97	.....	.....	.....
1	.....	.....	.....
1	.....	.....	.....
.67	.....	.....	8
1	.....	.....	.....
.87	.....	.....	.....
.69	.....	.....	.....
.95	.....	.....	.....
.68	.....	.....	.....
.92	.....	.....	8
.73	.....	.....	.....
.91	.....	.....	.....
.88	.....	.....	.....
.98	.....	.....	10
.82	.....	.....	10
.29	.53	.....	11
.34	.64	.....	.....
1	.....	.....	3
1	.....	.....	.....
.71	.....	.....	.....
.11	.56	.77	31
1	1	1	.....
.42	.85	1	.....
.61	.61	.83	.....
.88	.90	.94	.....
.20	.38	.61	.....
.88	.88	.96	.....
.26	.52	.79	.....
1	1	1	.....
	.76	.86	.....
.94	.94	1	.....
.70	.95	1	.....
.....	.93	1	.....
.....	.66	.78	.....
.98	.98	1	.....
.90	.92	.92	31
.80	.....	.....	19
.87	.....	.....	.....
.52	.....	.....	.....
1	.....	.....	18
1	.....	.....	.....
1	.....	.....	.....
.98	.....	.....	.....
.98	.....	.....	.....
.72	.90	.94	36
.76	.87	.96	.....
.74	.78	.91	.....
.73	.78	.91	.....
.72	.78	.94	.....
.68	.85	.96	.....
.68	.73	.87	.....
.71	.77	.87	.....
.73	.90	.99	.....
.58	.81	.93	.....
.60	.68	.83	.....
.55	.62	.87	.....
.....	.....	.88	.....

Others (static)

		.88	
		.66	
		.71	
.75	.95	1	
.70	.95	1	
.84	.98	1	34
.63			20
.72			
.68			
.66	.82		28
.72	.79		
.88	.98		
.95	.95		
.86	.93		
.83	.94		
.66	.82		
.47	.60		
.56	.16		
.96	.96		29
1	1		
.82	.82		
.97	1		
1	1		
.92	.96		
.96	.99		
.96	1		
.85	.92		
.79	.79		29
.98	.98		
1	1		
.63	.87		
.90	.96		
.83	.83		
.56	.58		
.67	.67		
.56	.64		
.99	1		
.61	.73		
.72	.96	1	27
.56	.85	1	
1	1	1	
.72	.81	1	
	1	1	
.60	.60	.96	
.98	.98	.98	
1	1	1	
	1	1	
1	1	1	
1	1	1	
1	1	1	
1	1	1	
1	1	1	
1	1	1	
.97	1	1	
1	1	1	
	.95	.98	
.98	.98	1	
.67	.86	1	
.92	.98	1	
.90	.97	1	
.73	.90	.90	
1	1	1	
1	1	1	
		.97	
	.93	1	
.39			25
.44			
.71			
.36			
.54			
.54			
.47			
.61			
.51			
.52			26
.87			
.75			
.67			
.61			
.94			
1			
.73			
.60			
.36			
.85			
.95			
.58			
.41			
.65			
.95			
.85			
.71			

Others (static)

.76		
.31		22
.23		
.19		
.25		
.38		
.77		23
.67		
.57		
.67		
.69		
.73		
.62		
.26		
.29		
.13		
.87	1	24
.96	1	
.62	.97	
.59	.81	
.79	.95	
.64	.98	
.58	1	
.8	1	
.69	.82	
.68	.81	
.79	.90	
.68		20
.98		
.76		
.72		
.83		
1		
.98		
.82		
1		
.70		
.78		
1		
.77		
.96		
1		
.93		
1		
.88		
.97		
.58		
.73		
1		
1		
.75		
.75		21
.81		
.67		
.65		
.46		

GEOMETRIC MEANS (WITH NUMBER OF VALUES IN PARENTHESES)

	96/24	96/48	96/72
Inorganic salts	0.46(62)	0.73(63)	0.87(24)
Others:			
Flow-through	0.77(34)	0.85(26)	0.94(17)
Static	0.72(212)	0.86(197)	0.94(63)
Grand mean	0.66(308)	0.81(197)	0.92(104)

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TABLE 3.—*Quotients of 96-hr LC50 values from flow-through and static tests with fish*

Toxicant	LC50 (flow-through)	LC50 (static)	Flow-through/static	Reference
Pyrethrum extract	23	39	0.59	1
Do	22.5	24.6	.91	1
Do	132	114	1.16	1
Do	104	49	2.12	1
Dimethrin	165	1,140	.14	1
Do	22.3	37.5	.59	1
D-transallethrin	9.40	22.2	.42	1
Do	9.70	17.5	.55	1
RU-11679	.151	.635	.24	1
Do	.10	.11	.91	1
Do	.70	.63	1.11	1
S-bioallethrin	80	53	1.51	1
SBP-1382	.275	.450	.61	1
Do	.750	2.62	.29	1
Do	.513	2.36	.22	1
Tergitol 15-S-9	4.8	4.6	1.04	2
Neodol 25-9	2.1	2.1	1.00	2
TFM	3.28	2.85	1.19	3
Do	3.42	2.75	1.24	3
Do	2.15	1.80	1.19	3
Nickel	28	32	.88	4
Do	25	27	.93	4
Malathion	10.45	9	1.16	5
Endrin	.39	.77	.51	6

NOTE.—Geometric mean = 0.71; N = 24.

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TABLE 4.—*Comparable LC50 values for various species of fish*

Toxicant	Reference	Results
Copper	36, 38, 30	0.075, 0.1, 0.23, 0.46, 0.10, 0.15, 1.3, 0.29, 0.31, 0.32, 0.32, 0.54, 0.85, 1.9, 9.0
Diazinon	36, 42	7.8, 1.6, 1.3
Captan	4	65, 72, 34
Quinaldine sulfate	32	72, 33, 24, 32, 6.8, 15, 33, 42, 32, 28, 22, 20, 15.5, 72
Guthion	24	1.90, 2.37
Endosulfan	42, 29	0.30, 0.09, 0.38, 0.86
DMSO	48	32.2, 36.5, 37.3, 41.7, 36.5, 32.5, 43.0, 33.5, 37.0
Bayer 73	49	0.05, 0.061, 0.23, 0.14, 0.15, 0.22, 0.10, 0.08, 0.088, 0.056, 0.082, 0.043, 0.1, 0.094, 0.068, 0.088, 0.06
Furnace	47	1.41, 1.00, 0.82, 1.07, 2.48, 3.00
HTH	45	0.29, 0.17, 0.20, 1.18, 0.8, 1.0, 0.38, 1.4, 0.16, 1.3, 0.56, 0.56
33NCX	34	203, 240, 167, 200, 830, 123, 245, 255, 260, 68, 490, 320, 428, 155
Malachite Green	46	0.22, 0.38, 0.28, 0.24, 0.25, 0.22, 0.11, 0.073, 0.045, 0.031
Formalin	44	118, 173, 100, 62, 66, 173, 100, 136, 143
Rotenone	12	30, 62, 37, 46, 22, 44, 27, 33, 70, 142, 497, 50, 142, 57, 68, 389, 164, 141, 79
TFM	33	2.7, 2.2, 2.0, 2.6, 1.4, 0.9, 1.3, 1.0, 6.2, 6.3, 2.1, 1.9
Lead	36	2.75, 4.1
Phenol	38	11.6, 29.0, 36.3
Picloram	38	26.0, 35.5, 26.1
DSS	38	4.6, 8.0, 8.1
NaCl	24	7650, 7341
Thiodan	13	0.3, 2.5
LAS	35	3.3, 4.0, 4.2, 4.9, 6.4
Malathion	31	9.0, 12.9, 10.7, 8.6, 6.6, 0.17, 0.10, 0.28, 0.17, 0.20, 0.10, 0.26
Malathion	36, 3, 42	0.11, 0.35, 10.5, 0.051
Guthion	31	3.3, 3.5, 4.3, 0.24, 0.70, 0.05, 0.02, 0.005, 0.014, 0.004, 0.017, 0.013
Carbaryl	31	16, 20, 13, 15, 5.3, 11, 6.8, 6.4, 4.3, 1.9, 0.8, 0.7
Zectran	31	11, 17, 19, 17, 13, 17, 11, 15, 10, 8, 1.7, 2.5
DDT	31	16, 5, 21, 19, 10, 5, 8, 2, 7, 2, 4, 9
Lindane	31	44, 64, 131, 87, 90, 83, 68, 32, 27, 2, 41, 68
Toxaphene	31	13, 5, 14, 14, 4, 13, 18, 2, 11, 3, 8, 12
Methyl Parathion	31	5.7, 6.6, 9.0, 8.9, 5.2, 7.1, 5.2, 5.7, 2.8, 4.7, 5.3, 3.1
Baytex	31	1.7, 1.6, 3.4, 2.4, 1.2, 1.9, 1.4, 1.5, 0.93, 1.3, 1.3, 1.6
Methylmercury	36	0.065, 0.075, 0.24
Zinc	36	0.6, 1.5, 2.0, 9.2
Chlordane	19, 42	59, 47, 37, 24.5, 6.4
Methoxychlor	27, 42	8.63, 22.2, 49
Atrazine	36, 25	4.9, 6.7, 15
Cadmium	36	2.5, 7.2, 21.1
Chromium 6	36, 24	36, 59, 120
Lindane	23, 26, 42	0.026, 0.030, 0.069, 0.104, 0.031
Selenium	26	7.3, 14.3, 19.1, 36.6, 45.0
Arsenite	26	25.5, 27.0, 31.2, 44.9, 48.5, 72.0
Beryllium	26	37.9, 55.9
Endrin	3, 42	0.00085, 0.00038, 0.00063
Heptachlor	29, 42	0.007, 0.010
Trifluralin	29, 42	0.115, 0.190
PCP	42, 26, 24, 38	0.442, 0.138, 0.285, 0.26, 0.27, 1.13, 1.74, 0.23
NaCN	26, 17	0.13, 0.125, 0.156, 0.318, 0.095
ABS	35	7.4, 8.2, 11.3, 17.0, 22.0
H_2S	20	0.027, 0.018, 0.048, 0.012, 0.033, 0.12, 0.028
Toxaphene	21, 22, 42	16.5, 10.8, 7.2, 1.1, 0.53
TX100	40	5.4, 6.7, 16.1
DMF	40	10,410, 8,366, 6,300
TEG	40	92,500, 73,500, 61,000
Acetone	40	9,100, 6,070, 7,300
Chlorine	28	135, 102, 86, 138, 150, 205, 295
Aldrin	43	33, 13, 28, 33
Dieldrin	43	16, 7.9, 37, 22
Endrin	43	1.0, 0.6, 1.9, 1.5
Chlordane	43	52, 22, 82, 190
Heptachlor	43	94, 19, 230, 107
Toxaphene	43	7.5, 3.5, 5.6, 20
DDT	43	32, 16, 27, 43
Methoxychlor	43	64, 62, 56, 120
Lindane	43	62, 77, 152, 138
BHC	43	2,300, 790, 2,300, 2,170

All values from Reference 39

Results	
100.0, 115.0	90, 78
0.57, 0.50	1,460, 1,250
300, 195	
220, 66	45, 40
650, 180	
10, 15	
100, 185	6,700, 1,400
32, 24	1.2, 0.55
125, 150	11, 15
3.5, 1.3	11, 12
0.24, 0.47	550, 270
1,100, 720	350, 400
420, 420	1,700, 650
27, 7.3	130, 100
550, 480	65, 160
320, 240	0.87, 0.95
	84, 13.5
1,300, 2,000	170, 31
7.5, 15	7,000, 8,700
35, 18	290, 95
	220, 250

All values from Reference 42

Results	
0.003, 0.002	3.2, 1.8
1.2, 1.6	0.19, 0.23, 0.23
0.032, 0.032	0.15, 0.32, 0.33
0.003, 0.0018, 0.0004, 0.0055	0.023, 0.032
0.002, 0.0004, 0.0028	0.32, 0.19
0.24, 0.32	0.036, 0.018
0.0032, 0.0006	0.00036, 0.0032
0.0032, 0.007	0.042, 0.020
0.00032, 0.00032, 0.002, 0.0023	1.6, 2.4
3.2, 1.4, 1.4	0.007, 0.0032
0.15, 0.028	5.6, 12.0
0.07, 0.07	0.002, 0.00032
0.028, 0.0032	0.00032, 0.00032
0.015, 0.0033	0.0032, 0.0032
0.032, 0.032	0.32, 0.32
0.068, 0.13, 0.032	70.0, 6.6
0.002, 0.010	

All values from Reference 37

Results	
1.70, 2.23	0.17, 1.89
15.9, 9.45	520, 72.2
5.59, 7.50	155, 314
5.02, 5.95	3.98, 560
4.28, 7.40	29.3, 6.18
3.36, 14.61	198, 250
6.42, 3.67	224, 253
1.55, 0.84	42.6, 48.6
0.25, 0.83	8.28, 27.1
71.5, 53.0	0.62, 29.4
7.24, 69.1	167, 134
0.98, 2.40	98.2, 24.0
3.83, 5.35	49.5, 48.6
0.45, 1.7	0.064, 91.1 ($AgNO_3$)

Species	N	Average ln var.	ln S.D.	Y=1.645 (ln S.D.)	e^y
Freshwater	62	0.6964	0.8345	1.3728	3.9462
Saltwater	38	.6206	.7878	1.2959	3.6543
All	164	.8504	.9222	1.5170	4.5584
All ex. $AgNO_3$	163	.6939	.8330	1.3703	3.9365

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TABLE 5.—*Comparable MATC values for various species of fish*

Toxicant	Reference	Results
Copper	36	0.014, 0.013, 0.0088, 0.048, 0.029
Cyanide	18, 15, 14	15.9, 17.4, 8.0
Diazinon	36	0.069, 0.0066
Lead	36	0.044, 0.084
Chlordane	19, 42	0.00081, 0.00063
Toxaphene	22	37, 196
TX100	40	0.71, 0.36
DMF	40	7.42, 64.9
Methylmercury	36	0.000095, 0.00052, 0.00024
Zinc	36	0.11, 0.12, 0.85, 0.073
Endrin	3, 42	0.00026, 0.00019
Trifluralin	29, 42	0.0031, 0.0025
Atrazine	36	0.088, 0.22, 0.33
Cadmium	36	0.0058, 0.046, 0.050
Chromium 6	36	0.028, 0.0034
Lindane	36	0.012, 0.011, 0.015
Malathion	36, 42	0.0052, 0.0097, 0.34, 0.006

NOTE.—Reference numbers refer to list of references for table 4.

Species	N	Average in var.	In S.D.	Y=1.645 (in S.D.)	e^{Y}
Freshwater	14	1.3424	1.1586	1.9059	6.7257
Saltwater					
All	17	1.0432	1.0214	1.6802	5.3664

TABLE 6.—*Quotients of LC50 and EC50 values for 24, 48, 72, and 96 hours for invertebrates*

96/24	96/48	96/72	Reference
Inorganic salts			
0.04			1
.76			
.51			
.45			
.05			
.48			
.60			
.87			1
.79			
.93			
.82			
.85			
.72			
.83			
.87			1
.86			
.62			
.80			
.84			
.44			
.67			
.37			1
.50			
.67			
.74			
.24			
.75			
.83			
	0.014	0.37	2
	.31	.20	2
.21	.44	.80	
.97	.13	.38	
.40	.15	.39	
.76	.13	.33	2
.37	.52	.70	3
	.33	.84	
		.83	
.53			1
.11			
.21			

96/24	96/48	96/72	Reference
.38			
.33			
.33			
.07			
.77			1
.50			
.86			
.67			
.82			
.82			

Others

	0.73	0.73	4
	.15	1.0	
		.22	4
	.45	.79	
		.70	4
	.57	1.0	
	.30	.65	4
		.43	
	.43	1.0	
	.47	.97	
	.28	.69	4
	.58	.44	
	.39	.61	4
	.77	.77	
	.32	.83	4
	.57	1.0	
		.51	4
	.17	.36	
	.86	1.0	4
	.61	.75	
0.06	.26		5
.08	.38		
.13	.19		
.38	.56		
.12	.33		
.10	.41		
.04	.16		
.05	.18		
.01	.07		
.17	.37		
.09	.27		
.13	.35		
.27	.33		5
.52	.59		
.16	.37		
.31	.63		
.23	.38		5
.10	.16		
.13	.35		
.01	.02		5
.12	.20		
.06	.19		
.01	.01		
.29	.50		
.19	.50		
.13	.24		
.29	.50		
.13	.28		
.20	.56		
.09	.56		
.08	.10		
.03	.12		
.16	.42		
.11	.19		
.08	.31		
.04	.23		
.11	.33		
.17	.23		
.08	.27		5
.39	.57		
.15	.49		
.09	.22		
.33	.43		
.55	.75		
.65	.45		
.19	.89		
.20	.46		
.23	.71		
.58	.77		
.36	.53		
.17	.83		
.27	.34		
.36	.57		
.40	.53		
.27	.32		
.35	.86		
.25	.69		
.06	.26		5

Others

.08	.38	
.14	.20	
.13	.33	5
.19	.49	
.16	.37	
.29	.50	
.17	.37	
.20	.56	
.11	.19	
.19	.32	
.17	.33	
.15	.23	
.33	.54	
.53	.75	
.34	.47	
.11	.18	
.16	.21	
.09	.21	
.22	.50	
.24	.90	
.13	.22	
.31	.44	
.22	.41	
.17	.43	
.47	.82	
.22	.47	
.22	.55	
.07	.32	
.20	.31	
.28	.62	6
.21	.48	
.11	.36	
.47	.64	
.40	.55	6
.19	.29	
.16	.33	
.14	.37	
.17	.60	
.30	.79	6
.44	.58	
.33	.46	
.22	.82	
.31	.41	6
.40	.73	
.52	.68	
.53	.61	
.43	.67	6
.29	.56	
.43	.74	
.23	.53	6
.27	.60	
.14	.28	
.25	.50	
.26	.56	6
.32	.56	
.33	.74	
.63	.91	
.29	.58	6
.56	.76	
.38	.64	
.36	.75	
.12	.19	6
.31	.52	
.22	.34	
.53	.75	
.43	.67	6
.15	.42	
.47	.74	
.46	.69	
.43	.28	
.20	.42	
.25	.27	
.25	.40	
.33	.39	
.22	.50	
.85	.13	
.25	.68	
.28	.43	6
.23	.42	
.31	.58	
.25	.50	
.76	.89	6
.36	.62	
.23	.58	
.34	.48	
.35	.52	6
.12	.23	
.21	.36	
.25	.39	
.46	.59	6
.39	.67	
.36	.56	
.43	.64	
.03		

Others

.23		
.31		
.42		
.05		
.08		
.04		
.50		
.69	.73	6
.21	.62	
.50	.63	
.55	.67	
.43	.62	6
.29	.61	
.54	.56	
.13		7
.34		
.21		
.24		
.31		
.43		
.40		
.31		
.36		
.77		
.52		7
.74		
.50		
.35		7
.20		
.27		7
.22		
.19		
.41		
.20		
.14		
.40		
.57		
.60		
.52		
.18		
.36		
.44		
.15		
.22		
.19		
.25		
.50		7
.84		
.05		
.16		
.09		
.48		
.46		
.65		
.52		7
.28		
.27		
.43		
.12		
.81		
.32		
.13		
.21		
.39		
.56		
.18		
.13		
.35		
.21		
.29		
.34		
.44		
.38		
.20		
.60		
.66		
.11		
.28		
.28	.45	7
.43	.58	
.35	.53	
.13	.23	
.42	1.0	7
.73	.80	
.52	.88	
.55	.79	
.17		7
.34		
.15		
.06		
.04		
.23		
.67		
.06		

Others			
.06			
.19			
.06			
.28			
.25	.40		7
.34	.49		
.15	.30		
.23	.40		
.13	.27		
.08	1.0		
.06	.18		
.28	.90		
.48	.67		7
.37	.45		
.50	.63		
.04	.10		
.69	.84		
.04	.13		
.03	.11		
.08	.48		
.17			7
.20			
.80			
.24			
.09			
.34			
.43			
.64			
.07			
.50			
.21			7
.18			
.17			
.24			
.28			
.62			
.60			
.36			7
.24			
.19			
.56			
.16			
.25			
.62			
.14			
.46			7
.09			
.56			
.23			
.16			
.03			
.09			
.14			
.75			
.21			
.04			
.06			
.56			
.12			
.50			
.33	.42		8
.75	1.0		
.50	.77		
.20	.32		
.34	.96		
.46	.84		
.28	.38		
1.0	1.0		
.64	.72		
.48	.78		
.15	.23		
.31	.56		
.61	.96		
.91	1.0		
.18	.42		
.13	.28		
.50	.91		
.50	.56		
.54	.72		
.40	.77		8
.50	.50		
.53	.66		
.30	.47		
.35	.86		
.08	.40		9
	.44		
	.51		
.50	.62		9
.45	.68		
.54	.68		
.46	.56		
.81	.86		
.91			10

Others			
.42			
.16			
.13			
.19			
.59			11
.21			
.51			
.03			
.26			
.14			12
.85			
.46			13
.29			
.45			
.71			
.58			
.21			
.70			

GEOMETRIC MEAN

[With number of values in parentheses]

	96/24	96/48	96/72
Inorganic salts	0.049(46)	0.23(8)	0.48(9)
Others	.24(354)	.44(230)	.68(20)
Grand mean	.26(400)	.43(238)	.61(29)

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TABLE 7.—*Quotients of 96-hr LC50 values from flow-through and static tests with invertebrates*

Toxicant	LC50 (flow-through)	LC50 (static)	Flow-through/static
Malathion	0.50	0.9	0.56
DDT	.80	1.8	.44
Parathion	4.5	2.1	2.14
Endrin	5.5	1.3	4.23
Azinphosmethyl	1.2	.2	6.00
DDT	3.5	2.3	1.52
Parathion	5.0	1.5	3.33
Endrin	.5	3.2	.16
Zectran	83	12	6.92
Chlordane	4	10	.40
Fenthion	5.8	10	.58
Malathion	12	90	.13

NOTE.—Geometric Mean = 1.1; N = 12.
All data from Sanders, H. O., 1972. Technical Papers of the Bureau of Sport Fisheries and Wildlife, No. 66. 19 pp.

TABLE 8.—*Comparable acute values for various species of invertebrates*

Toxicant	Reference	Results
Copper	1	0.09, 0.91, 6.2, 4.6, 0.03, 4.5
Zinc	1	18.4, 8.1, 58.1, 26.2, 18.2, 20.2
Nickel	1	14.1, 13.0, 30.2, 21.2, 8.6, 11.4
Cadmium	1	1.7, 0.07, 3.4, 8.1, 1.2, 3.8, 8.4
Mercury	1	1.0, 0.1, 1.2, 0.02, 2.1
Chromium III	1	9.3, 3.2, 50.0, 43.1, 11.0, 12.4
Thiodan	13	62, 175
Formalin	44	1.05, 465, 126, 93, 835
Malachite Green	46	0.72, 122, 3.45, 190, 0.51, 0.079, 1.03, 0.173, 0.068
Bayer 73	10	0.2, 2.4, 10.0, 25.0, 1.5
Cadmium	7, 6, 5, 8	4.6, 0.76, 0.0155, 0.065
Atrazine	25	0.72, 6.9, 5.7
DDT	2	1800, 1000, 4.0, 25, 100, 10, 5.7, 3.2, 2.3
Endrin	2	2.4, 1.5, 64, 320, 4.7, 0.61, 4.3, 1.8, 3.2
Aldrin	2	180, 8.0, 42, 10.0, 8.7, 18, 4300, 50
Parathion	2	32, 5, 600, 2.6, 15, 0.64, 9.0, 1.3, 1.5
Malathion	2	50, 3000, 320, 100,000, 100, 3.9, 5, 0.76, 90
Dieldrin	2	39, 7.8, 740, 12, 7.0, 640, 20, 5.0
TFM	41	11.6, 2.5, 29.0, 37.0, 125.0, 21.3, 22.4, 555, 80.0, 89.0
Copper	9,8	1.7, 0.04, 0.02
Lindane	23, 42	207, 485, 39, 4400, 170, 6300
H_2S	20	1.46, 1.14, 0.081, 0.028, 0.429, 0211, 0.12, 0.16
Toxaphene	42, 22	10, 24, 180, 4.4, 1.4, 3.2, 16.0
Methoxychlor	27	1.96, 1.6, 3.25, 1.14, 2.15
HCN	16	2295, 169
LAS	11	27, 9, 7

All values from Reference 42

Results	
4.8, 0.4, 6.2	0.00028, 0.032, 0.24, 0.24
8.6, 0.7, 31	0.68, 0.64, 0.28
0.63, 0.037, 14.2	1.0, 0.37, 0.24
120, 10	0.000028, 0.00068, 0.32
0.29, 3.2	0.0015, 0.0024, 0.22, 0.00020, 0.0032
0.01, 0.005, 0.22	0.40, 0.015, 0.00016, 0.0008, 0.0002
0.0003, 0.023, 0.031	0.32, 2.8, 0.032
0.024, 0.062	0.0024, 0.32
0.000032, 0.000024, 0.0023	0.00018, 0.068, 0.021
0.0024, 0.26 0.01	0.02, 0.0036, 0.32, 0.0068, 0.09
0.32, 0.026	0.0028, 0.00024, 0.001
0.001, 0.01, 0.009	0.028, 0.032, 0.0015, 0.32
0.15, 0.0086	0.00024, 0.019
0.028, 0.028	0.032, 0.0032, 0.22, 0.064, 0.59
0.0008, 0.0006, 0.0007	0.0052, 0.0042, 0.0027, 0.18, 0.032
0.00032, 0.14	

All values from Reference 37

Results	
41.2, 0.97	487, 8.59
2.44, 1.80	75, 100
28.1, 2.18	32.5, 0.04
11.0, 1.99	46.5, 8.44
50.2, 0.31	224, 193
9.71, 0.34	21.9, 7.17
5.3, 0.16	4.1, 4.85
62.9, 3.03	52.1, 6.16
8.07, 0.94	33.0, 61.7
1.60, 0.31	0.43, 0.98
4.06, 29.7	17.7, 6.27
0.57, 21.9	2.18, 2.63
	31.3, 65.0

NOTE.—Reference numbers refer to list of references for table 4.

Species	N	Average in var.	In S.D.	Y=1.654 (in S.D.)	e^y
Freshwater	25	3.4584	1.8597	3.0592	21.3098
Saltwater	34	5.5753	2.3612	3.8842	48.6273
All	82	4.4067	2.0992	3.4532	31.6016

TABLE 9.—*Comparable MATC values for various species of invertebrates*

Toxicant	Reference	Results
Atrazine	25	0.16, 0.187, 0.092
Lindane	23	3.32, 14.4, 6.1
H_2S	20	0.0018, 0.031, 0.0082
Toxaphene	22, 42	92, 180, 1790, 97
Chlordane	19	16.2, 1.1, 7.8
Cyanide	16	34, 18
Chlorine	28	12, 3
Copper	8, 9	28, 11, 11, 11
LAS	11	0.28, 0.63
Cadmium	8, 5	0.34, 5.5

NOTE.—Reference numbers refer to list of references for table 4.

Species	N	Average in var.	In S.D.	Y=1.645 (in S.D.)	e^y
Freshwater	9	0.9753	0.9876	1.6246	5.0762
Saltwater					
All	10	1.2181	1.1037	1.8155	6.1444

TABLE 10.—*Quotients of highest concentration (HC) effecting or killing 0–10 percent divided by LC50 or EC50 for freshwater and marine fish and invertebrates*

Toxicant	LC50	HC	HC/LC50	Reference
Tetrachloroethylene	12.9	10.0	.78	1
Nitrobenzene	42.6	10.0	.23	1
Silver	0.064	0.036	.56	1
Thallium	121	46	.38	1
Toluene	12.7	10.0	.79	1
Chlorobenzene	15.9	7.8	.49	1
1,2-dichlorobenzene	5.59	3.2	.57	1
1,3-dichlorobenzene	5.02	1.7	.34	1
1,1,1-trichloroethane	71.5	46.0	.64	1
4-chlorophenol	3.83	1.0	.26	1
Ethylbenzene	155.2	36.0	.23	1
4-nitrophenol	8.28	2.2	.27	1
Thallium	0.86	0.45	.52	1
Chlorine (average)			.5	2
1,3-dichloropropene	6.06	3.60	.59	1
2,3-dinitrotoluene	0.33	0.13	.39	1
Bromoform	29.3	13.0	.44	1
2,4-dinitrophenol	0.62	0.28	.45	1
LAS	4.8	3.2	.67	3

TABLE 10.—*Quotients of highest concentration (HC) effecting or killing 0–10 percent divided by LC50 or EC50 for freshwater and marine fish and invertebrates*—Continued

Toxicant	LC50	HC	HC/LC50	Reference
2,4-dinitrophenol	16.6	6.63	.40	4
Do	16.8	8.40	.50	4
Do	8.28	5.58	.67	4
Do	8.17	5.3	.65	4
4,6-dinitro-o-cresol	2.17	1.5	.69	4
4-nitrophenol	59.4	17.0	.29	4
Do	61.6	40.9	.66	4
2,4,6-dibromophenol	6.46	1.84	.28	4
Do	6.81	1.74	.26	4
2,4-dimethyphenol	16.95	12.33	.73	4
Do	16.54	7.34	.44	4
phenol	28.1	15.8	.56	4
Do	29.4	17.8	.61	4
3-methoxyphenol	77.1	33.6	.44	4
Do	75.4	34.3	.45	4
2,4,6-trichlorophenol	9.70	2.48	.26	4
Do	8.64	2.49	.29	4
2-chlorophenol	11.3	7.92	.70	4
Do	13.5	7.70	.57	4
Pentachlorophenol	.21	0.17	.81	4
Do	.225	0.18	.80	4
Lead	4.4	3.5	.80	4
Do	5.0	2.5	.50	4
Copper	1.1	0.65	.59	4
Chromium	69.0	25.0	.36	4
Do	49.0	12.5	.26	4
Zinc	1.58	.54	.34	4
Do	7.48	2.47	.33	4
Do	2.62	0.54	.21	4
Do	3.03	1.6	.53	4
Do	6.37	3.8	.60	4
Do	2.51	1.27	.51	4
Do	5.86	1.60	.27	4
Do	0.60	0.24	.40	4
Effluent	24.0	18.0	.75	5
Do	24.0	18.0	.75	5
Do	43.0	32.0	.74	5
Do	43.0	32.0	.74	5
Do	36.0	18.0	.50	5
Do	24.0	18.0	.75	5
Do	0.3	0.1	.33	5
Do	3.2	1.0	.31	5
Do	17.5	10.0	.57	5
Do	14.5	11.0	.76	5
Do	12.2	10.0	.82	5
Do	34.5	25.0	.73	5
Do	26.0	18.0	.69	5
Do	54.0	32.0	.59	5
Do	73.6	56.0	.76	5
Do	73.6	56.0	.76	5
Do	15.6	10.0	.64	5
Do	5.9	3.7	.63	5
Do	5.9	3.7	.63	5
Do	7.4	2.0	.27	5
Do	39.5	32.0	.81	5
Do	9.1	5.6	.62	5
Do	2.0	1.0	.50	5
Do	14.5	10.0	.69	5
Do	24.7	18.0	.73	5
Do	15.0	6.0	.40	5
Copper	19.0	14.5	.76	6
Do	.55	.21	.38	6
Do	.17	.09	.53	6
Do	.16	.08	.50	6
Do	6.8	4.3	.63	6
Do	5.1	2.9	.57	6
Do	8.4	6.6	.78	6
Do	.49	.18	.37	6
Do	1.6	11.2	.70	6
Do	10.0	7.8	.78	6
Do	15.0	9.4	.63	6
Effluent	45.6	21.0	.46	7
Do	74.5	35.4	.48	7
Do	19.8	13.0	.66	7
Do	74.0	36.2	.49	7
Do	67.0	36.0	.54	7
Do	56.0	25.0	.45	7
Do	71.0	50.0	.70	7
Do	28.0	10.0	.36	7
Do	71.0	50.0	.70	7
Do	45.0	36.0	.80	7
Do	77.5	59.3	.76	7
Do	78.0	60.0	.77	7
Do	4.7	2.8	.60	7

TABLE 10.—*Quotients of highest concentration (HC) effecting or killing 0–10 percent divided by LC50 or EC50 for freshwater and marine fish and invertebrates*—Continued

Toxicant	LC50	HC	HC/LC50	Reference
Do	15.6	10.3	.66	7
Do	12.5	6.5	.52	7
Do	1.79	.8	.45	7
Do	54.5	40.0	.73	7
Do	11.8	6.0	.51	7
Do	46.5	36.0	.77	7
Do	47.0	36.4	.77	7
Do	45.5	36.4	.80	7
Heptachlor	2.1	1.3	.62	8
Endrin	.049	.01	.20	8
Heptachlor	.21	.1	.48	8
Aroclor 1016	10.2	1.0	.098	8
Endrin	.73	.1	.14	8
Leptophos	4.1	1.0	.24	8
Chlordane	8.4	2.4	.28	8
Leptophos	2.5	.56	.22	8
EPN	25.6	5.4	.21	8
Toxaphene	61	45	.74	8
Kepone	10.5	4.4	.42	8
Lindane	.13	.045	.35	8
BHC	.34	.22	.65	8
Chlordane	.55	.25	.45	8
Heptachlor	2.14	1.7	.79	8
Chlorobenzene	86.0	10.0	.12	1
Pentachloroethane	62.9	46.0	.73	1
Tetrachloroethylene	17.7	10.0	.56	1
Isophorone	117	15.0	.13	1
Silver ($asAgNO_3$)	.0023	0.0017	.74	1
Toluene	31.3	28	.89	1
1,2-dichlorobenzene	2.44	0.36	.15	1
Ethylbenzene	75.0	6.8	.09	1
1,3-dichlorobenzene	28.1	10	.36	1
Thallium	2.18	1.7	.78	1
Hexachloroethane	8.07	0.28	.03	1
1,4-dichlorobenzene	11.0	0.68	.06	1
4,chloro-6-methylphenol	0.29	0.028	.10	1
1,1,2-trichloroethane	18.0	1.0	.06	1
Nitrobenzene	27.0	0.46	.02	1
2,4,5-trichlorophenol	2.66	0.78	.29	1
Selenium	0.43	0.22	.51	1
Diethylphthalate	52.1	10	.19	1
Acenapthene	41.2	0.60	.02	1
Methylene chloride	224	68	.30	1
2,3,5,6-tetrachlorobenzene	0.57	0.01	.02	1
1,1,2,2-tetrochloroethane	14.1	4.6	.33	1
4-chlorophenol	4.06	1.1	.27	1
4-nitrophenol	21.9	13	.59	1
1,3-dichloropropane	487	68	.14	1
Do	6.15	0.41	.07	1
Effluent	67.	32.	.48	5
Do	3.0	1.0	.33	5
Do	76.5	56.	.73	5
Do	21.3	5.3	.25	5
Do	9.6	5.3	.55	5
Do	15.6	10.	.64	5
Do	43.6	32.	.73	5
Do	6.0	1.	.17	5
Do	300	32	.11	9
Do	650	560	.86	9
Do	10	5	.5	9
Do	36	25	.69	9
Do	100	79	.79	9
Do	32	10	.31	9
Do	125	75	.60	9
Do	3.5	1.8	.51	9
Do	.24	.10	.42	9
Do	1,100	790	.72	9
Do	420	320	.76	9
Do	550	420	.76	9
Do	320	180	.56	9
Do	90	50	.56	9
Do	1,490	790	.53	9
Do	45	10	.22	9
Do	6,700	1,000	.15	9
Do	11	10	.91	9
Do	11	1.4	.13	9
Do	550	300	.55	9
Do	65	56	.86	9
Do	.87	.50	.57	9
Do	84	50	.60	9
Do	170	32	.19	9
Do	7,000	3,200	.46	9
Do	290	125	.43	9

TABLE 10.—*Quotients of highest concentration (HC) effecting or killing 0–10 percent divided by LC50 or EC50 for freshwater and marine fish and invertebrates*—Continued

Toxicant	LC50	HC	HC/LC50	Reference
Do	220	132	.60	9
Do	.50	.25	.50	9
Do	66	56	.85	9
Do	185	100	.54	9
Do	24	10	.42	9
Do	.55	.50	.91	9
Do	.47	.32	.68	9
Do	720	500	.69	9
Do	420	320	.76	9
Do	480	180	.38	9
Do	240	100	.42	9
Do	2,000	1,000	.5	9
Do	15	10	.67	9
Do	40	25	.63	9
Do	10,000	7,900	.79	9
Do	6,600	5,000	.76	9
Do	15	10	.67	9
Do	270	150	.56	9
Do	400	320	.80	9
Do	650	560	.86	9
Do	160	100	.63	9
Do	.95	.50	.53	9
Do	31	18	.58	9
Do	8,700	3,200	.37	9
Do	95	75	.79	9
Do	28.1	18.	.64	5
Do	21.8	10.	.48	5
Do	75.	56.	.75	5
Do	4.	3.	.75	5
Do	46.7	32.	.68	5
Do	54.	10.	.18	5
Do	.49	.3	.65	5
Do	8.7	5.	.57	5
Do	42.3	32.	.76	5

NOTE.—Geometric mean=0.44; N=219.

REFERENCES

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2. Brungs, Wm. A. 1977. Review of Toxicity Data Concerning Intermittent Chlorination at Power Plants and Recommendations for Criteria. Environmental Research Laboratory, Duluth, Minn.
3. Pickering, Q. H., and T. O. Thatcher. 1970. J. Water. Poll. Control Fed. 42:243–254.
4. Phipps, G. L., and G. W. Holcombe. Personal Communication. Environmental Research Laboratory, Duluth, Minn.
5. Peltier, Wm. Personal communication. Environmental Research Laboratory, Athens Ga.
6. Pickering, Q. M. Personal communication. Newtown Fish Toxicology Station, Cincinnati, Ohio.
7. Preston, R. Personal communication. Wheeling Field Office, Wheeling, W. Va.
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[FR Doc. 78-13294 Filed 5-17-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

WARC ADVISORY COMMITTEE FOR AMATEUR RADIO

Meeting Announcement

Date: June 5, 1978.
Time: 9:30 a.m.
Location: Room 8210, Federal Communications Commission, 2025 M Street NW., Washington, D.C. 20554.

Agenda: Introductions; Status of WARC-79 preparations; Overview of International preparations related to the Amateur Radio Service; Critique of ACAR comments, 5th NOI, Docket 20271; Discussion of 7th and 8th NOI, Docket 20271; Future tasks for ACAR; Other discussion to be determined; Closing remarks.

PUBLIC PARTICIPATION

Public representatives who desire to make a presentation at this meeting should coordinate their request with the Executive Secretary, WARC Advisory Committee for Amateur Radio: Peter M. Hurd, 6425 Cygnet Drive, Alexandria, Va. 22307, telephone 202-695-7181 or 703-768-9535. Required information includes: Name, mailing address, and telephone number of person making the presentation; outline of material to be presented; duration of presentation; and audio/visual aids required. Written statements should be addressed to John B. Johnston, Chairman, WARC Advisory Committee for Amateur Radio, Room 5114, Federal Communications Commission, Washington, D.C. 20554.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-13533 Filed 5-17-78; 8:45 am]

[1505-01]

FEDERAL MARITIME COMMISSION

AGREEMENTS FILED

Correction

In FR Doc. 78-12606 appearing at page 19921 of the issue of Tuesday, May 9, 1978, an agreement was left out. Please insert the following after the summary text for Agreement No. T-3645:

Agreement No. 2846-36.
Filing party: Stanley O. Sher, Esquire, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street NW., Washington, D.C. 20006
Summary: Agreement No. 2846-36 has been entered into by the member lines of the West Coast of Italy, Sicilian, and Adriatic Ports/North Atlantic Range Conference (WINAC) to amend Article 9a) of the basic agreement to provide that each member present at an ordinary principals' meeting does not carry more than one proxy.

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Application for Pipeline Right-of-Way AA-16453

MAY 11, 1978.

Notice is hereby given that pursuant to sec. 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by Pub. L. 93-153, approved November 16, 1973 (87 Stat. 575), the Alaska Pipeline Co., P.O. Box 6288, Anchorage, Alaska 99502, has applied for a ten (10) foot wide permanent pipeline right-of-way across the following public lands:

T. 8 N., R. 4 W., Seward Meridian,
Secs. 4, 5, 8, 17, 18, and 19.
T. 9 N., R. 4 W., Seward Meridian,
Secs. 1, 2, 11, 15, 21, 22, 27, 28, and 33.
T. 10 N., R. 4 W., Seward Meridian,
Secs. 24, 25, 35, and 36.
T. 10 N., R. 3 W., Seward Meridian,
Secs. 19 and 30.

The proposed pipeline is located within an existing natural gas pipeline right-of-way to Alaska Pipeline Co. (A-051647), and is located southwest of Anchorage, Alaska.

The 16-inch buried pipeline will convey natural gas across approximately 15 miles of public lands traversing the Kenai Moose Range and the Chugach National Forest in part.

The purpose of this notice is to inform the public that the U.S. Department of the Interior, Bureau of Land Management, will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send them to the State Director, Alaska State Office, Bureau of Land Management, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510.

CURTIS V. MCVEE,
State Director.

[FR Doc. 78-13501 Filed 5-17-78; 8:45 am]

[4310-84]

[NM 33337, 33338, and 33339]

NEW MEXICO

Applications

MAY 11, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso natural Gas Co. has applied for four 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 S., R. 25 E.,
Sec. 5, S½SE¼.
T. 23 S., R. 25 E.,
Sec. 15, lots 9, 10, and 16.

These pipelines will convey natural gas across 0.728 miles of public lands in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-13502 Filed 5-17-78; 8:45 am]

[4310-84]

[NM 33184 and 33342]

NEW MEXICO

Applications

MAY 11, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for two 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 26 N., R. 6 W.,
Sec. 35, NE¼SW¼.
T. 31 N., R. 13 W.,
Sec. 1, NE¼SE¼.

These pipelines will convey natural gas across 0.174 miles of public lands in Rio Arriba and San Juan Counties, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-13503 Filed 5-17-78; 8:45 am]

[4310-84]

[NM 33327]

NEW MEXICO

Application

MAY 11, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Phillips Petroleum Co. has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 S., R. 33 E.,
Sec. 20, N½SE¼ and SE¼SE¼.

This pipeline will convey natural gas across 0.452 miles of public land in Lea County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-13504 Filed 5-17-78; 8:45 am]

[4310-70]

National Park Service

[Order No. 7]

ADMINISTRATIVE OFFICER, ET AL., EVERGLADES NATIONAL PARK, FLA.

Delegation of Authority

SECTION 1. *Administrative Officer and Supervisory Contract Specialist.* The Administrative Officer and Supervisory Contract Specialist, Everglades National Park, may execute, approve, and administer contracts and issue purchase orders not in excess of $500,000 for equipment, supplies, and services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised by the Administrative Officer and Supervisory Contract Specialist in behalf of any coordinated area.

SEC. 2. *Purchasing Agent.* The Purchasing Agent, Everglades National Park, may issue purchase orders not in excess of $10,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised by the Purchasing Agent in behalf of any coordinated area.

SEC. 3. *District Park Ranger, Everglades City.* The District Park Ranger, Everglades City, Everglades National Park, may issue field purchase orders not in excess of $300 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 4. *Chief of Maintenance, Maintenance Facility Manager, and Maintenance Foreman Park General.* The Chief of Maintenance, Maintenance Facility Manager, and Maintenance Foreman Park General, Everglades National Park, may issue field purchase orders not in excess of $300 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 5. *Park Manager, Park Ranger, and Captain-Engineer, Fort Jefferson National Monument.* The Park Manager, Park Ranger, and Captain-Engineer, Fort Jefferson National Monument, may issue field purchase orders not in excess of $300 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 6. *Park Manager, Big Cypress National Preserve.* The Park Manager, Big Cypress National Preserve, may: (a) Execute, approve, and administer contracts and issue purchase orders not in excess of $2,000 for equipment, supplies, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds; (b) issue revocable special use permits having a term of 5 years or less.

SEC. 7. *Revocation.* This order supersedes Everglades National Park Order No. 6 dated May 3, 1972, and published in 37 FR July 25, 1972, in its entirety.

(National Park Service Order No. 77 (38 FR 7478) as amended; Southeast Region Order No. 6 (42 FR 59428).)

Dated: March 2, 1978.

JOHN GOOD,
Superintendent, Everglades National Park.

[FR Doc. 78-13477 Filed 5-17-78; 8:45 am]

[4310-70]

[Order No. 1]

ADMINISTRATIVE SERVICES ASSISTANT, FORT PULASKI NATIONAL MONUMENT, GA.

Delegation of Authority

SECTION 1. *Administrative Services Assistant.* The Administrative Services Assistant may issue purchase orders not in excess of $5,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

(National Park Service Order No. 77 (38 FR 7478) as amended; Southeast Region Order No. 6 (42 FR 59428).)

Dated: March 3, 1978.

GRADY C. WEBB,
Superintendent, Fort Pulaski National Monument.

[FR Doc. 78-13476 Filed 5-17-78; 8:45 am]

[7532-01]

NATIONAL COMMISSION ON NEIGHBORHOODS

MEETING; CORRECTION

ACTION: Correction of notice of meeting.

SUMMARY: This notice, required under the Federal Advisory Committee Act (5 U.S.C. Appendix I), corrects a notice of meeting announced in the FEDERAL REGISTER on May 8, 1978, at page 19726. Prior notice indicated time, place, and agenda of meeting would be announced as soon as known.

TIME AND DATE: 2:00 p.m. (Pacific standard time) on Friday, May 19, 1978; 1:30 p.m. and 4:00 p.m. (Pacific standard time) on Saturday, May 20, 1978.

PLACE: (Meetings of May 19 and May 20 at 1:30 p.m.): Hotel Biltmore, 515 South Olive Street, Los Angeles, CA. (Meeting of May 20 at 4:00 p.m.): 1000 Grattan Street (corner of Tenth and Grattan), Los Angeles, CA.

AGENDA: (meetings of May 19 and May 20 at 1:30 p.m.): Business sessions to consider interim report. (Meeting of May 20 at 4:00 p.m.): Public hearing to analyze different approaches to economic development.

JONATHAN STEIN,
Administrative Officer.

[FR Doc. 78-13595 Filed 5-17-78; 8:45 am]

[4910-58]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 78-20]

STATISTICAL CHART; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Chart of 1977 Transporation Fatalities.—The transportation death toll in the United States rose by nearly 4 percent in 1977—the first significant upturn in 5 years, according to preliminary statistics released May 13 by the National Transportation Safety Board.

Spurred by an increase of 1,357 in highway deaths and a record toll in air travel, total fatalities in all modes of transporatation rose from 50,208 in 1976 to 52,154 in 1977. This total had risen only 1 percent in 1976 after 3 years of decline.

Highway fatalities, which historically account for more than 90 percent of all U.S. transportation deaths, last year increased from 45,523 to 46,880. It was the second successive year of increased highway fatalities after 2 years of decline. The highway toll had dropped nearly 20 percent in 1974 and 2 percent in 1975 before turning upward by 2 percent in 1976 and 3 percent in 1977.

Four of the Board's seven other statistical categories also registered fatality increase in 1977. Airline deaths, swollen by the 327 United States and 246 foreign carrier fatalities in the ground collision of two wide-body jetliners in the Canary Islands, rose from 45 in 1976 to 654 last year. Railroad fatalities increased from 590 to 653, an increase of 11 percent. Recreational boating and general aviation each showed a 4 percent increase.

Other categories registered decreases, with pipelines down from 82 to 43 (48 percent); commercial marine from 269 to 216 (20 percent); and rail-highway grade crossings from 1,174 to 1,001 (15 percent).

The Safety Board's statistics were issued in the form of its annual pie chart of transportation fatalities, attached to press release SB 78-34.

SAFETY RECOMMENDATIONS

Aviation: The crash last December 11 of an Air Indiana DC-3 shortly after takeoff from Dress Regional Airport, Evansville, Ind., has been investigated by the Safety Board. The airplane was on an IFR charter flight to transport the Evansville University basketball team to Nashville, Tenn. The 27 passengers and 2 flight crewmembers were killed.

Investigation disclosed that Evansville Tower personnel who were working the combined local/ground position and the flight data position were not aware of the new weather observation being displayed on the Electrowriter in the tower cab. As a result, incorrect weather information was transmitted to aircraft under tower jurisdiction. Although neither this misinformation nor other air traffic control services contributed to the accident, the Safety Board believes that it illustrates a potentially serious shortcoming in the system for dissminating current weather information to flightcrews and warrants corrective action.

Accordingly, the Safety Board on May 11 recommended that the Federal Aviation Administration—

Install an alerting feature on all existing and new equipment used for disseminating essential weather information in all air traffic control facilities, at positions that require timely information and at positions that are required to issue current weather information as a part of their air traffic control functions. (Class II Priority Action) (A-78-34)

Highway.—Six recommendations were issued May 9 by the Safety Board following investigation of a truck-automobile collision on July 6, 1977, near Vincentown, N.J. The truck, with a gross weight of 52,000 pounds, struck the automobile at the intersection of U.S. Route 206 and County Road Route 616. The truckdriver and six of the seven occupants of the automobile were killed.

Board investigation revealed that the truckdriver was exceeding the speed limit. The truck's brakes were in good condition, but there was no evidence of preimpact braking.

The Board noted that the truckdriver had been issued a New Jersey "basic driver license" which allows operation of all vehicles except motorcycles, omnibuses, schoolbuses, and certain other vehicles that weigh more than 18,000 pounds. He had been driving for his employer, a private intrastate carrier, intermittently for more than 5 years. During that time he was convicted of driving while under the influence of an intoxicating liquor, had his operator license suspended, and was involved in two accidents. During the 3 years before his employment, he had been convicted of careless driving, speeding, and driving while impaired. His employer was not required to and had not checked his driving record either before hiring him or during his employment.

As a result of its investigation of this accident, the Safety Board has issued the following recommendations:

To the State of New Jersey—

Develop and implement a classified driver licensing system, which conforms to the National Highway Traffic Safety Administration Highway Safety Program Standard No. 5, "Driver Licensing." (H-78-27)

Develop and implement regulations that require employers to make preemployment investigations and inquiries into the driving record of each truckdriver it employs. The requirements should be similar to those found in 49 CFR 391.23 and 391.25 of the Federal Motor Carrier Safety Regulations. (H-78-28)

To the National Highway Traffic Safety Administration—

Actively encourage the State of New Jersey to develop and implement a classified driver licensing system which conforms to Highway Safety Program Standard No. 5, "Driver Licensing." (H-78-29)

In cooperation with the Bureau of Motor Carrier Safety, actively encourage the State of New Jersey to develop and implement regulations that require employers to make preemployment investigations of the driving record of each truckdriver applicant. The requirements should be similar to those found in 49 CFR 391.23 and 391.25 of the Federal Motor Carrier Safety Regulations. (H-78-30)

To the State of New Jersey Department of Transportation—

Maintain surveillance of the intersection of U.S. Route 206 and County Road Route 616 through careful monitoring of traffic volumes and accidents. Use this information to determine the need for further corrective action to improve the safety of the intersection. (H-78-31)

Install a Junction Assembly and Directional Marker Assembly on the approaches of County Road Route 616 that directs drivers to U.S. Route 206. (H-78-32)

Each of the above recommendations is designated "Class II, Priority Action."

RESPONSES TO SAFETY RECOMMENDATIONS

AVIATION

A-72-23.—The Federal Aviation Administration's letter of March 31 advises of completed action with respect to this recommendation which called for review of the design and certification criteria of FAR Part 23 applicable to fire protection of powerplant installations for adequacy and effect of appropriate regulatory changes if deemed necessary. FAA advises that Amendment 23-18 added two new rules directly relating to the recommendation. Part 23, paragraph 23.1193(f), adds a rule for nacelles on multiengine airplanes. Paragraph 23.123 adds a requirement for fire detectors. A copy of Amendment 23-18 is attached to FAA's letter.

HIGHWAY

H-76-15.—The Federal Highway Administration on February 28 provided a followup to its July 8, 1977, letter regarding this recommendation which asked FHWA, in cooperation with the States, to perform a sufficient quantity of skid tests on timber roadway surfaces to establish if such surfaces can normally meet the recommended skid numbers values contained under Highway Safety Program Standards 12—Highway Design Construction and Maintenance.

FHWA reports that three bridges were tested in Jamestown National Historical Site, the results indicating that exposed timber surfaces have marginal skid resistance qualities at best and can be very hazardous when wet. FHWA field offices have been advised of the recommendation and the tests. Field offices have also been advised that any new bridges on paved roads which incorporate a timber deck should also include some type of skid-resistant surface. A copy of the memorandum sent to FHWA Regional Administrators is attached to FHWA's letter.

H-77-6.—The National Highway Traffic Safety Administration's letter of March 9 responds to the Safety Board's inquiry of February 8 concerning the penetration of bus wheel well covers into the total production of buses. NHTSA reports that letters of inquiry have been sent to the three largest manufacturers of intercity buses (General Motors, American Motors Corp., and Flxible). The Safety Board will be notified further after the responses are received and analyzed.

H-77-10.—The State of Nebraska's Department of Roads on March 2 responded to the Safety Board's inquiry of February 14 regarding this recommendation, resulting from investigation into the accident which occurred August 8, 1976, at the Beaver Avenue crossing of the Burlington Northern Railroad in Stratton, Nebr.

The Department reports that a letter has been received from the Chairman of the Village Board of Trustees of Stratton making application for the use of Federal Off-System railroad crossing funds. The Department states that the crossing is so located that it appears the 10 percent local funding must be a joint venture between the Village of Stratton and Hitchcock County. Both of these local entities will be contacted and advised of the necessity for their commitment to the 10 percent funding. The Department will prepare the necessary program documents to be submitted to the Federal Highway Administration and the required agreements for the railroad. The Safety Board on March 14 acknowledged receipt of the Department's letter and asked to be kept informed of the progress relating to implementation of the recommendation.

H-77-16.—The California Department of Transportation (Caltrans) on March 8 answered the Safety Board's report of January 25 to the initial response letter dated November 28, 1977. This recommendation resulted from investigation of the May 21, 1976, accident involving a charter bus which vaulted over the Marina Vista off-ramp of Interstate 680 near Martinez, Calif. The recommendation asked Caltrans to erect at the approach to the Marina Vista off-ramp an exit sign that incorporates a diagram of the curvature of the ramp to illustrate its severity and relocate or supplement the advisory exit speed sign to improve its warning to approaching drivers.

The Board's reply to Caltrans' initial response reiterated the conclusion that the curve radius of the ramp in question was under the minimum specified radius defined in the roadway geometric design handbook published by the American Association of State Highway and Transportation officials, which manual is accepted as a standard for design by the Federal Highway Administration. The Board said that this fact places the ramp in the category of "substandard" as defined by the "Exit Speed Sign Review—State of California," page 4, conclusion B. The Board further stated that its continued opinion is that this "substandard" ramp (Item IV-B, California Study) requires an overhead diagramatic exit sign and an additional speed reduction warning sign to make it operationally safe for future users.

Caltrans' March 8 response states that the Board based its recommendation for the addition of a curved arrow sign on the inference that the subject ramp is "substandard" because its radius is less than 230 feet. Caltrans further states, "Your definition of substandard would include virtually every loop ramp in the State of California. The document you referred to is talking about California standards. Almost all loop ramps in the State have less than 200' radius. It would be wasteful and destroy the effectiveness of this special sign if it were erected in advance of every loop off-ramp in California. That's why it's use is limited to special cases, such as ramps containing hidden curvature or ramps with a history of accidents. The gore and curvature of the subject ramp are clearly visible."

With reference to FHWA's most recent policy on ramp signing (Official Rulings on Requests for Interpretations, Changes, and Experimentations; Volume VIII—December 1977), Caltrans said that no mention is made of the supplemental speed advisory sign suggested by the Board. According to Caltrans, the December policy states, "When geometrics of the exist ramp are such to cause a significant speed reduction, the exit speed sign should be posted along the deceleration lane or along the ramp such that it is visible to the driver in time to make a safe slowing and exiting maneuver." It further notes, "Use and placement of these signs (W13-2) should be based on an engineering study."

Caltrans also stated that California policy specifies that a W13-2 (CA No. W72/W72A) shall be used on freeway off-ramps. "As we have repeatedly informed the Board, this sign, optional under Federal signing policies, is further supplemented with a W4, symbolized curve alignment sign where standard curve warning signs have not proven adequate," Caltrans stated.

Caltrans finds no historical accident data to support installation of the supplemental W4 sign.

H-77-17 through 19.—Also with reference to the Martinez bus accident is a letter dated March 6, 1978, from the Department of California Highway Patrol, addressee of these recommendations. Attached to the response letter are copies of documents providing the status of the Department's actions on these recommendations and draft changes to the Department's regulations representing requirements to be adopted following their review by the affected industry and the necessary formal public hearings on or about June 30, 1978.

The proposals for Title 13 CAC, to assure public awareness of safety regulations, include adoption of section 1212(e) concerning Motor Carrier Ratings—Buses, and a regulation to ensure driver proficiency.

MARINE

M-72-16.—Letter dated February 28, 1978, from Radio Technical Commis-

sion for Marine Services (RTCM) provides in response to this recommendation three documents in addition to those forwarded to the Safety Board with letters of February 25 and September 27, 1977. The recommendation issued in connection with the 1972 Board study, "Collisions within Navigable Waters of the United States," asked that RTCM's Special Committee 65 (SC-65) continue its work on developing general standards or specifications for shipboard collision avoidance systems so that the standards may be used by the marine industry for evaluting the effectiveness of the various systems available or currently under development.

The documents recently developed by SC-65 are:

1. Equipment Reliability Specification for Design and Production of Radar, Collision Avoidance, and Marine Radar Interrogator-Transponder Equipment (RTCM Paper 265-77/EC-240/SC 65-259).

2. Performance Specification for a General Purpose Navigational Radar Set for Ocean-going Ships of 1,600 Tons Gross Tonnage and Upwards, For New Radar Installations (RTCM Paper 14-78/EC-245/SC 65-264). (This specification is an updating and replacement of RTCM Paper 104-74/EC-140.)

3. Resources Necessary for On-Board Preventive and Corrective Maintenance of Radar, Collision Avoidance and Marine Radar Interrogator-Transponder Equipment (RTCM Paper 266-77/EC-241/SC 65-260). (This paper is an extension (and replacement) of RTCM Paper 139-77/EC-229/SC 65-246.)

M-74-29.—United States Coast Guard's letter of March 21 is in response to the Safety Board's inquiry of February 3. Coast guard has reevaluated this recommendation which was issued as a result of investigation into the death of three ship's officers aboard the SS *William T. Steele* on November 18, 1972. The recommendation asked Coast Guard to require that a written cargo loading plan be made and posted each time cargo is to be transferred aboard chemical tankers, and further, that a check procedure be developed to assure the desired rating is achieved.

Coast Guard reports development of an advance notice of proposed rulemaking addressing tank entry procedures that is now undergoing in-house clearance. Additionally, Coast Guard has published a notice of proposed rulemaking concerning tankermen qualifications. Coast Guard considers that these tow efforts coupled with the existing regulations are adequate for assuring the safety of the vessel and the crew. A step-by-step check-off list for cargo handling operations is not considered necessary.

M-74-36.—In response to the Safety Board's request of December 7, 1977, for a copy of Coast Guard's "policy change" relative to Citizen's Band radio service, Coast Guard on January 10 forwarded a copy of its August 31, 1977, ALDIST. The recommendation, issued as a result of loss on August 16, 1972, of numerous vessels during heavy weather in the vicinity of Chetco River, Oreg., asked Coast Guard to use all available means of communications, including Citizen's Band radio in situations where a more rapid rescue could be provided.

M-77-15 through 30.—Coast Guard's letter of February 17 is in response to recommendations issued by the Board in connection with the sinking of the *Pearl C* near Astoria, Oreg., on September 13, 1976.

In answer to M-77-15, which asked Coast Guard to conduct field investigations to determine the causes of vessel equipment failures which require assistance from Coast Guard Station Cape Disappointment and implement a program of corrective actions which includes publishing maintenance and repair guidelines for the operators of charter boats to reduce the number of assistance cases. Coast Guard states that the need for some type of mechanical information pamphlet to be distributed to operators of charter fishing boats in the Thirteenth Coast Guard District is not disputed. Coast Guard needs further study to develop specific areas of information to reduce search and rescue (SAR) work generated by these vessels.

Regarding M-77-16, Coast Guard will draft proposed regulations requiring operators of inspected charter boats to keep a log of service and repairs made to their vessels as recommended.

Recommendation M-77-17 asked Coast Guard, in cooperation with the States of Oregon and Washington, to establish a program of safety education for the operators of charter boats to include training in preventive maintenance and in at-sea repair of machinery and equipment necessary for safe operation. Coast Guard's response states that establishment of qualification standards for licensed operators of inspected vessels is a statutory responsibility of the Coast Guard not jointly shared with the individual States; further, the need to establish a training program addressing preventive maintenance and machinery repairs has not been demonstrated. Coast Guard considers that a licensed applicant's demonstration of knowledge through examination is adequate, particularly when one considers that most operators of small passenger vessels are the vessels' owners. However, the Coast Guard will review existing examination materials to insure that the prospective operator's knowledge of the propelling machinery is adequately tested.

With reference to M-77-18, which recommended the Coast Guard evaluate the effectiveness of its motor lifeboats in search operations offshore in comparison with its aircraft and establish criteria for selecting specific boats and aircraft according to existing SAR conditions. Coast Guard states that information concerning the capability of surface craft and aircraft and the criteria for selecting specific types to respond to SAR cases is contained in paragraphs 310 to 314 of the National SAR manual and this information is considered adequate.

In answer to M-77-19, which asked Coast Guard to institute at Cape Disappointment an equipment failure reporting and maintenance program to provide for early detection and repair of SAR equipment problems and insure higher management provides support for corrective action required which is beyond the station's capability, Coast Guard states that such a reporting system is currently in effect at Cape Disappointment and published in Annex E, the Operational Readiness section of the Thirteenth Coast Guard District Operational Plan (Op Plan). This annex requires Cape Disappointment to inform Group Astoria and, as an information addressee, the District Commander, by priority message of all material shortages, and casualties that have reduced, or are expected to reduce, a unit's operational readiness. This District Op Plan also provides a maintenance program for early detection and repair of SAR equipment problems.

Recommendation M-77-20 asked Coast Guard, in conjunction with the Federal Communications Commission, to expedite the dedication (allocation) of Channel 15 VHF for the sole purpose of emergency location. Coast Guard states that the FCC has concurred with the dedication of Channel 15 VHF for the sole purpose of emergency location and that initial implementing Federal regulations are being drafted on an expedited basis.

The Coast Guard is presently developing a checklist of procedures necessary for safe towing operations to be mounted near the operator steering station of Coast Guard boats used in such operations, this in response to M-77-21.

Recommendation M-77-22 asked Coast Guard to determine the feasibility of increasing the assignment periods for military personnel or, in lieu thereof, using civilian employee rescue personnel as an alternative to give the station more continuity and higher capability.

Coast Guard states that it can assign regular service personnel to provide the necessary experience, expertise,

and continuity required at Thirteenth District coastal SAR stations. The following assignment policies have been established for these stations: (a) Career enlisted personnel will be assigned for a 3-year tour of duty barring unforeseen circumstances (e.g., humanitarian reassignments, hardship discharges, incompetence) career enlisted personnel are in the rating E-6 or above or one who has 6 or more years of active service (subsequent enlistment); (b) first enlistment petty officers will be assigned with the intention that they will complete their enlistments at the one duty station; (c) nonrated personnel who advance to petty officer status while at a coastal search and rescue station will complete 3 or more years at that unit (combined nonrated and rated status) prior to transfer; and (d) boatswain's mate billets (E-7 and above) will be filled with personnel with previous Thirteenth District coastal SAR station experience.

Coast Guard adds that the use of civilian employees to perform rescue functions at a Coast Guard station has not been explored sufficiently to determine the feasibility of such action. This will be explored further in conjunction with ongoing efforts aimed at improving efficiency and effectiveness of the station.

In answer to recommendation M-77-23, for establishment of a comprehensive checklist to insure that personnel evaluate important SAR circumstances and carry out established safety procedures, Coast Guard states that the National SAR Manual describes SAR mission checklists to insure that a step-by-step course of action is followed in prosecuting SAR missions. The types of checklists and the extent of their use is discretionary with the SAR coordinator. Coast Guard is examining the overall application of these checklists and will attempt to resolve any specific problems.

Recommendation M-77-24 asked Coast Guard to require the operators of inspected charter boats to instruct their passengers in the location and use of personal flotation devices before getting underway, and to both notify the Coast Guard of the situation and distribute these devices to their passengers before crossing a bar or waterway when conditions are determined by the Coast Guard to be hazardous. In response, Coast Guard states that it will initiate a regulatory change to 46 CFR 185.25-5 by changing the title from "Recommended Emergency Check-off Lists" to "Emergency Check-off Lists" and to 46 CFR 185.25-1 by requiring operators of inspected charter boats to instruct their passengers in the use and location of personal flotation devices prior to getting underway. As to the second part of this recommendation, the response letter states that having the Coast Guard determine whether conditions are hazardous removes the burden of safe navigation and operating from the master/operator of the vessel who knows best the operating characteristics of his vessel and the operating conditions he is in at that moment in time.

Recommendation M-77-25 asked Coast Guard to require inspected passenger vessels to have a means to alert the operator at his control station, by both visual and audible signals, of unsafe water levels in each decked-over compartment which, if flooded, would have a significant effect on stability. Coast Guard reports that analysis of foundering, capsizing, and swamping casualties for inspected vessels less than 65 feet in length and less than 100 gross tons has indicated that a significant number of casualties occur where early warning of bilge flooding may have reduced the severity of the casualty. Coast Guard will initiate proposed changes to 46 CFR 182, Subchapter T, to require bilge alarms.

M-77-26 recommended that Coast Guard determine whether electric bilge pumps which are activated automatically by water in the bilges and which have an independent energy source should be required to be installed in each compartment of inspected small passenger vessels. Coast Guard states that the *Pearl C* was more than adequately equipped for flooding situations other than those of a catastrophic nature. Installation of dewatering equipment of a capacity that would theoretically handle a catastrophic flooding situation on this class of vessel is not considered feasible from an engineering design point of view.

In response to M-77-28, asking Coast Guard to advise operators of the possible adverse effects of cross-connections between fuel and other liquid tanks on a vessel's stability when wind or other forces heel the vessel and identify corrective measures, Coast Guard will initiate a regulatory change to 46 CFR 185.25-5 to include the requirement for closing cross-connections between fuel tanks.

Coast Guard will amend the Marine Safety Manual, advising Coast Guard inspectors to strictly enforce regulations regarding watertightness of weather decks, including the requirements for securing devices and means of attachment as requested by recommendation M-77-28.

Recommendation M-77-29 asked Coast Guard to designate the Columbia River Bar as a specially hazardous area per 46 CFR 178.05-15(a) and require vessels which operate across it to have the maximum degree of seaworthiness afforded by the Small Passenger Vessel Regulations. Coast Guard states that it will fully evaluate the economic impact of this recommendation to the affected charter boat industry prior to making a full response.

Coast Guard does not contemplate establishing a comprehensive regulation requiring deckhands on all inspected charter boats, as requested by recommendation M-77-30. Coast Guard states that evaluation of this recommendation has reaffirmed our present policy that it is a proper function of Coast Guard district and local field offices to determine the manning requirements for vessels of this class certificated and operating in their areas due to the many diverse elements involved (i.e., vessel construction characteristics, route, nature of operating area, number of passengers, etc.)

PIPELINES

P-77-24 and 25.—The Connecticut National Gas Corp. (CNG) on February 1 responded to the Safety Board's request of January 24 for revised written procedures to implement the Board's recommendations issued following the natural gas explosion at Greenwich, Connecticut, May 25, 1977.

The CNG letter states that after the accident, all hot tap insulator work was stopped until adoption on July 11, 1977, of new guidelines for installation of hot tap insulator fittings. A copy of these guidelines, together with a checklist and a sample procedure, are attached to CNG's letter. CNG states that copies of those records used to review the project must be attached to the checklist.

P-77-38 through 40.—The Pennsylvania Gas & Water Co. (Penn Gas) on January 16 supplemented its December 15 response to recommendations issued as a result of investigation into the January 25, 1977, pipeline explosion near Williamsport, Pa. The recommendations asked Penn Gas to initiate an effective general public and gas customer information program about the nature, characteristics, and hazards of natural gas and what to do when it is encountered; to test the effectiveness of the emergency procedure training of all operating personnel; and to verify the location of all high-pressure shutoff valves shown on gas main atlases and change maps where necessary.

Penn Gas reports that it is now investigating ideas for more general "public" distribution of information. the company believes that the best test of its emergency procedure training is in evaluating its normal daily response to emergency calls. Penn Gas continually checks its response times and methods on emergency classifications complaint calls, and agrees to provide additional instruction when problem areas are discovered.

Penn Gas cannot agree to the Board's proposal to "verify the loca-

tion of all high pressure shut off valves shown on gas main atlases"; most of the valves in its system were installed primarily to facilitate construction and not as emergency system control valves. As a result, most of the valves are buried and not in roadway covers. To verify the location would require digging up municipal streets all over the system for no apparent cost-benefit advantage. Penn Gas does not feel that this specific request is consistent with the intent of the Pipeline Safety Act.

NOTE.—The above notice summarizes Safety Board documents recently released and recommendation response letters received. The safety recommendation letters in their entirety are available to the general public; single copies are obtainable without charge. Copies of the full text of responses to recommendations may be obtained at a cost of $4 for service and 10 cents per page for reproduction.

Single copies of the Chart of 1977 Transportation Fatalities are also available without charge.

All requests to the Board for copies must be in writing, identified by recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

MAY 15, 1978.

[FR Doc. 78-13547 Filed 5-17-78; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 4, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; an indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

NATIONAL SCIENCE FOUNDATION

Exploratory Study of Scientific Activities of Science and Engineering Faculty at a Large, Public Nondoctoral College, single time, 230 science faculty at a college, Warren Topelius and Laverne V. Collins, 395-6132.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Certification of State/Territorial Delegates/Alternates to the White House Conference on Library and Information Service, single time, 1,061 delegates/alternates to White House Conference, Lowry, R. L., 395-3772.

DEPARTMENT OF AGRICULTURE

Forest Service, Camping Market Trends—National Survey, single time, active-potential and inactive camper, Clearance Office, 395-4529.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration, Beach Characteristics Questionnaire, single time, Conservation Commissioners, Cape Cod, Martha's Vineyard, Nantucket, Louis Kincannon, 395-3211.

CIVIL SERVICE COMMISSION

Personnel Research Questionnaire 78-5, CSC 1334, single time, applicants for employment in the District of Columbia Police Department, Clearance Office, 395-4529.

U.S. INTERNATIONAL TRADE COMMISSION

Importers Questionnaire on Certain Fishing Tackle, single time, importers of fishing tackle, Louis Kincannon, 395-3211.

Questionnaire for Producers of Certain Fishing Tackle, single time, producers of certain fishing tackle, Louis Kincannon, 395-3211.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration, Multipurpose Consumer Food Information Study, single time, 38 large primary sampling units, 25 large metro areas included, Office of Federal Statistical Policy and Standard, 673-7959.

National Institute of Education, Cities in Schools Demonstration/Pilot Test, NIE 194, single time, students/caseworkers, Laverne Collins, 395-3214.

REVISIONS

U.S. CIVIL SERVICE COMMISSION

Qualification Inquiry For Testing Personnel, CSC 1164, on occasion, Former employers, 10,000 responses, 2,500 hours, Clearance Office, 395-3772.

VETERANS ADMINISTRATION

Monthly Report on Number of Inspection, Approval, and Supervisory Visits to Schools and Training Establishments Furnishing Courses, 22-7398, monthly, State approving agencies, 900 responses, 225 hours, Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Food and Drug Administration, Drug Product, Medical Device, and Laboratory Product Problem Reporting Program, FD-2519, FD-2519A, FD-2519F, FD-2822, on occasion, practicing physician, pharmacist, etc., 2,000 responses, 666 hours, Clearance Office, 395-3772.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Economics, Statistics, and Cooperatives Service-Statistics, Potato Stocks Inquiry (Growers), other (see SF-83), potato storage operators, 10,750 responses, 1,340 hours, Clearance Office, 395-3772.

Economics, Statistics, and Cooperatives Service-Statistics, Onion Stocks and Dispositions, semiannually, onion growers, 350 responses, 90 hours, Clearance Office, 395-3772.

DEPARTMENT OF COMMERCE

Industry and Trade Administration, Agent/Distribution Application Service, ITA424P, on occasion, exporters, 5,000 responses, 2,083 hours, Clearance Office, 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration, a Followup Study of Persons Exposed to 131/Iodine for Diagnosis of Thyroid Disease, FDABRH0319, single time, exposed and unexposed groups, 90 responses, 45 hours, Richard Eisinger, 395-3214.

National Institute of Education, Research Grants Application and Project Data Form, NIE-10, on occasion, educational researchers, 5,000 responses, 1,250 hours, Laverne V. Collins, 395-3214.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, Survey of Union Wage Rates and Hours in Grocery Stores, BLS 1150.86, other (see SF-83), union officials, 340 responses, 170 hours, Office of Federal Statistical Policy and Standard, 673-7959.

DAVID R. LEUTHOLD,
Budget and Management, Officer.

[FR Doc. 78-13542 Filed 5-17-78; 8:45 am]

[7555-02]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

NUCLEAR WASTE MANAGEMENT TECHNICAL ADVISORY GROUP

Establishment

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), it is hereby determined that the establishment of the Nuclear Waste Management Technical Advisory Group is necessary, appropriate, and in the public interest in connection with the performance of the duties imposed upon the Director, Office of Science and Technology Policy (OSTP) by the

National Science and Technology Policy, Organization and Priorities Act of 1976. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to Section 9(a)(2) of the Federal Advisory Committee Act and OMB Circular A-63, Revised.

1. Name of group. Nuclear Waste Management Technical Advisory Group.

2. Purpose and function. On March 13, 1978, the President created the Interagency Nuclear Waste Management Task Force, under the chairmanship of the Secretary of Energy, for the purpose of formulating recommendations for establishment of an Administration policy with respect to long-term management of nuclear wastes and supporting programs to implement this policy. As a component of the work of this Task Force, OSTP is chairman of a subgroup responsible for the description and analysis of alternative technology strategies. The objectives of this subgroup are:

To identify and delineate viable alternative technology strategies or planning approaches to the problem of disposal and isolation of all nuclear waste other than that categorized as low level;

For each strategy, to analyze benefits and risks and scheduling implications and formulate in general terms an adequate program of knowledge acquisition; and

To produce a document for interagency and public discussion of the preferred technology strategy.

An important requirement for meeting these objectives is an accurate assessment of the current state of knowledge relevant to nuclear waste disposal and isolation.

In order to provide a source of advice and expertise on the issues involved in this subtask, the Advisory Group will be established to draw together experts from industry, academia, and public interest groups. The Advisory Group will serve as a critical review group and, to some extent, participate in the drafting of the written products of the subgroup's work and will advise the Director of OSTP and the Director of the Office of Energy Research on the technical matters pertinent to the effort.

3. Effective date of establishment and duration. The Advisory Group is established to provide advice to the Director of the Office of Science and Technology Policy and to the Special Assistant to the President for Budget and Organization, and is established for 6 months from the date the charter is filed with the standing committees of Congress having legislative jurisdiction for the Office of Science and Technology Policy. Due to the urgency of the Presidentially imposed schedule of the Interagency Nuclear Waste Management Task Force, the Committee Management Secretariat, GSA, has waived the requirement for a 15 day waiting period between publication of the notice of establishment and the filing of the charter.

4. Membership. The Advisory Group will be comprised of approximately ten individuals from industry, academia and public interest groups having qualifications for providing expert knowledge in the fields of geology, hydrology, risk assessment, geochemistry, and other scientific and technical fields pertinent to nuclear waste disposal and isolation.

5. Advisory group operation. The Advisory Group will operate in accordance with provisions of the Federal Advisory Committee Act (Pub. L. 92-463), OSTP policy and procedures, OMB Circular No. A-63, Revised, and other directives and instructions issued in implementation of the Act.

FRANK PRESS,
Director.

[FR Doc. 78-13553 Filed 5-17-78; 8:45 am]

[7710-12]

POSTAL SERVICE

NATIONAL ZIP CODE DIRECTORY

Licensing of Publishers

The U.S. Postal Service in 1974 copyrighted the "National ZIP Code Directory, Publication 65" in order to protect the accuracy and integrity of the ZIP Code information being distributed to the public. In addition, the term "ZIP Code" has been registered as a trademark and service mark.

The U.S. Postal Service licenses publishers on a nonexclusive basis to publish the complete National ZIP Code Directory or portions thereof so long as the portions cover a complete state or a combination of states and all multi-ZIP Coded cities within each state are included.

Licenses may be renewed annually. Some of the more significant terms of the license agreements are as follows:

1. Licensee must publish only the most current ZIP Code information furnished by the U.S. Postal Service. Licensee must print from reproducibles furnished by the U.S. Postal Service.

2. Licensee must submit all manuscripts and proposed promotional materials to the U.S. Postal Service for review prior to publishing.

3. All directories must clearly bear an expiration date consistent with the expiration date of the material reproduced (normally the end of the calendar year).

4. Licensee will pay the licensor a royalty on retail sales negotiated at the time the license is granted.

5. The licensee must submit quarterly reports relating to sales and volume and make available records and accounts for inspection or audit at any time.

The U.S. Postal Service continues to make the National ZIP Code Directory available through the Government Printing Office for $7.50 a copy and is currently testing a procedure for selling it in local post offices.

Application for obtaining a license can be obtained by contacting:

Chairman, Intellectual Property Rights Board, U.S. Postal Service Headquarters, Room 1312, Washington, D.C. 20260.

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc. 78-13473 Filed 5-17-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 06/06-0199]

ALLIANCE CAPITAL CORP.

Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1977)), under the name of Alliance Capital Corp., 602 South East First Street, Mineral Wells, Tex. 76067, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders, and their percentages of ownership are as follows:

Melva R. Heath, 620 North Hampton Road, Dallas, Tex. 75208, Chairman of the Board, 9 percent.

Harold A. Jones, 4342 Woodhollow Drive, Dallas, Tex. 75237, President, Director.

Dr. Jack A. Richey, 1011 Greenwood Place, Duncanville, Tex. 75137, Vice President, Director, 9 percent.

Sue D. Gravett, 3500 Mt. Barker Drive, Austin, Tex. 78731, Secretary, Director, 9 percent.

Richard A. Martin, 5201 Bryce, Fort Worth, Tex. 76107, Director, 9 percent.

There is to be only one class of stock with 100,000 shares of common stock authorized. Initially, only 50,000 shares will be issued to twelve shareholders, none of whom will own 10 percent or more of the shares.

The Applicant Licensee proposes to commence operations with private capital of $500,000. Applicant proposes to conduct its operations principally within the States of Texas, Louisiana, Oklahoma and New Mexico.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and manage-

ment, and the probability of successful operation of the new company in accordance with the Act and Regulations.

Notice is further given that any person may, not later than June 2, 1978, submit to SBA, in writing, comments on the proposed licensing of this company. Any such comments should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this notice will be published by the applicant in a newspaper of general circulation in Mineral Wells, Tex.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: May 11, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 78-13488 Filed 5-17-78; 8:45 am]

[4910-60]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[Docket No. Pet 75-9W, Notice 1]

TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE

Petition for Waiver

The Panhandle Eastern Pipe Line Co. has petitioned the Materials Transportation Bureau (MTB) for a waiver from compliance with section 192.611(c) of the Federal gas pipeline safety standards (49 CFR part 192) for 11 transmission line segments installed in 1962 in the following localities: Liberal, Greensburg, Haven, Olpe, and Louisburg, Kans.; Houstonia and Centralia, Mo.; Pleasant Hill and Tuscola, Ill.; and Montezuma and Zionsville, Ind.

The segments form part of a pipeline known as "Line 400." Almost all the segments are in a class 1 location (see § 192.5) with 1.4 miles in a class 2 location and 2 miles in a class 3 location. The segments total approximately 370 miles in length and consist of grade X-60, 30-inch outside diameter, 0.312 inch wall thickness steel pipe with grade X-46, 30.375-inch outside diameter, 0.500 inch wall thickness steel pipe at road crossings. The maximum allowable operating pressure (MAOP) (see § 192.619) for the 0.312 inch wall thickness pipe in a class 1 location is 898 psig and for the 0.500 inch wall thickness pipe in a class 2 location is 920 psig.

Since Line 400 was constructed, the population along the route has increased. Some sections of the 11 segments are now in higher class locations, and additional changes in class location are anticipated. Under these circumstances, section 192.611(e) requires that the established MAOP be confirmed or revised within 18 months of the change in class location. Under section 192.611(a), if a pipeline has been previously tested to at least 90 percent of its specified minimum yield strength (SMYS) for at least 8 hours, it may be operated at a pressure which produces a corresponding hoop stress no higher than 72 percent of SMYS in class 2, 60 percent of SMYS in class 3, and 50 percent of SMYS in class 4. This MAOP is not otherwise permissible unless the pipeline is retested as required by section 192.611(c).

Approximately 390 miles of Line 400, including the 11 segments for which a waiver is sought, were originally tested using a specially developed cyclic procedure rather than by holding a minimum test pressure for 8 hours. This procedure consisted of 4 cycles of hydrostatically pressuring a test section to at least 95 percent of SMYS and then reducing the pressure to a stress level of 60 percent of SMYS. The total time at 90 percent of SMYS was approximately 2½ hours. As a result, in accordance with section 192.611(c), this portion of the line would have to be retested in order to maintain its established MAOP in areas of changed class locations.

In 1974, about 20 miles of the pipeline were retested as required by section 192.611(c). The fact that no failures occurred is offered as evidence of the integrity of the remaining 11 cyclically tested segments. The petitioner estimates that the cost of retesting the 11 segments would be over $444,000 and that the amount of natural gas lost would be 486,000 MCF.

The petitioner requests that it be allowed to operate the 11 segments of Line 400 as if they were tested as set forth in section 192.611(a). The petitioner argues that retesting is unnecessary because the pipeline's design, construction, testing, and operating history (no operational failures) qualify it for safe operation at the stress levels permitted by section 192.611(a).

In support of this contention, the petitioner particularly relies on the severity of the cyclic testing procedure. It states that the cyclic testing was more likely to produce test failures than if a single test pressure had been held for 8 hours. This conclusion is based on research performed by the Battelle Memorial Institute in Columbus, Ohio, which shows that cyclically induced strains cause more material defects to reach their failure stress level sooner than strains induced by static loading. Also, the petitioner states that because of the higher stress level attained during testing (95 versus 90 percent), any defects remaining in the pipeline are smaller than would have been the case if the pipeline had been tested to only 90 percent of SMYS.

MTB has reviewed the history of this pipeline and the petitioner's arguments and is considering granting the requested waiver on the basis that retesting as required by section 192.611(c) is, in this instance, not necessary for public safety.

Interested persons are invited to comment on the proposed waiver by submitting in quadruplicate such data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice numbers and be submitted to:

Chief, Docket Section, Materials Transportation Bureau, Room 6500, Trans Point Building, 2100 Second Street SW., Washington, D.C. 20590.

All comments received before June 19, 1978, will be considered before final action is taken. Late filed comments will be considered so far as practicable. All comments will be available for examination and copying at Docket Room 6500, Trans Point Building, before and after the closing date for comments. No hearing is contemplated, but one may be held at a time and place set in a later notice in the FEDERAL REGISTER if requested by an interested person desiring to comment at a public hearing and raising a genuine issue.

(49 U.S.C. 1672; 49 CFR 1.53(a), app. A. of pt. 1, and app. A. of pt. 102.)

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

CEASAR DELEON,
Acting Director, Office of Pipeline Safety Operations.

[FR Doc. 78-13645 Filed 5-17-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 662]

ASSIGNMENT OF HEARINGS

MAY 15, 1978.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 56679 (Sub-No. 102), Brown Transport Corp., is now assigned for prehearing conference July 11, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.
MC 105813 (Sub-No. 229), Belford Trucking Co., Inc., is now assigned for hearing July 19, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.
MC 133689 (Sub-No. 167), Overland Express, Inc., is now assigned for hearing July 13, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.
MC 143769, Kannapolis Transit Co., Inc., is assigned for hearing June 26, 1978, at Concord, NC, and will be held at Courtroom No. 3, Cabarrus County Courthouse South Union Street.
MC 63417 (Sub-No. 122), Blue Ridge Transfer Co., Inc., is now assigned for hearing June 28, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.
MC 143059 (Sub-No. 7), Mercer Transportation Co., is now assigned for hearing July 6, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.
MC 144128, Elliott, Inc., of Clarksville, is now assigned for hearing July 6, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.
MC 140484 (Sub-No. 27), Lester Coggins Trucking, Inc., is now assigned for hearing July 6, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.
MC 27817 (Sub-No. 139), H. C. Gabler, Inc., is now assigned for hearing July 12, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.

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

[FR Doc. 78-13535 Filed 5-17-78; 8:45 am]

[7035-01]

EXPANSION IN USE OF THE "FEDERAL REGISTER" REGARDING PERMANENT AUTHORITY MATTERS AND RULEMAKINGS

MAY 18, 1978.

The Commission has traditionally published notices of permanent authority matters and rulemakings in the FEDERAL REGISTER on the fourth working day each week. It now intends to expand the use of the FEDERAL REGISTER for these notices, proposals, and final rules to include the second working day each week.

All persons relying on the FEDERAL REGISTER for notice of Commission permanent authority and rulemaking proceedings should refer to FEDERAL REGISTER volumes on both the second and fourth working day each week effective May 18, 1978.

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

[FR Doc. 78-13441 Filed 5-17-78; 8:45 am]

[7035-01]

[Forty-Third Revised Exemption No. 90]

EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES ORDERED IN EX PARTE NO. 241

To all railroads: It appearing, That certain of the railroads named below own numerous 50-ft. plain boxcars; that under present conditions, there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars; and

It further appearing, That there are substantial shortages of 50-ft. plain boxcars throughout the country; that the carriers identified in this exemption by the symbol ( ) have 150 percent or more of their ownership of these cars on their lines; and that such a disproportionate use of the total supply of such cars causes shippers served by other lines to be deprived of their proper share of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, ICC-RER No. 407, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of Car Service Rules 1, 2(a), and 2(b).

Apalachicola Northern Railway Co. deleted.
The Baltimore and Ohio Railroad Co.
Reporting Marks: BO.
Bessemer and Lake Erie Railroad Co.
Reporting Marks: BLE.
Camino, Placerville & Lake Tahoe Railroad Co.
Reporting Marks: CPLT.
The Chesapeake and Ohio Railway Co.
Reporting Marks: CO-PM.
Chicago & Illinois Midland Railway Co.
Reporting Marks: CIM.
Chicago, Rock Island and Pacific Railroad Co.
Reporting Marks: RI-Rock.
City of Prineville.
Reporting Marks: COP.
The Clarendon and Pittsford Railroad Co.
Reporting Marks: CLP.
Consolidated Rail Corp.
Reporting Marks: CR-DLW-EL-ERIE-LV-NH-NYC-P&E-PAE-PC-PCA-PRR-RDG.
Delaware and Hudson Railway Co.
Reporting Marks: DH.
Duluth, Missabe and Iron Range Railway Co.
Reporting Marks: DMIR
Florida East Coast Railway Co.
Reporting Marks: FEC.
Grand Trunk Western Railroad Co.
Reporting Marks: GTW.
Greenville and Northern Railway Co.
Reporting Marks: GRN.
Greenwich & Johnsonville Railway Co.
Reporting Marks: GJ.
Louisville and Wadley Railway Co.
Reporting Marks: LW.
Louisville, New Albany & Corydon Railroad Co.
Reporting Marks: LNAC.
Middletown and New Jersey Railway Co., Inc.
Reporting Marks: MNJ.
Municipality of East Troy, Wis.
Reporting Marks: METW.
New Orleans Public Belt Railroad.
Reporting Marks: NOPB.
Norfolk and Western Railway Co.
Reporting Marks: ACY-N&W-NKP-WAB.
Pearl River Valley Railroad Co.
Reporting Marks: PRV.
Raritan River Rail Road Co.
Reporting Marks: RR.
Sacramento Northern Railway.
Reporting Marks: SN.
St. Johnsbury & Lamoille County Railroad.
Reporting Marks: SJL.
St. Lawrence Railroad.
Reporting Marks: NSL.
Sierra Railroad Co.
Reporting Marks: SERA.
Terminal Railway, Alabama State Docks.
Reporting Marks: TASD.
Tidewater Southern Railway Co.
Reporting Marks: TS.
Toledo, Peoria & Western Railroad Co.
Reporting Marks: TPW.
WCTU Railway Co.
Reporting Marks: WCTR.
Western Maryland Railway Co.
Reporting Marks: WM.
Western Railway of Alabama.
Reporting Marks: WA.
Youngstown & Southern Railway Co.
Reporting Marks: YS.
Yreka Western Railroad Co.
Reporting Marks: YW.

Effective May 15, 1978, and continuing in effect until further order of this Commission.

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

INTERSTATE COMMERCE COMMISSION,

ROBERT S. TURKINGTON,
Agent.

[FR Doc. 78-13539 Filed 5-17-78; 8:45 am]

[7035-01]

[Nineteenth Revised Exemption No. 129

EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES ORDERED IN EX PARTE NO. 241

It appearing, That the railroads named herein own numerous 40-ft. plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by

the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 407, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44-ft. 6-in. or less, regardless of door width and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlanta & Saint Andrews Bay Railway Co.
Reporting Marks: ASAB.
Bessemer & Lake Erie Railroad Co. deleted.
Chicago, West Pullman & Southern Railroad Co.
Reporting Marks: CWP.
Detroit & Mackinac Railway Co.
Reporting Marks: D&M -DM.
Illinois Terminal Railroad Co.
Reporting Marks: ITC.
Louisville, New Albany & Corydon Railroad Co.
Reporting Marks: LNAC.
New Hope & Ivyland Railroad Co.
Reporting Marks: NHIR.
Richmond, Fredericksburg & Potomac Railroad Co.
Reporting Marks: RFP.

Effective 12:01 a.m., May 15, 1978, and continuing in effect until further order of this Commission.

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

INTERSTATE COMMERCE COMMISSION,
ROBERT S. TURKINGTON,
Agent.

[FR Doc. 78-13540 Filed 5-17-78; 8:45 am]

[7035-01]

[Volume No. 90]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

MAY 10, 1978.

The following applications are governed by Special Rule 247 of the Commission's general rule of practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(e)(3) of the rules of practice which requires that it set forth specifically the gounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use a such authority to provide all or part of the service proposed), and shall specify with particularly the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protest not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if not representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(e)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 5470 (Sub-No. 142F), filed March 28, 1978. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Applicant's representative: Brian L. Troiano, 918 16th Street, NW., Washington, DC 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Alloys, ores, and pig iron,* in dump vehicles, from Chicago, IL to points in IN, KY, MD, MI, NY, OH, and PA. (Hearing site: Washington, DC or New York, NY.)

No. MC 26396 (Sub-No. 170F), filed March 27, 1978. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 990, Livington, MT 59047. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Materials, equipment, and supplies* utilized in the manufacture, sales, and distribution of office furniture and equipment, from Bend, OR and points in MO, IL, and IN to Muscatine, IA; and (2) *returned and rejected shipments* of commodities named in (1) above, from Muscatine, IA to points in MO, IL, and IN. Restriction: Restricted against the transportation of commodities in bulk, and further restricted to traffic originating at the named origins and destined to the named destinations. (Hearing site: Chicago, IL or Omaha, NE.)

No. MC 28956 (Sub-No. 20F), filed March 27, 1978. Applicant: McKAY'S TRUCK LINE, INC., 908 N. Pacific Highway, P.O. Box 634, Albany, OR 97321. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, OR 97210. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *magnesium flux,* in bags and barrels, from the facilities of S.R.C. Corp. at Millersburg, OR, to points in WA, NV, UT, and CA. (Hearing site: Portland, OR.)

No. MC 29079 (Sub-No. 93F), filed March 28, 1978. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 S. Union Street, Kokomo, IN 46901. Applicant's representative: Chandler L. van Orman, 1729 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Automobile parts and related items,* between Danville and Kankakee, IL, and points in IN, OH, and those in MI on and south of a line beginning at Ludington, MI and extending along U.S. Hwy 10 to junction Business Route 10 to Midland, MI, then along MI Hwy 20 to Saginaw River to Saginaw, and then along the Saginaw River to Saginaw Bay on the one hand, and, on the other, the facility of American Motors Corp. at or near Kenosha, WI, and points in Racine County, WI. (Hearing site: Chicago, IL.)

No. MC 29886 (Sub-No. 338), filed December 22, 1977. Applicant: DALLAS & MAVIS FORWARDING CO., a corporation, 4200 39th Ave., Kenosha, WI 53142. Applicant's representative: Paul Sullivan, 711 Washington Bldg. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Air compressors, and earth drilling machinery and equipment,* between Claremont, NH, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC.)

NOTE.—Common control may be involved.

No. MC 41406 (Sub-No. 67F), filed March 27, 1978. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint*, in drums, from Delaware, OH, to Portage, IN. (Hearing site: Chicago, IL.)

No. MC 42261 (Sub-No. 135F), filed March 27, 1978. Applicant: LANGER TRANSPORT CORP., Box 305, Jersey City, NJ 07303. Applicant's representative: W. C. Mitchell, 370 Lexington Ave., New York, NY 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid wax*, in bulk, in tank vehicles, from points in the New York, NY and Philadelphia, PA commercial zones to points in ME, NH, and VT. (Hearing site: New York, NY or Newark, NJ.)

No. MC 42261 (Sub-No. 136F), filed March 28, 1978. Applicant: LANGER TRANSPORT CORP., Box 305, Jersey City, NJ, 07303. Applicant's representative: W. C. Mitchell, 370 Lexington Avenue, New York, NY, 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials*, from Eden, NC, to points in NJ, NY and PA; and (2) *Materials, supplies* and *equipment* used in the manufacture, sale, and distribution of malt bererages, and returned empty malt beverage containers, (except commodities in bulk), from points in NJ, NY and PA to Eden, NC. (Hearing site: New York, NY or Washington, DC.)

No. MC 59725 (Sub-No. 2F), filed March 13, 1978. Applicant: MACK AVENUE MOVING & STORAGE, INC., 7740 Gratiot, Detroit, MI 48213. Applicant's representative: Robert B. Simon, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods and baggage*, between points in Wayne, Oakland and Macomb Counties, MI, in non-radial movement. (Hearing site: Detroit, MI, or Washington, DC.)

No. MC 60014 (Sub-No. 84F), filed April 3, 1978. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, PA 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Applicant seeks authority as a *common carrier*, over irregular routes, transporting: *Pipe, fittings, fire hydrants, values* and *accessories* used in the installation thereof (except commodities in bulk) from the facilities of Clow Corp. located at or near Birmingham and Pell City, AL, to points in CT, DE, IL, IN, IA, KY, ME, MD, MA, MI, MN, MO, NH, NJ, NY, OH, PA, RI, VT, VA, WV, WI, and DC. (Hearing site: Chicago, IL.)

No. MC 63417 (Sub-No. 146F), filed March 28, 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: *metal containers*, from Salisbury, NC, to points in the United States (except AK and HI) and refused or rejected shipments of metal containers on return. (Hearing site: Roanoke or Richmond VA.)

No. MC 73688 (Sub-No. 79F), filed March 27, 1978. Applicant: SOUTHERN TRUCKING CORP., 1500 Orenda Avenue, Memphis, TN 38107. Applicant's representative: James N. Clay, III, 2700 Sterick Building, Memphis, TN 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Memphis, TN, to points in KS and MO. (Hearing site: Memphis, TN.)

No. MC 82842 (Sub-No. 223F), filed March 2, 1978. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, NE 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, conduit, fittings, valves, accessories and supplies* used in the installation thereof, from points in Geneva County, AL to points in AZ, CA, CO, IA, ID, KS, MO, NE, NM, OK, TX, UT, and WY; and (2) *Materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above, from points in the above named States to Geneva County, AL, restricted against the transportation of commodities in bulk. (Hearing site: Atlanta, GA.)

No. MC 95540 (Sub-No. 1009F), filed March 27, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Applicant's representative: Benjy W. Fincher, 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles* distributed by meat packinghouses, as described in section A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Chicago, IL, to Jackson, MS. (Hearing site: Chicago, IL, or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 95876 (Sub-No. 233F), filed March 27, 1978. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Applicant's representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring, hardwood flooring systems and accessories therefore*, from Dollar Bay, MI, to points in CT, DE, IL, IA, KS, KY, ME, MD, MA, MI, MO, NH, NJ, IN, NY, OH, OK, PA, RI, TX, VT, VA, WV, and WI. (Hearing site: Chicago, IL.)

NOTE.—Common control may be involved.

No. MC 99749 (Sub-No. 5F), filed March 27, 1978. Applicant: BOURNE'S TRANS., INC., 1254 Belmont Street, Brockton, MA 02401. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to operate in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Boots and shoes and boot and shoe factory supplies, materials, and equipment*, used in the manufacture of footwear (except commodities in bulk and those requiring special equipment), (a) from Windsor, VT, and points in ME and NH, to facilities used by Consolidator's Warehouse, Inc., in Brockton, MA; and (b) from Brockton, MA to points in ME and NH. (Hearing site: None specified.)

No. MC 100666 (Sub-No. 388F), filed March 27, 1978. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Copper articles*, from Pulaski, TN to points in the United States in and east of CO, NE, ND, OK, SD, and TX; and (2) *scrap copper*, from points in and east of CO, NE, ND, OK, SD, and TX to Pulaski, TN. (Hearing site: Nashville, TN.)

No. MC 100666 (Sub-No. 389F), filed March 27, 1978. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and metal articles*, between points in AR, KS, LA, OK, TN, and TX in a nonradial movement. (Hearing site: Dallas, TX.)

No. MC 103051 (Sub-No. 437F), filed April 3, 1978. Applicant: FLEET TRANSPORT CO., INC., 934—44th Avenue, North, Nashville, TN 37209.

Applicant's representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. Authority sought to operate as a *common carrier*, over irregular routes, by motor vehicle, transporting: *Vegetable oils and vegetable oil products*, in bulk, in tank vehicles, between points in NC, SC and VA, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Nashville, TN or Atlanta, GA.)

No. MC 103066 (Sub-No. 67F), filed March 28, 1978. Applicant: STONE TRUCKING CO., a corporation, P.O. Box 2014, Tulsa, OK 74101. Applicant's representative: Eugene D. Anderson, Suite 428, 910 Seventeenth Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, household goods, articles of unusual value, and classes A and B explosives), from Brockton, MA, to Los Angeles and San Francisco, CA. (Hearing site: Boston, MA or Washington, DC.)

No. MC 103066 (Sub-No. 68F), filed March 28, 1978. Applicant: STONE TRUCKING CO., a corporation, P.O. Box 2014, Tulsa, OK 74101. Applicant's representative: Eugene D. Anderson, Suite 428, 910 Seventeenth Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic items, film, and sheeting*, from Tulsa, OK, to points in the United States (except AK and HI). (Hearing site: Tulsa, OK or Washington, DC.)

No. MC 104421 (Sub-No. 26F), filed March 27, 1978. Applicant: ECONOLINES, INC., P.O. Box 623, D.T.S., Omaha, NE 68101. Applicant's representative: Roger W. Norris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk, and those requiring special equipment), between Red Cloud, NE, and Lyons, NE, serving all intermediate points as follows: (a) from Red Cloud over U.S. Hwy 136 to junction U.S. Hwy 77, then over U.S. Hwy 77 to Lyons, and return over the same route; and (b) From Red Cloud over U.S. Hwy 281 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction U.S. Hwy 275, then over U.S. Hwy 275 to junction NE Hwy 51, then over NE Hwy 51 to junction U.S. Hwy 77, then over U.S. Hwy 77 to Lyons, and return over the same route. (Hearing site: Lincoln, NE.)

NOTE.—Common control may be involved.

No. MC 106644 (Sub-No. 254F), filed March 29, 1978. Applicant: SUPERIOR TRUCKING CO., INC., P.O. Box 916, Atlanta, GA 30301. Applicant's representative: Frank Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Lumber, plywood, veneer, bark products, particleboard, laminated lumber products, and shakes*, from the facilities of Bohemia, Inc., at or near Coburg, Culp Creek, Dexter, Eugene, Junction City, Reedsport, and Saginaw, OR; and Lakeside, Auburn, Grass Valley, and Toyon (near Valley Springs), CA, to points in the United States in and east of ND, SD, WY, CO, AND NM. (Hearing site: Portland, OR or Washington, DC.)

No. MC 106644 (Sub-No. 256F), filed March 29, 1978. Applicant: SUPERIOR TRUCKING CO., INC., P.O. Box 916, Atlanta, GA 30301. Applicant's representative: Frank Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Lumber and forest products*, from the facilities of American Forest Products Co., located at or near Martell, Toyon (near Valley Springs), Foresthill, Oakhurst, Fresno, Stockton, Johnsondale, and North Fork, CA, to points in the United States east of SD, ND, WY, CO, and NM. Restricted to the transportation of shipments originating at the named facilities of American Forest Products Co. (Hearing site: San Francisco, CA or Washington, DC.)

No. MC 107403 (Sub-No. 1071F), filed March 20, 1978. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: Martin C. Hynes, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Lime, in bulk and bags*, from (1) Shelby County, AL to AR; LA & VA; and (2) from Amelia, LA to AR. (Hearing site: Washington, DC.)

No. MC 108460 (Sub-No. 63F), filed March 23, 1978. Applicant: PETROLEUM CARRIERS CO., a corporation, P.O. Box 762, Sioux Falls, SD 57101. Applicant's representative: Gary Mundhenke (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in tank vehicles, from the facilities of Pure Plant Food Int., Ltd., located at or near Sioux Falls, SD, to points in CO, OH, IL, IN, and WI. (Hearing site: Minneapolis, MN or Sioux Falls, SD.)

NOTE.—Common control may be involved.

No. MC 111812 (Sub-No. 564F), filed April 10, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaged petroleum products* (except commodities in bulk, in tank vehicles), from the facilities of Witco Chemical Corp., located at or near New Kensington and Bradford, PA, to points in FL and GA. Restricted to traffic originating at the named origins. (Hearing site: Washington, DC.)

NOTE.—Common control may be involved.

No. MC 111812 (Sub-No. 567F), filed April 10, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles* distributed by meat packinghouses (except hides and commodities in bulk), as defined in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from the facilities of Wilson Foods Corp., at Monmouth, IL to points in ID, MT, OR, UT, WA, and WY; restricted to the transportation of traffic originating at the above named origins and destined to the named destinations. (Hearing site: Chicago, IL.)

NOTE.—Common control may be involved.

No. MC 112304 (Sub-No. 139F), filed March 27, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except in bulk), from: (a) the plantsite of Tube Turns, Division of Chemetron Corp., at Louisville, KY, to points in the United States (except AL, AR, FL, GA, HI, IL, IA, LA, MN, MS, MO, NC, OK, SC, TN, TX, VA, and WI), (b) the plantsite of Tube Turns, Division of chemetron Corp., at Houston, TX, to points in the United States (except HI), and (c) the plantsite of Tube Turns, Division of Chemetron Corp., at Philadelphia, PA, to the plantsite of Tube Turns, Division of Chemetron Corp., at Louisville, KY and Houston, TX. (Hearing site: Louisville, KY.)

NOTE.—Common control may be involved.

No. MC 112617 (Sub-No. 385F), filed March 27, 1978. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, KY 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M

Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from Owensboro, KY, to points in AR. (Hearing site: Louisville, KY or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 112713 (Sub-No. 211F), filed March 3, 1978. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, KS 66207. Applicant's representative: David B. Schneider (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouse products* in temperature controlled vehicles from East St. Louis, IL, to Manchester, MD. (Hearing site: St. Louis, MO.)

NOTE.—Common control may be involved.

No. MC 113459 (Sub-No. 121F), filed March 23, 1978. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, OK 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and particleboard* from Columbia Falls, MT, to points in IL, IA, and WI. (Hearing site: Missoula, MT or Dallas, TX.)

No. MC 113678 (Sub-No. 731F), filed March 22, 1978. Applicant: CURTIS, INC., P.O. Box 16004, Stockyard Station, Denver, CO 80216. Applicant's representative: Roger M. Shaner (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products* (except commodities in bulk, in tank vehicles), from points in Cameron, Willacy, Starr, Hidalgo, and Nueces Counties, TX, to points in AZ, CA, CO, IN, IA, KS, MI, MN, NE, and WI. (Hearing site: Houston or Dallas, TX.)

No. MC 113751 (Sub-No. 21F), filed March 28, 1978. Applicant: HAROLD F. DUSHEK, INC., 10th and Columbia Streets, Waupaca, WI 54981. Applicant's representative: Edward Solie, Executive Building—Suite 100, 4513 Vernon Blvd., Madison, WI 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beverage preparations*, and (2) *commodities* otherwise exempt from economic regulation pursuant to the Interstate Commerce Act, when moving in mixed loads with the commodities in (1) above (except commodities in bulk), from Manawa, WI, to points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VT, VA, WV, and DC. (Hearing site: Madison, WI.)

No. MC 113751 (Sub-No. 22F), filed March 27, 1978. Applicant: HAROLD F. DUSHEK, INC., 10th and Columbia Streets, Waupaca, WI 54981. Applicant's representative: Edward Solie, Executive Building—Suite 100, 4513 Vernon Blvd., Madison, WI 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), from the facilities of Ore-Ida Foods, Inc. or Terminal Ice & Cold Storage Co. at or near Plover, WI, to points in FL, AR, AL, GA, IL, IN, IA, KS, KY, LA, MN, MS, MO, NC, OK, SC, TN, and TX, restricted to traffic originating at and destined to the points named herein. (Hearing site: Madison, WI.)

No. MC 113855 (Sub-No. 417F), filed March 27, 1978. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Applicant's representative: Richard P. Anderson, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: (1) *Mining machinery* and *equipment;* (2) *material handling equipment*, and (3) *parts* and *attachments* for the commodities named in (1) and (2) above, from Chicago, IL, and points in Rutherford County, TN, to points in the United States (including AK but excepting HI). (Hearing site: Chicago, IL.)

NOTE.—Common control may be involved.

No. MC 114211 (Sub-No. 353F), filed March 28, 1978. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Applicant's representative: Adelor J. Warren, P.O. Box 420, Waterloo, IA 50704. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Self-propelled vehicles, backhoes, cranes, and lift trucks;* (2) *attachments and accessories* for (1) above; and (3) *parts* for (1) and (2) above, from points in Tift County, GA, to points in the United States (except AK and HI) and all ports of entry on the International Boundary Line between the United States and Canada for furtherance into all Provinces of Canada. (Hearing site: Atlanta, GA.)

No. MC 114552 (Sub-No. 158F), filed March 27, 1978. Applicant: SENN TRUCKING CO., a corporation, P.O. Drawer 220, Newberry, SC 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, Post Office Box 1240, Arlington, VA 22210. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Commodities of the type dealt in by retail home improvement and home furnishing and lumber stores* (except in bulk), between points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MS, NJ, NC, OH, PA, SC, TN, VA, WV, and DC in non-radial movement. Restriction: Restricted to shipments destined to the retail facilities of the Wickes Corp. in the above-named territories. (Hearing site: Washington, DC)

No. MC 115162 (Sub-No. 413F), filed March 27, 1978. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, composition shingles, rolled roofing and accessories thereto, roofing compound, roofing asphalt* (except liquid in bulk, in tank vehicles), from facilities of Elk Corp. of Alabama located at or near Tuscaloosa, AL, to points in AR, TN, MS, GA, KY, NC, SC, FL, and IN. (Hearing site: Birmingham, AL or Atlanta, GA.)

No. MC 115162 (Sub-No. 414F), filed April 10, 1978. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in cases and drums, from the plantsite of Texaco, Inc. located at or near Port Arthur, TX, to the plant site of Texaco, Inc. located at or near Bayonne, NJ. (Hearing site: Houston, TX or Washington, DC.)

No. MC 115233 (Sub-No. 4F), filed March 29, 1978. Applicant: MARSHALL STORAGE CO., a corporation, Highway 19 East, P.O. Box 145, Marshall, MN 56258. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from the facilities of Big Stone, Inc., located at or near Arlington and Ortonville, MN, and Bloomer, WI, to points in OK and TX. (Hearing site: Fargo, ND or Minneapolis, MN.)

No. MC 115496 (Sub-No. 88F), filed March 27, 1978. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, GA 31014. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Prestressed concrete and*

prestressed concrete building members, from the facilities of HDW Houdaille, Division of Houdaille Industries, Inc. at or near Jonesboro, GA, to points in AL, NC, SC, and TN. (Hearing site: Atlanta, GA.)

No MC 115654 (Sub-No. 83F), filed March 27, 1978. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Applicant's representative: Henry E. Seaton, 915 Pennsylvania Building, 13th and Pennsylvania Avenue NW., Washington, DC 20004. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Printed matter,* from Nashville, TN, to points in AL, AR, GA, IL, IN, KY, LA, MS, MO, and OH, restricted to traffic originating at the facilities of Baird-Ward Printing Co. (Hearing site: Nashville, TN or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 115654 (Sub-No. 84F), filed March 27, 1978. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Applicant's representative: Henry E. Seaton, 915 Pennsylvannia Avenue NW., Washington, DC 20004. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Oleo margarine, yeast, vegetable oil, shortening, and gravy mixes,* in vehicles equipped with mechanical refrigeration, from the facilities of Standard Brands, Inc., located at or near Indianapolis, IN to points in AL, KY, TN (except Memphis and its commercial zone), WV, that part in VA on and west of U.S. Hwy 21, and points in Hamilton County, OH. (Hearing site: New York, NY or Nashville, TN.)

NOTE.—Common control may be involved.

No. MC 115841 (Sub No. 621F), filed March 27, 1978. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain grocery and food business houses (except in bulk), from the facilities of Kraft, Inc., at Garland, TX, to points in LA, MS, TN, AR, OK, KS, and MO. (Hearing site: Dallas, TX.)

NOTE.—Common control may be involved.

No. MC 116915 (Sub-No. 49F), filed March 27, 1978. Applicant: ECK MILLER TRANSPORTATION CORP., 1830 South Plate Street, Kokomo, IN 46901. Applicant's representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Industrial heat treating furnaces and parts and incinerators and parts,* between the facilities of Sunbeam Corp., Meadville, PA, on the one hand, and, on the other, points east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the United States and Canada. (Hearing site: Pittsburgh, PA or Washington, DC.)

No. MC 116915 (Sub-No. 50F), filed March 28, 1978. Applicant: ECK MILLER TRANSPORTATION CORP., 1830 South Plate Street, Kokomo, IN 46901. Applicant's representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber and lumber products,* (1) from the facilities of the Gilman Paper Co. at Dudley (Laurens County), GA, and at or near Blackshear (Pierce County), GA, to points in CT, DE, DC, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI; and (2) from the facilities of Gilman Paper Co. (Building Products Division), located at or near Middlebury (Clay County), FL, to points in CT, DE, DC, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and WI. (Hearing site: Savannah, GA or Jacksonville, FL.)

No. MC 116915 (Sub-No. 51F), filed March 27, 1978. Applicant: ECK MILLER TRANSPORTATION CORP., 1830 South Plate Street, Kokomo, IN 46801. Applicant's representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Zinc, zinc alloy and zinc products,* from Montgomery County, TN, to points in and east of ND, SD, NE, KS, OK, and TX; and (2) *equipment, machinery, materials and supplies* (exept commodities in bulk), used in the manufacture, process, or distribution of commodities in (1) above, from points in and east of ND, SD, NE, KS, OK, and TX, to points in Montgomery County, TN. Restriction: Restricted to the transportation of traffic originating at or destined to the named origins and named destinations in (1) and (2) above, except traffic moving in foreign commerce. (Hearing site: Nashville, TN.)

No. MC 117574 (Sub-No. 304F), filed March 28, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Applicant's representative: James W. Hagar, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Anti-pollution systems,* (2) *sewage, water and refuse treatment systems,* (3) *environmental control and protective systems,* (4) *air, liquid, and gas cleaning, heating, cooling, condensing, conditioning, humidifying, equalizing and moving equipment,* and (5) *components, parts, materials, and accessories,* used in connection with the erection, construction and manufacture of the above items, between Knoxville, TN, on the one hand, and, on the other, points in the United States, including AK but excluding HI. (Hearing site: Knoxville, TN or Atlanta, GA.)

NOTE.—Common control may be involved.

No. MC 117574 (Sub-No. 305F), filed March 28, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr. (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Steel piling, and pile-driving equipment and machinery,* from Jacksonville, FL, to points in NC, and SC. (Hearing site: Jacksonville, FL or Atlanta GA.)

NOTE.—Common control may be involved.

No. MC 117574 (Sub-No. 306F), filed March 24, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Applicant's representative James W. Hagan, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Warehouse storage systems and accessories, parts, and materials* used in the installation of warehouse storage systems, from Perkasie, PA to points in the United States (except AK and HI). (Hearing site: Philadelphia, PA or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 117369 (Sub-No. 14F), filed April 3, 1978. Applicant: PICK'S PACK HAULER, d.b.a. PICK'S PACK HAULER, INC., 1214 East South Street, Hastings, NE 68901. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Brick and clay products,* from the facilities of Summit Pressed Brick and Title Co., located at or near Pueblo and Trini-

dad, CO, to points in NE, under continuing contract or contracts with Yankee Hill Brick Manufacturing; Lumbermen's Brick and Supply Co.; and Summit Pressed Brick and Tile Co. (Hearing site: Lincoln, NE or Denver, CO.)

No. MC 117786 (Sub-No. 18F), filed March 28, 1978. Applicant RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85009. Applicant's representative: Thoms F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Charcoal; charcoal briquettes, fireplace logs* (compressed sawdust wax impregnated); *charcoal lighter fluid,* in cans, in cartons; *hickory chips* (not charred) for flavoring purposes; and *vermiculite* (other than crude) from Elk Grove, CA to points in AZ, NV, and UT. (Hearing site: Louisville, KY.)

No. MC 117815 (Sub-No. 282F), filed March 9, 1978. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, IA 50317. Applicant's representative: Dewey Marselle, 405 SE. 20th Street, Des Moines, IA 50317. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except commodities in bulk), from the facilities of or utilized by Jeno's, Inc., at Duluth, MN, to points in IL, IN, MI, and OH; and (2) *foodstuffs* (except commodities in bulk), from the facilities of or utilized by Jeno's, Inc., at or near Sodus, MI to points in IA, KS, MO, NE, and WI. Restricted in parts (1) and (2) above to the transportation of traffic originating at the above named origins and destined to the named destinations. (Hearing site: Chicago, IL, or Minneapolis, MN.)

No. MC 117815 (Sub-No. 284F), filed March 28, 1978. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, IA 50317. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Frozen foods* (except commodities in bulk), from the facilities of or utilized by Ore-Ida Foods, Inc. and Terminal Ice & Cold Storage Co. located at or near Plover, WI, to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, and TN; and (2) *returned, refused, or rejected merchandise* described in part (1), from IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, and TN, to the facilities of or utilized by Ore-Ida Foods, Inc. and Terminal Ice & Cold Storage Co. at or near Plover, WI, restricted in parts (1) and (2) to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing sites: Chicago, IL or Milwaukee, WI.)

No. MC 117940 (Sub-No. 273), filed April 10, 1978. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Applicant's representative: Allan Timmerman (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) (a) *Frozen foods* (except commodities in bulk), from the facilities of Terminal Ice and Cold Storage located at or near Plover, WI; and (b) from the facilities utilized by Ore-Ida Foods, Inc. located at or near Plover, WI, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC; and (2) *returned, refused, and rejected frozen foods,* in the reverse direction, restricted to traffic originating at the named facilities at named origins, and destined to named destinations. (Hearing site: Portland, OR.)

No. MC 119226 (Sub-No. 103F), filed March 28, 1978. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, IN 46227. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier,* by motor vehicles, over irregular routes, transporting: *Vegetable oils and products thereof,* in bulk, in tank vehicles, (1) between points in Hamilton County, TN on the one hand and, on the other, points in the United States in and east of the States of ND, SD, NE, KS, OK, and TX; (2) between Decatur, IN on the one hand and, on the other, points in the United States in and east of the States of ND, SD, NE, KS, OK, and TX; and (3) between Gibson City, IL on the one hand and, on the other, points in the United States in and east of the States of ND, SD, NE, KS, OK, and TX. (Hearing site: Washington, DC.)

NOTE.—Common contol may be involved.

No. MC 119422 (Sub-No. 60F), filed March 24, 1978. Applicant: EE-JAY MOTOR TRANSPORTS, INC., P.O. Box 1037, 15th and Lincoln, E. St. Louis, IL 62204. Applicant's representative: Ernest E. Brooks II, 1301 Ambassador Building, St. Louis, MO 63101. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer material,* in bulk, from Bussen Spur, MO to points in IL. (Hearing site: Chicago or Springfield, IL.)

No. MC 119493 (Sub-No. 190F), filed March 27, 1978. Applicant: MONKEM CO., INC., P.O. Box 1196, Joplin, MO 64801. Applicant's representative: Lawrence F. Kloeppel (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Flour* (escept in bulk in tank vehicles), from St. Louis, MO and Chester, IL, to points in AR, AL, IN, IA, IL, KS, KY, LA, MS, MO, NE, OH, OK, TN, TX, and FL; (2) *animal and poultry feed and ingredients,* from East St. Louis, IL, to points in AR, CO, IA, IL, IN, KS, KY, LA, MI, MN, MO, MS, NE, OK, OH, SD, TN, TX, WI, and FL; and (3) *materials, supplies and advertising materials,* used in the manufacture, processing, sale, and distribution of the commodities in (1) and (2) above, from the named destinations to St. Louis, MO, East St. Louis, IL, and Chester, IL. (Hearing site: Kansas City, MO or Omaha, NE.)

No. MC 119741 (Sub-No. 92F), filed March 28, 1978. Applicant: GREEN FIELD TRANSPORT CO., INC., 3225 Fifth Avenue South, Fort Dodge, IA 50501. Applicant's representative: D. L. Robson, P.O. Box 1235, Fort Dodge, IA 50501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, (except hides and commodities in bulk, in tank vehicles), from St. Joseph, MO to points in CT, DE, IL, IN, IA, KY, MD, MA, MI, MN, NE, NJ, NY, OH, PA, RI, SD, VA, WV, WI, and DC. (Hearing site: Kansas City, MO.)

No. MC 121496 (Sub-No. 9F), filed March 28, 1978. Applicant: CANGO CORP., Suite 2900, 1100 Milam Building, Houston, TX 77002. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk, from the plantsites of Jefferson Chemical Co., Inc., located at or near Port Neches, Youens (Montgomery County), and Austin, TX, to points in the United States (except AK and HI), restricted to the transportation of shipments originating at the named origins. (Hearing site: Houston, TX, or New Orleans, LA.)

No. MC 123048 (Sub-No. 398F), filed March 27, 1978. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, P.O. Box 1557, Racine, WI 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (A)(1) *Air-*

conditioners, air coolers, air-conditioning equipment, heaters, furnaces, and heating equipment; (2) *related parts, accessories, materials, and supplies* named in (1) above, from Baldwin County, GA, to points in the United States in and east of MN, IA, MO, AR, and LA; and (B) *materials, parts, and supplies,* used in the manufacture, production, and distribution of commodities named in (A) above, from points in the United States in and east of MN, IA, MO, AR, and LA, to Baldwin County, GA. (Hearing site: Atlanta, GA.)

No. Mc 123255 (Sub-No. 151F), filed March 23, 1978. Applicant: B. & L. MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Applicant's representative: C. F. Schnee, Jr., 140 Everett Avenue, Newark, OH 43055. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals and plastic products* (except expanded), and *materials, equipment, and supplies* (except commodities in bulk), used in the manufacture of chemicals and plastic products, between the facilities of Dow Chemical Co. at or near Midland, MI, on the one hand, and, on the other, points in CT, DE, IL, IN, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, and WV. (Hearing site: Columbus, OH.)

No. MC 124306 (Sub-No. 43F), filed March 28, 1978. Applicant: KENAN TRANSPORT CO., INC., P.O. Box 2729, Chapel Hill, NC 27514. Applicant's representative: Richard A. Mehley, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry plastics* (other than expanded) and *dry polyester resin,* in bulk, in tank or hopper-type trailers, from points in Spartanburg County, SC, to points in DE, PA, NY, NJ, CT, RI, MA, and GA. (Hearing site: Washington, DC, or Spartanburg, SC.)

NOTE.—Common control may be involved.

No. MC 124692 (Sub-No. 208F), filed April 3, 1978. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Applicant's representative: J. David Douglas, P.O. Box 4347, Missoula, MT 59806. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bituminous fibre pipe and conduit, plastic products, and fibre vaults,* from the facilities of Bermico Co., at or near West Bend, WI, to points in CA. (Hearing site: Milwaukee, WI.)

No. MC 124896 (Sub-No. 54F), filed April 10, 1978. Applicant: WILLIAMSON TRUCK LINES, INC., Thorne and Ralston Streets, P.O. Box 3485, Wilson, NC 27893. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses,* as described in sections A, B, and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of Swift & Co., located at or near Chicago, Rochelle, and St. Charles, IL, to points in GA and NC, restricted to the transportation of traffic originating at the named origins and destined to the named destination States. (Hearing site: Chicago, IL.)

No. MC 124947 (Sub-No. 106F), filed March 28, 1978. Applicant: MACHINERY TRANSPORTS, INC., 1945 South Redwood Road, Salt Lake City, UT 84104. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, UT 84104. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Unit heaters, propeller fans, and blowers* (except in bulk), between points in the United States (excluding AK and HI), in nonradial movement. (Hearing site: Chicago, IL.)

NOTE.—Common control may be involved.

No. MC 125951 (Sub-No. 27F), filed March 27, 1978. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 7000 West Center Road, Suite 325, Omaha, NE 68106. Applicant's representative: Robert M. Cimino, 7000 West Center Road, Suite 325, Omaha, NE 68106. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat byproducts, and articles distributed by meat packinghouses,* as described in sections A and C of appendix I to the report in Description in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Sioux City, IA, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC. (Hearing site: Omaha, NE.)

NOTE.—Applicant holds motor contract carrier authority in MC 135033 and subs, therefore, dual operations may be involved.

No. MC 127042 (Sub-No. 211F), filed March 28, 1978. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, IA 51108. Applicant's representative: Robert G. Tessar, P.O. Box 98, Leeds Station, Sioux City, IA 51108. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned goods, materials, equipment, and supplies* used in the manufacture thereof, between points in Grant, Madison, and Tipton Counties, IN, on the one hand, and, on the other, points in AZ, CO, IL, IA, KS, MN, MO, NE, ND, OK, SD, TX, and WI. (Hearing site: Indianapolis, IN, or Chicago, IL.)

No. MC 127705 (Sub-No. 52F), filed March 22, 1978. Applicant: KREVDA BROS. EXPRESS, INC., P.O. Box 68, Gas City, IN. Applicant's representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* from the plantsite of Campbell Soup Co. at Napoleon, OH, to points in PA, OH, NY, NJ, KY, IN, IL, MI, VA, WV, NC, and TN; and (2) *foodstuffs* from Philadelphia, PA, Camden, NJ, and Chicago, IL to the plantsite of Campbell Soup Co. at Napoleon, OH. Restriction: Restricted to traffic originating at and destined to the named origins and named destinations. (Hearing site: Indianapolis, IN, or Washington, DC.)

NO. MC 129032 (Sub-No. 45F), filed March 27, 1978. Applicant: TOM INMAN TRUCKING, INC., 6015 South 49th West Avenue, Tulsa, OK 74107. Applicant's representative: David R. Worthington (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* in vehicles with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the facilities of Kraft, Inc., at New Ulm, MN, to points in CT, PA, VA, DE, DC, ME, MD, MA, NH, NY, NJ, RI, VT, OH, IN, MI, WV, KY, IL, ND, SD, NE, IA, MO, and WI. Restricted to traffic originating at the above-named origin and destined to points in the named destination States. (Hearing site: Chicago, IL, or St. Louis, MO.)

NOTE.—Common control may be involved.

No. MC 133689 (Sub-No. 178F), filed March 27, 1978. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW., New Brighton, MN 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Rochester, MN, to points in MO, KS, IL, IN, MI, OH, KY, TN, AL, GA, SC, and NC, restricted to traffic originating at the above-named origin and destined to the above indicated destinations. (Hearing site: St. Paul, MN.)

No MC 134235 (Sub-No. 8F), filed March 27, 1978. Applicant: KUHNLE BROTHERS, INC., P.O. Box 128, Chagrin Falls, OH 44022. Applicant's representative: Kenneth T. Johnson, Bankers Trust Building, Jamestown,

NY 14701. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes transporting: *Solar salt in pneumatic vehicles*, from Jersey City, NJ to points in NJ, PA, NY, CT and MA. (Hearing site: Buffalo, NY.)

NOTE.—Applicant holds contract carrier authority in MC 138194, therefore dual operations may be involved.

No. MC 134477 (Sub-No. 225F), filed March 27, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts* and *articles* distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of King Foods at Minneapolis/St. Paul, MN, to points in AR, CT, DE, GA, IL, IN, IA, KY, ME, MD, MA, MI, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC. Restricted to the traffic originating at the above named origins and destined to the above named destinations. (Hearing site: Minneapolis, MN.)

No. MC 135078 (Sub-No. 22F), filed March 28, 1978. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Applicant's representative: Arthur J. Cerra, P.O. Box 19251, 2100 TenMain Center, Kansas City, MO 64141. Authority is sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Commodities* as are dealt in or sold by retail department of discount stores including *precious jewels* and *jewelry featuring precious gems*, (except commodities in bulk), from Boston, MA, Jersey City, NJ, New York, NY, and Philadelphia, PA, to the facilities of Mid-West Pool Car Shipping Association, Inc., located at or near Denver, CO. (Hearing site: Denver, CO.)

No. MC 135399 (Sub-No. 5F), filed March 27, 1978. Applicant: HASKINS TRUCKING, INC., P.O. Drawer 7729, Longview, TX 75602. Applicant's representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water heaters, house heating boilers, glass lined tanks and garbage disposals*, from Kankakee, IL, to points in AR, LA, OK and TX. (Hearing site: Dallas, TX or Washington, DC.)

No. MC 135684 (Sub-No. 71F), filed March 23, 1978. Applicant: BASS TRANSPORTATION CO. INC., P.O. Box 391, Old Croton Road, Flemington, NJ 08822. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering, and materials, supplies and equipment* (except in bulk) useful in the installation of floor coverings, from Los Angeles, CA to points in AZ, CO, ID, KS, MT, NE, NM, NV,, ND, OK, SD, TX, UT and WY. (Hearing sites: Washington, DC or Newark, NJ.)

No. MC 135797 (Sub-No. 111F), filed March 27, 1978. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 200, Lowell, AR 72745. Applicant's representative: Paul A. Maestri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles and materials* (except in bulk), and *supplies and equipment* used in the manufacture of plastic articles, between the facilities of Mobil Chemical Co., Plastics Division at Jacksonville and Springfield, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Chicago, IL, or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 136553 (Sub-No. 57F), filed March 23, 1978. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, IA 52001. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from Dubuque and Davenport, IA, to points in IL on and north of U.S. Hwy 136 and points in WI on and south of U.S. Hwy 10. (Hearing sites: Milwaukee, WI or Chicago, IL.)

No. MC 138313 (Sub-No. 33F), filed March 22, 1978. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street, SW., Great Falls, MT 59404. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, millwork and wood products*, from ports of entry on the United States-Canada boundary line located at points in WA, ID, & MT, to points in ID, MT, ND, SD, WY & UT, restricted to traffic originating in foreign commerce from the Province of British Columbia, Canada. (Hearing site: Seattle, WA, or Washington, DC.)

NOTE.—The purpose of the application is to substitute a single-line service for applicant's existing joint-line operations.

No. MC 138313 (Sub-No. 37F), filed March 27, 1978. Applicant: BUILDERS TRANSPORT, INC., 409-14th Street SW., Great Falls, MT 59404. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite*, from points in Big Horn County, WY, to points in CA, ID, MT, OR, and WA. (Hearing site: Houston, TX or Salt Lake City, UT.)

No. MC 138469 (Sub-No. 64F), filed March 23, 1978. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Applicant's representative: Jack Blanshan, 205 West Touhy Avenue, Suite 200, Park, Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies*, used or useful in the production of kitchen cabinets, except commodities in bulk, from points in AL, AR, GA, IL, IN, KY, NH, NC, PA, SC, TN, TX, VA, WV, and WI, to the facilities of Triangle Pacific Corp., located at or near Auburn, NE, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Dallas, TX or Oklahoma City, OK.)

NOTE.—Applicant holds contract carrier authority in MC 136375 and therefore, dual operations may be involved.

No. MC 138841 (Sub-No. 10F), filed March 3, 1978. Applicant: BLACK HILLS TRUCKING CO., a corporation, P.O. Box 2130, Rapid City, SD 57709. Applicant's representative: James W. Olson, P.O. Box 1552, Rapid City, SD 57709. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, between Rapid City, SD, on the one hand, and on the other points in AZ, AR, CT, DE, ID, IN, KS, ME, MD, MO, MT, NE, NV, NJ, NM, ND, OH, OK, PA, TN, TX, UT, VA, and WY, restricted to the transportation of either traffic originating at Rapid City, SD and destined to points in the specified states or traffic originating at points in the specified states and destined to Rapid City, SD. (Hearing site: Rapid City, SD or Denver, CO.)

No. MC 138875 (Sub-No. 81F), filed February 28, 1978. Applicant: SHOEMAKER TRUCKING CO., a corporation, 11900 Franklin Road, Boise, ID 83705. Applicant's representative: F. L. Sigloh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of Ore-Ida, and Terminal Ice and Cold Storage, located at or near Plover, WI, to points in AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IN, KS, KY, LA, MD, MA, MI, MN, MS, MT, MO, NE, NV, NJ, NM, NY, NC, ND, OH, OK,

OR, PA, RI, SC, TN, TX, UT, VA, WA, WV, WI, and WY. Restricted to traffic originating at and destined to the above named destinations. (Hearing site: Chicago, IL or Washington, DC.)

No. MC 138875 (Sub-No. 85F), filed February 27, 1978. Applicant: SHOEMAKER TRUCKING CO., a corporation, 11900 Franklin Road, Boise, ID 83705. Applicant's representative: F. L. Sigloh, 11900 Franklin Road, Boise, ID 83705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wheels, brakes, axles, axle assemblies and component parts* from Elkhart, IN, Minerva, OH, and Seminole, OK, to the facilities utilized by Kelsey Hayes Co. located at or near Chino, CA and McMinnville, OR. Restricted to the transportation of traffic originating at the named origin points and destined to the named destination points. (Hearing site: Portland, OR.)

No. MC 138890 (Sub-No. 9F), filed March 28, 1978. Applicant: MOODIE, INC., 301 Acorn Street, Stevens Point, WI 54481. Applicant's representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods* (except in bulk) from the facilities of Terminal Ice & Cold Storage Co. at or near Plover, WI to points in and east of ND, SD, NE, KS, OK and TX and returned, refused and rejected shipments from points in and east of ND, SD, NE, KS, OK and TX to the facilities of Terminal Ice & Cold Storage Co. at or near Plover, WI. Restriction: the operations authorized herein are restricted to the transportation of shipments originating at the named origins and destined to the named destinations. (2) *Frozen foods* (except in bulk) from the facilities of Ore-Ida Foods, Inc. at or near Plover, WI to points in and east of ND, SD, NE, KS, OK, and TX. Restriction: Restricted to traffic originating at the named origin and destined to the named states. (Hearing site: Boise, ID.)

No. MC 139482 (Sub-No. 44F), filed March 27, 1978. Applicant: NEW ULM FREIGHT LINES, INC., County Road 29 West, New Ulm, MN 56073. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses as described in section A and C of appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 MCC 203, 766 (except hides and commodities in bulk), from the facilities of Hygrade Food Products Corp. located at or near Storm Lake and Cherokee, IA, to points in MS, restricted to traffic originating at the named origin points and restricted to points in the named destination state. (Hearing site: Minneapolis or St. Paul, MN.)

No. MC 139495 (Sub-No. 336F), filed March 28, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water heaters, boilers, glasslined tanks, and garbage disposals* from Kankakee, IL to points in AL, FL, GA, KS, LA, MS, NC, OK, SC, TX, and VA. (Hearing site: Washington, DC.)

No. MC 139495 (Sub-No. 337F), filed March 28, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives, sealants, glues, weather stripping, caulking compounds, cements, and sound deadeners* (except in bulk in tank vehicles) from Kankakee, IL to points in GA, KS, NJ, and TX. (Hearing site: Washington, DC.)

No. MC 139577 (Sub-No. 17F), filed March 27, 1978. Applicant: ADAMS TRANSIT, INC., P.O. Box 338, Friesland, WI 53935. Applicant's representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods* (except in bulk), from the facilities of Terminal Ice & Cold Storage Co. at or near Plover, WI, to points in the United States in and east of MN, IA, MO, AR and LA, and returned, refused and rejected shipments, from points in the United States in and east of MN, IA, MO, AR and LA, to the facilities of Terminal Ice & Cold Storage Co. at or near Plover, WI. Restriction: The operations authorized herein are restricted to the transportation of shipments originating at the named origins and destined to the named destinations. (2) *Frozen foods* (except in bulk), from the facilities of Ore-Ida Foods, Inc. at or near Plover, WI, to points in the United States in and east of MN, IA, MO, AR and LA. Restriction: Restricted to traffic originating at the named origins and destined to the named states. (Hearing site: Boise, ID or Stevens Point, WI.)

No. MC 140011 (Sub-No. 3F), filed March 27, 1978. Applicant: A. C. DENNLER CO., a corporation, P.O. Box 10037, Los Angeles, CA 91209. Applicant's representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stereo consoles and component systems*, from Los Angeles, CA to Norwich, CT, under a continuing contract or contracts with Capehart Corp. (Hearing site: Washington, DC.)

No. MC 140024 (Sub-No. 95F), filed March 28, 1978. Applicant: J. B. MONTGOMERY, INC., (a Delaware corporation), 5565 East 52nd Avenue, Commerce City, CO 80022. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of DAK Foods, Inc. at or near East Brunswick, NJ, to points in AR, IL, IA, MI, NE, OH, and TX, restricted to traffic originating at named origin and destined to named destinations. (Hearing site: Washington, DC.)

NOTE.—Common control may be involved.

No. MC 140101 (Sub-No. 3F), filed March 27, 1978. Applicant: I.T.A. TRUCKING, INC., P.O. Box 219, Amherst, WI 54406. Applicant's representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods* (except in bulk), from the facilities of Terminal Ice & Cold Storage Co. at or near Plover, WI, to points in and east of ND, SD, NE, KS, OK, and TX and returned, refused and rejected shipments, from points in and east of ND, SD, NE, KS, OK, and TX, to the facilities of Terminal Ice & Cold Storage Co. at or near Plover, WI. Restriction: The operations authorized herein are restricted to the transportation of shipments originating at the named origins and destined to the named destinations. (2) *Frozen foods* (except in bulk), from the facilities of Ore-Ida Foods, Inc., at or near Plover, WI, to points in and east of ND, SD, NE, KS, OK, and TX. Restriction: Restricted to traffic originating at the named origin and destined to the named states. (Hearing site: Boise, ID.)

No. MC 140563 (Sub-No. 10F), filed March 27, 1978. Applicant: W. T. MYLES TRANSPORTATION CO., a corporation, Box 321 Conley, GA 30027. Applicant's representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)

Insulating and packaging materials, molded expanded polystyrene, from the facilities of Intergrated Insulation Systems, Inc., at points in DeKalb County, GA, to points in the United States in and east of ND, SD, NE, KS, OK and TX; and (2) *Materials, equipment and supplies* used in the manufacture or distribution of insulating and packaging materials, and *molded expanded polystyrene* (except commodities in bulk), from points in the United States in and east of ND, SD, NE, KS, OK and TX, to the facilities of Integrated Insulation Systems, Inc., at points in DeKalb County, GA. (Hearing site: Atlanta, GA.)

NOTE.—Applicant holds contract carrier authority in MC 138869, therefore dual operations may be involved.

No. MC 140596 (Sub-No. 4F), filed February 15, 1978. Applicant: NEWPORT AIR FREIGHT, INC., Airport Road, Newport, VT 05855. Applicant's representative: S. Arnold Smith, Craftsbury, VT 05826. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Parts for pulp and paper mill equipment,* between Newport, VT, on the one hand, and, on the other, Logan International Airport at or near East Boston, MA, with prior or subsequent movement by air, under a continuing contract with S. W. Hooper & Co., Ltd. of Sherbrooke, PQ, Canada. (Hearing site: Montpelier, VT. or Boston, MA.)

No. MC 140665 (Sub-No. 29F), filed March 27, 1978. Applicant: PRIME, INC., Route 1, Box 115-B, Urbana, MO 65767. Applicant's representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. Authority sought as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic and fiberglass materials; metal, plastic or glass coatings; chemicals; paints; color additives; clay or clay products; borax; derivatives of clay or borax; and materials and supplies* used in the marketing, production, or distribution of the above commodities (except commodities in bulk), from points in CA, to points in the United States in and East of MN, IA, MO, AR, and TX. (Hearing site: Cleveland, OH or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 141570 (Sub-No. 12F), filed March 27, 1978. Applicant: ELECTRONICS TRANSPORT, INC., 3213 Eighth Avenue, North, P.O. Box 31103, Birmingham, AL 35222. Applicant's representative: M. Craig Massey, 202 East Walnut Street, P.O. Drawer J, Lakeland, FL 33802. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Copying machines, and parts, materials, and supplies, used in the manufacture, installation or sale of such commodities,* between Norfolk, VA, and its commercial zone, on the one hand, and, on the other, points in NC, under a continuing contract or contracts with Xerox Corp. of Arlington, VA. (Hearing site: Washington, D.C.)

NOTE.—Applicant holds motor common carrier authority in MC 136269 (Sub-No. 2), therefore, dual operations may be involved.

No. MC 141575 (Sub-No. 10F), filed March 29, 1978. Applicant: TFS, INC., Box 126, Rural Route 2, Grand Island, NE 68801. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Calcium chloride,* from Ludington and Midland, MI, to points in IA, NE, and CO; and (2) *magnesium,* from the facilities of Martin Marietta Chemical Co., at or near Manistee, MI, to points in IA and NE, under continuing contract, or contracts, with Ag Service, Inc., Grand Island, NE. (Hearing site: Lincoln, NE, or Grand Island, NE.)

No. MC 142668 (Sub-No. 6F), filed March 29, 1978. Applicant: AERO DISTRUBUTING CO., INC., 4814 Fulton Industrial Boulevard, Atlanta, GA 30336. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA30301. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such merchandise* as is marketed by home products distributors from Chattanooga, Knoxville, and Kingsport, TN, to points in TN in and east of Clay, Jackson, Putnam, DeKalb, Warren, Grundy, and Marion Counties, TN, under a continuing contract or contracts with Avon Products, Inc. (Hearing site: Atlanta, GA.)

No. MC 142668 (Sub-No. 7F), filed March 29, 1978. Applicant: AERO DISTRIBUTING CO., INC., 4814 Fulton Industrial Boulevard, Atlanta, GA 30336. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such merchandise* as is marketed by home products distributors, from Memphis, TN, to points in AL, under a continuing contract or contracts with the Fuller Brush Co. (Hearing site: Atlanta, GA, or Memphis, TN.)

No. MC 143328 (Sub-No. 7F), filed March 28, 1978. Applicant: EUGENE TRIPP TRUCKING, a corporation, P.O. Box 2730, Missoula, MT 59806. Applicant's representative: David A. Sutherlund, 1150 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Waste products* for reuse or recycling: (1) between points in MT; and (2) from points in MT to points in CA, OR, and WA. (Hearing site: Missoula, MT.)

NOTE.—Common control may be involved.

No. MC 143462 (Sub-No. 3F), filed April 1, 1978. Applicant: ERWIN TRUCKING, INC., 7176 North 50th Street, Omaha, NE 68152. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Hydraulic cylinders, hydraulic pumps, hydraulic motors, hydrostatic transmissions, valves, and parts therefore* from Omaha, NE; Joplin and Columbia, MO; Searcy, AR; and Madison Heights, MI to points in the United States (except AK and HI); and (2) *Parts, accessories, materials, equipment and supplies* used in the manufacture of the commodities listed in (1) above from points in the United States (except AK and HI) to Omaha, NE; Joplin, Columbia, and St. Louis, MO; Searcy, AR; and Madison Heights, MI. All service limited to that performed under a continuing contract with Sperry Vickers Division of Sperry Corp. (Hearing site: Omaha, NE.)

No. MC 144057 (Sub-No. 2F), filed March 27, 1978. Applicant: WHITEHALL TRANSPORT, INC., P.O. Box 387, Whitehall, WI 54773. Applicant's representative: Ronald V. Dreckman, P.O. Box 387, Whitehall, WI 54773. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting: *Canned goods,* from Oconomowoc, WI, to points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, OK, PA, RI, TX, VA, VT, and WV. (Hearing site: Milwaukee, WI, or Washington, DC.)

NOTE.—Applicant presently holds contract carrier authority under MC 129071, therefore, dual operations may be involved.

No. MC 144075 (Sub-No. 2F), filed March 27, 1978. Applicant: INDUSTRIAL TRANSPORT, INC., 2301 East 65th Street, Cleveland, OH 44104. Applicant's representative: Brian S. Stern, 2425 Wilson Boulevard, Suite 327, Arlington, VA 22201. Authority is sought to operate in interstate or foreign commerce, as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Transit expressway vehicles;* and (2) *equipment, materials, and supplies* (except commodities in bulk), used in the manufacture, distribution, and installation of transit expressway vehicles, (a) between Jackson Center, OH and Pittsburgh, PA; and (b) between points named in (a) above on the one hand and, on the other, points in the United States (including AK, but excluding HI), under a continuing contract or contracts with Westinghouse Electric Co. (Hearing site: Cleveland, OH or DC.)

No. MC 144082 (Sub-No. 3F), filed April 3, 1978. Applicant: DIST/TRANS MULTI-SERVICES, INC. d.b.a. TAHWHEELALEN EXPRESS, INC., 1333 Nevada Boulevard, P.O. Box 7191, Charlotte, NC 28217. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in, distributed, or used by retail department stores and mail order merchandisers, from Charlotte, NC to Wauwatosa, WI. Restriction: Restricted to service performed under a continuing contract or contracts with J. C. Penney Co., Inc. at New York, NY. (Hearing site: Washington, DC. or New York, NY.)

No. MC 144140 (Sub-No. 10F), filed March 28, 1978. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 374, Eustis, FL 32726. Applicant's representative: John L. Dickerson, P.O. Box 374, Eustis, FL 32726. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, from Pabst, GA to points in IL, IN, MI, and OH. (Hearing site: Atlanta, GA or Washington, DC.)

NOTE.—Applicant holds contract carrier authority in MC 104589 and subs thereto, therefore, dual operations may be involved.

No. MC 144227 (Sub-No. 1F), filed March 27, 1978. Applicant: CARMIL, INC., Hershey, NE 69143. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients* (except liquid commodities in bulk), from Sergeant Bluff, IA, to points in CO, restricted to the transportation of shipments originating at the facilities of Farmland Industries, Inc., at or near Sergeant Bluff, IA, and destined to points in CO. (Hearing site: Denver, CO or Lincoln, NE.)

No. MC 144280 (Sub-No. 2F), filed March 14, 1978. Applicant: RAJEAN, INC., Highway 64 East, Russellville, AR 72801. Applicant's representative: Thomas B. Staley, 1550 Tower Building, Little Rock, AR 72201. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Tires, tubes, and rubber articles*, from the facilities of, or utilized by Area Tire Distributors, Inc., in Austin, TX, Russellville, AR, Toledo, OH, Jackson, MS, Little Rock, AR, Des Moines, IA, and Duran, WI, to points in TX, OK, AR, MI, LA, SD, ND, and SC, under a continuing contract or contracts with Area Tire Distributors Inc., of Austin, TX. (Hearing site: Little Rock, AR.)

NOTE.—Applicant has motor common carrier authority pending in MC 144233, therefore, dual operations may be involved.

No. MC 144430 (Sub-No. 2F), filed March 27, 1978. Applicant: CHARLES MOLITOR, Ashton, IA 51232. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Ashton, IA to points in NE, SD, and MN; and (2) *materials, equipment, and supplies* utilized in the manufacture and distribution of liquid fertilizer solutions, from points in NE, SD, and MN to Ashton, IA. (Hearing site: Sioux Falls, SD or Omaha, NE.)

No. MC 14438 (Sub-No. 2F), filed March 27, 1978. Applicant: COUNTY LINE TRUCKING, INC., 224 N. Defiance St., Archbold, OH 43502. Applicant's representative: Michael M. Briley, 300 Madison Ave., 12th Floor, Toledo, OH 43603. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and commodities* distributed by meat packinghouses (except in cans or bottles and except commodities in bulk in tank vehicles), from the facilities of Dinner Bell Foods, Inc. located at Archbold, Defiance, and Troy, OH, to points in CT, KY, ME, MD, MA, NH, NJ, NY, PA, RI, VA, WV, and DC. (Hearing site: Toledo, OH or DC.)

No. MC 144474 (Sub-No. 1F), filed March 28, 1978. Applicant: MORGAN MOVING AND STORAGE, INC., 301 North Street, Booneville, MS 38829. Applicant's representative: Harold D. Miller, Jr., P.O. Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *New furniture* from points in MS on and north of U.S. Hwy 82 to all points in the United States (except AK and HI). (Hearing site: Memphis, TN or Tupelo, MS.)

No. MC 144478 (Sub-No. 2F), filed March 28, 1978. Applicant: DENNIS WEBER, Box 72, Glen Elder, KS 67446. Applicant's representative: Clyde N. Christey, Kansas Credit Union Building, Suite 110L, 1010 Tyler, Topeka, KS 66612. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, feed supplements and animal health and sanitation products*, from the facilities of Ralston Purina Co. at or near Kansas City, MO, to points in Mitchell and Jewell Counties, KS. (Hearing site: Kansas City, MO.)

No. MC 144483 (Sub-No. 1F), filed March 29, 1978. Applicant: MAHER, INC., R.R. No. 14, Box 330, West Terre Haute, IN 47885. Applicant's representative: Norman R. Garvin, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, from Tuscola, IL to Bloomington, Clermont, Columbus, Ellettsville, Greenfield, Greenwood, and Terre Haute, IN. Restricted to a contract or continuing contracts with Pyrofax Gas Corp., Houston TX. (Hearing site: Indianapolis, IN or Chicago, IL.)

No. MC 144485 (Sub-No. 1F), filed April 3, 1978. Applicant: WEST COAST DISTRIBUTING CO., INC., 539 N. 170th Place, Seattle, WA 98133. Applicant's representative: Henry C. Winters, 235 Evergreen Building, Renton, WA 98055. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Wine*, from Sonoma, Rutherford, St. Helena, San Jose, Union City, Menlo Park, Modesto, Lodi, and Madera, CA, to Everett, WA; and (b) *malt beverages*, from Fairfield, Los Angels, and San Pedro, CA, to Everett, WA; under a continuing contract or contracts with Friendly Distributors, Inc., of Everett, WA; and (2) *malt beverages*, from Los Angeles, CA to Everett, WA, under a continuing contract or contracts with Bay Distributing Co., Inc., of Everett, WA; and (3) *malt beverages*, from Fairfield and Los Angeles, CA to Everett, WA, under a continuing contract or contracts with Crown Distributing Co., Inc., of Everett, WA. (Hearing site: Everett or Seattle, WA.)

No. MC 144487 (Sub-No. 1F), filed March 27, 1978. Applicant: JACKSON RAPID DELIVERY SERVICE, INC., 910 Larson Street, P.O. Box 482, Jackson, MS 39205. Applicant's representative: John A. Crawford, 1700 Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical wiring harnesses, components and equipment, materials and supplies* used in the manufacture, processing, and distribution of electrical wiring harnesses (except commodities in bulk), between Clinton and Jackson, MS, under a continuing contract or contracts, with General Motors Corp. (Packard Electric Division). (Hearing site: Jackson, MS.)

NOTE.—Applicant holds common carrier authority in MC 144487, therefore dual operations may be involved.

No. MC 144508F, filed March 27, 1978. Applicant: OMNI CARRIERS, INC., P.O. Box 1255, Rogers, AR 72756. Applicant's representative: Robert J. Beaver, P.O. Box 1255, Rogers, AR 72756. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Animal feed supplement,* from the facilities utilized by Dawe's Laboratory at or near Chicago Heights, IL, to points in AR. (Hearing site: Chicago, IL.)

No. MC 144513F, filed March 28, 1978. Applicant: CONDOR CONTRACT CARRIERS, INC., 656 Wooster Street, Lodi, OH 44254. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier, by motor vehicle, over irregular routes, transporting: Electrical and electronic equipment enclosures and parts and accessories therefor,* (1) between the facilities of Bud Industries, Inc. at or near Willoughby, OH and Phoenix, AZ; and (2) from the facilities utilized by Bud Industries, Inc. at or near Willoughby, OH and Phoenix, AZ to points in CA, AZ, NV, and UT. Restrictions: Restricted against the transportation of commodities which by reason of size or weight require the use of special equipment, restricted against the transportation of commodities in bulk, and restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Cleveland, OH.)

NOTE.—Dual operations may be involved.

No. MC 144518 (Sub-No. 2F), filed March 28, 1978. Applicant: LEE'S READY MIX & TRUCKING, INC., 130 North State, North Vernon, IN 47265. Applicant's representative: Norman R. Garvin, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Insulation, modular units, prefabricated buildings, materials, supplies and fixtures,* used in the manufacture of modular units and prefabricated buildings, (exept commodities in bulk) between North Vernon, IN, on the one hand, and, on the other, points in AL, GA, IL, KY, MI, MS, NC, OH, PA, SC, TN, VA and WV. Restricted to a contract or continuing contract with Insta-Housing, Inc. (Hearing site: Indianapolis, IN or Chicago, IL.)

No. MC 144524F, filed March 23, 1978. Applicant: GK TRUCKING CORP., 500 West Putnam Avenue, Greenwich, CT 06830. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in by a manufacturer of wire and cable, and consumer and industrial products, and *materials, supplies and equipment* used in the conduct of such business (exept in bulk), between the facilities of General Cable Corp. located at or near Blackinton, MA, Bonham, TX, Brandon, MS, Carrollton, TX, Des Plaines, IL, Eries, PA, Frederick, MD, Garwood, NJ, Huntsville, AL, Indianapolis, IN, Kingman, AZ, Lawrenceburg, KY, Lincoln, NB, Lindsay, CA, Memphis, TN, Monticello, IL, Muncie, IN, New Brunswick, NJ, North Adams, MA, Perth Amboy, NJ, Pomona, CA, Pownal, VT, San Carlos, CA, Sanger, CA, St. Louis, MO, Tampa, FL, Tukwila, WA, Warrenton, MO, Westminster, CO, Williamstown, MA, on the one hand, and, on the other, points in the United States (except AK and HI), under contract with General Cable Corp. located at Greenwich, CT; and (2) *such commodities* as are dealt in by a manufacturer of wire and cable, and materials, supplies and equipment used in the conduct of such business (exept in bulk), between facilities of Pirelli Cable Corp. located at or near Abbeville, SC, Bayonne, NJ, Camden, NJ, Colusa, CA, Elkton, MD, Hopkins, MN, Hot Springs, AR, Leetsdale, PA, Morrow, GA, Oakland, CA, Salt Lake City, UT, Tulsa, OK, on the one hand, and, on the other, points in the United States (except AK and HI), under contract with Pirelli Cable Corp. located at New York, N.Y. (Hearing site: New York, NY.)

No. MC 144533F, filed March 23, 1978. Applicant: FRANK PAGLIUGHI, an individual, d.b.a. GENERAL TRANSFER CO., East Landis Avenue, Route 5, Vineland, NJ 08360. Applicant's representative: William J. Hirsch, 43 Court Street, Suite 1125, Buffalo, NY 14202. Authority sought to operate as a *common carrier,* over irregular routes, transporting: *Foodstuffs,* in vehicles equipped with mechanical refrigeration, from Trappe, MD; Barker, NY; and points in NJ, to points in DE, MD, NJ, NY, and PA, and returned shipments and containers in the reverse direction. (Hearing sites: Vineland, NJ or Philadelphia, PA.)

No. MC 144544F, filed March 29 1978. Applicant: CARL M. ILIFF, d.b.a. Glencoe Produce, P.O. Box 146, Glencoe, MN 55336. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Canned goods,* from Arlington and Ortonville, MN, to points in AL, CA, FL, GA, NV, NC, SC, TN, TX and UT. Restricted to the transportation of traffic moving under a continuing contract or contracts with Big Stone, Inc. (Hearing site: Minneapolis or St. Paul, MN.)

No. MC 144627F, filed April 3, 1978. Applicant: HAROLD D. KETELSEN, Pleasant Valley Store, Rural Route, Hartington, NE 68739. Applicant's representative: Paul N. Croslet, Center, NE 68724. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Livestock feed,* in bulk and bags, from Sioux City, IA, to points in NE on and east of NE Hwy 14, and on and north of U.S. Hwy 275 and NE Hwy 51. (Hearing site: Omaha or Lincoln, NE.)

By the Commission.

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

[FR Doc. 78-13436 Filed 5-17-78; 8:45 am]

[1505-01]

[Volume No. 75]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

Correction

In FR Doc. 78-8261 appearing at page 13459 in the issue for Thursday, March 30, 1978, under MC 6078 (Sub-No. 88F), in the seventh and eighth lines from the top of the first column of page 13460, *"incremental steel coils"* should have read *"zincremental steel coils".*

[1505-01]

[Volume No. 79]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

Correction

In FR Doc. 78-9762 appearing at page 15513 in the issue for Thursday, April 13, 1978, the following corrections should be made:

1. In the first full paragraph of the middle column on page 15518, "MC 117685 (Sub-No. 206F)" should read, "MC 117686 (Sub-No. 206F)".

2. In the first full paragraph of the first column on page 15521, "No. MC 139428 (Sub-No. 37F)" should read, "No. MC 139482 (Sub-No. 37F)".

[7035-01]

[Notice No. 43]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment re-

sulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before June 19, 1978. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77625, filed April 10, 1978. Transferee: ZIRKEL TRUCKING, INC., 118 West 19th Street, P.O. Box 1090, Fort Scott, KS 66701. Transferor: J. H. Ware Trucking Inc., 909 Brown Street, P.O. Box 398, Fulton, MO 65251. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC 139973 (Sub-No. 11), issued April 28, 1978, as follows: *Iron and steel articles* (except commodities the transportation of which because of their size or weight require the use of special equipment), from the facilities of Keystone Steel & Wire Division, Keystone Consolidated Industries, Inc., at or near Peoria, IL, to points in NE, UT, ID, CA, AZ, OR and WA. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77629, filed April 14, 1978. Transferee: PITTSBURGH-FAYETTE EXPRESS, INC., 1101 Dormont Avenue, Pittsburgh, PA 15216. Transferor: Pittsburgh-Brownsville Express, Inc. (Debtor-in-Possession), P.O. Box 716, Connellsville, PA 15425. Applicant's representative: Stanley E. Levine, Attorney at Law, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates No. MC 4242 and MC 4242 (Sub-No. 6) and Certificate of Registration No. MC 4242 (Sub-No. 5), issued July 27, 1965, September 8, 1965, and July 27, 1965, respectively as follows: *General commodities* between specified points in PA. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under section 210a(b).

No. MC-FC-77639, filed April 21, 1978. Transferee: SOUTHWEST DELIVERY SERVICE, INC., 4423 South Hawthorne Avenue, Los Angeles, CA 90058. Transferor: Astor Truck-Rite, Inc., 4423 South Hawthorne Avenue, Los Angeles, CA 90058. Applicant's representative: Barry Kiek, P.O. Box 58303, Los Angeles, CA 90058. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate of Registration No. MC 120961 (Sub-No. 1), issued February 11, 1964, as follows: *General commodities* with exceptions between points in the specified Los Angeles, CA basin region. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77642, filed April 26, 1978. Transferee: EQUIPMENT EXPRESS LTD., 8105 Don Mills Road, Markham, Ontario, Canada L3R 2P1. Transferor: Barney Kosofsky, d.b.a. Barney's Cartage Co., 23300 Providence Drive, Southfield, MI 48076. Applicants' representatives: Thomas E. Acey, Jr., Attorney for Equipment Express Ltd., Suite 1000, 1660 L Street NW., Washington, DC 20036; Ronald J. Mastej, Attorney for Possessor, 900 Guardian Building, Detroit, MI 48226; Wallace M. Handler, Attorney for Trustee in Bankruptcy, 1800 Travelers Tower, 26555 Evergreen Road, Southfield, MI 48076; Stanley Weingarden, Attorney for Barney's Cartage Co., 1100 Fisher Building, Detroit, MI 48202. Authority sought for purchase by transferee of a portion of the operating rights of transferor as set forth in Certificate No. MC 82951, issued by the Commission August 7, 1944, as follows: *Heavy machinery and boilers*, and the following dismantled, commodities: *Machinery, electrical equipment, contractors equipment, and store, office, factory, hospital, art gallery and museum fixtures, and equipment*, over irregular routes, between points and places in the Lower Peninsula of MI. Transferee holds no authority from this Commission. Application has been filed for temporary authority under section 210a(b).

No. MC-FC-77647, filed May 1, 1978. Transferee: B.G.M. TRUCKING, INC., 12634 East Freeway, Houston, TX 77015. Transferor: Mims Meat Co., Inc., 12634 East Freeway, Houston, TX 77015. Applicant's representative: Timothy Mashburn, Attorney at Law, P.O. Box 2207, 1806 Rio Grande, Austin, TX 78768. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 143066, issued March 3, 1978, as follows: (1) *Bananas*, and (2) *agricultural commodities* otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, from Galveston, TX, Gulfport, MS, and Mobile, AL, to points in ID, OR, and WA. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-13537 Filed 5-17-78; 8:45 am]

[7035-01]

[Notice No. 44]

MOTOR CARRIER TRANSFER PROCEEDINGS

May 18, 1978.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC 77659. By application filed May 8, 1978, SUPERIOR TRANSFER, INC., 2669 Merchant Drive, Baltimore, MD 21230, seeks temporary authority to transfer a portion of the operating rights of Chesapeake Motor Lines, Inc., 6748 Dorsey Road, Baltimore, MD 21227, under section 210a(b). The transfer to Superior Transfer, Inc., of a portion of the operating rights is presently pending.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-13536 Filed 5-17-78; 8:45 am]

[7035-01]

[Notice No. 77]

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 representative,

if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 16903 (Sub-No. 56TA), filed April 17, 1978. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, 120 W. Grimes Lane, Bloomington, IN 47401. Applicant's representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roof insulation*, from the facilities of The Celotex Corp. at Elizabethtown, KY, to points in CT, ME, MA, RI, NH, and VT, for 120 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Celotex Corp., 1500 North Dale Mabry, Tampa, FL 33607. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

No. MC 28088 (Sub-No. 35TA), filed April 17, 1978. Applicant: NORTH & SOUTH LINES, INC., 2710 S. Main Street, P.O. Box 49, Harrisonburg, VA 22801. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between the facilities of Pet, Inc., at Frankfort, MI on the one hand and, on the other, its facilities of Allentown and Chambersburg, PA, for 180 days. Supporting shipper(s): Pet, Inc., St. Louis, MO 63166. Send protests to: Interstate Commerce Commission, Bureau of Operations, P.O. Box 210, Roanoke, VA 24011.

No. MC 52460 (Sub-No. 215TA), filed April 17, 1978. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th Street, P.O. Box 9637, Tulsa, OK 74107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the facilities of Rich Products Corp. at or near Murfreesboro, TN, to points in AL, AR, FL, GA, KS, LA, MS, NC, OK, SC, TN, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Rich Products Corp., 1145 Niagara Street, Buffalo, NY 14213. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Courthouse Bldg., 215 N.W., 3rd, Oklahoma City, OK 73102.

No. MC 64808 (Sub-No. 36TA), filed April 6, 1978. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Avenue, P.O. Box 507, Fairmont, WV 26554. Applicant's representatives: Henry M. Wick, Jr., Stanley E. Levine, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the facilities of Friday Canning Corp. at or near New Richmond, Gillett, Coleman, Eden, and Oakfield, WI, to points in DE, MD, NJ, NC, PA, SC, VA, WV, and points in TN on and east of Interstate Hwy 65, for 180 days. Supporting shipper(s): Friday Canning Corp., New Richmond, WI. Send protests to: J. A. Niggemyer, District Supervisor, Interstate Commerce Commission, 416 Old Post Office Building, Wheeling, WV 26003.

No. MC 65660 (Sub-No. 9TA), filed April 7, 1978. Applicant: WARNER & SMITH MOTOR FREIGHT, INC., 66 Third Street, P.O. Box 96, Masury, OH 44438. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier, by motor vehicle, over irregular routes, transporting: Petroleum products*, in packages, from Bradford, PA to points in OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Witco Chemical Corp., 77 N. Kendall Avenue, Bradford, PA 16701. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 69397 (Sub-No. 39TA), filed April 7, 1978. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, U.S. Route 13, Pocomoke City, MD 21851. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., No. 805, Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and composition board*, from the facilities of Day Companies, Inc., at Cuthbert, GA to points in NC, VA, MD, DE, PA, NJ, NY, CT, RI, MA, VT, NH, ME and DC, for 180 days. Supporting shipper(s): Day Companies, Inc., P.O. Drawer 429, Cuthbert, GA 31740. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th and Constitution Avenue NW., Room 1413, Washington, DC 21423.

No. MC 104654 (Sub-No. 160TA), filed April 17, 1978. Applicant: COMMERCIAL TRANSPORT, INC., P.O. Box 469, Belleville, IL 62222. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th St. NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (in bulk), from Light, AR, to points in AR and MO, for 180 days. Supporting shipper(s): (1) Gilbert Brewer, Brewer L. P., Main Street, Cardwell, MO 63820. (2) William Field, Owner, Field Oil & L. P., Gas, P.O. Box 16, Leachville, AR 72438. (3) Jack Doublin, Owner, Lynn Gas Co., P.O. Box H, Puxico, MO 63960. (4) James Larsen, District Sales Manager, Atlantic Richfield Co., P.O. Box 1345, Shawnee Mission, KS 66222. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

No. MC 108119 (Sub-No. 86TA), filed April 17, 1978. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 43010, 3303 Sibley Memorial Highway, St. Paul, MN 55164. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, fittings, valves, hydrants, castings, and materials and supplies* used in the installation thereof, from Birmingham and Bessemer, AL, to all points in the States of TX, OK, IA and AR, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): U.S. Pipe and Foundry Co., 3300 First Avenue North, Birmingham, AL 35202. Send protests to: Delores A. Poe Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 108393 (Sub-No. 136TA), filed April 5, 1978. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 E. Ogden Avenue, Hinsdale, IL 60521. Applicant's representative: Thomas B. Hill (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and gas appliances, parts of electrical and gas applicances, and equipment, materials and supplies* used in the manufacture, distribution and repair of electrical and gas appliances, (except in bulk, in tank vehicles), between Findlay, Clyde, and Marion, OH, and St. Joseph, MI, on the one hand, and, on the other, points in IL, IN, KY, MI, NJ, NY, OH, PA, TN and WI, under a continuing contract, or contracts, with Whirlpool Corp., for 180 days. Supporting shipper(s): Whirlpool Corp., Carl R. Anderson Director Corporate Transportation, Administrative Center, Bent n Harbor, MI 49022. Send protests to: Patricia A. Roscoe Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 109154 (Sub-No. 12TA), filed April 17, 1978. Applicant: BAYLOR TRUCKING, INC., R. R. 1, Milan, IN 47031. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose film, in cartons or containers*, from the plantsite of Olin Corp. located at Olin, Warren County, IN, to NY, NJ and PA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Olin Corp., P.O. Box 200, Pisgah Forrest, NC 28768. Send protests to: Beverly J. Williams Transportation Assistant, Interstate Commerce Commission, Federal Building & U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

No. MC 112617 (Sub-No. 388TA), filed April 17, 1978. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, KY 40221. Applicant's representative: Charles R. Dunford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Liquid calcium chloride*, (in bulk, in tank vehicles), from Rockport, IN, to Owensboro, and Panther, KY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mr. W. T. Gray Transportation Foreman, Green Coal Co., P.O. Box 541, Owensboro, KY 42301. Send protests to: Linda H. Sypher District Supervisor, Interstate Commerce Commission, 426 Post Office Building, Louisville, KY 40202.

No. MC 113828 (Sub-No. 256TA), filed April 6, 1978. Applicant: O'BOYLE TANK LINES, INCORPORATED, P.O. Box 30006, Washington, DC 20014. Applicant's representative: Michael A. Grimm, P.O. Box 30006, Washington, DC 20014. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Soda ash*, from Solvay, NY, to Portsmouth, VA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Virginia Chemicals, Inc., 3340 West Norfolk Road, Portsmouth, VA 23703. Send protests to: W. C. Hersman District Supervisor, Interstate Commerce Commission, 12th & Constitution Avenue, NW., Room 1413, Washington, DC 20423.

No. MC 115093 (Sub-No. 15TA), filed April 17, 1978. Applicant: MERCURY MOTOR EXPRESS, INC., 2511 No. Grady Avenue, P.O. Box 23406, Tampa, FL 33607. Applicant's representative: Larry N. Kennedy, 2511 No. Grady Avenue, P.O. Box 23406, Tampa, FL 33607. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Miami, FL, and its commercial zone and Key West, FL, over U.S. Hwy 1, serving all intermediate points, for 180 days. There is no environmental impact involved in this application. Supporting shipper(s): (1) Terminal Transport Co., Inc., 7227 N.W., 29 Avenue, Miami, FL 33147. (2) Air Sea Shipping, 1955 N.W., 72 Avenue, Miami, FL 33126. (3) Imperial Freight Brokers, Inc., 7005 N.W., 41 Street, Miami, FL 33166. Send protests to: Donna M. Jones Transportation Assistant, Interstate Commerce Commission, Monterey Building, Suite 101, 8410 N.W., 53rd Terrace, Miami, FL 33166.

No. MC 116710 (Sub-No. 33TA), filed April 6, 1978. Applicant: MISSISSIPPI CHEMICAL EXPRESS, INC., P.O. Box 6176, Bossier City, LA 71010. Applicant's representative: Joe T. Lanham, 1102 Perry-Brooks Building, Austin, TX 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Virgin sulphuric acid and spent sulphuric acid* (in bulk), between the plantsite of Stauffer Chemical Co., at or near Baton Rouge, LA, and the plantsite of Macmillan Ring-Free Oil Co., Inc., at or near Norphet, AR, under a continuing contract, or contracts, with Stauffer Chemical Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Stauffer Chemical Co., Westport, CT 06880. Send protests to: Ray C. Armstrong Jr., District Supervisor, Interstate Commerce Commission, T-9038 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 118560 (Sub-No. 4TA), filed April 6, 1978. Applicant: GENERAL TRUCKING CO., INC., 1100 School Street, P.O. Box 269, Columbia, TN 38401. Applicant's representative: Edward C. Blank II, Middle Tennessee Bank Building, P.O. Box 1004, Columbia, TN 38401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal materials for processing*, from the plantsite of Denbo Scrap Materials, Inc., in Giles County, TN, to all points within the State of AL, under a continuing contract, or contracts, with Denbo Scrap Materials, Inc., for 180 days. Supporting shipper(s): Denbo Scrap Materials, Inc., P.O. Box 387, Pulaski, TN 38478. Send protests to: Glenda Kuss, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

No. MC 118959 (Sub-No. 165TA), filed April 6, 1978. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO. 63701. Applicant's representative: Donald B. Levine, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lawnmower parts and accessories*, from Beaufort, SC, to Brookhaven, MS, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Jacobsen Manufacturing, Inc., P.O. Box 568, Brookhaven, MS 39601. Send protests to: A. E. Binder, Acting District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 118989 (Sub-No. 189TA), filed April 6, 1978. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, WI 53221. Applicant's representative: Rolland K. Draves (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal can ends*, from the facilities of National Can Corp. at or near Milwaukee, WI, to Evansville, IN; Sioux City, IA; Madisonville, KY; St. Paul, MN; Omaha, NE; Cincinnati, OH; and Oklahoma City

and Tulsa, OK, for 180 days. Supporting shipper(s): National Can Corp., 8101 West Higgins Road, Chicago, IL 60631, June E. McCracken. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC 119654 (Sub-No. 39TA), filed April 7, 1978. Applicant: HI-WAY DISPATCH, INC., 1401 West 26th Street, Marion, IN 46952. Applicant's representative: Norman R. Garvin, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, and covers*, from Mundelein, IL, to IN, KY, MI (except the Upper Peninsula), St. Louis, MO, OH, and WI, for 180 days. Supporting shipper(s): Ball Corp., 345 South High Street, Muncie, IN 47302. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

No. MC 119726 (Sub-No. 123TA), filed April 7, 1978. Applicant: N.A.B., TRUCKING CO., INC., 1644 West Edgewood Avenue, Indianapolis, IN 46217. Applicant's representative: James L. Beatty, 130 East Washington Street, Suite 1000, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caps, covers, and closures* (except commodities in bulk), from the facilities of Owens-Illinois, Inc., located at or near Constantine, Sturgis, and Three Rivers, MI, to Fort Smith, AR, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Owens-Illinois, Inc., P.O. Box 1035, Toledo, OH 43666. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

No. MC 119726 (Sub-No. 125TA), filed April 17, 1978. Applicant: N.A.B., TRUCKING CO., INC., 1644 West Edgewood Avenue, Indianapolis, IN 46217. Applicant's representative: James L. Beattey, 130 East Washington Street, Suite 1000, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum wax*, (except in bulk), from the facilities of Petrolite Corp., Bareco Division, at or near Barnsdall, OK, to Atlanta, GA, and Jackson, TN, for 180 days. Supporting shipper(s): Petrolite Corp., Bareco Division, Drawer K, 6910 East 14th Street, Tulsa, OK 74112. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

No. MC 124025 (Sub-No. 9TA), filed April 17, 1978. Applicant: GLASS TRUCKING CO., INC., Box 276, 200 North Chestnut, Newkirk, OK 74647. Applicant's representative: C. L. Phillips, Room 248, Classen Terrace Building, 1411 North Classen, Oklahoma City, OK 73106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wheat flour*, in sacks, from Newton and Wichita, KS, to Albuquerque, NM, under a continuing contract, or contracts, with Ross Industries, Department of Cargill, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Ross Industries, Department of Cargill, Inc., P.O. Box 2696, Wichita, KS 67201. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Court House Building, 215 NW. 3rd, Oklahoma City, OK 73102.

No. MC 124692 (Sub-No. 205TA), filed April 7, 1978. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Applicant's representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barium sulphate*, from Dunphy, NV, to the facilities of Baroid Division of NL Industries, at Rio Vista, Isleton and Bakersfield, CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): George Strother, Jr., District Manager, Baroid Division, NL Industries, P.O. Box 206, Bakersfield, CA 93302. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

No. MC 125368 (Sub-No. 30TA), filed April 17, 1978. Applicant: CONTINENTAL COAST TRUCKING CO., INC., P.O. Box 26, Holly Ridge, NC 28445. Applicant's representative: C. W. Fletcher, P.O. Box 26, Holly Ridge, NC 28445. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Folding cartons*, from the facilities of International Paper Co., Cincinnati, OH, to the facilities of Quaker Oats Co., Jackson, TN, for 180 days. Supportings shipper(s): International Paper Co., 100 Progress Place, Cincinnati, OH 45246. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, NC 27611.

No. MC 125951 (Sub-No. 32TA), filed April 17, 1978. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 7000 West Center Road, Suite 325, Omaha, NE 68106. Applicant's representative: Robert M. Cimino (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Frozen fish, frozen onion rings, and frozen bakery products*, (except in bulk), from the facilities utilized by Boston Bonnie, Inc., and Boston Bonnie Bakers, Inc., at or near Boston, MA, to points in NE, KS, MO, MN, OH, IL, PA, KY, IN, CO, IA, AR, MI, and WV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): John Brown, Traffic Manager, Boston Bonnie Bakers, Inc., Boston Bonnie, Inc., 293-305 Northern Avenue, Boston, MA 02210. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102

No. MC 127897 (Sub-No. 4TA), filed April 6, 1978. Applicant: TAG, INC., 1816 Grand Street, Sioux City, IA 51107. Applicant's representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, IA 51104. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: (1) *Fertilizer solutions*, (in bulk, in tank vehicles), from LaCrosse, WI, to points in IL, IA, MN and ND, and (2) *Anhydrous ammonia and fertilizer solutions*, (in bulk, in tank vehicles), (a) between points in IA, MN, NE and SD, on the one hand, and, on the other, points in CO, IL, IA, KS, MN, MO, NE, ND, and SD, and (b) from points in IA and MN, to points in WI, under a continuing contract, or contracts, with Nutra-Flo Chemical Co. of Sioux City, IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Rodney W. Johnson, Traffic Manager, Nutra-Flo Chemical Co., 1919 Grand Avenue, Sioux City, IA. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 134262 (Sub-No. 16TA), filed April 6, 1978. Applicant: FARMERS FEED & SUPPLY TRANSPORTATION, INC., Boyden, IA 51234. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and feed ingredients*, from Manistee and Cedar Springs, MI, to points in OK, KS, NE, IA, MN, WI, ND and SD, restricted against the transportation of

commodities in bulk, in tank vehicles, and further restricted to a transportation service to be performed, under a continuing contract, or contracts, with Martin Marietta Chemicals, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Stewart G. Weldon, Jr., Traffic Manager, Martin Marietta Chemicals, Executive Plaza Two, Hunt Valley, MD 21030. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 134300 (Sub-No. 26TA), filed April 5, 1978. Applicant: TRIPLE R EXPRESS, INC., P.O. Box 12866, 498 First Street NW., New Brighton, MN 55112. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from Minneapolis, MN, to points in AL, AR, CT, DE, DC, FL, GA, KY, LA, ME, MD, MA, NH, MS, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA and WV, for 180 days. Supporting shipper(s): Northern Star Co., 3171 Fifth Street SE., Minneapolis, MN 55414. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 136446 (Sub-No. 11TA), filed April 7, 1978. Applicant: PRINCETON MESSENGER SERVICE, INC., U.S. Route 1, and Farber Road, Princeton, NJ 08540. Applicant's representative: Mel P. Booker, Jr., 118 North St. Asaph Street, Alexandria, VA 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale drug supply houses and retail drug stores (except commodities in bulk), between Philadelphia, PA, and points in its commercial zone, on the one hand, and, on the other, points in NJ on or south of Interstate 78, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Drug House, Inc., 1011 West Butler Street, Philadelphia, PA 19140. Send protests to: District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 138188 (Sub-No. 5TA), filed April 17, 1978. Applicant: CAUDILL MOBILE MILL, INC., Box 85, Butlerville, IN 47223. Applicant's representative: Robert W. Minor, 52 East Gay Street, Columbus, OH 43125. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic synthetic liquid and adhesive glue and plastic articles*, from Columbus, OH, to destinations in the States of TX, and CA, for 180 days. Supporting shipper(s): Franklin Glue Co., Franklin Plastics, Franklin Chemical Co., 2020 Bruck Street, Columbus, OH 43207. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

No. MC 140024 (Sub-No. 102TA), filed April 17, 1978. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Avenue, Commerce City, CO 80022. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except in bulk), from Totowa, NJ, to Bedford Heights, OH, Chicago, IL, Detroit and Grand Rapids, MI, for 180 days. No tack or interline. Supporting shipper(s): Caravan Products Co., Inc., 100 Adams Drive, P.O. Box 147, Totowa, NJ 07511. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202.

No. MC 140024 (Sub-No. 103TA), filed April 17, 1978. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Avenue, Commerce City, CO 80022. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except in bulk), from the facilities of Atlanta Corp., at Jersey City, NJ, New York, NY, and Philadelphia, PA, to Burlington, IA, Chicago, IL, Lawrence, KS, Los Angeles, CA, and points in OH, MI, MN, and IN, including points in the commercial zones of points named, for 180 days. No tack or interline. Supporting shipper(s): Atlanta Corp., 17 Varick Street, New York, NY 10013. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202.

No. MC 140033 (Sub-No. 47TA), filed April 6, 1978. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Applicant's representative: E. Larry Wells, Winkle and Wells, Suite 1125, Exchange Park, P.O. Box 45538, Dallas, TX 75245. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Mansfield, TX, to points in AZ, CA, FL, ID, IL, NV, NJ, OR, PA, UT, VA, and WA and Kansas City, MO for 180 days. Supporting shipper(s): Portion-Trol Foods, Inc., 812 South Fifth Avenue, Mansfield, TX 76063. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

No. MC 140581 (Sub-No. 27TA), filed April 7, 1978. Applicant: TOMMY HAGWOOD, d.b.a. HAGWOOD ENTERPRISES, Route 1, Box 222-A, Trafford, AL 35172. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used motor vehicles*, in truckaway service, between Los Angeles, CA, and points within its commercial zone, on the one hand, and, on the other, points in OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Southwest Motor Car Co., 8850 Wilshire Boulevard, Beverly Hills, CA 90210. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

No. MC 141938 (Sub-No. 3TA), filed April 1, 1978. Applicant: S & S TRUCKING & WAREHOUSING, INC., 7100 Northwest 12th Street, Miami, FL 33126. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, FL 33133. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, classes A and B explosives, household goods, as defined by the Commission, commodities requiring special handling and cement), between points in Dade County, FL, all shipments having a prior or subsequent movement by water, under a continuing contract, or contracts, with Foreign Forwarding, Inc., for 180 days. There is no evenironmental impact involved in this application. Supporting shipper(s): Foreign Forwarding, Inc., 6501 Northwest 36th Street, Suite 440, Miami, FL 33166. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, Monterey Building, Suite 101, 8410 Northwest 53rd Terrace, Miami, FL 33166.

No. MC 142848 (Sub-No. 6TA), filed April 6, 1978. Applicant: JAMES R.

POSHARD & SON, INC., P.O. Box 69, Mt Vernon, IN 47620. Applicant's representative: Norman R. Garvin, 815 Merchants Bank Bldg., Indianapolis, IN 46204. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer* (in bulk, in dump vehicles), (1) from the Southwind Maritime Centre, located at or near Mt. Vernon, Posey County, IN, to points in IL, IN, and KY, and (2) from Vincennes, IN, to points in IL and KY, restricted to traffic which has either: (1) an immediate prior movement by water or rail, or (2) which originates at and is destined to the above points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Triple T, Inc., R.R. 1, Vincennes, IN 47591. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

No. MC 143552 (Sub-No. 1TA), filed April 17, 1978. Applicant: CELEWEND ASSOCIATES, INC., 1 Whitfield Street, Caldwell, NJ 07006. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *contract carrier,* by motor vehicles, over irregular routes, transporting: (1) *Steel strapping and strapping machinery and parts thereof,* from Woodside, NY; New Britain, CT; Pittsburgh, CA, to points in the United States (except AK and HI; (2) *materials, equipment, and supplies* used in the manufacture and sale of the commodities in (1) (except commodities in bulk), from points in the United States (except AK and HI), to Woodside, NY; New Britain, CT; Pittsburgh, CA, under a continuing contract, or contracts, with Delta Strapping Industries, for 180 days. Supporting shipper(s): Delta Strapping Industries, 58-50 52nd Street, Woodside, NY 11377. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, NJ 07102.

No. MC 144261 (Sub-No. 1TA), filed April 17, 1978. Applicant: JULIUS KOLESAR, INC., 135 Brownway, Benton Harbor, MI 49022. Applicant's representative: Barry Kolesar, 135 Brownway, Benton Harbor, MI 49022. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs, frozen meats, frozen vegetables, pasta products, and pallets,* between Napoleon, OH, and Camden, NJ; from Clayton, DE, and Philadelphia, PA, to Napoleon, OH, under a continuing contract, or contracts with Campbell Soup Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Campbell Soup Co., Campbell Place, Camden, NJ 08101. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, 225 Federal Building, Lansing, MI 48933.

No. MC 144347 (Sub-No. 2TA), filed March 27, 1978. Applicant: B & L TRUCK LINES, INC., 339 East 34th Street, Lubbock, TX 79404. Applicant's representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings, and materials* used in the installation of plastic pipe, from the plantsite of Johns-Manville Sales Corp., at or near Wilton, IA, to AR, LA, MS, OK, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Johns-Manville Sales Corp., 2222 Kensington Court, Oak Brook, IL 60521. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395, Herring Plaza, Amarillo, TX 79101.

No. MC 144522 (Sub-No. 1TA), filed April 6, 1978. Applicant: PETERSEN & FOGO, INC., Route 1, Box 22, Byron, NE 68325. Applicant's representative: Gailyn L. Larsen, Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Metal buildings,* knocked down and in sections, *building sections and building panels, metal prefabricated components, and parts, materials, supplies* used in the construction of metal buildings, from the facilities of Superior Manufacturing Co., at or near Mattoon, IL, and the facilities of Soukup Manufacturing Co., at or near Sheffield, IA, to points in KS and NE, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Don's Agri Service, Don Gunn, President, P.O. Box 38, Superior, NE 68978. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Court House, 100 Centennial Mall North, Lincoln, NE 68508.

No. MC 144532 (Sub-No. 1TA), filed April 6, 1978. Applicant: ANDERSON POTATO CO., INC., 2179 Route 112, Medford, NY 11763. Applicant's representative: John L. Alfano, Alfano & Alfano, 550 Mamaroneck Avenue, Harrison, NY 10528. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Bakery products and such ingredients* used in the production of bakery products, between Bay Shore, NY, on the one hand, and, on the other, Miami, FL, and points in MI, restricted to commodities transported in vehicles equipped with mechanical refrigeration, under a continuing contract, or contracts, with Entenmann's Bakery, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Entenmann's Bakery, Inc., 1724 Fifth Avenue, Bay Shore, NY 11706. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 144569TA, filed April 5, 1978. Applicant: RANDALL A. WARD, d.b.a. SWEETFINGERS FRUIT & PRODUCE, P.O. Box 9134, Yakima, WA 98909. Applicant's representative: Randall A. Ward or Mary M. Ward, Rt. 3, Box 657A, No. 35, Yakima, WA 98901. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Office furniture, i.e., desks, tables, study carrels, (library desk), chairs, stools, table tops, table legs, flat benches, sewing tables, sewing desks, and related items,* from the facilities of Northwest Sales Corp., Missoula, MT, to all points in States of MT, ID, WA, OR, CA, NV, UT, CO, and WY, under a continuing contract, or contracts, with Northwest Sales & Manufacturing Corp., for 180 days. Supporting Shipper(s): Northwest Sales & Mfg., Corp., P.O. Box 7427, Missoula, MT 59807. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

No. MC 144597TA, filed April 7, 1978. Applicant: BMW INTERSTATE, INC., 6028 Ellison Road, Fort Wayne, IN 46804. Applicant's representative: James M. Prickett, Third Floor, Lincoln Bank Tower, Fort Wayne, IN 46802. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Malt beverages,* from Detroit, MI, and Columbus, OH, to Peru, IN, and (2) *Hydraulic hose assemblies,* from Fort Wayne, IN, to Battle Creek, MI, and Springfield, OH, under a continuing contract, or contracts, with Miami Beverage Co., Inc., and Stratoflex, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Miami Beverage Co., Inc., 138 East 8th Street, Peru, IN 46970; (2) Stratoflex, Inc., 2nd and Piper Street, Baer Field, Fort Wayne, IN 46809. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

No. MC 144598TA, filed April 6, 1978. Applicant: C & J TRANSPORT, INC., P.O. Box 42, North Vassalboro,

ME 04962. Applicant's representative: CHESTER A. ZYBLUT, 366 Executive Building, 1030-15th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, from Winterport, ME, to points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, DE, DC, MD, VA, WV, KY, and TN, restricted to traffic having a prior movement water, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Winterport Docks, Inc., Box 136, Winterport, ME 04496. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 305, 76 Pearl Street, Portland, ME 04111.

No. MC 144599TA, filed April 7, 1978. Applicant: TRANSFER, INC., 90 South Ko-We-Ba Lane, Indianapolis, IN 46241. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics* (in bulk, in hopper-type vehicles), from Indianapolis, IN, to points in IL, IA, MA, MI, NJ, MN, WI, IN, OH, KY, PA, WV, and NC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): U.S. Industrial Chemicals Co., P.O. Box 218, Tuscola, IL 61953. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

No. MC 61016 (Sub-No. 49TA), filed April 17, 1978. Applicant: PETER PAN BUS LINES, INC., 1776 Main Street, Springfield, MA 01103. Applicant's representative: Charles A. Webb, 1250 Connecticut Avenue NW., Suite 600, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in charter and special operations, in executive coach service, (1) between points in ME, NH, VT, MA, RI, CT, and NY, and (2) beginning and ending at the points named in (1) and extending to points in the United States, for 180 days. Supporting shipper(s): There are approximately 46 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: David M. Miller, District Supervisor, 436 Dwight Street, Room 338, Springfield, MA 01103.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-13538 Filed 5-17-78; 8:45 am]

[7035-01]

[Notice No. 45]

MOTOR CARRIER TRANSFER PROCEEDINGS

May 18, 1978.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-77662. By application filed May 9, 1978, LORD'S CONVOY SERVICE, INC., 513 Urquhart Drive, Beech Island, SC 29841, seeks temporary authority to transfer the operating rights of ROBERT F. ANDERSON, as trustee for STEPHENS CAR TRANSPORT, INC., 830 Laurel Street, Columbia, SC 29201, under section 210a(b). The transfer to Lord's Convoy Service, Inc., of the operating rights of Robert F. Anderson, as trustee for Stephens Car Transport, Inc., is presently pending.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-13534 Filed 5-17-78; 8:45 am]

[7035-01]

[Volume No. 91]

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

May 12, 1978.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

All pleadings and documents must clearly specify the suffix (e.g. M1 F, M2 F) numbers where the docket is so identified in this notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this notice. Such protests shall comply with Special Rule 247(e) of the Commission's General Rules of Practice (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 108460 (Sub-Nos. 20 and 42) (M1F) (Notice of filing of a petition to renew certificated authority), filed April 17, 1978. Petitioner: PETROLEUM CARRIERS CO., a corporation, P.O. Box 762, 5104 W. 14th Street, Sioux Falls, SD 57101. Petitioner's representative: Gary Mundhenke, (Same address as petitioner). Petitioner seeks to renew motor *common carrier* certificates in No. MC 108460 (Sub-Nos. 20 and 42), issued November 22, 1972 and April 27, 1970, respectively. In No. MC 108460 (Sub-No. 20), which expired March 31, 1977, service was authorized to transport, *Liquefied petroleum gas*, over irregular routes, (1) from the terminal facilities of the Mid-American Pipeline Co. at or near Mankato, MN, to points in IA, ND, SD; and (2) from Aberdeen, SD, (except the terminal facilities of the Kaneb Pipe Line Co.), to points in ND and MN; and in No. MC 108460 (Sub-No. 42) which expired April 27, 1975, service was authorized to transport *Liquefied petroleum gas*, in bulk, in tank vehicles, over irregular routes, from the storage facilities of Farmers Union Central Exchange, Inc., at Glenwood, MN, to points in ND and SD. By the instant petition, petitioner seeks to reinstate the above certificates.

No. MC 113678 (Sub-No. 331) (M1F) (Notice of filing of a petition to modify a certificate by adding a facility), filed March 20, 1978. Petitioner: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Petitioner's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Petitioner holds a motor *common carrier* certificate in No. MC 113678 (Sub-No. 331), issued July 9, 1973, authorizing transportation, over irregular routes, of: *Meats, meat products*, and *meat by-products*, and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61MCC 209 and 766 (except hides and skins and commodities in bulk), from Wichita, KS, to points in NY, NJ, PA, MD, MA, RI, CT, DE, VA, OH, KY, TN (except Memphis, TN, and points within its commercial zone, as defined by the Commission), CO, UT, and NV. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the facilities of Dubuque Packing Co., Inc., located at or near Wichita, KS. By the instant petition, petitioner seeks to modify the restriction to read: The operations authorized herein are restricted to the transportation of traffic originating at the facilities of Dubuque Packing Co., Inc., and Sunflower Beef, Inc., located at or near Wichita, KS.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 114552 (Sub-Nos. 75 and E-2) (M1F) (Notice of filing of a petition to modify commodity description), filed March 9, 1978. Petitioner: SENN TRUCKING CO., a corporation, P.O. Drawer 220, Newberry, SC 29108. Petitioner's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Petitioner holds a motor *common carrier* certificate in No. MC 114552 (Sub-No. 75), issued March 22, 1974; and a letter notice in No. MC 114552 (Sub-No. E-2), published August 15, 1974. No. MC 114552 (Sub-No. 75) authorizes transportation, over irregular routes, of *Plywood and composition board,* from Camden, NJ, to points in VA, NC, SC, and GA. No. MC 114552 (Sub-No. E-2) authorizes transportation, over irregular routes, as pertinent, of (1) *Composition board,* from Camden, NJ, to points in TN, and points in KY on, west, and south of a line beginning at the IN-KY State line and extending along U.S. Hwy 150 to its intersection with U.S. Hwy 25, then along U.S. Hwy 25 to its intersection with U.S. Hwy 25E, and then along U.S. Hwy 25E to the KY-TN State line, restricted against the transportation of commodities in bulk; and (2) *Composition board and plywood,* from Camden, NJ to points in FL, AL, MS, AR, LA, and TX. By the instant petition, petitioner seeks to add insulation and insulation materials, and materials, equipment and supplies used in the installation or distribution of insulation and insulation materials (except in bulk), to each of the above commodity descriptions.

No. MC 119789 (Sub-No. 252) (M2F) (Notice of filing of a petition to modify certificate by adding origin point), filed March 24, 1978. Petitioner: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, TX 75222. Petitioner's representative: James K. Newbold, Jr. (same address as applicant). Petitioner holds a motor *common carrier* certificate in No. MC 119789 (Sub-No. 252), issued March 21, 1978, authorizing transportation, over irregular routes, of *Electrical equipment and parts* (except new household appliances), from West Union and Pickens, SC, to Kansas City, KS, and points in AZ, AR, CA, CO, ID, IN, MN, MS, MO, MT, NM, OK, OR, TX, UT, WA, WI, and WY. By the instant petition, petitioner seeks to add the origin point of Westminster, SC.

No. MC 138438 (Sub-No. 4) (M1F) (Notice of filing of a petition to modify a certificate by deleting restrictions), filed March 3, 1978. Petitioner: D. M. BOWMAN, INC., 15 East Oak Ridge Drive, Route 9, Box 26, Hagerstown, MD 21740. Petitioner's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. Petitioner holds a motor *common carrier* certificate in No. MC 138438 (Sub-No. 4), issued February 2, 1976, authorizing transportation, over irregular routes, of: (1) *Plastic pipe, conduit, couplings, fittings, and accessories* necessary for the installation of the foregoing commodities, in vehicles equipped with mechanical unloading devices (except commodities in bulk), from the facilities of Certain-Teed Products Corp., Williamsport, MD, to points in CT, DE, IL, IN, KY, ME, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, WV, and DC; and (2) *Vinyl siding and accessories* necessary for the installation of vinyl siding, in vehicles equipped with mechanical unloading devices, from the facilities of Certain-Teed Products Corp. at Williamsport, MD, to points in CT, DE, IN, KY, ME, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC. By the instant petition, petitioner seeks to eliminate the restriction in (1) and (2) above which reads: in vehicles equipped with mechanical unloading devices.

No. MC 142906 (Sub-No. 1) (M1F) (Notice of filing of a petition to modify a permit by adding two contracting shippers), filed February 6, 1978. Petitioner: SUNWARD TRUCKING, INC., 808 South 14th, Worland, WY 82401. Petitioner's representative: Calvin A. Calton, Suite 201 Hedden Empire Building, 208 North 29th Street, Billings, MT 59101. Petitioner holds a motor *contract carrier* permit in No. MC 142906 (Sub-No. 1), issued March 17, 1978, authorizing transportation over irregular routes, of: (1) *Unassembled steel buildings* and *component parts of steel buildings,* from Jamestown, ND, to points in the United States (except AK, HI); and (2) *Materials* and *supplies* used in the manufacture of steel buildings, from points in the United States (except AK, HI), to Jamestown, ND. Restriction: The authority granted herein is limited to a transportation service to be performed under a continuing contract or contracts with Marvel Brute Steel Buildings, Inc., at Jamestown, ND. By the instant petition, petitioner seeks to add (a) Sunward Corp. of Jamestown, ND; and (b) Sunward International Marketing Corp. of Denver, CO as additional shippers.

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this Federal Register notice. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. Such pleading shall comply with Special Rule 247(e) of the Commission's General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 114457 (Sub-No. 297), (Republication), filed March 18, 1977, published in the Federal Register issue of May 12, 1977, and republished this issue. Applicant: DART TRANSIT CO., a corporation, 2102 University Avenue, St. Paul, MN 55114. Applicant's representative: James H. Wills, (Same address as applicant). An Order of the Commission, by the initial decision, served December 23, 1977, effective February 24, 1978, finds that the present and future public convenience and necessity require operation, by applicant, in interstate or foreign commerce, as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs,* (except dairy products, frozen foodstuffs and commodities in bulk), from the facilities of Geo. A. Hormel & Co., at Austin, MN, and the facilities of Midwest Foods Corp., at Owatonna, MN, to points in AR and OK, restricted to traffic originating at the named facilities at Austin and Owatonna, MN, and destined to points in AR and OK; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. The purpose of this republication is to indicate the broadening of the commodity description, and the addition of a restriction.

No. MC 135231 (Sub-No. 25) (Republication), filed May 26, 1977, published in the Federal Register issue of July 21, 1977, and republished this issue. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Hwys. 1 and 59 West, Thief River Falls, MN 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. An Order of the Commission, by the initial decision, served November 29, 1977, effective January 24, 1978, finds that the present and future public convenience and necessity require operation, by applicant, in interstate or foreign commerce, as a

common carrier, by motor vehicle, over irregular routes, transporting: *Snowmobiles, parts and accessories thereof,* from Lancaster County, NE, to points in the United States (except AL and HI), including ports of entry between the United States and Canada, located in WA, ID, MT, ND, MN, MI, and NY, restricted to traffic originating at facilities utilized by Kawasaki Motors Corp., U.S.A., at the named origins; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. The purpose of this republication is to modify the commodity and territorial description.

No. MC 140786 (Sub-No. 2) (2nd Republication), filed January 21, 1977, published in the FEDERAL REGISTER issue of March 10, 1977; republished as corrected June 30, 1977, and republished this issue. Applicant: THE UNITED STATES CARGO & COURIER SERVICE INC., P.O. Box 1169, Columbus, OH 43216. Applicant's representative: Boyd B. Ferris, 50 West Broad Street, Columbus, OH 43215. An Order of the Commission, by the initial decision, served February 9, 1978, effective March 28, 1978, finds that the present and future public convenience and necessity require operation, by applicant, in interstate or foreign commerce, as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Mining machinery parts, and equipment and supplies* used in the manufacture or repair of mining machinery, between Columbus, OH, and points in AL, AR, CO, GA, IL, IN, KY, MI, NJ, NC, ND, PA, SC, TN, UT, VA, WV, and WY, in non-radial movement, under a continuing contract, or contracts, with Jeffrey Mining Machinery Co., a division of Dresser Industries, Inc., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate that an appropriate permit will be issued, subject to the condition or prior or coincidental cancellation, at applicant's request, if its contract carrier authority held under No. MC 140786 (Sub-No. 1).

No. MC 142977 (Republication) (Correction), filed February 22, 1977, published in the FEDERAL REGISTER issues of April 21, 1977, and April 13, 1978, and republished this issue. Applicant: HOOSIER FREIGHT LINES, INC., 4906 Imperial Court, Louisville, KY 40216. Applicant's representative: James K. Stayton, 216 Atkinson Square, Louisville, KY 40218. An Order of the Commission, Review Board No. 1, decided February 13, 1978, and served February 17, 1978, finds that the present and future public convenience and necessity require operations by applicant in interestate or foreign commerce as a *common carrier,* over regular routes, in the transportation of *general commodities,* (except household goods, commodities in tank vehicles, commodities requiring special handling because of size and weight, building and excavating contractors and mining machinery and equipment, and road building equipment and machinery): Between Pekin, IN, and Louisville, KY, with service to and from the intermediate point to Borden, IN, (1) from Pekin over IN Hwy 60 to junction of Interstate Hwy 65, then over Interstate Hwy 65 to Louisville, and return over the same route; (2) from Pekin over IN Hwy 60 to junction U.S. Hwy 31E (also portion of Interstate Hwy 65), then over U.S. Hwy 31E (also portion of Interstate Hwy 65), to Louisville, and return over the same route, as an alternate route for operating convenience only; and (3) from Pekin over Interestate Hwy 60 to the junction of Interstate Hwy 65, then over Interstate Hwy 65 to junction Interstate Hwy 264, then over Interstate Hwy 264 to junction Interstate Hwy 64, then over Interstate Hwy 64 to Louisville, and return over the same route, as an alternate route for operating convenience only, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate the rephrasal of the commodity description; the redescribed proposed routes (1) an (2); and the elimination of proposed route (3).

NOTE.—The purpose of this correction is to indicate the addition of "the rephrasal of the commodity description," which was inadvertently omitted.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use a such authority to provide all or part of the service proposed), and shall specify with particularly the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protest not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if not representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(e)(4) of the special rules, and shall include this certification required therin.

Section 247(f) further provides, in part, that an applicant who does not intent timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing. Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC1936 (Sub-No. 45F), filed March 29, 1978. Applicant: B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, PA 15224. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment):

(1) Between Mansfield, OH, and East Liverpool, OH: From Mansfield, over OH Hwy 39 to East Liverpool, and return over the same route.

(2) Between Mansfield, OH, and Conneaut, OH: From Mansfield, over U.S. Hwy 42 to Cleveland, OH, then over U.S. Hwy 20 to Conneaut, OH, and return over the same route.

(3) Between Mansfield, OH, and Port Clinton, OH: From Mansfield, over OH Hwy 39 to Shelby, OH, then over OH Hwy 61 to Norwalk, OH, then over U.S. Hwy 250 to Sandusky, OH, then over OH Hwy 2 to Port Clinton, OH, and return over the same route.

(4) Between Mansfield, OH, and Toledo, OH: From Mansfield, OH, over U.S. Hwy 30 to Upper Sandusky, OH, then over U.S. Hwy 23 to Toledo, OH, and return over the same route.

(5) Between Mansfield, OH, and the OH-IN State line: From Mansfield, OH, over U.S. Hwy 30 to the OH-IN State line, and return over the same route.

(6) Between Mansfield, OH, and the OH-MI State line: From Mansfield, OH, over U.S. Hwy 30 to its junction with OH Hwy 65, then over OH Hwy 65 to Ottawa, OH, then over OH Hwy 15 to its junction with OH Hwy 108, and then over OH Hwy 108 to the OH-MI State line, and return over the same route.

(7) Between Mansfield, OH, and the OH-MI State line: From Mansfield, OH, over U.S. Hwy 30 to Delphos, OH, then over OH Hwy 66 to Defiance, OH, then over OH Hwy 15 to its junction with U.S. Hwy 127, and then over U.S. Hwy 127 to the OH-MI State line, and return over the same route.

(8) Between Mansfield, OH, and Bridgeport, OH: From Mansfield, OH, over OH Hwy 39 to New Philadelphia, OH, and then over U.S. Hwy 250 to Bridgeport, OH, and return over the same route.

(9) Between Mansfield, OH, and Ironton, OH: From Mansfield, OH, over OH Hwy 13 to New Lexington, OH, and then over OH Hwy 93 to Ironton, OH, and return over the same route.

(10) Between Mansfield, OH, and the OH-IN State line: From Mansfield, OH, over OH Hwy 309 to Lima, OH, and then over OH Hwy 81 to the OH-IN State line, and return over the same route.

(11) Between Mansfield, OH, and Portsmouth, OH: From Mansfield, OH, over U.S. Hwy 42 to Delaware, OH, and then over U.S. Hwy 23 to Portsmouth, OH, and return over the same route.

(12) Between Cincinnati, OH, and the OH-MI State line: From Cincinnati, OH, over U.S. Hwy 127 to the OH-MI State line, and return over the same route.

(13) Between Cincinnati, OH, and Toledo, OH: From Cincinnati, OH, over Interstate Hwy 75 to Toledo, OH, and return over the same route.

(14) Between Cincinnati, OH, and Toledo, OH: From Cincinnati, OH, over U.S. Hwy 42 to Xenia, OH, then over U.S. Hwy 68 to Findlay, OH, and then over Interstate Hwy 75 to Toledo, OH, and return over the same route.

(15) Between Cincinnati, OH, and Sandusky, OH: From Cincinnati, OH, over OH Hwy 4 to Sandusky, OH, and return over the same route.

(16) Between Cincinnati, OH, and the OH-PA State line: From Cincinnati, OH, over Interstate Hwy 71 to its junction with U.S. Hwy 62, and then over U.S. Hwy 62 to the OH-PA State line, and return over the same route.

(17) Between Cincinnati, OH, and Steubenville, OH: From Cincinnati, OH, over U.S. Hwy 22 to Steubenville, OH, and return over the same route.

(18) Between Cincinnati, OH, and Bridgeport, OH: From Cincinnati, OH, over Interstate Hwy 71 to its junction with U.S. Hwy 40, and then over U.S. Hwy 40 to Bridgeport, OH, and return over the same route.

(19) Between Cincinnati, OH, and Belpre, OH: From Cincinnati, OH, over U.S. Hwy 50 to Belpre, OH, and return over the same route.

(20) Between Cincinnati, OH, and the OH-WV State line: From Cincinnati, OH, over U.S. Hwy 52 to the OH-WV State line, and return over the same route.

(21) Between Dayton, OH, and Columbus, OH: From Dayton, OH, over OH Hwy 4 to its junction with U.S. Hwy 40, and then over U.S. Hwy 40 to Columbus, OH, and return over the same route.

(22) Between Mansfield, OH, and Pomeroy, OH: From Mansfield, OH, over OH Hwy 13 to Mt. Vernon, OH, then over OH Hwy 661 to Granville, OH, then over OH, then over OH Hwy 37 to Lancaster, OH, and then over U.S. Hwy 33 to Pomeroy, OH, and return over the same route.

(23) Between Mansfield, OH, and Cincinnati, OH: From Mansfield, OH, over U.S. Hwy 42 to Cincinnati, OH, and return over the same route.

(24) Between Mansfield, OH, and the OH-IN State line: From Mansfield, OH, over U.S. Hwy 42 to Delaware, OH, then over U.S. Hwy 36 to Marysville, OH, then over OH Hwy 4 to Dayton, OH, and then over U.S. Hwy 35 to the OH-IN State line, and return over the same route.

(25) Between Mansfield, OH, and the OH-KY State line: From Mansfield, OH, over U.S. Hwy 42 to Delaware, OH, then over U.S. Hwy 23 to Columbus, OH, and then over U.S. Hwy 62 to the OH-KY State line, and return over the same route.

(26) Between Mansfield, OH, and the OH-IN State line: From Mansfield, OH, over OH Hwy 309 to Marion, OH, then over OH Hwy 4 to its junction with OH Hwy 47 and then over OH Hwy 47 to the OH-IN State line, and return over the same route.

(27) Between Mansfield, OH, and Marietta, OH: From Mansfield, OH, over OH Hwy 13 to Mt. Vernon, OH, then over U.S. Hwy 36 to Warsaw, OH, and then over U.S. Hwy 60 to Marietta, OH, and return over the same route.

(28) Between Dayton, OH, and Gallipolis, OH: From Dayton, OH, over U.S. Hwy 35 to Gallipolis, OH, and return over the same route.

(29) Between Kenton, OH, and McConnelsville, OH: From Kenton, OH, over OH Hwy 31 to Marysville, OH, then over U.S. Hwy 33 to its junction with OH Hwy 37, and then over OH Kwy 37 to McConnelsville, OH, and return over the same route.

(30) Between Springfield, OH, and the OH-IN State line: From Springfield, OH, over U.S. Hwy 40 to the OH-IN State line, and return over the same route.

(31) Between Toledo, OH, and Columbus, OH: From Toledo, OH, over U.S. Hwy 23 to Columbus, OH, and return over the same route.

(32) Between Cleveland, OH, and Columbus, OH: From Cleveland, OH, over Interstate Hwy 71 to Columbus, OH, and return over the same route. From Cleveland, OH, over OH Hwy 3 to Columbus, OH, and return over the same route.

(33) Between Cleveland, OH, and the junction of Interstate Hwy 77 and U.S. Hwy 36: From Cleveland, OH, over Interstate Hwy 77 to its junction with U.S. Hwy 36, and return over the same route.

(34) Between Conneaut, OH, and Proctorville, OH: From Conneaut, OH, over OH Hwy 7 to Proctorville, OH, and return over the same route.

(35) Between Ashtabula, OH, and Cadiz, OH: From Ashtabula, OH, over OH Hwy 46 to its junction with OH Hwy 82, then over OH Hwy 82 to its junction with OH Hwy 45, then over OH Hwy 45 to its junction with OH Hwy 9, and then over OH Hwy 9 to Cadiz, OH, and return over the same route.

(36) Between Steubenville, OH, and Canton, OH: From Steubenville, OH, over U.S. Hwy 22 to its junction with OH Hwy 43, and then over OH Hwy 43 to Canton, OH, and return over the same route.

(37) Between Dennison, OH, and Columbus, OH: From Dennison, OH, over U.S. Hwy 36 to its junction with OH Hwy 83, then over OH Hwy 83 to its junction with OH Hwy 16, and then over OH Hwy 16 to Columbus, OH, and return over the same route.

(38) Between Mansfield, OH, and Marietta, OH: From Mansfield, OH, over OH Hwy 13 to Mt. Vernon, then over U.S. Hwy 36 to its junction with Interstate Hwy 77, and then over Interstate Hwy 77 to Marietta, OH, and return over the same route.

(39) Between Mansfield, OH, and the OH-MI State line: From Mansfield, OH, over OH Hwy 13 to its junction with U.S. Hwy 224, then over U.S. Hwy 224 to Findlay, OH, and then over OH Hwy 15 to the OH-MI State line, and return over the same route.

(40) Between Mansfield, OH, and the OH-IN State line: From Mans-

field, OH, over OH Hwy 309 to Marion, OH, then over OH Hwy 4 to Hamilton, OH, and then over OH Hwy 129 to the OH-IN State line, and return over the same route.

(41) Between Mansfield, OH, and the OH-IN State line: From Mansfield, OH, over OH Hwy 309 to Kenton, OH, then over OH Hwy 67 to Wapakoneta, OH, then over U.S. Hwy 33 to its junction with OH Hwy 29, and then over OH Hwy 29 to the OH-IN State line, and return over the same route.

(42) Between Mansfield, OH, and the OH-KY State line: From Mansfield, OH, over OH Hwy 13 to its junction with Interstate Hwy 71, then over Interstate Hwy 71 to its junction with U.S. Hwy 68, and then over U.S. Hwy 68 to the OH-KY State line, and return over the same route.

(43) Between Mansfield, OH, and the OH-PA State line: From Mansfield, OH, over U.S. Hwy 30 to Wooster, OH, then over OH Hwy 3 to its junction with U.S. Hwy 224, and then over U.S. Hwy 224 to the OH-PA State line, and return over the same route.

(44) Between Mansfield, OH, and the OH-WV State line: From Mansfield, OH, over U.S. Hwy 30 to Canton, OH, and then over OH Hwy 800 to the OH-WV State line, and return over the same route.

(45) Between Mansfield, OH, and the OH-PA State line: From Mansfield, OH, over U.S. Hwy 30 to its junction with OH Hwy 44, then over OH Hwy 44 to its junction with OH Hwy 5, and then over OH Hwy 5 to the OH-PA State line, and return over the same route.

(46) Between Mansfield, OH, and East Liverpool, OH: From Mansfield, OH, over U.S. Hwy 30 to East Liverpool, OH, and return over the same route.

(47) Serving all points in OH as intermediate or off-route points in connection with carrier's regular-route operations authorized above. (Hearing site: Pittsburgh, PA, or Washington, DC.)

NOTE.—Common control may be involved. Applicant holds irregular route authority at Docket No. MC 1936 (Sub-No. 44) to serve all points in OH. The purpose of this application is to convert the irregular route authority to regular route authority.

No. MC 2229 (Sub-No. 202F), filed March 29, 1978. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Dallas, TX 74247. Applicant's representative: Jackie Hill (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and particle board*, from the plantsite of McKnight Plywood, Inc., at West Helena, AR, to points in TX, LA, MS, AL, TN, OK, KS, MO, and GA. (Hearing site: Memphis, TN, or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 4405 (Sub-No. 577F), filed March 29, 1978. Applicant: DEALERS TRANSIT, INC., 522 South Boston Avenue, Tulsa, OK 74103. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles;* (2) *materials, equipment, and supplies* (except commodities in bulk) used in the manufacture, fabrication, and processing of iron and steel articles, between Muskogee, OK, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Tulsa or Oklahoma City, OK.)

NOTE.—Common control may be involved.

No. MC 25869 (Sub-No. 139F), filed April 14, 1978. Applicant: NOLTE BROS. TRUCK LINE, INC., 6217 Gilmore Avenue, P.O. Box 7184, Omaha, NE 68107. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a motor *common carrier*, by motor vehicle, over irregular routes transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packing houses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk in tank vehicles), from:

(a) Omaha, NE, to points in AL, AR, CT, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, ME, MI, MO, MS, NJ, NY, NC, OH, PA, SC, TN, VA, WV, and WI;

(b) Norfolk, NE, to points in DE, GA, IL, IN, IA, KS, KY, MD, MI, MN, MO, NJ, NC, OH, PA, SC, TN, WI, VA, and WV;

(c) St. Joseph, MO, to points in DE, GA, IL, IN, KY, MD, MI, NJ, NY, NC, OH, PA, SC, TN, WI, VA, and WV; and

(d) Oakland, IA, to points in AL, FL, GA, KY, MS, NC, SC, TN, and VA. (Hearing site: Omaha, NE.)

No. MC 26396 (Sub-No. 172F), filed March 27, 1978. Applicant: POPELKA TRUCKING CO., INC., d.b.a. THE WAGGONERS, P.O. Box 990, Livingston, MT 59047. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Acoustical materials and accessories*, from Plainfield, IL, to points in AL, AZ, CA, CO, FL, ID, IA, KS, OR, NV, WY, OK, MI, MO, MN, MT, NE, NM, ND, SD, TX, UT, and WA; and (2) *materials, accessories, and supplies* used in the manufacture of acoustical materials and accessories, from points in destinations named in (1) above, to the origin point named in (1) above. (Hearing site: Chicago, IL.)

No. MC 60014 (Sub-No. 83F), filed April 3, 1978. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, PA 15146. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. Applicant seeks authority as a *common carrier*, over irregular routes, transporting: *Cooling towers, cooling tower parts and accessories* for such towers, *materials and supplies* used in the installation of cooling towers and heat exchangers, from the facilities of E. D. Goodfellow, Inc., located at Tulsa, OK, to points in the United States (except AK and HI). (Hearing site: Oklahoma City, OK, or Washington, D.C.)

No. MC 65802 (Sub-No. 64F), filed April 2, 1978. Applicant: LYNDEN TRANSPORT, INC., P.O. Box 433, Lynden, WA 98264. Applicant's representative: Charles H. Ruby, 5615 West Marginal Way SW., Seattle, WA 98106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, in tank vehicles, between points in Whatcom County, WA, on the one hand, and, on the other, ports of entry on the United States-Canada international boundary at or near Blaine, Lynden, and Sumas, WA. (Hearing site: Seattle, WA.)

No. MC 95876 (Sub-No. 234F), filed April 3, 1978. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrought iron pipe*, from points in Beaver County and Lawrence County, PA, Mahoning County, OH, and Chippewa County, MI, to Seattle, WA. (Hearing site: Minneaplis, MN or Dallas, TX.)

NOTE.—Common control may be involved.

No. MC 100666 (Sub-No. 390F), filed March 31, 1978. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe and plastic products and materials and supplies* used in the manufacture thereof (except commodities in bulk and those which because of size and weight require the use of special equipment), between points in Geneva County, AL, on the one hand, and, on the other, points in the United States including AK (except HI); and, (2) *ma-*

terials, equipment, and supplies used in the manufacture, distribution or installation of commodities named in (1) above (except in bulk), from points in the United States including AK (but excluding HI), to points in Geneva County, AL. (Hearing site: Birmingham, AL.)

No. MC 100666 (Sub-No. 396F), filed April 3, 1978. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* from the facilities of Tubular Steel Inc., at or near Hazelwood, MO and Staunton, IL, to points in AR, CO, KS, LA, MS, NM, OK, and TX. (Hearing site: Kansas City, MO.)

No. MC 108341 (Sub-No. 96F), filed April 3, 1978. Applicant: MOSS TRUCKING CO., INC., 3027 North Tryon Street, P.O. Box 8409, Charlotte, NC 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut log buildings, knocked down or in sections, and materials, equipment, or supplies* used in the construction and distribution of such commodities (except commodities in bulk), from the facilities of Beaver Log Homes of Florida, Inc., at or near Blountstown, FL, to points in the United States in and east of MN, IA, IL, KY, TN, and MS. (Hearing site: Panama City, FL or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 109397 (Sub-No. 404F), filed March 27, 1978. Applicant: TRI-STATE MOTOR TRANSIT CO., A corporation, P.O. Box 113, Joplin, MO 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and wood products*, from points in AL, FL, GA, SC, NC, AR, LA, MS, OK, TN, and TX, to points in and east of MN, IA, NE, KS, OK, and TX. (Hearing site: June 12, 1978 (1 week), at 9:30 a.m. local time at Atlanta, GA, in a hearing room to be later designated.)

NOTE.—Common control may be involved.

No. MC 111310 (Sub-No. 30F), filed April 1, 1978. Applicant: BEER TRANSIT, INC., P.O. Box 352, Black River Falls, WI 54615. Applicant's representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials and malt beverage dispensing equipment* from Peoria, IL, to points in WI and MN; (2) *rejected shipments and empty malt beverage containers* from points in MN and WI to Peoria, IL. (Hearing site: Madision or Milwaukee, WI.)

No. MC 114457 (Sub-No. 379F), filed April 2, 1978. Applicant: DART TRANSIT CO., a corporation, 2102 University Avenue, St. Paul, MN 55114. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container closures, glassware, packaging products, container components and scrap materials, and material, equipment, and supplies* used in the manufacture, sale, and distribution of the foregoing commodities (except commodities in bulk, in tank vehicles, and those which because of size and weight require the use of special equipment), between points in the United States (except AK, HI, WA, OR, ID, CA, NE, and UT), in non-radial movement. Restriction: The above authority is restricted to movements from, to or between the facilities utilized by Owens-Illinois, Inc. (Hearing site: Minneapolis, MN or Chicago, IL.)

No. MC 114608 (Sub-No. 33F), filed March 20, 1978. Applicant: CAPITAL EXPRESS, INC., 5635 Clay SW., Grand Rapids, MI 49508. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, 1001 Woodward Avenue, Detroit, MI 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial and household appliances and home equipment and materials, equipment and supplies* used in the manufacture, sale, or distribution thereof (except commodities in bulk), between points in OH, IL, IN, MI, MN, TN, PA, NY, WV, KY, WI, MD, VA, MO, IA, NJ, and KS, under continuing contract or contracts with Kelvinator, Inc. and Gibson Products Corp. (Hearing site: Chicago, IL or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 115311 (Sub-No. 273F), filed March 29, 1978. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Armco Steel Corp. at Ashland, KY, to points in AL, AR, GA, FL, LA, MS, NC, SC, TN, TX, and VA, restricted to traffic originating at Ashland, KY. (Hearing site: Columbus, OH or Atlanta, GA.)

No. MC 115841 (Sub-No. 623F), filed March 29, 1978. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Applicant's representative: E. .Stephen Heisley, 666 11th Street NW., 805 McLachlen Bank Building, Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the facilities of Welch Foods, Inc., at or near Lawton, MI, to points in AK, KS, NE, MO, NM, OK, and TX. (Hearing site: Buffalo, NY.)

NOTE.—Common control may be involved.

No. MC 115904 (Sub-No. 89) (Amendment), filed November 28, 1977, published in the FEDERAL REGISTER issue of January 26, 1978, and republished as amended, this issue. Applicant: GROVER TRUCKING CO., a corporation, 1710 West Broadway, Idaho Falls, ID 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Authority sourght to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Masonry articles and supplies*, between Idaho Falls, ID, on the one hand, and, on the other, points in the United States located on and west of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN; then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada. Restriction: Restricted against the transportation of commodities which by reason of their size and weight require the use of special equipment, commodities in bulk, and those commodities falling within the category described in Mercer Extension—Oil Field Commodities, 74 MCC 459. (Hearing site: Boise, ID or Salt Lake City, UT.)

NOTE.—Common control may be involved. The purpose of this republication is to amend the territorial description and eliminate the restriction "to the account of Rocky Mountain Supply."

No. MC 115931 (Sub-No. 61F), filed March 29, 1978. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59801. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building panels, building parts, and materials, accessories, and supplies* used in

the installation, erection, and construction of buildings, building panels, and building parts, from the facilities of Butler Manufacturing Co., located at or near Galesburg, IL, to points in ID, OR and WA. (Hearing site: Minneapolis or St. Paul, MN.)

No. MC 116763 (Sub-No. 412F), filed April 3, 1978. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters, North West Street, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen, and commodities in bulk), from the facilities of Curtice-Burns, Inc., located at or near Alton, Leicester, LeRoy, Oakfield, Phelps, Shortsville, South Dayton, NY to points in AL, FL, GA, LA, MS, NC, SC, and TN. Restricted to the transportation of traffic originating at and destined to the named points. (Hearing site: Rochester, NY.)

No. MC 117574 (Sub-No. 298F), filed March 20, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Applicant's representative: James W. Hagar, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in or used by agricultural equipment and industrial equipment dealers and manufacturers* (except commodities in bulk), between points in the United States (included AK, but excluding HI), restricted to movements from, to, or between the facilities of AVCO New Idea Farm Equipment Division, AVCO Corp., and its dealers. (Hearing site: June 8, 1978, at Columbus, OH, on a consolidated basis with MC 95084 (Sub-No. 118); MC 119641 (Sub-No. 141); and MC 114211 (Sub-No. 344F.)

NOTE.—Common control may be involved.

No. MC 117574 (Sub-No. 302F), filed March 29, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, Pa. 17013. Applicant's representative: James W. Hagar, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, paneling, and composition board*, from Camden, NJ, to points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Philadelphia, PA or Washington, DC.)

No. MC 117589 (Sub-No. 49F), filed: February 15, 1978. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 7th Ave. So., Seattle, WA 98108. Applicant's representative: Michael D. Duppenthaler, 607 3rd Ave., 515 Lyon Bldg., Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen human blood, blood plasma*, in vehicles equipped with mechanical refrigeration; and *materials, equipment and supplies* related thereto, between points in WA and OR on the one hand and, on the other, points in CA, (2) *frozen foods*, in vehicles equipped with mechanical refrigeration, from Albuquerque, NM, to points in WA, OR, ID, and MT; and (3) *meats, meat products and meat byproducts and articles* distributed by meat packinghouses, in vehicles equipped with mechanical refrigeration from points in WA (except Seattle), to point in NM. (Hearing site: Seattle, WA.)

No. MC 117786 (Sub-No. 13F), filed March 28, 1978. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85009. Applicant's representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal; charcoal briquettes, fireplace logs* (compressed sawdust wax impregnated); *charcoal lighter fluid*, in cans in cartons; *hickory chips* (not charred) for flavoring purposes; and *vermiculite* (other than crude) from Belle, MO, to points in WA, OR, CA, NV, UT, AZ, NM, and CO. (Hearing site: Louisville, KY.)

No. MC 119789 (Sub-No. 441F), filed March 29, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr., P.O. Box 6188, Dallas, TX 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, from Cincinnati and Lima, OH, to points in AZ, CA, CO, LA, OR, TX, and WA. (Hearing site: Cincinnati, OH.)

No. MC 123069, filed March 30, 1977. Petitioner: ALLER & SHARP, INC., 817 West Fifth Avenue, Columbus, OH 43212. Petitioner's representative: Charles W. Singer, 327 South LaSalle Street, Chicago, IL 60604. Petitioner seeks to modify its irregular route authority for transporting: *Army subsistence, clothing, equipage, and supplies*, between points in OH, KY, IN, and WV. This authority had been granted based on the same authority previously held as a contract carrier in permit No. MC 18124. Petitioner intends to demonstrate that the commodity description supported by the evidence in the "grandfather" proceeding should have been *general commodities* instead of *Army subsistence, clothing, equipage, and supplies.* (Hearing site: Columbus, OH.)

No. MC 123255 (Sub-No. 160F), filed March 30, 1978. Applicant: B. & L. MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Applicant's representative: C. F. Schnee, Jr., 140 Everett Avenue, Newark, OH 43055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet food*, from Muscatine, IA to points in CT, DE, IL, IN, KY, MD, MA, NJ, NY, OH, PA, RI, VA. WV, and DC. (Hearing site: Columbus, OH.)

NOTE.—Common control may be involved.

No. MC 123872 (Sub-No. 84F), filed March 29, 1978. Applicant: W. & L. MOTOR LINES, INC., P.O. Box 2607, Hickory, NC 28601. Applicant's representative: Allen E. Bowman, P.O. Box 2607, Hickory, NC 28601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), from Plover, WI to points in AL, FL, GA, KY, LA, MS, NC, OK, SC, TN, TX, VA, and WV. Restricted to traffic originating at the facilities of, or used by Ore-Ida Foods, Inc. and Terminal Ice and Cold Storage Co., at or near Plover, WI, and further restricted to traffic destined to named States. (Hearing site: Washington, DC or Boise, ID.)

NOTE.—Applicant holds contract carrier authority under MC 142483 therefore, dual operations may be involved.

No. MC 123872 (Sub-No. 85F), filed March 28, 1978. Applicant: W. & L. MOTOR LINES, INC., P.O. Box 2607, Hickory, NC 28601. Applicants representative: Allen E. Bowman, P.O. Box 2607, Hickory, NC 28601. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles* distributed by meat packing houses, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk): from: Kenosha, WI to points in GA, NC, SC, KY, VA, and TN. Restricted to traffic originating at named origin and destined to named destinations. (Hearing site; Milwaukee, WI or Washington, DC.)

No. MC 124078 (Sub-No. 795F), filed April 4, 1978. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean oil*, in bulk, in tank vehicles, from the facilities of Cargill, Inc., at or near Sidney,

OH to points in GA, IL, IN, KY, MD, MA, MI, NJ, NY, NC, OH, PA, TN, and VA. (Hearing site: Minneapolis, MN.)

NOTE.—Authority is sought to serve points in Ontario and Quebec, CD via international border ports of entry in MI and NY. Dual operations may be involved.

No. MC 124887 (Sub-No. 52F), filed March 29, 1978. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Applicant's representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Heads cut, tall oil, fatty acids, and rosin* (except commodities in bulk), from Port St. Joe, FL to points in AL, FL, GA, MS, LA, NC, SC and TN. (Hearing site: Jacksonville or Tallahassee, FL, or Atlanta, GA.)

No. MC 124896 (Sub-No. 51F), filed March 29, 1978. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485. Wilson, NC 27893. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by lawn and garden care centers (except commodities in bulk), from the facilities of O. M. Scott & Sons Co., at or near Marysville, Columbus, and Vermilion, OH, to points in AL, DC, DE, FL, GA, LA, MD, MS, NC, SC, TN, and VA, restricted to the transportation of shipments originating at the named origins and destined to the named States. (Hearing sites: Columbus, OH, Chicago, IL.)

No. MC 124896 (Sub-No. 52F), filed March 23, 1978. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485, Wilson, NC 27893. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodties* exempt from economic regulation when moving in mixed shipments with bananas, from Charleston, SC, to points in IA, KS, MN, MO, NE, NC, ND, SD, VA, and WI. (Hearing site: New Orleans, LA, or Washington, DC.)

No. MC 125010 (Sub-No. 17F), filed March 20, 1978. Applicant: GIBCO MOTOR EXPRESS, INC., 3405 North 33rd Street, Terre Haute, IN 47805. Applicant's representative: Norman R. Garvin, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coal and coke*, in bulk, from points in Clay, Greene, Sullivan, and Vigo Counties, IN, to points in IL; (2) *Ferroalloys*, in dump vehicles and in containers, from Calvert City, KY, to Danville, IL; (3) *coke, scrap and iron, and steel*, from Danville, IL, to Calvert City, KY; (4) *fly ash*, in bulk, in tank or hopper-type vehicles, from points in Vigo County, IN, to points in IL, IA, KY, MI, MO, OH, and WI; (5) *ferroalloys*, from Calvert City, KY, to Saginaw, MI; (6) *scrap metal*, between Kokomo, IN, on the one hand, and, on the other, points in Vermilion County, IL; (7) *coke*, in bulk, from points in Vigo County, IN, to points in MI, OH, KY, MO, and IA; and (8) *ferroalloys*, from Calvert City, KY, to Flat Rock, MI, and Defiance, OH. (Hearing site: Indianapolis, IN, or Chicago, IL.)

NOTE.—Applicant presently holds authority to perform and the proposed service under its permit No. MC 125010 and subnumbers thereunder. The purpose of this application is to convert that authority into a certificate of public convenience and necessity.

No. MC 125551 (Sub-No. 15F), filed March 29, 1978. Applicant: K & W TRUCKING CO., INC., 101 Cooper Avenue North, P.O. Box 1415, St. Cloud, MN 56301. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and millwork*, from Tacoma, WA, to points in IA, IL, IN, MI, MN, ND, SD, and WI. (Hearing site: Seattle, Wa.)

NOTE.—Common control may be involved.

No. MC 127042 (Sub-No. 214F), filed April 2, 1978. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux city, IA 51108. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal*, in bags, from Howell County, MO, to points in the United States in and west of WI, IL, MO, AR, and LA (except AK and HI). (Hearing site: Chicago, IL.)

No. MC 127042 (Sub-No. 215F), filed April 2, 1978. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, IA 51108. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk, in tank vehicles), from the facilities of Sanna Division of Beatrice Foods Co. at Menomonie, Cameron, Vesper, Wisconsin Rapids, and Eau Claire, WI, to points in AR, KS, LA, MO, OK, and TX. Restricted to traffic originating at the named origins and destined to the named destinations. (Hearing site: Madison, WI.)

No. MC 129032 (Sub-No. 44F), filed March 29, 1978. Applicant: TOM INMAN TRUCKING, INC., 6015 South 49th West Avenue, Tulsa, OK 74107. Applicant's representative: David R. Worthington (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise dealt in by wholesale, retail, chain grocery, and food business houses* (except in bulk, in tank vehicles), in mechanically refrigerated equipment, from the facilities of Kraft, Inc., at Garland, TX, to points in LA, MS, TN, AR, OK, KS, and MO. (Hearing site: Chicago, IL, or St. Louis, MO.)

NOTE.—Common control may be involved.

No. MC 129032 (Sub-No. 48F), filed April 1, 1978. Applicant: TOM INMAN TRUCKING, INC., 6015 South 49th West Avenue, Tulsa, OK 74107. Applicant's representative: David R. Worthington (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass flat*, from the facility of Ford Motor Co., Dearborn Glass Plant, located at Dearborn, MI, to points in and east of TX, OK, KS, NE, SD, and ND. (Hearing site: Detroit, MI, or Chicago, IL.)

No. MC 133095 (Sub-No. 185F), filed March 29, 1978. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Applicant's representative: Rocky Moore, P.O. Box 434, Euless, TX 76039. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the facilities of Welch Foods, Inc., at or near Lawton, MI, to points in AR, KS, LA, MS, MO, NM, OK, TN, and TX. (Hearing site: Dallas, TX.)

No. MC 133494 (Sub-No. 15F), filed February 1, 1978. Applicant: E. W. BELCHER TRUCKING, INC., 201 Dallas Drive, Denton, TX 76201. Applicant's representative: William D. Lynch, P.O. Box 912, Austin, TX 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and bone meal*, in bulk, from points in Tom Green, Dallas, Harris, Bastrop, and Anderson Counties, TX, to points in MS; Franklin County, AL; and Shelby County, TN; (2) *fish meal*, in bulk, from points in Plaquemine Parish, LA; and Jackson and Harrison Counties, MS; to points in TX; (3) *soybean meal and cottonseed meal*, in bulk, from points in AR, MS, and Lake and Shelby Counties, TN, to points in Caddo and Sabine Parishes, LA. (Hearing site: Dallas, TX, or Little Rock, AR.)

No. MC 134235 (Sub-No. 9F), filed March 28, 1978. Applicant: KUHNLE BROTHERS, INC., P.O. Box 128, Cha-

grin Falls, OH 44022. Applicant's representative: Kenneth T. Johnson, Bankers Trust Building, Jamestown, NY 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Solar salt*, in pneumatic vehicles, from Perth Amboy, NJ, to points in NJ, PA, NY, CT, and MA. (Hearing site: Buffalo, NY.)

NOTE.—Dual operations may be involved.

No. MC 134300 (Sub-No. 18) (Amendment), filed January 31, 1978, published in the FEDERAL REGISTER issue of March 9, 1978, and republished as amended, this issue. Applicant: TRIPLE R EXPRESS, INC., 498 First Street NW., New Brighton, MN 55112. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *common carrier*, over irregular routes, by motor vehicle, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in tank vehicles), from the facilities of Kraft, Inc., at New Ulm, MN, to points in CT, PA, VA, DE, DC, ME, MD, MA, NH, NY, NJ, RI, VT, OH, IN, MI, WV, KY, IL, ND, SD, NE, IA, MO, and WI. Restricted to traffic originating at the above named origin and destined to points in the named destination States. (Hearing site: Minneapolis or St. Paul, MN.)

NOTE.—Common control may be involved. The purpose of this republication is to amend the commodity description of reflect the transportation of "Foodstuffs, in vehicles equipped with mechanical refrigeration (except commodities in tank vehicles)" in lieu of frozen foods.

No. MC 134755 (Sub-No. 138F), filed March 27, 1978. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires, tubes, flaps, rubber products, and materials* (except in bulk), from Conshohocken, Frazer, Montgomeryville, Norristown and Royersford, PA, to points in AZ, AR, CA, CO, ID, IA, MI, MO, NE, NM, OK, OR, TX, and WA. (Hearing site: Kansas City, MO or Philadelphia, PA.)

NOTE.—Applicant hold motor contract carrier authority in MC 138398 and sub numbers thereunder, therefore, dual operations may be involved. Common control may also be involved.

No. MC 134922 (Sub-No. 254F), filed March 29, 1978. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, articles of unusual value, Classes A and B explosives, foodstuffs, alcoholic beverages, and those which because of size or weight requires the use of special equipment), between the facilities of Owens Illinois, Inc., at points in AL, CA, CT, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MO, NJ, NY, NC, OH, OK, OR, PA, SC, TN, TX, VA, WV, and WI, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC.)

NOTE.—Common control may be involved.

No. MC 135874 (Sub-No. 116F), filed March 29, 1978. Applicant: LTL PERISHABLES, INC., 550 East Fifth Street South, South St. Paul, MN 55075. Applicant's representative: K. O. Petrick, 550 East Fifth Street South, South St. Paul, MN 55075. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 MCC, 209 and 766 (except in bulk), from the facilities of Sioux-Preme Packing Co., at or near Sioux Center, IA, to points in CT, DE, DC, IL, IN, KY, ME, MD, MA, MI, MN, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and WI. (Hearing site: Omaha, NE.)

NOTE.—Common control may be involved.

No. MC 138941 (Sub-No. 29F), filed March 29, 1978. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 South Reservoir Street, Pomona, CA 91766. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles and materials, supplies and equipment*, used in the manufacture and distribution of plastic articles, between the facilities of Mobil Chemical Co., Plastics Division, at points in Kerns and Yolo Counties, CA, on the one hand, and, on the other, points in AZ, CO, CT, ID, KS, MT, NV, NM, ND, OK, OR, SD, UT, WA, and WY. Restricted to transportation under a continuing contract or contracts with Mobil Chemical Co., Plastics Division, and further restricted against the transportation of commodities in bulk. (Hearing site: Buffalo, NY or Los Angeles, CA.)

No. MC 139482 (Sub-No. 35F) (Amendment), filed February 13, 1978, published in the FEDERAL REGISTER issue of March 30, 1978, and republished as amended, this issue. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 347, New Ulm, MN 56073. Applicant's representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Terminal Ice & Cold Storage Co., at or near Bettendorf, IA, to points in IL, IN, KY, MI, OH, MO, PA, MN, and WI. (Hearing site: Chicago, IL.)

NOTE.—The purpose of this republication is to broaden the territorial description by adding the rest of PA and the States of MI and WI.

No. MC 139584 (Sub-No. 14F), filed April 3, 1978. Applicant: JOHN BUSCH, P.O. Box 211, Conyngham, PA 18219. Applicant's representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic sheeting, ground plastic and plastic pellets and gra* (except commodities in bulk, in tank or hopper type vehicles), between Hazleton, PA, on the one hand, and, on the other hand, points in the United States (except AK and HI). (Hearing site: Washington, DC.)

No. MC 141252 (Sub-No. 2F), filed March 29, 1978. Applicant: PAN WESTERN CORP., 4755 West University Avenue, Las Vegas, NV. Applicant's representative: Richard Celio, 1415 West Garvey Avenue, Suite 102, West Covina, CA 91790. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos cement and plastic conduit and pipe and related fittings*, from the facilities of Johns-Mansville Sales Corp., located at or near Carson, CA to points in AZ and NV. (Hearing site: Las Vegas, NV or Los Angeles, CA.)

No. MC 142633 (Sub-No. 3F), filed March 29, 1978. Applicant: HATHORN TRANSFER & STORAGE CO., INC., 620 Elliott Street, Alexandria, LA 71301. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to opertate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* between Rapides Parish, LA, on the one hand, and, on the other, points in the LA Parishes of Acadia, Caldwell, West Feliciana, East Feliciana, Franklin, Pointe Coupee, St. Landry, Tensas, and Winn, restrictred to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic. (Hearing site: New Orleans, LA.)

No. MC 142715 (Sub-No. 12F), filed March 29, 1978. Applicant: LENERTZ, INC., 411 Northwestern National Bank Building, South St. Paul, MN 55075. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *meat, meat products, meat by-products, articles distributed by meat packing plants, and foodstuffs* (except hides and commodities in bulk), from the facilities utilized by Geo. A. Hormel & Co., at Austin, MN; Fort Dodge, IA; and Fremont and Scottsbluff, NE; to points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, OH, PA, RI, and VT. Restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Minneapolis, MN.)

No. MC 142897 (Sub-No. 9F), filed March 29, 1978. Applicant: KENNEDY FREIGHT LINES, INC., 7401 Fremont Pike, Perrysburgh, OH 43551. Applicant's representative: Paul F. Berry, 275 East State Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *paper and paper articles* (except commodities in bulk), from the facilities of Scott Paper Co. at Chester and Philadelphia, PA on the one hand and, on other, points in and east of MN, IA, MO, AR, and LA, under a continuing contract or contracts with Scott Paper Co. (Hearing site: Columbus, OH.)

No. MC 143328 (Sub-No. 8F), filed March 28, 1978. Applicant: EUGENE TRIPP TRUCKING, a corporation, P.O. Box 2730, Missoula, MT 59806. Applicant's representative: David A. Sutherlund, 1150 Connecticut Avenue, NW., Suite 400, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *malt beverages*, from Seattle, WA, to points in OR; and (2) *empty containers*, from points in OR to Seattle, WA. (Hearing site: Seattle, WA.)

NOTE.—Applicant presently holds contract carrier authority under MC 124505; therefore, dual operations may be involved. Common control may also be involved.

No. MC 143938 (Sub-No. 2F), filed April 21, 1978. Applicant: P & H TRUCKING CO., INC., 184 West 33rd South Street, Salt Lake City, UT 84111. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *carpeting and padding*, from City of Commerce, CA, to the facilities of Midwest Floor Coverings, Inc., at South Salt Lake, UT. (Hearing site: Salt Lake City, UT.)

NOTE.—Dual Operations may be involved.

No. MC 143980 (Sub-No. 2F), filed March 24, 1978. Applicant: GERALD E. SALTSMAN, P.O. Box 242, Republic, WA 99166. Applicant's representative: (same as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Sawdust, shavings and waste*, from Republic, WA, to the port of entry on the International Boundary Line between the United States and Canada located at or near Danville, WA, for furtherance to Grand Forks, BC, Canada, under a continuing contract or contracts with Parta Industries Ltd., of Grand Forks, BC, Canada. (Hearing site: Spokane or Seattle, WA.)

No. MC 144140 (Sub-No. 11F), filed March 28, 1978. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 374, Eustis, FL 32726. Applicant's representative: Gene Baugh, Southern Freightways, Inc., P.O. Box 374, Eustis, FL 32726. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (A) *Adhesives, carpet, carpet padding, rug cushions, cushioning or lining, felt, sponge rubber or plastic* (Polyurethane); from the facilities of General Felt Industries located in Philadelphia, PA, Camden and Trenton, NJ and General Felt Industries subcontractor, Scott Foam Division, Eddystone, PA, to AL, FL, GA, LA, NC, MS, SC, and TN. (B) *Carpet or rug cushions, cushioning or lining, sponge rubber or plastic* (Urethane-Polyurethane) from the facilities of General Felt Industries Subcontractor, Olympic Products, Tupelo, MS, to AR, AL, DE, FL, GA, IL, IN, KY, LA, MD, MI, NY, NC, OH, PA, SC, and DC. (hearing site: Philadelphia, PA or Washington, DC.)

NOTE.—Applicant holds contract carrier authority in MC 104589, therefore dual operations may be involved.

No. MC 144208 (Sub-No. 2F), filed March 24, 1978. Applicant: ART NORDANG TRUCKING, INC., P.O. Box 507, Methow, WA 98834. Applicant's respresentative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Fertilizer* in bags, from Vancouver, WA, to the Port of Entry on the International boundary line between the United States and Canada located at or near Oroville, WA for furtherance into BC, Canada (2) *Orchard and fruit warehouse supplies, and fruit packing supplies, waste paper and machinery and equipment* used in fruit packing warehouses, between points in Chelan, Douglas, and Okanogan Counties, WA on the one hand and, on the other points in ID and OR; and (3) *Orchard and fruit warehouse supplies, and fruit packing supplies, waste paper and machinery and equipment* used in fruit packing warehouses between points in Chelan, Douglas and Okanogan counties, WA on the one hand and, on the other the port of entry on the International boundary line between the United States and Canada located at or near Oroville, WA, for possible movement into BC and AB, Canada. (Hearing site: Wenatchee or Seattle, WA.)

No. MC 144329 (Sub-No. 1F), filed April 3, 1978. Applicant: JOE RIDDLE AND CHARLES RIDDLE, d.b.a. RIDDLE TRUCKING CO., Route 6, Tazewell, TN 37879. Applicant's representative: Joe Riddle, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone and gravel*, in dump trucks, from points in Buncombe County, NC, to points in Anderson, Campbell, Claiborne, Cocke, Greene, Knox, Hamblen, Sevier, Sullivan, and Blount Counties, TN; Bell, Harlan, Knox, Jessamine, Laurel, Pulaski, and Whitley Counties, KY; and Lee and Wise Counties, VA. (Hearing site: Knoxville, TN.)

No. MC 144420 (Sub-No. 1F), filed March 28, 1978. Applicant: MALIBU BEACH BOAT SALES & SERVICE CO., INC., Route 1, Box 261, Osage Beach MO 65065. Applicant's representative: Harry F. Horak, Room 109, 5001 Brentwood Stair Road, Fort Worth, TX 76112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *boats*, not to exceed 45 feet in length or 13 feet 6 inches wide, in vehicles equipped with boat support equipment, between points in MO on the one hand and, on the other, points in AR, FL, IL, IA, KS, KY, MI, MS, OK, TN, and TX. (Hearing site: Jefferson City or St. Louis, MO.)

No. MC 89578 (Sub-No. 4F), filed March 27, 1978. Applicant: ARTHUR BRUNDAGE, INC., d.b.a. ONEONTA BUS LINES, 46 Orchard Street, Oneontan, NY 13820. Applicant's representative: Jeremy Kahn, Suite 733 Investment Building, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round trip charter and special operations, beginning and ending at points in Chenango, DE, and Otsego Counties, NY, and extending to points in the United States (including AK but excluding HI). (Hearing site: Albany, NY.)

NOTE.—Common control may be involved.

No. MC 144504F, filed March 28, 1978. Applicant: DELTA CHARTER SERVICE, INC., 4900 East Mariposa, Stockton, CA 95206. Applicant's repre-

sentative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations; beginning and ending at points in San Joaquin County, CA, and extending to points in the United States (except AK and HI). (Hearing site: Stockton or San Francisco, CA.)

BROKER APPLICATION

No. MC 130497F, filed April 13, 1978. Applicant: EVA SAIN BROWN, d.b.a. BROWN TRAVEL SERVICE, 902 East Main Street, Cherryville, NC 28021. Applicant's representative: W. C. Mauldin, 417 Old Post Road, Cherryville, NC 28021. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Cherryville, NC, to sell or offer to sell the transportation of *passengers and their baggage*, in round-trip and special charter operations, beginning and ending at points in Gaston County, NC, and extending to points in the United States, including AK and HI. (Hearing site: Charlotte or Raleigh, NC.)

WATER CARRIER APPLICATION

No. MC 1323F, filed March 6, 1978. Applicant: SOUSE BROS. OCEAN TOWING CO., INC., 2927 East Burnside Street, Portland, OR 97214. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to engage in operation, in interstate or foreign commerce, as a *common carrier*, by water, in the performance of *general towage*, (except the towage of logs, lumber, rough and finished lumber products, piling, grape stakes, fence posts and shingles), (1) between all ports and points on the Pacific Coast; (2) between all points named in (1) above, on the one hand, and, on the other, (A) all ports and points on the Gulf Coast, and (B) all ports and points on the Atlantic Coast, by way of the Panama Canal; (3) between all points named in (2)(A) above; (4) between all points named in (2)(B) above; and (5) between all points named in (2)(A), on the one hand, and, on the other, all points named in (2)(B) above. (Hearing site: Portland, OR.)

NOTE.—Applicant holds water contract carrier authority in No. W 435, and subs thereunder, therefore dual operations may be involved. Common control may also be involved.

FINANCE APPLICATIONS

The following applicatons seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, or rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An Original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-11380 (Cancellation) (OVERNITE TRANSPORTATION COMPANY — Purchase — TIDEWATER EXPRESS LINES INC.) This notice is being published pursuant to a decision of the Commission, served May 2, 1978 in No. MC-F-12715, which reopened the proceeding in No. MC-F-11380 for the limited purpose of cancelling the conditions imposed in regular route authority held by Kent Freight Lines, Inc., in Certificate No. MC-49117, by report and order served February 28, 1974, (1) restricting service between Denton, MD, and Baltimore, MD, and between Washington, DC, and Stevensville (Kent Island), MD, to transportation of traffic moving by the carrier to or from points in MD east of Chesapeake Bay and south of the Chesapeake-Delaware Canal, (2) restricting service at off-route points in Anne Arundel and Prince Georges Counties, MD, to transportation of traffic moving by the carrier to or from points in MD east of Chesapeake Bay and south of the Chesapeake-Delaware Canal, and (3) restricting the regular routes between Denton and Baltimore, and between Washington and Stevensville against joinder with each other except at Stevensville. Any person having an interest in who would be prejudiced by cancellation of the restrictions as determined in the report may file an original and six copies of a petition or other pleading within 30 days from the date of publication of this notice. Such petitions shall set forth the precise manner in which the party has been prejudiced by the cancellations of the restriction. Applicants shall file their replies to the petitions within 50 days from the date of publication of this notice.

No. MC-F-13345. (Supplemental) (CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE—Pooling—CREITES TRANSFER, ET AL.), published in the October 14, 1977, issue of the FEDERAL REGISTER, erroneously as MC-F-13245. This supplemental notice reflects the decision of Review Board Number 5, as specified in its decision of May 8, 1978, to permit applicant to amend its application. Under the amended application, the agreement between Consolidated Freightways Corporation of Delaware and Nelson's Express, Inc., will include the following points in MD: Berkley, Cardiff, Dublin, Greenmount, Hereford, Jarrettsville, Lineboro, Long Green, Manchester, Maryland Line, Melrose, Millers, Parkton, Poole, Prospect, Pylesville, Rocks, Shawsville, Silver Run, Street, Union Mills, Whiteford, White Hall.

No. MC-F-13507 (Correction) (SPECIALIZED PARTS DISTRIBUTION, INC., (non-carrier)—Control—SENTINAL STAR EXPRESS CO.), published in the February 24, 1978 issued of the FEDERAL REGISTER. Prior notice inadvertently did not described all of the active authority of Sentinal Star Express Co. Notice should have also included the following authority: (A) *Express and newspapers*, as a *common carrier* over regular routes; (1) Beginning and ending at Orlando, FL, in circuitous routes, serving all intermediate points; from Orlando, FL, over combined U.S. Hwys 17 and 92 to Kissimmee, FL, then over combined U.S. Hwys 192 and 441 to St. Cloud, FL, then returning over combined U.S. Hwys 192 and 441 to Kissimmee, FL, then over combined U.S. Hwys 17 and 92 via Intercession City and Davenport, FL, to Haines City, FL, then over U.S. Hwys 92 via Lake Alfred and Auburndale, FL, to Lakeland, FL, then returning over U.S. Hwys 92 to Auburndale, FL, then over FL Hwy 544 to junction FL Hwy 557, then over FL Hwy 557 to Winter Haven, FL, then over FL Hwy 540 to junction U.S. Hwy 27, then over FL Hwy 27 to Lake Wales, FL, then over Alternates U.S. Hwy 27 via Waverly, Dundee and Lake Hamilton, FL, to Haines City, FL, and then over combined U.S. Hwys 17 and 92 to Orlando. From Orlando over U.S. Hwy 441 to Apopka, FL, then over FL Hwy 437 via Ocoee, FL, to Winter Garden, FL, then over country road and FL Hwy 50 to junction U.S. Hwy 27, then over U.S. Hwy 27 to Mineola, FL, then over FL Hwy 561 to Clermont, FL, then over FL Hwy 50 to Groveland, FL, and then returning over FL Hwy 50 via Clermont, FL, to Orlando. From Orlando over combined U.S. Hwys 17 and 92 to Sanford, FL, then over FL Hwy 415 via Osteen, FL, to junction FL Hwy 44, then over FL Hwy 44 to New Smyrna, FL, then over U.S. Hwy 1 to Daytona, FL, then over U.S. Hwy 92 to DeLand, FL, and then over combined U.S. Hwys 17 and 92 via Orange City, FL, to Orlando. From Orlando over U.S. Hwy 441 via Plymouth, Zellwood, and Mount Dora, FL, to junction FL Hwy 19, then over FL Hwy 19 to Eustis, FL, then returning

over FL Hwy 19 to junction U.S. Hwy 441, then over U.S. Hwy 441 via Tavares, FL, to Leesburg, FL, then over FL Hwy 44 to Wildwood FL, then returning over FL Hwy 44 to Leesburg, FL, and then over U.S. Hwy 441 to Orlando. From Orlando over FL Hwy 50 to Indian River City, FL, then over U.S. Hwy 1 via Titusville, FL, to Mims, FL, then over FL Hwy 46 to junction FL Hwy 426, then over FL Hwy 426 via Oviedo, FL to Winter Park, FL, then over combined U.S. Hwys 17 and 92 to junction FL Hwy 50, and then over FL Hwy 50 to Orlando. From Orlando over FL Hwy 50 to junction FL Hwy 406, then over FL Hwy 406 to Titusville, FL, then over U.S. Hwy 1 via New Smyrna, FL, to Dayton, FL, then returning over U.S. Hwy 1 to New Smyrna, FL, then over FL Hwy 44 to Samsula, FL, then over FL Hwy 415 to Sanford, FL, and then over combined U.S. Hwys 17 and 92 to Orlando. From Orlando over FL Hwy 50 to junction FL Hwy 520, then over FL Hwy 520 via Cocoa and Merritt Island, FL, to junction FL Hwy A1A, then over FL Hwy A1A to junction FL Hwy 401, then over FL Hwy 401 via Port Canaveral, FL, to Cape Kennedy, FL, then returning over FL Hwy 401 to junction FL Hwy A1A, then over FL Hwy A1A via Cocoa Beach, Patrick Air Force Base, Canova Beach and Indialantic, FL, to Melbourne Beach, FL, then returning over FL Hwy A1A to junction FL Hwy 520, then over FL Hwy 520 to Junction FL Hwy 50, and then over FL Hwy 50 to Orlando. From Orlando over FL Hwy 50 to junction U.S. Hwy 27, then over U.S. Hwy 27 via Minneola, FL, to Leesburg, FL, then over FL Hwy 44 to Wildwood, FL, then over U.S. Hwy 301 to Belleview, FL, then over U.S. Hwy 27 to Ocala, FL, then returning over U.S. Hwy 27 to Belleview, FL, then over combined U.S. Hwys 27 and 441 to Leesburg, FL, and then over U.S. Hwy 441 to Orlando.

(2) Between Orlando, FL, and Melbourne, FL, serving all intermediate points; from Orlando over FL Hwy 50 to junction of FL Hwy 520, then over FL Hwy 520 to Cocoa, FL, then over U.S. Hwy 1 via Eau Gallie FL, to Melbourne, and return over the same route. (3) Between Orlando, FL, and DeLand, FL, serving all intermediate points: from Orlando over combined U.S. Hwys 17 and 92 via Sanford and Orange City, FL, to DeLand, and return over the same route. (4) Between junction U.S. Hwy 441 and FL Hwy 44, and Eustis, FL, for operating convenience only serving no intermediate points; from junction U.S. Hwy 441 and FL Hwy 44 over FL Hwy 44 to Eustis, and return over the same route. (B) *Parcels and packages,* as a *common carrier,* over irregular routes, between points in the Orlando, FL, commerical zone. Restriction: The service authorized herein is subject to the following conditions: (1) No service over irregular routes shall be rendered in the transportation of any shipment weighing in excess of 100 pounds; (2) No service over regular routes shall be rendered in the transportation of any shipment weighing in excess of 500 pounds; subject to the further restriction that no package in any one shipment shall exceed 125 pounds; and (3) For the purpose of the foregoing restrictions a package or group of packages from a single consignor to a single consignee at a single destination shall be considered as a shipment. (C) *General commodities,* with usual exceptions, as a *common carrier,* over irregular routes, between Herndon Airport and McCoy Air Force Base, Orlando, FL, on the one hand, and, on the other, Daytona Beach and Melbourne, FL. Restriction: The operations authorized herein are restricted to traffic having an immediate prior or immediate subsequent movement by air. (D) *General commodities,* with usual exceptions, as a *common carrier,* over irregular routes, between the Tampa International Airport, near Tampa, FL, Daytona Beach Municipal Airport, near Daytona Beach, FL, the Titusville-Cocoa (TICO) Airport located approximately 6 miles south of Titusville, FL, the McCoy Jetport, near Orlando, FL, the Herndon Municipal Airport, Orlando, FL, the Melbourne Municipal Airport, near Melbourne, FL, the Vero Beach Municipal Airport, Vero Beach FL, the Ocala Municipal Airport, near Ocala, FL, and the Gainesville Municipal Airport near Gainesville, FL, on the one hand, and on the other, points in that part of FL bounded on the east by the Atlantic Ocean, on the west by the Gulf of Mexico, on the south by a line beinning at the Atlantic Ocean at Fort Pierce, FL, the along FL State 70 westward to Arcadia, FL, then along U.S. Hwy 17 to junction of U.S. Hwy 41, then along U.S. Hwy 41 to the Gulf of Mexico at Venice, FL, and on the north by a line beginning at Suwance, FL, on the Gulf of Mexico, then along FL State Road 349 to Oldtown, FL, then along alternate U.S. Hwy 129 to Branford, FL, then along FL State Road 247 to Lake City, FL, then along U.S. Hwy 441 to the FL-GA State line, then along the FL-GA State line to the Atlantic Ocean, including points on the specified Hwys. Restriction: The operations authorized herein are subject to the following conditions:

(1) Said operations are restricted to the transportation of shipments having an immediately prior or an immediately subsequent movement by air; and (2) said operations do not encompass and may not be used to provide any transportation service between the McCoy Jetport, Orlando, FL, and the Tampa International Airport, Tampa, FL, on the one hand, and, on the other, points in Sarasota, Manatee, Hardee, Polk, Pasco, Osceola, Hernando, Highlands, DeSota, Charlotte, Lee, Pinellas, and Hillsborough Counties FL. (E) *General commodities,* with the usual exception as a *common carrier,* over irregular routes, (1) between Vero Beach, FL, and Miami, FL, serving all intermediate points and serving points in Dade, Broward, Palm Beach, Martin and St. Lucie Counties, FL, as off-route points: From Vero Beach over U.S. Hwy 1 to Miami, and return over the same route. (2) Between Belle Glade, FL, and Miami, FL, serving all intermediate points, and serving points in Dade, Broward, Palm Beach, Martin and St. Lucie Counties, FL, as off-route points: From Belle Glade over FL Hwy 80 to South Bay, FL, then along U.S. Hwy 27 to Miami, and return over the same route. (3) Between Yeehaw Junction, FL, and Miami, FL, as an alternate route for operating convenience only, in connection with carrier's authorized regular routes, serving no intermediate points: From Yeehaw Junction over the Florida Sunshine State Parkway to Miami, and return over the same routes. (4) Between Vero Beach, FL, and Miami, FL, as an alternate route for operating convenience only, in connection with carrier's authorized regular routes, serving no intermediate points: From Vero Beach over FL Hwy 60 to junction I-95, then over I-95 to Miami, and return over the same route. Restriction: The authority granted herein is restricted to shipments not exceeding 500 pounds from one consignor to one consignee on any one day, consisting of items not exceeding 125 pounds per item.

No. MC-F-13574. Authority sought for control by TRANSPORTATION CONSULTANTS, INC., P.O. Box 487, 5950 Fisher Road, East Syracuse, NY 13057 of operating of Cumberland Transportation Corp., P.O. Box 487, 5950 Fisher Road, East Syracuse, NY, 13057 through acquisition of the stock of Cumberland Transportation Corp. and control of such rights by Frederic J. Durkin and John C. Durkin, Jr., through the transaction. Applicants' representives: Martin Werner, Esq. and Michael R. Werner, EsQ., P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Motor *contract carrier* operating rights sought to be controlled: Under MC-144029 (Pending). Irregular routes, *Pulpboard and pulpboard products, and materials, supplies and equipment* used in the manufacture and distribution of pulpboard and pulpboard products, (except commodities in bulk, magazines, magazine parts, magazine inserts and magazine molds, plates, shelves vinylites used in connection with printing magazines): between Scotia, NY on the one hand, and, on the other, NY, NJ, PA, VT,

NH, MA and CT, under continuing contract or contracts with St. Regis Paper Co., Inc. Transportation Consultants, Inc., holds no authority from this Commission. However, it is in control of the following contract carriers: Food Haul, Inc. is authorized to operate as a contract carrier in AK, FL, GA, IL, IN, KY, MD, MI, MO, NC, OH, PA, SC, TN, TX, VA, and WV; J.C.D. Transportation Corp. is authorized to operate as a contract carrier in CT, MA, NY, and PA; Fleetwood Transportation Corp. is authorized to operate as a contract carrier in PA, NY, NJ, MD, DE, DC, VA, WV, CT, MA, RI, MI, OH, KY, and IN; Fairfield Transportation Corp. is authorized to operate as a contract carrier in NY, CT, MA, NJ, and PA; Barr Transportation Corp. is authorized to operate as a contract carrier in MA, CT, NH, MD, PA, NY, RI, VT, NJ, DE, OH, WV, and DC. Application has not been filed for temporary authority under section 210a(b).

NOTE.—This application is directly related to the pending, unopposed proceeding in Docket No. MC 144029, FEDERAL REGISTER date January 19, 1978.

No. MC-F-13578. Authority sought for purchase by WESTERN CONTAINER TRANSPORT, INC., 8101 Northeast 14th Place, Portland, OR 97211, of a portion of the operating rights of Lingview Motor Transport, Inc., 763 7th Avenue, Longview, WA 98632, and for acquisition by L. T. Moore, of control of such rights through the purchase. Applicants' attorney: Russell M. Allen, White, Sutherland, Parks & Allen, 1200 Jackson Tower, Portland, OR 97205. Operating rights sought to be purchased: *General commodities*, in containers and empty containers, except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminaing to other lading, as a *common carrier* over regular routes between Portland, OR and Rainier, OR, serving all intermediate points, from Portland over U.S. Hwy 99 via Carrolls, WA, to Kelso, WA, then over city streets to Lingview, WA (also from Carrolls over U.S. Hwy 830 to Longview), and then across the Columbia River to Rainier, and return over the same route. Vendee is authorized to operate as a *common carrier* in OR and WA. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13593. Authority sought for control by NEBRASKA TRANSPORT CO., INC., P.O. Box 621, Scottsbluff, NE 69361, of G & H Truck Line, Inc., 3930 Blake Street, Denver, CO 80205, through purchase of stock and for acquisition by Richard B. Holliday, Sr., (same address as applicant), of control of such carrier through the transaction. Applicant's attorney: Gailyn L. Larsen, P.O. Box 81849, Lincoln, NE 68501. Operating rights to be controlled: *General commodities*, except those of unusual value, high explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over regular routes, between Pine Bluffs, WY, and Denver, CO, serving the intermediate and offroute points of Greeley, CO, and points within 20 miles of Pine Bluffs: From Pine Bluffs over U.S. Hwy 30 to Cheyenne, WY, then over U.S. Hwy 85 to Denver, and return over the same route; *General commodities*, except those of unusual value, high explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over irregular routes, between Pine Bluffs, WY, and points within 20 miles thereof on the one hand and, on the other, Sidney and Scottsbluff, NE; and *Meats, meat products, meat byproducts* and *dairy products*, as described in sections A and B of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, as a *common carrier*, over irregular routes, from Denver, CO, to Broomfield, Brighton, Eaton, Fort Collins, Fort Lupton, La Salle, Longmont, and Loveland, CO.

NOTE.—Vendee is authorized to conduct operations in NE. No dual operations involved. Application has been filed for temporary authority under section 210a(b).

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights application(s) are filed in connection with pending finance applications under section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days of this notice. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. Protests shall comply with special rule 247(e) of the Commission's general rules of practice (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 82808 (Sub-No. 16F), filed April 10, 1978. Applicant: C. L. HUNT, d.b.a. HUNT & SONS, P.O. Box 433, Warrensburg, MO 64093. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Suite 600, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (a) between Blairstown, MO, and points within 30 miles thereof, on the one hand, and, on the other, points in MO; (b) between Quick City, MO, and points within 20 miles thereof, on the one hand, and, on the other, points in MO: and (c) between Hillsdale, KS, on the one hand, and, on the other, points in KS. (Hearing site: Kansas City, MO.)

NOTE.—The purpose of this application is to eliminate the gateways of (a) and (b) Hillsdale, KS; and (c) Quick City and Blairstown, MO, and is a directly related application to MC-FC 76061.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the deviation rules—motor carrier of property (49 CFR 1042.4 (c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 30504 (Deviation No. 31), TUCKER FREIGHT LINES, INC., P.O. Box 3144, South Bend, IN 46619, filed April 24, 1978. Carrier proposed to operate as a *common carrier*, by motor vehicle, of: *General commodities*, with certain exceptions, over a deviation route as follows: From Nashville, TN, over I-40 to junction Muskogee Turnpike, then over Muskogee Turnpike to Tulsa, OK, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Nashville, TN, over In-

terstate Hwy 40 to junction TN Hwy 109, then over TN Hwy 109, to junction U.S. Hwy 70, then over U.S Hwy 70 to Lebanon, TN, then over U.S Hwy 231 to junction TN Hwy 25, then over TN Hwy 25, to junction TN Hwy 10, then over TN Hwy 10 to junction TN Hwy 52, then over TN Hwy 52 to junction U.S. Hwy 31-E, then over U.S Hwy 31-E to junction KY Hwy 61, then over KY Hwy 61 to junction U.S. Hwy 31-W, then over U.S Hwy 31-W to junction U.S. Hwy 31, then over U.S Hwy 31 to junction U.S. Hwy 40, then over U.S Hwy 40 to junction U.S. Hwy 66, then over U.S Hwy 66 to Tulsa, OK, and return over the same route.

No. MC 42487 (Deviation No. 118), CONSOLIDATED FREIGHWAYS CORP. OF DELAWARE, P.O. Box 3062, Portland, OR 97208, filed April 19, 1978. Carrier proposed to operate as a *common carrier*, by motor vehicle, of: *General commodities*, with certain exceptions, over a deviation route as follows: From Binghamton, NY, over NY Hwy 12 to junction U.S. Hwy 20 near Waterville, NY, then over U.S Hwy 20 to junction NY Hwy 8 near Bridgewater, NY, then over NY Hwy 8 to Utica, NY, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Binghamton, NY, over Interstate Hwy 81 to Syracuse, NY then over NY Hwy 5 to Utica, NY, and return over the same route.

No. MC 42487 (Deviation No. 119), CONSOLIDATED FREIGHWAYS CORP. OF DELAWARE, P.O. Box 3062, Portland, OR 97208, filed April 24, 1978. Carrier proposed to operate as a *common carrier*, by motor vehicle, of: *General commodities*, with certain exceptions, over a deviation route as follows: From Ellensburg, WA, over Interstate Hwy 90 to junction WA Hwy 243 (east of Ellensburg, WA), then over WA Hwy 243 to junction WA Hwy 240, then over WA Hwy 240 to junction U.S. Hwy 12 near Kennewick, WA, then over WA Hwy 14 to junction U.S. Hwy 730, then over U.S Hwy 730 to junction U.S. Hwy 395, then over U.S Hwy 395 to junction Interstate Hwy 80N, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Ellensburg, WA, over Interstate Hwy 82 and U.S. Hwy 97 to Yakima, WA, then over WA Hwy 22 to Prosser, WA, then over WA Hwy 221 to Paterson, WA, then over Ferry across the Columbia River to junction U.S. Hwy 730 near Irrigon, OR, then over U.S Hwy 730 to Umatilla, OR, then over unnumbered highways via Hermiston, Stanfield, and Echo, OR, to junction Interstate Hwy 80N, and return over the same route.

Motor Carrier Alternate Route Deviations

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the deviation rules—motor carrier of passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this Federal Register notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

Motor Carriers of Passengers

No. MC 1515 (Deviation No. 736), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077, filed January 25, 1978. Carrier proposes to operate as a *common carrier*, by motor vehicle, of: *Passengers and their baggage, and express and newpapers*, when moving in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Hwy 80 and Interstate Hwy 80N over Interstate Hwy 80 to junction U.S. Hwy 40, then over U.S. Hwy 40 to junction U. S. Hwy 189, then over U.S. Hwy 189 to junction Interstate Hwy 15 in Provo, UT, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From junction Interstate Hwy 80N and Interstate Hwy 80, over Interstate Hwy 80N to junction U.S. Hwy 30S, then over U.S. Hwy 30S to Ogden, then over UT Hwy 79 to junction UT Hwy 38, then over UT Hwy 38 to junction UT Hwy 84, then over UT Hwy 84 to junction U.S. Hwy 91 (Roy), then over U.S. Hwy 91 to junction Interstate Hwy 15 (North Bountiful), then over Interstate Hwy 15 to Salt Lake City, UT, then over U.S. Hwy 91 to junction Interstate Hwy 15, then over Interstate Hwy 15 to junction U.S. Hwy 189, and return over the same route.

No. MC 29957 (Deviation No. 18), CONTINENTAL SOUTHERN LINES, INC., P.O. Box 8435, Jackson, MS 39204, filed April 24, 1978. Carrier proposes to operate as a *common carrier*, by motor vehicle, of: *Passengers and their baggage, and express and newspapers*, when moving in the same vehicle with passengers, over a deviation route as follows: From Memphis, TN, over Interstate Hwy 55 to junction Interstate Hwy 57, then over Interstate Hwy 57 to junction IL Hwy 3, then over IL Hwy 3 to junction U.S. Hwy 51, then over U.S. Hwy 51 to Cairo, IL, with the following access route: From Cairo, IL, over combined U.S. Hwys 60 and 62 to junction Interstate Hwy 57, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Memphis, TN, over U.S. Hwy 64 to junction TN Hwy 100, then over TN Hwy 100 to junction TN Hwy 18, then over TN Hwy 18 to junction U.S. Hwy 45, then over U.S. Hwy 45 to Fairview, then over U.S. Hwy 45E to Fulton, KY, and then over U.S. Hwy 51 to Cairo, IL, and return over the same route.

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act. These applications are governed by special rule 245 of the Commission's general rules of practice (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

OK Docket No. MC 23790 (Sub-No. 4), filed April 17, 1978. Applicant: C&P TRANSPORTATION, INC., 47 North Rockford Avenue, Tulsa, OK 74120. Applicant's representative: G. Timothy Armstrong, 6161 North May Avenue, Oklahoma City, OK 73112. Certificate of public convenience and necessity sought to operate a freight service over regular routes, as follows: Transportation of: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), serving points over the routes as follows: 1. Between Ponca City, OK, and the OK-KS State line serving all intermediate points and the off-route points of Kildare and Chilocco. From Ponca City via U.S. Hwy 77 to the OK-KS State line, and return via the same route. 2. Between Ponca City, OK, and

Tonkawa, OK, serving all intermediate points and the off-route points of Autwine and Marland. From Ponca City via U.S. Hwys 60 and 177 to Tonkawa, and return via the same route. 3. Between Ponca City, OK, and Red Rock, OK, serving all intermediate points and the off-route point of the Red Rock Power Station. From Ponca City via U.S. Hwy 177 to its junction with State Hwy 15, then via State Hwy 15 to Red Rock, and return via the same route. 4. Between Ponca City, OK, and the OK-KS State line serving all intermediate points and the off-route points of Apperson, Kaw City, Webb City, Lyman, and Foraker. From Ponca City via U.S. Hwy 60 to its junction with State Hwy 18, then via State Hwy 18 to the OK-KS State line and return via the same route. 5. Between Ponca City, OK, and the OK-KS State line serving all intermediate points and the off-route points of Apperson, Webb City, Lyman, and Foraker. From Ponca City via U.S. Hwy 77 to its junction with State Hwy 119, then via State Hwy 119 to its junction with State Hwy 18, then via State Hwy 18 to the OK-KS State line and return via the same route. 6. Those points located near or adjacent to the towns and communities described above, when such points are within a reasonable delivery distance and when such points may be served in a normal direct manner without going through a town or community for which the carrier holds no authority. Applicant seeks to tack its present authority with the authority sought as described hereinabove, said tack point to be at Ponca City, OK. Intrastate, interstate, and foreign commerce authority sought. Hearing: June 29, 1978, at 9 a.m., OK Corporation Commission, Jim Thorpe Building, Oklahoma City, OK 73105. Requests for procedural information should be addressed to OK Corporation Commission, Jim Thorpe Building, Oklahoma City, OK 73105, and should not be directed the Interstate Commerce Commission.

Oklahoma Docket No. MC 37832 (Sub-No. 4), filed March 27, 1978. Applicant: EDMOND MOTOR FREIGHT, INC., P.O. Box 922, Edmond, OK 73034. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23rd St., Oklahoma City, OK 73107. Certificate of public convenience and necessity sought to operate a freight service, over regular routes, as follows: Transportation of: *General commodities* (except classes A and B explosives, commodities in bulk, articles of unusual value, household goods as defined by the Commission, and commodities requiring special equipment): Between Oklahoma City and Gate, OK, serving the intermediate points of Rosston and Dunlap, and the off-route points of Mutual, Fargo, Sharon, and the facilities of Houston Chemical Co., located 8 miles north and 3 miles east of Woodward, OK; from Oklahoma City, OK, via State Hwy 3 to its intersection with U.S. Hwy 283, then via U.S. Hwy 283 to its intersection with U.S. Hwy 64, then via U.S. Hwy 64 to Gate, OK, and return over the same route. Intrastate, interstate, and foreign commerce authority sought. Hearing: June 21, 1978, at 9 a.m., 2nd Floor, Jim Thorpe Bldg., Oklahoma City, OK 73105. Requests for procedural information should be addressed to Oklahoma Corporation Commission, Jim Thorpe Office Building, Oklahoma City, OK 73105, and should not be directed to the Interstate Commerce Commission.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-13435 Filed 5-17-78; 8:45 am]

[1505-01]

[Volume No. 85]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

Correction

In FR Doc. 78-11310 appearing at page 18094 in the issue for Thursday, April 27, 1978, the following corrections should be made:

1. In the first column on page 18104, the first motor carrier application number now reading "No. MC 11035 (Sub-No. 81-F)" should read, "No. MC 110325 (Sub-No. 81F)".

2. In the fourth paragraph at the first column on page 18105 "No. MC 115826 (Sub-No. 330-F)" should have read "No. MC 115826 (Sub-No. 300F)".

[1505-01]

[Volume No. 61]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

Correction

In FR Doc. 78-4174 appearing at page 6879 in the issue for Thursday, February 16, 1978, on page 6891 No. MC 123407 (Sub-No. 428) should read as follows:

No. MC 123407 (Sub-No. 428), filed December 22, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative H. E. Miller Jr. (same address for applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building, wall and insulating boards, and materials and supplies used in the installation thereof* (except commodities in bulk), from Beaver Falls, Pa.; Marietta, Pa.; Macon, Ga.; and Pensacola, Fla., to points in Texas, Oklahoma, Arkansas, Colorado, and New Mexico; (2) *floor coverings and materials and supplies used in the installation thereof* (except commodities in bulk) from Jackson, Miss., to points in Texas; and (3) *return and refused shipments*, from the destination points in parts 1 and 2 above to the points of origin in parts 1 and 2 above.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Philadelphia, Pa., or Washington, D.C.

[7035-01]

[Notice No. 17]

SPECIAL PROPERTY BROKERS

MAY 15, 1978.

The following applicants seek to participate in the property broker special licensing procedure under 49 CFR 1045A authorizing operations as a broker at any location, in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of property (except household goods), between all points in the United States including AK and HI. Any interested person shall file an original and (1) copy of a verified statement in opposition limited in scope to matters regarding applicant's fitness within 30 days after this notice. Statements must be mailed to:

Broker Entry Staff, Room 2379, Interstate Commerce Commission, Washington, DC 20423.

Opposing parties shall serve (1) copy of the statement in opposition concurrently upon applicant's representative, or applicant if no representative is named.

If an applicant in not otherwise informed by the Commission, it may commence operation 45 days after this notice.

B-78-24, filed March 10 1978. Applicant: NORTH AMERICAN DISTRIBUTION SYSTEMS, INC., 5001 Kroemer Road, P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: Gary M. Crist (same address as applicant).

B-78-35, filed March 30, 1978. Applicant: JOSEPH S. FARRUGGIO AND SAMUEL J. FARRUGGIO, Jr., a partnership, d.b.a. J & S BROKERAGE SERVICE, 1419 Radcliffe Street, Bristol, PA 19007. Applicant's representative: Alan Kahn, Suite 1920, 2 Penn Center Plaza, Philadelphia, PA 19102.

B-78-42, filed April 12, 1978. Applicant: INTERNATIONAL CUSTOMS SERVICE, INC., 10400 Aviation Boulevard, Los Angeles, CA 90045. Applicant's representative:

James B. Heacock (same address as applicant).

B-78-43, filed February 15, 1978. Applicant: DISTRIBUTION SERVICES, INC., 300 Ivywood Avenue, Haddonfield, NJ 08033. Applicant's representative: Robert B. Einhorn, 3220 Philadelphia Saving Fund Building, 12 South Twelfth Street, Philadelphia, PA 19107.

B-78-44, filed April 4, 1978. Applicant: ARTHUR J. FRITZ & CO., a corporation, 142 Sansome Street, Suite 600, San Francisco, CA 94104. Applicant's representative: Ronald A. Marcillac, 244 Jackson Street, San Francisco, CA 94111.

B-78-45, filed January 27, 1978. Applicant: HARPER, ROBINSON & CO., a corporation, 545 Sansome Street, San Francisco, CA 94111. Applicant's representative: John H. Robinson (same address as applicant).

B-78-46, filed April 19, 1978. Applicant: REMY MOVING & STORAGE CORP., Old Post Road, Walpole, MA 02081. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036.

B-78-48, filed April 20, 1978. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl Street, Denver, CO 80210. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, DC 20036.

B-78-49, filed April 24, 1978. Applicant: ANDREW M. KICHINKO. d.b.a. ANDY KICHINKO'S TRUCK BROKERAGE, 2244 6th Avenue South, Seattle, WA 98134.

B-78-50, filed April 27, 1978. Applicant: PARAMOUNT MOVERS, INC., 3164 Springfield, Lancaster, TX 75146. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, D.C. 2036.

B-78-51, filed April 3, 1978. Applicant: JULIUS J. SCHAEFER, an individual, d.b.a. JULIUS J. SCHAEFER ASSOCIATES, 16 West Palisade Avenue, P.O. Box 693, Englewood, NJ 07631.

B-78-52 filed April 28, 1978. Applicant: PARAMOUNT FORWARDERS, INC., 3164 Springfield, Lancaster, TX 75146. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036.

B-78-53 filed March 24, 1978. Applicant: WILLIAM H. MASSON, INC., 207 East Redwood Street, Baltimore, MD 21202. Applicant's representative: William H. Masson (same address as applicant).

B-78-54, filed May 1, 1978. Applicant: DOOR TO DOOR INTERNATIONAL, INC., 7109 Woodlawn Avenue NE., Seattle, WA 98115. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006.

B-78-56, filed May 3, 1978. Applicant: SAN FRANCISCO INTERNATIONAL CUSTOMS SERVICE, INC., 500 South Airport Boulevard, South San Francisco, CA 94128. Applicant's representative: James B. Heacock, 10400 Aviation Boulevard. Los Angeles, CA 90045.

B-78-58 filed May 3, 1978. Applicant: CHICAGO INTERNATIONAL CUSTOMS SERVICE, INC., 4001 Fleetwood Avenue, Franklin Park, IL 60131. Applicant's representative: James B. Heacock, 10400 Aviation Boulevard, Los Angeles, CA 90045.

B-78-59 filed May 3, 1978. Applicant: NEW YORK INTERNATIONAL CUSTOMS SERVICE, INC., 175-11 148th Avenue, Jamaica, NY 11434. Applicant's representative: James B. Heacock, 10400 Aviation Boulevard, Los Angeles, CA 90045.

B-78-65 filed April 26, 1978. Applicant: HUDSON SHIPPING CO., INC., 90 West Street, New York, NY 10006. Applicant's representative: Saul Federman (same address as applicant).

By the Commission.

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

[FR Doc. 78-13541 Filed 5-17-78; 8:45 am]

[7035-01]

VOLUNTARY OPPORTUNITY FOR APPLICANTS SEEKING OPERATING RIGHTS TEMPORARY AUTHORITY TO DRAFT CAPTION SUMMARIES

MAY 18, 1978.

Under the rules approved in Revision of Application Forms, Ex Parte No. 55 (Sub-No. 14), 125 MCC 790 (1976), an applicant seeking operating rights permanent authority is required to draft a caption summary for publication in the FEDERAL REGISTER. Since April 11, 1977, when that requirement took effect, numerous applicants have developed the ability to draft accurate caption summaries with ease.

Applications for operating rights temporary authority could be speeded up, if applicants and their representatives would draft the caption summaries for publication in the FEDERAL REGISTER.

Effective as of this notice an applicant seeking temporary authority may tender an original and one copy of a caption summary but must answer all questions on Application for Temporary Authority for Motor Common and Contract Carriers Under Section 210a(a) of the Interstate Commerce Act. Form OP-MCB-95.

Caption summaries must be double spaced and follow the format used for permanent authority notices, as described in Ex Parte No. 55 (Sub-No. 14). They should incorporate the style changes noticed in the FEDERAL REGISTER issue of January 18, 1978 (43 FR 2632), including the use of two-letter state abbreviations, "Hwy", in place of "Highway", "then", in place of "thence", and "facilities" where a plantsite, warehouse, or storage facility is requested; and provide information regarding duration of the temporary authority, supporting shippers, and the person to whom protests are to be sent. You may see samples of temporary authority application notices in most daily issues of the FEDERAL REGISTER.

By using the applicant's draft the Commission would save substantial time in publishing the caption summary in the FEDERAL REGISTER. However, whether or not an applicant drafts its own caption summary, the Commission's field and headquarters staff will continue to provide assistance.

By the Commission, Robert J. Brooks, Director, Office of Proceedings.

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

[FR Doc. 78-13131 Filed 5-17-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6355-01]

1

CONSUMER PRODUCT SAFETY COMMISSION.

DATE AND TIME: May 25, 1978, 2 p.m.

LOCATION: Third Floor Hearing Room, 1111 18th Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Open to the public:

AGENDA

1. *Election of vice-chairman.* The Commission will vote to elect a vice-chairman to serve for the next year.

2. *Chain saw voluntary standards agreement.* On March 30, the Commission directed the staff to negotiate an agreement with the Chain Saw Manufacturers Association for development of voluntary safety standards for chain saws. At this meeting, the Commission will consider that agreement.

3. *CPSC Priorities.* Based on Commission direction during the recent Mid-Year Review, the staff has prepared a Federal Register document listing revised priorities for CPSC action for the remainder of the fiscal year. The Commission will consider that document. (This matter may be considered as a ballot vote item, rather than at a meeting.)

Agenda approved May 12, 1978.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th Street NW., Washington, D.C. 20207, telephone 202-634-7700.

[S-1037-78 Filed 5-16-78; 3:32 pm]

[6355-01]

2

CONSUMER PRODUCT SAFETY COMMISSION.

DATE AND TIME: May 24, 1978; 9:30 a.m., 11 a.m., and 2 p.m.

LOCATION: Third Floor Hearing Room, 1111 18th Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

9:30 A.M.—COMMISSION BRIEFING

Briefing on Report of the Comparative Safety Task Force. The staff and Commission will discuss options for possible CPSC action on comparative safety programs, in response to a staff-prepared report on the matter. Section 2(b)(2) of the Consumer Product Safety Act provides a statutory mandate to "assist consumers in evaluating the comparative safety of consumer products."

11 A.M.—ORAL ARGUMENTS

Ups 'N Downs Inc., et al. The Commission will hear oral arguments on this appeal by enforcement counsel of the Administrative Law Judge's Initial Decision. The oral arguments were originally scheduled for May 10.

2 P.M.

Meeting with Chamber of Commerce of the United States. At the Chamber's request, the Commission is meeting with representatives of the National Chamber's Advisory Group on Product Safety to discuss mutual concerns.

Agenda approved May 12, 1978.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th Street NW., Washington, D.C. 20207, telephone 202-634-7700.

[S-1038-78 Filed 5-16-78; 3:32 pm]

[6740-02]

3

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 20892, published May 15, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., May 17, 1978.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

ER-4.—ES76-42, Pacific Power & Light Co.

KENNETH F. PLUMB,
Secretary.

[S-1035-78 Filed 5-16-78; 1:29 pm]

[6730-01]

4

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., May 25, 1978.

PLACE: Room 12126, 1100 L Street, NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Report on notation items disposed of during April, 1978.

2. Report of the Secretary on times shortened for submitting comments on section 15 agreements pursuant to delegated authority during April, 1978.

3. Report of the Secretary on applications for admission to practice approved during April, 1978, pursuant to delegated authority.

4. Assignment of informal dockets by the Secretary during April, 1978, pursuant to delegated authority.

5. Agreement No. 93-16: Modification of the North Europe U.S. Pacific Freight Conference Agreement to provide that joint services may have only one vote and that members may take independent action upon certain conditions.

6. Agreement No. 8190-12: Modification of the Japan-Puerto Rico and Virgin Islands Freight Conference Agreement to provide for establishment of joint rates and to delete Okinawa from its scope.

7. Agreement No. 10039-4: Modification of a cargo revenue pooling, sailing and equal access to government-controlled cargo agreement between ELMA and Delta Steamship Lines to provide for space chartering on each other's vessels.

8. Agreement No. 10186-2: Modification of a space chartering agreement between the Korea Shipping Corp. and the Orient Overseas Container Lines, Inc., to provide for a new space chartering formula between the parties.

9. Agreement No. 10290: A "48-Hour" Rate Agreement between Mamenic Line and Coordinated Caribbean Transport, Inc., in the trades between Florida and Nicaragua.

10. Agreements Nos. 10293 and 10295: Space chartering agreements between Flota Mercante Grancolombiana, S.A. and Andino Chemical Shipping Inc. (No. 10293) and Maritima Transligra, S.A. (No. 10295) in the trades between the U.S. Gulf and Atlantic Coast of Colombia.

11. Special Docket No. 556: *Pan American Industries, Inc.* v. *Sea-Land Service, Inc.*—Review of initial decision.

12. Docket No. 77-1: Pacific Far East Line, Inc. Certificate (Performance) No. P-88—Review of the record.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5725.

[S-1039-78 Filed 5-16-78; 3:32 pm]

[6750-01]

5

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, May 24, 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 trade regulation rule concerning ophthalmic goods and services.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830. Recorded Message: 202-523-3806.

[S-1036-78 Filed 5-16-78; 1:29 pm]

[7030-01]

6

INDIAN CLAIMS COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 20086, May 10, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE: 10:15 a.m., May 17, 1978.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the public.

CHANGE IN THE MEETING: The following item has been added:

Portion of the meeting closed to the public: Personnel.

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006, telephone 202-653-6184.

[S-1033-78 Filed 5-16-78; 1:29 pm]

[7030-01]

7

INDIAN CLAIMS COMMISSION.

TIME AND DATE: 10:15 a.m., May 24, 1978.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the public.

Docket 332-C, *Yankton Sioux.*

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006, telephone 202-653-6174.

[S-1034-78 Filed 5-16-78; 1:29 pm]

[4910-58]

8

NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 20368, May 11, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Thursday, May 18, 1978 [NM-78-22].

CHANGE IN THE MEETING: A majority of the Board has determined by recorded vote that the fourth item on the agenda be withdrawn from consideration and that no earlier announcement was possible. The withdrawn item was:

Request to cancel special study P-SS-75-7, aircraft accidents and incidents involving safety role of dispatcher.

[S-1040-78 Filed 5-16-78; 3:32 pm]

[4910-58]

9

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9:30 a.m., Thursday, May 25, 1978 [NM-78-23].

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Aircraft accident report.*—L. & J. Co., Convair 240, N55VM, Gillsburg, Miss., October 20, 1977.
2. *Marine accident report.*—Capsizing and sinking of the self-elevating mobile offshore drilling unit *Ocean Express* on April 15, 1976.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-1041-78 Filed 5-16-78; 3:32 pm]

Federal Register

THURSDAY, MAY 18, 1978
PART II



ENVIRONMENTAL PROTECTION AGENCY

■

PETROLEUM LIQUID STORAGE VESSELS

Proposed Standards and Notice of Hearing

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 60]

[FRL 870-5]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Storage Vessels for Petroleum Liquids

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The proposed standards would limit emissions of hydrocarbons from new, modified, and reconstructed petroleum liquid storage vessels with a capacity greater than 151,416 liters (40,000 gallons). The standards implement the Clean Air Act and are based on a review of the current standards of performance which indicated that the technology for storage vessels has imporved and it is appropriate to revise the standards. The current standards for storage vessels require a single seal to close the space between the roof edge and tank wall on external and internal floating roof tanks. The intended effect of the proposed standard is to require double seals on external floating roof tanks for which construction is commenced after (date of proposal of the standards).

DATES: Comments must be received on or before June 19, 1978. A public hearing will be held on June 7, 1978; a notice is published elsewhere in this FEDERAL REGISTER regarding the time and place the hearing will be held.

ADDRESSES: Comments should be submitted to the Emission Standards and Engineering Division (MD-13), Environmental Protection Agency, Research Triangle Park, N.C. 27711, Attention: Mr. Jack R. Farmer. Public comments received and other documents used in the development of the proposed standards comprise the docket required by section 307(d) of the Clean Air Act. Included in the docket is the economic impact assessment of the proposed standards entitled "Financial and Economic Impacts of Proposed Standards of Performance for New Sources—Storage Vessels for Petroleum Liquids." The docket, numbered OAQPS-78-2, is available for public inspection and copying at the Public Information Reference Unit, Room 2922, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Don R. Goodwin, Director, Emission Standards and Engineering Division (MD-13), Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone number 919-541-5271.

SUPPLEMENTARY INFORMATION:

SUMMARY OF PROPOSED STANDARDS AND IMPACTS

The proposed standards of performance would apply to storage vessels which have a capacity greater than 151,416 liters (40,000 gallons) and which are constructed after (proposal date of these standards). The proposed standards differ from the current standards in that they contain more stringent requirements for storage vessels which have external floating roofs or internal-floating-type covers. The current standards require that storage vessels containing a petroleum liquid with a true vapor pressure equal to or greater than 78 mm Hg (1.5 psia) but not greater than 570 mm Hg (11.1 psia) be equipped with a floating roof, a vapor recovery system, or equivalent. Storage vessels containing petroleum liquids with a true vapor pressure greater than 570 mm Hg (11.1 psia) are to be equipped with a vapor recovey system or its equivalent. The current standards remain in effect for those affected facilities which began construction, modification, or reconstruction after the applicable date of the current standards (March 8, 1974, for vessels with capacities between 40,000 and 65,000 gallons and June 11, 1973, for vessels with greater than 65,000 gallon capacity) and before (date of proposal of these standards). Retrofit of such facilities would not be required by the proposed standards.

The proposed standards would require the use of double seals on external floating roof storage vessels. The primary seal would have to be a metallic shoe seal or equivalent with a seal fabric having no holes, tears, or other openings. Gaps between the tank wall and the primary seal could not exceed 0.32 cm (⅛ in.) in width for a cumulative length of 60 percent of the circumference of the tank, 1.3 cm (½ in.) in width for a cumulative length of 30 percent of the circumference of the tank, and 3.8 cm (1½ in.) in width for a cumulative length of 10 percent of the circumference of the tank. The secondary seal would be required to completely cover the space between the roof edge and the tank wall. Gaps between the tank wall and the secondary seal could not exceed 0.32 cm (⅛ in.) in width for a cumulative length of 95 percent of the circumference of the tank, and 1.3 cm (½ in.) in width for a cumulative length of 5 percent of the circumference of the tank.

The proposal also specifies that the Administrator approves as equivalent technology the use of a nonmetallic resilient seal as the primary seal provided that the gaps between the tank wall and the primary seal do not exceed 0.32 cm (⅛ in.) in width for a cumulative length of 95 percent of the circumference of the tank and do not exceed 1.3 cm (½ in.) in width for a cumulative length of the remaining 5 percent of the circumference of the tank, and the gaps between the tank wall and the secondary seal used above the nonmetallic resilient seal do not exceed 0.32 cm (⅛ in.) in width over the entire circumference of the tank.

Since the current standards already require at least single seals on floating roof tanks, the maximum cost of the proposed standards would be the incremental cost of using a shoe seal instead of a nonmetallic resilient seal as the primary seal and of installing a second seal. These two costs are estimated to increase the cost of a new 61-meter (200-foot) diameter storage vessel by about 0.9 to 1.9 percent.

The proposed standards would have a positive impact on environmental quality. The estimated emission reduction attributed to the current standards is 80 percent. The proposed standards would further reduce emissions from a new storage vessel containing a petroleum liquid by about 75 percent. The total emission reduction, therefore, would be about 95 percent. The proposed standards would have no adverse environmental or energy impacts.

BACKGROUND

On March 8, 1974, under the authority of section 111 of the Clean Air Act, EPA promulgated standards of performance in Subpart K of 40 CFR Part 60 for hydrocarbon emissions from petroleum liquid storage vessels with a capacity greater than 151,416 liters (40,000 gallons). These standards require that new storage vessels containing petroleum liquids with a true vapor pressure greater than 570 mm Hg (11.1 psia) be equipped with a vapor recovery system or its equivalent. For petroleum liquids with a true vapor pressure equal to or greater than 78 mm Hg (1.5 psia) but not greater than 570 mm Hg (11.1 psia), new storage vessels are required to be equipped with a floating roof (internal or external), a vapor recovery system, or equivalent. The primary intent of Subpart K was to prohibit the use of fixed roofs on new storage vessels. A floating roof or vapor recovery system has the potential for reducing emissions by 70 to 90 percent more than the reduction achieved with a fixed roof only.

An external floating roof tank consists of a welded or riveted cylindrical vessel equipped with a deck or roof which floats on the liquid surface and rises and falls with the liquid level in the tank. The liquid surface is completely covered by the roof except for the space between the roof and the wall. The current standards require that a sliding seal be attached to the roof to close the space between the roof edge and the tank wall. The seals

in current use are metallic shoe seals or nonmetallic resilient seals (see Figures 1 and 2). For a storage vessel equipped to meet the current standards, emissions are primarily due to wind-induced hydrocarbon losses through the seal system. Seal losses increase if there is an improper fit between the seal and the tank wall or leakage through the fabric cover that is used to bridge the space between a shoe seal and the floating roof.

Although good maintenance and inspection programs may be effective in reducing emissions through a single seal, recent industry tests have indicated that reductions can be achieved by installing a second seal over the primary seal (see Figure 3). As improved technology is developed, section 111(b)(1)(B) of the Clean Air Act provides for revision of standards of performance. Since the promulgation of the current standards, the use of double seals on external floating roof tanks has been demonstrated and has been shown to significantly reduce emissions. The intent of the proposed standards is to require the use of double seals instead of single seals on external floating roof petroleum liquid storage vessels for which construction is commenced on or after (date of proposal of these standards).

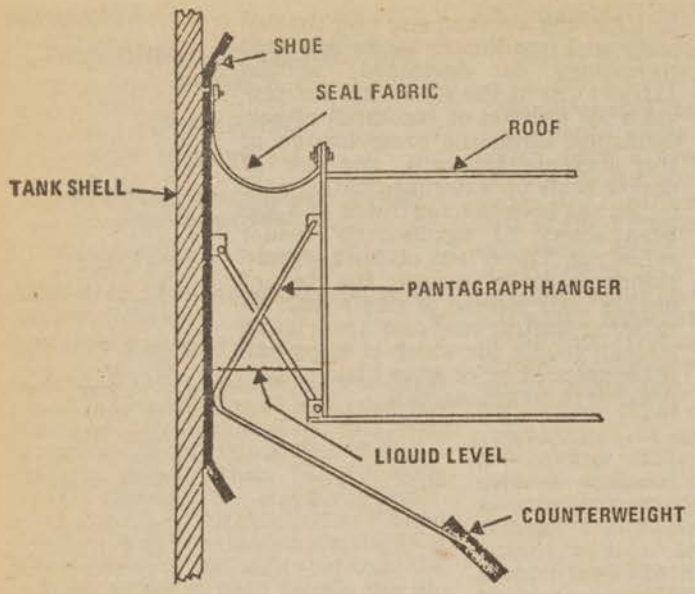


Figure 1. Primary metallic shoe seal

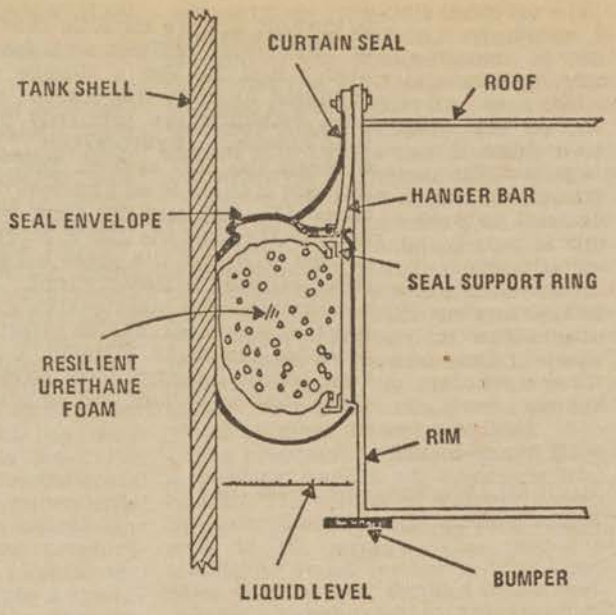


Figure 2. Primary nonmetallic resilient seal

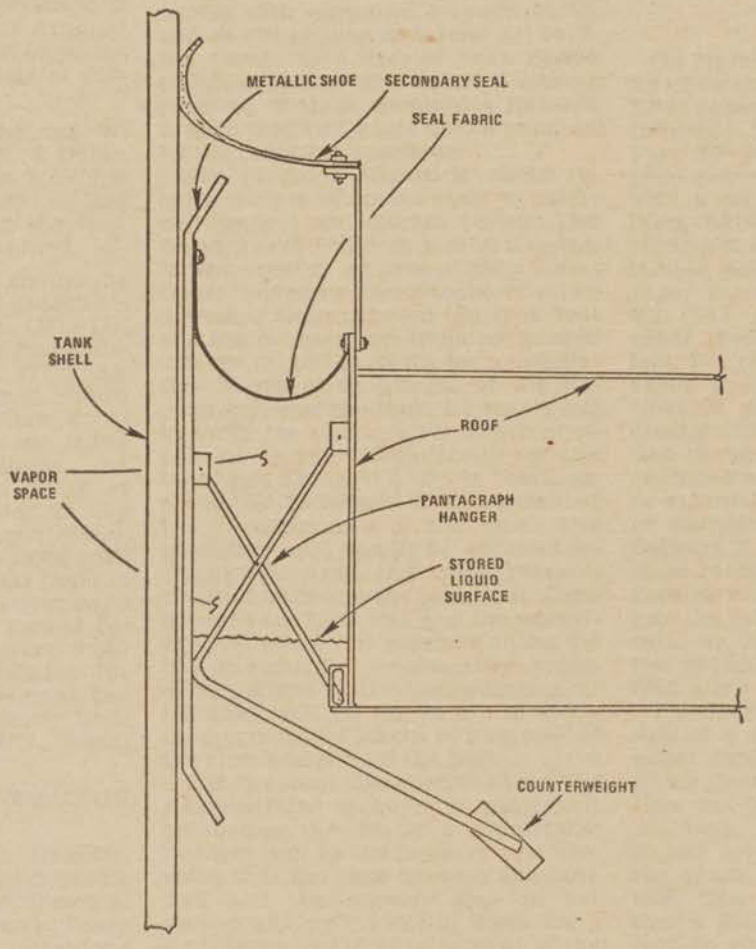


Figure 3. Metallic-shoe-type seal with secondary seal

The proposed standards are in terms of equipment specifications and maintenance requirements rather than mass emission rates. It is extremely difficult to quantify mass emission rates for petroleum liquid storage vessels because of the varying loss mechanisms and the number of variables affecting loss rate. Section 111(h)(1) of the Act provides that equipment standards may be established for a source category if it is not feasible to prescribe or enforce a standard which specifies an emission limitation. It also requires that an equipment standard include requirements to insure the proper operation and maintenance of the equipment. Therefore, the proposed standards contain certain monitoring requirements.

Rationale for Proposed Standards

Selection of the Source Category and Affected Facility

Section 111 of the Act directs the Administrator to establish standards of performance for new and modified stationary sources that may contribute significantly to air pollution which causes or contributes to the endangerment of public health or welfare. EPA considers petroleum liquid storage vessels to be significant contributors to air pollution. Based on emission factors (*1, 2*) derived from equations in American Petroleum Institute Bulletins, current nationwide hydrocarbon emissions from petroleum liquid storage tanks are estimated to be about 750 Gg (or about 850,000 tons) per year. This represents about 4.5 percent of the estimated 1975 national hydrocarbon emissions from stationary sources. (*3*)

In a 1976 study of the petroleum refining industry,(*4*) EPA estimated that the growth rate of domestic petroleum demand would be about 2½ percent annually for the period 1974 to 1985. It is assumed that the growth rate of petroleum liquid storage tanks would be the same. Although this estimated growth rate is subject to change depending on the world energy situation and the nation's energy policy, growth in the construction of new petroleum liquid storage tanks is likely to continue at about this rate at least into the near future. All new petroleum storage tanks will be required by EPA's current standards of performance to have floating roofs, vapor recovery systems, or equivalent. Because petroleum liquid storage vessels are significant contributors to air pollution and it has been demonstrated that emissions from these vessels which are equipped with external floating roofs in compliance with the current standards can be reduced further by installation of double seals, petroleum liquid storage vessels have been selected for additional regulation. Petroleum liquid storage vessels for which construction was commenced before (date of proposal of these standards) are still subject to the existing standards of performance and those storage vessels equipped with external floating roofs are required to have single seals only.

Selection of Best Technology Considering Costs

Measurement of emissions to the atmosphere from commercial size petroleum liquid storage vessels with external floating roofs using conventional measurement techniques is virtually impossible because the emissions are not confined. The proposed standards, therefore, are based primarily on studies conducted recently by Chicago Bridge and Iron (CBI) for Standard Oil of Ohio and Western Oil and Gas Association (*5*), (*6*), (*7*), (*10*), (*11*) on a 6-meter (20-foot) diameter test tank which was enclosed for the purpose of emission measurement. During the CBI studies, pressure drop measurements were made around the circumference of the tank on the windward and leeward sides. Emissions were measured under a variety of conditions to determine the impact of such factors as wind speed, the use of double seals, gap size between the seals and tank wall, shoe seal tightness, rim temperatures, and product vapor pressure on emission levels.

It was found that most hydrocarbon emission from storage vessels are due to wind-induced pressure losses. Relative to reference atmospheric pressure, pressure variations occur around the edges of the roof of a tank as a function of wind velocity and position of the roof. With respect to wind direction, the pressure is higher on the leeward side than on the windward side of the tank. The pressure differences on a tank roof are such that fresh air flows downward through the space between the tank wall and the seal on the leeward side, across the liquid surface along the circumference of the tank, and out the other side. The spaces are saturated with hydrocarbon vapors, which are carried out in the flow of air. The true vapor pressure of the liquid being stored, which determines the hydrocarbon concentration in the spaces between the seal and tank wall and the roof and liquid surface, and the type and condition of seals are other factors which were found to significantly influence emissions.

Figure 4 shows the effect of various types of seals and seal conditions on emission levels. The other two factors which were found to have the most impact on emissions—wind velocity and vapor pressure of the stored liquid—are held constant. Emission levels would deviate from those shown in the figure if one of these conditions were changed. As indicated in Figure 4, for both nonmetallic resilient seals and shoe seals, using a secondary seal above the primary seal and reducing the gaps between both the primary and the secondary seals and the tank wall significantly reduce the emissions resulting from wind-induced pressure losses. Using double seals reduces the impact of the size of the gap between the primary seal and the tank wall on emission levels, but reducing these gaps still has a positive effect.

The CBI test data in Figure 4 also indicate that when a nometallic resilkient seal is used as the primary seal and the secondary seal has a 1.3 cm (½ in.) gap for 5 percent of the circumference of the vessel, emissions are 5 times higher than when a shoe seal is used as the primary seal and the secondary seal has the same gaps. Based on these data, it is concluded that the use of a shoe seal achieves a greater reduction in emissions than the use of a nonmetallic resilient seal.

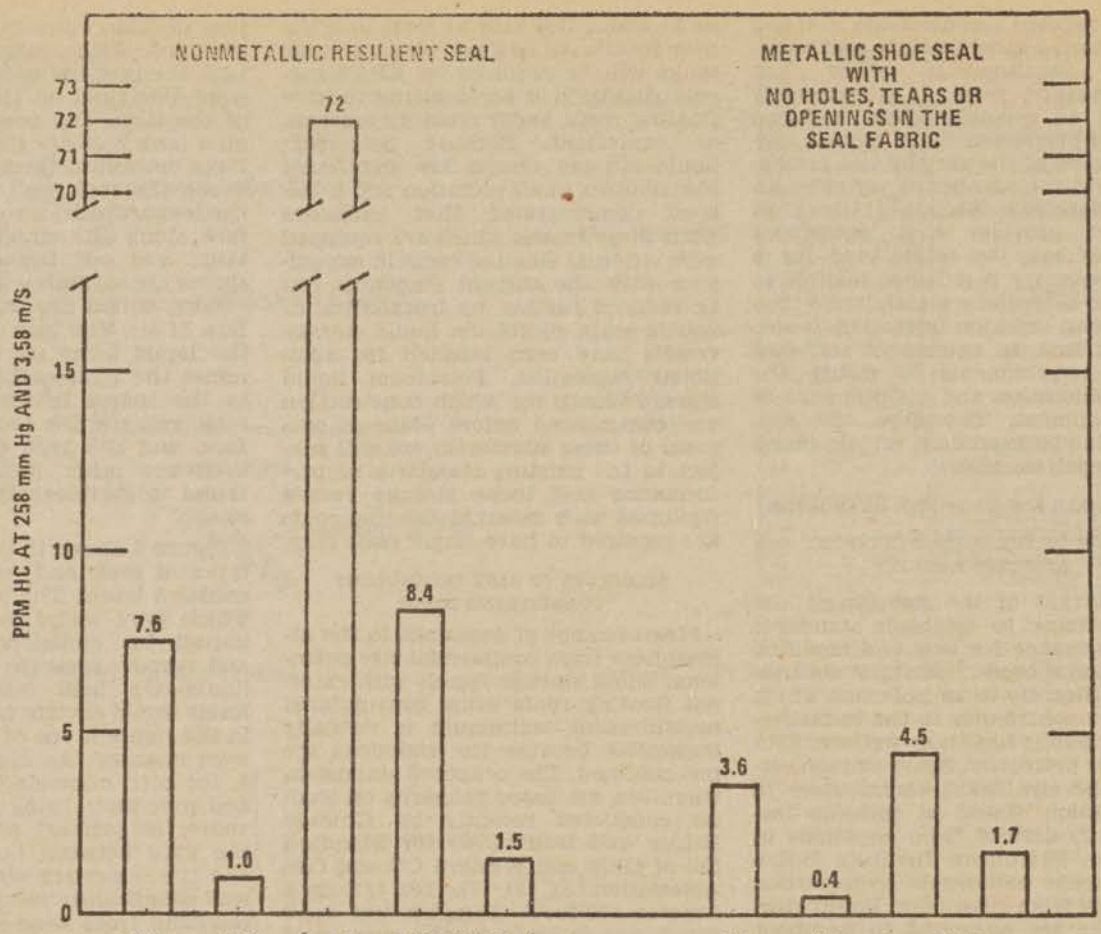


Figure 4. Emissions from CBI test tank with various seals.

It can also be seen in Figure 4 that a primary metallic shoe seal with no gap used in conjunction with a secondary seal with no gap achieves the lowest emission level. However, it is difficult to comply with a no gap requirement becuase in most cases the storage vessels are not perfectly round. A more viable regulatory approach would be to allow some small gaps between the seals and tank wall. From Figure 4 it can be seen that even with small gaps, the hydrocarbon emission level remains low. Consequently, the proposed standards contain certain gap requirements for both the primary and secondary seals.

For a shoe seal used as the primary seal, the permeability of the seal fabric used to bridge the space between the shoe seal and the floating roof can be an important factor affecting emission levels. The use of fabric with holes, tears, or openings increases leakage due to gas penetration through the fabric. Therefore, it is concluded that requiring the use of a metallic shoe seal with no holes, tears, or openings would result in reduced hydrocarbon emissions.

Costs must be considered in setting standards of performance under section 111. Since the current standards already require single seals on floating roof storage vessels the costs associated with the proposed standards are only the incremental costs of using a metallic shoe seal instead of a nonmetallic resilient seal as the primary seal and the costs of adding a secondary seal. For a new 61-meter (200-foot) diameter storage vessel, the total installed cost of a nonmetallic resilient seal is estimated to be approximately $20,000 to $33,000, and the total installed cost of a shoe seal is estimated to range from $28,000 to $41,000, or approximately $8,000 more than a nonmetallic resilient seal. The total annualized cost for a shoe seal is estimated to be about $2,400 more than that for a nonmetallic resilient seal. EPA is not aware of any situations where technological or economic considerations would preclude the installation of shoe seals in lieu of nonmetallic resilient seals during the construction of new petroleum storage vessels.

Adding a secondary seal is estimated to cost $12,600 to $19,000, and to increase total annualized costs by $4,000 to $5,800 if it is assumed that there are no savings due to retention of petroleum product. Total annualized costs would be reduced to between $1,700 and $5,400, however, if a savings in petroleum product is assumed. A range is estimated because the amount of petroleum product saved would depend on the true vapor pressure of the petroleum liquid and wind velocity.

The cost of a new 61-meter diameter storage vessel is estimated to be about $1,400,000 to $2,200,000. This cost includes the tank foundation, firewalls, connections to refinery pumps, lines, etc. Thus, using a shoe seal instead of a nonmetallic resilient seal as the primary seal and installing a secondary seal would increase the cost of a new storage vessel by only about 0.9 to 1.9 percent. By comparison, the increased cost for a new storage vessel to comply with the current standards is 12 to 25 percent. Therefore, the increased cost of complying with the proposed standards is considered to be reasonable and would not adversely affect the demand for new vessels. Since the additional cost would not reduce the demand for new vessels, the economic impact of the proposed standard on the manufacturers of storage vessels is small.

EPA also attempted to determine the impact of the proposed standards on nonmetallic resilient seal manufacturers; however, it was discovered that the materials for the seals are purchased by the storage vessel manufacturers who then fabricate and install the seals. Nearly all the storage vessel manufacturers have the expertise to install either metallic shoe seals or nonmetallic resilient seals with most manufacturers being indifferent to customer preference toward a certain type of seal. One manufacturer does stress its expertise with nonmetallic resilient seals; however, this emphasis has not caused disproportional sales of nonmetallic resilient seals over metallic shoe seals. Also, since the seals are fabricated on site, little or no extra capital would be needed to convert plant and equipment to produce a greater quantity of metallic shoe seals. In addition, storage vessel manufacturers generally do not maintain an inventory of nonmetallic resilient seal materials that would need to be liquidated.(12) Consequently, any shift towards more installation of metallic shoe seals caused by the proposed standards would have little impact on the storage vessel manufacturers.

Three companies in the United States currently supply the rubber casings and urethane foam necessary for the fabrication of the nonmetallic resilient seals. All three of these companies are highly diversified and the sale of nonmetallic resilient seal materials makes up only a small portion of their total sales. The average losses in sales of the three companies due to the proposed standard would range from about 0.5 to 1.4 percent of total sales.(12) Consequently, the economic impact on the nonmetallic resilient seal materials suppliers would be small.

Any difference in maintenance requirements for metallic shoe seals as compared with maintenance requirements for nonmetallic resilient seals could also impact the storage vessel purchasers. Generally, however, metallic shoe seals last longer and require less maintenance than nonmetallic resilient seals. (*12*) Therefore, this aspect of the proposed standards would have no adverse impact on the storage vessel purchasers.

The longer life of the average metallic shoe seal would also impact the vessel service companies. However, since replacing seals is only a small part of a vessel service company's business, the economic impact of the proposed standard would be small.

There is expected to be little, if any, economic impact on existing storage vessels as a result of modifications of existing vessels. The only change EPA is presently aware of which could potentially be considered a modification is a change in the petroleum liquid being stored. However, 40 CFR 60.14(e)(4) states that a change in fuel or raw material is not considered to be a modification if the existing facility was designed to accommodate that alternative use prior to the promulgation of standards of performance for that source type. There are likely to be few, if any, changes in the product being stored which a storage vessel was not originally designed to accommodate.

Using the emission control technology described in the preceding paragraphs—double seals; shoe seals as the primary seals; seal fabric with no holes, tears, or openings and narrow gap widths—would have a beneficial impact on environmental quality. Compared with the current standards, this technology would reduce hydrocarbon emissions from petroleum liquid storage vessels equipped with external floating roofs by 60 percent assuming a metallic shoe seal was used to meet the current standard, and up to 98 percent assuming a nonmetallic resilient seal was used to meet the current standard. These figures are based on Figure 4 and the assumption that the storage vessel is exposed to a wind velocity of 3.58 m/s (8 mph) and contains a petroleum liquid with a true vapor pressure of 258 mm Hg (5 psia). The percentage reduction would be expected to vary for different storage vessels depending on the wind speed and the true vapor pressure of the petroleum liquid being stored. There would be no adverse impacts on other environmental media. National energy requirements would actually be decreased very slightly since this technology would result in retention of petroleum products that would otherwise be lost as hydrocarbon emissions.

Consequently, the use of double seals employing a shoe seal with a seal fabric with no holes, tears, or openings as the primary seal, and having narrow gaps between both the primary and secondary seals and the storage vessel wall, has been selected as the best demonstrated technology, consid-

ering costs, for reducing emissions from petroleum liquid storage vessels. Thus, the proposed standards require either the use of this technology or technology demonstrated to be equivalent.

As can be observed in Figure 4, if a nonmetallic resilient seal is used as the primary seal and there are no gaps (i.e., gap widths of 0.32 cm or less) between the secondary seal and the storage vessel wall, emissions are approximately the same as when a shoe seal is used as the primary seal and the gaps on the secondary seal are as much as 1.3 cm (½ in.) for 5 percent of the circumference of the tank. The proposed regulation, therefore, states that the Administrator approves the use of a nonmetallic resilient seal as equivalent to a shoe seal for the primary seal if the secondary seal above the nonmetallic resilient seal has gaps no greater than 0.32 cm.

Instead of approving as equivalent technology the use of nonmetallic resilient seals in conjunction with secondary seals with no gaps greater than 0.32 cm, the standards of performance could require either the use of shoe seals or the use of nonmetallic resilient seals with the more stringent gap requirement for nonmetallic resilient seals. If the standard were written in this way, nonmetallic resilient seals would always be required to meet the more stringent gap requirement. It is possible, however, that improvements can be made to nonmetallic resilient seals to make them equivalent to metallic shoe seals without meeting a more stringent gap requirement. It is also possible that other seals can be developed that would be equivalent to metallic shoe seals. The proposed standards, therefore, provide maximum flexibility for manufacturers to make improvements in nonmetallic resilient seals or other types of seals and demonstrate their equivalency to metallic shoe seals.

SELECTION OF MISCELLANEOUS REQUIREMENTS

The current standards of performance do not apply to storage vessels for petroleum or condensate stored, processed, and/or treated at a drilling and production facility prior to custody transfer. These vessels were exempted because many of them are normally bolted for purposes of mobility. The proposed standards of performance, however, would apply to storage vessels at drilling and production facilities if the vessels are larger than 151,416 liters (40,000 gallons). Bolted vessels larger than the cut-off size would not be exempt because they are no different from other large storage vessels being covered with regard to emissions, control technology, or costs.

The definition of "petroleum refinery" has been expanded in both Subparts K and Ka to include extracting. This change is being made to ensure that the definition covers all activities at a petroleum refinery. "Extracting" was not purposely excluded in Subpart K and its addition should not change the impact of the standard.

SELECTION OF TESTING, MONITORING, AND RECORDKEEPING REQUIREMENTS

The proposed standards include a section on testing (section 60.114a) for determining compliance with the gap requirements. The current standards of performance do not have a comparable testing section because they do not contain gap requirements. Performance tests for most sources subject to Part 60 are required within 60 days after achieving the maximum production rate. The maximum production rate for a storage vessel would be the filling of the vessel with petroleum liquid. The proposed standards for storage vessels provide the option of doing the performance test before a tank is filled with petroleum liquid. This is based on the reasoning that the gaps between a primary seal and the tank wall have to be measured when the secondary seal is not in place when doing a performance test. This means that the tank could not contain petroleum liquid, since the secondary seal is required by the standard to cover the primary seal when the tank is in operation. The gaps for the primary seal would be most easily measured during the construction of the tank before the secondary seal is installed. If the owner or operator chose to do the measurements on the primary seal after the tank has been filled with petroleum liquid, it would be necessary to empty the tank and remove the secondary seal. The secondary seal gaps, on the other hand, could be measured when the tank is filled with petroleum liquid. The proposed standards would require that this performance test be repeated every five years.

The proposed standards would require that the distance between the seals and the tank wall be measured while the floating roof is placed at different levels. This could be done by putting different quantities of water into the tank before the tank is filled with petroleum liquid. Measuring the gaps at different levels is required because the floating roof would be located at different levels while the tank is in normal operation. The proposed standards would also require that the gaps be measured around the circumference of the tank. For each gap size, the distances around the tank which have that gap size would need to be accumulated. Gaps would be measured with a probe having a diameter equivalent to one of the gap widths specified in the standard. In the process of measuring gaps, those gap widths which are between two sizes specified in the standards would be considered equivalent to the larger of the two sizes. For example, a gap between 0.32 cm (⅛ in.) and 1.3 cm (½ in.) in width would be considered as 1.3 cm (½ in.).

Most of the monitoring and recordkeeping requirements in the proposed standards (sections 60.115a (a), (b), (c), and (d)) are the same as the ones in the current standards. An additional requirement is proposed to allow for routine inspection of the primary seal between performance tests. Under this requirement the secondary seal would allow easy insertion of probes in at least four locations for measuring gaps in the primary seal. This would allow for inspection of the primary seal without removing the secondary seal which would make emptying the tank unnecessary. The tank, therefore, would have to be emptied only during performance tests and routine maintenance of the secondary seal.

MISCELLANEOUS

In accordance with section 117 of the Act, publication of these proposed standards was preceded by consultation with independent experts and Federal departments and agencies. The Administrator will welcome comments on all aspects of the proposed regulation, including economic and technological issues and record keeping requirements.

It should be noted that standards of performance for new sources established under section 111 of the Clean Air Act reflect the degree of emission limitation achievable through application of the best adequately demonstrated technological system of continuous emission reduction (taking into consideration the cost of achieving such emission reduction, any nonair quality health and environmental impact and energy requirements). State implementation plans (SIPs) approved or promulgated under section 110 of the Act, on the other hand, must provide for the attainment and maintenance of national ambient air quality standards (NAAQS) designed to protect public health and welfare. For that purpose, SIPs must in some cases require greater emission reductions than those required by standards of performance for new sources. Section 173 of the Act requires, among other things, that a new or modified source constructed in an area which exceeds the NAAQS must reduce emissions to the level which reflects the "lowest achievable emission rate" for such category of source, as defined in section 171(3). In no event can the emission rate exceed any applicable standard of performance.

A similar situation may arise when a major emitting facility is to be constructed in a geographic area which falls under the prevention of significant deterioration of air quality provi-

sions of the Act (Part C). These provisions require, among other things, that major emitting facilities to be constructed in such areas are to be subject to best available control technology for all pollutants regulated under the Act. The term "best available control technology" (BACT), as defined in section 169(3), means "an emission limitation based on the maximum degree of reduction of each pollutant subject to regulation under this Act emitted from or which results from any major emitting facility, which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such facility through application of production processes and available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of 'best available control technology' result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard established pursuant to section 111 or 112 of this Act."

Standards of performance should not be viewed as the ultimate in achievable emission control and should not preclude the imposition of a more stringent emission standard, where appropriate. For example, while cost of achievement may be an important factor in determining standards of performance applicable to all areas of the country (clean as well as dirty), costs must be accorded far less weight in determining the "lowest achievable emission rate" for new or modified sources locating in areas violating statutorily-mandated health and welfare standards. Although there may be emission control technology available that can reduce emissions below those levels required to comply with standards of performance, this technology might not be selected as the basis of standards of performance due to costs associated with its use. This in no way should preclude its use in situations where cost is a lesser consideration, such as determination of the "lowest achievable emission rate."

In addition, States are free under section 116 of the Act to establish even more stringent emission limits than those established under section 111 or those necessary to attain or maintain the NAAQS under section 110. Thus, new sources may in some cases be subject to limitations more stringent than standards of performance under section 111, and prospective owners and operators of new sources should be aware of this possibility in planning for such facilities.

Economic impact assessment: An economic impact assessment has been prepared as required under section 317 of the Act and is included in the docket.

Dated: May 2, 1978.

DOUGLAS M. COSTLE,
Administrator.

REFERENCES

(*1*) "Evaporation Loss from Floating Roof Tanks," American Petroleum Institute Bulletin 2517, February 1962.
(*2*) "Control of Hydrocarbon Emissions from Petroleum Liquids," EPA-600/2-75-042, September 1975.
(*3*) "Control of Volatile Organic Emissions from Existing Stationary Sources—Volume I: Control Methods for Surface—Coating Operations," EPA-450/2-76-028, November 1976.
(*4*) "Economic Impact of EPA's Regulations on the Petroleum Refining Industry," EPA-230/13-76-004, Part II, Section E, p. II-4.
(*5*) "SOHIO/CBI Floating Roof Emission Test Programs," Final Report, Chicago Bridge & Iron Co., November 18, 1976.
(*6*) "SOHIO/CBI floating roof Emission Test Program," Supplemental Report, Chicago Bridge & Iron Co., February 15, 1977.
(*7*) "Western Oil and Gas Association Metallic Sealing Ring Emission Test Program," Interim Report, Chicago Bridge & Iron, January 18, 1977.
(*8*) Ball, D. A., Putman, A. A., and Luce, R. G., "Evaluation of Methods for Measuring and Controlling Hydrocarbon Emissions from Petroleum Storage Tanks," U.S. EPA-450/13-76-036, November 1976.
(*9*) "Hydrocarbon Emissions From Floating Roof Storage Tanks," Prepared for the Western Oil & Gas Association by Engineering-Science, Inc., January 1977.
(*10*) Western Oil and Gas Association Metallic Sealing Ring Emission Test Program, Supplemental Report, Chicago Bridge & Iron, June 30, 1977.
(*11*) Letter, from Royce J. Laverman to Mr. R. K. Burr, October 11, 1977.
(*12*) "Financial and Economic Impacts of Proposed Standards of Performance for New Sources—Storage Vessels for Petroleum Agency," Draft Report, Energy and Environmental Analysis, Inc., August 1977.

It is proposed that 40 CFR Part 60 be amended by revising § 60.11(a) of Subpart A, by revising the heading and amending §§ 60.110 and 60.111 of Subpart K, and by adding a new Subpart Ka as follows:

1. § 60.11(a) is revised to read as follows:

§ 60.11 Compliance with standards and maintenance requirements.

(a) Compliance with standards in this part, other than opacity standards, shall be determined only by performance tests established by § 60.8, unless otherwise specified in the applicable standard.

2. The heading for Subpart K is revised to read as follows:

Subpart K—Standards of Performance for Storage Vessels for Petroleum Liquids Constructed Prior to (Date of Proposal of These Standards)

3. Paragraphs (c)(1) and (c)(2) of § 60.110 are revised to read as follows:

§ 60.110 Applicability and designation of affected facility.

* * * * *

(c) * * *

(1) Has a capacity greater than 151,416 liters (40,000 gallons), but not exceeding 246,052 liters (65,000 gallons), and commences construction or modification after March 8, 1974, and prior to (date of proposal of these standards).

(2) Has a capacity greater than 246,052 liters (65,000 gallons) and commences construction or modification after June 11, 1973, and prior to (date of proposal of these standards).

* * * * *

4. Paragraph (c) of § 60.111 is revised to read as follows:

§ 60.111 Definitions.

* * * * *

(c) "Petroleum refinery" means any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricant, or other products through distillation of petroleum or through redistillation, cracking, extracting, or reforming of unfinished petroleum derivatives.

5. A new Subpart Ka is added to read as follows:

Subpart Ka—Standards of Performance for Storage Vessels for Petroleum Liquids Constructed on or After (Date of Proposal of These Standards)

Sec.
60.110a Applicability and designation of affected facility.
60.111a Definitions.
60.112a Standard for hydrocarbons.
60.113a Equivalent equipment.
60.114a Testing and procedures.
60.115a Monitoring of operations.

AUTHORITY: Sec. 111, 301(a) of the Clean Air Act as amended (42 U.S.C. 7411, 7601(a)), and additional authority as noted below.

§ 60.110a Applicability and designation of affected facility.

(a) The affected facility to which this subpart applies is each storage vessel for petroleum liquids which has a storage capacity greater than 151,416 liters (40,000 gallons) and for which construction is commenced after (date of proposal of these standards).

§ 60.111a Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in Subpart A of this part.

(a) "Storage vessel" means any tank, reservoir, or container used for the storage of petroleum liquids, but does not include:

(1) Pressure vessels which are designed to operate in excess of

0.0044kg/m³ (15 lb/in.² gauge) without emissions to the atmosphere except under emergency conditions,

(2) Subsurface caverns or porous rock reservoirs, or

(3) Underground tanks if the total volume of petroleum liquids added to and taken from a tank annually does not exceed twice the volume of the tank.

(b) "Petroleum liquids" means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery but does not mean Nos. 2 through 6 fuel oils as specified in A.S.T.M. D396-69, gas turbine fuel oils Nos. 2-GT through 4-GT as specified in A.S.T.M. D2880-71, or diesel fuel oils Nos. 2-D and 4-D as specified in A.S.T.M. D975-68.

(c) "Petroleum refinery" means any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation of petroleum or through redistillation, cracking, extracting, or reforming of unfinished petroleum derivatives.

(d) "Petroleum" means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal.

(e) "Hydrocarbon" means any organic compound consisting predominantly of carbon and hydrogen.

(f) "Condensate" means hydrocarbon liquid separated from natural gas which condenses due to changes in the temperature and/or pressure and remains liquid at standard conditions.

(g) "True vapor pressure" means the equilibrium partial pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, Evaporation Loss from Floating Roof Tanks, 1962.

(h) "Reid vapor pressure" is the absolute vapor pressure of volatile crude oil and volatile non-viscous petroleum liquids, except liquified petroleum gases, as determined by ASTM-D-323-58 (reapproved 1968).

§ 60.112a Standard for hydrocarbons.

(a) The owner or operator of any storage vessel which contains a petroleum liquid which, as stored, has a true vapor pressure equal to or greater than 78 mm Hg (1.5 psia) but not greater than 570 mm Hg (11.1 psia), shall equip the storage vessel with one of the following:

(1) An external floating roof, consisting of a pontoon-type or double-deck-type cover that rests on the surface of the liquid contents and is equipped with a closure device between the tank wall and roof edge. Except during initial tank fill, performance tests, or when the tank is completely emptied, the roof is to be floating on the liquid, i.e. off the roof leg supports, at all times. The closure device is to consist of two seals, one above the other. The lower seal is referred to as the primary seal and the upper seal is referred to as the secondary seal.

(i) The primary seal is to be a metallic shoe seal or equivalent as provided in § 60.113a(b), and is to meet the following requirements:

(A) Gaps between the tank wall and the primary seal are not to exceed 0.32 cm (⅛ in.) in width for a cumulative length of 60 percent of the circumference of the tank, are not to exceed 1.3 cm (½ in.) in width for a cumulative length of the next 30 percent of the circumference of the tank, and are not to exceed 3.8 cm (1½ in.) in width for a cumulative length of the remaining 10 percent of the circumference of the tank. No gap between the tank wall and the primary seal shall exceed 3.8 cm (1½ in.). No continuous gap greater than 0.32 cm (⅛ in.) shall exceed 10 percent of the circumference of the tank.

(B) One end of the shoe seal is to extend into the stored liquid and the other end is to extend a minimum vertical distance of 61 cm (24 in.) above the stored liquid surface.

(C) There are to be no holes, tears, or other openings in the shoe or seal fabric.

(ii) The secondary seal is to meet the following requirements:

(A) Gaps between the tank wall and the secondary seal are not to exceed 0.32 cm (⅛ in.) in width for a cumulative length of 95 percent of the circumference of the tank, and are not to exceed 1.3 cm (½ in.) in width for a cumulative length of the remaining 5 percent of the circumference of the tank. No gap between the tank wall and the secondary seal shall exceed 1.3 cm (½ in.).

(B) The secondary seal is to be installed above the primary seal so that the space between the roof edge and tank wall is completely covered, except as provided in paragraph (a)(1)(ii)(A) of this section.

(C) There are to be no holes, tears, or other openings in the seal or in any seal fabric.

(iii) All openings in the roof except for automatic bleeder vents and rim space vents are to provide a projection below the liquid surface and are to be equipped with a cover, seal, or lid. The cover, seal, or lid is to be in a closed (i.e. no visible gap) position at all times except when the device is in actual use. Automatic bleeder vents are to be closed at all times except whe the roof is floated off or landed on the roof leg supports and rim vents are to be set to open only when the roof is being floated off the roof leg supports.

(iv) Any emergency roof drain is to be provided with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening, or equivalent as provided in § 61.113a.

(2) A fixed roof container with an internal-floating-type cover which is equipped with a closure seal between the tank wall and roof edge. All openings, except stub drains, are to be equipped with a cover, seal, or lid. The cover, seal, or lid is to be in a closed position at all times except when the device is in actual use. Automatic bleeder vents are to be closed at all times except when the roof is floated off or landed on the roof leg supports. Rim vents, if provided, are to be set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting.

(3) A vapor recovery system, capable of collecting all hydrocarbon vapors and gases discharged from the storage vessel, and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere.

(4) A system equivalent to those described in paragraphs (a)(1), (a)(2), or (a)(3), as provided in § 61.113a.

(b) The owner or operator of any storage vessel which contains a petroleum liquid which, as stored, has a true vapor pressure greater than 570 mm Hg (11.1 psia), shall equip the storage vessel with:

(1) A vapor recovery system, capable of collecting all organic vapors and gases discharged, and a vapor return or disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere; or

(2) Equivalent as provided in § 60.113a.

§ 61.113a Equivalent equipment.

(a) Upon written application from an owner or operator, the Administrator may approve use of equipment which has been demonstrated to his satisfaction to be equivalent in terms of reducing hydrocarbon emissions to the atmosphere to that prescribed for compliance with a specific paragraph of this subpart.

(b) A nonmetallic resilient seal is approved as equivalent to the shoe seal required by § 61.112a(a)(1)(i) if the gaps between the tank wall and the primary seal do not exceed 0.32 cm (⅛ in.) in width for a cumulative length of 95 percent of the circumference of the tank and do not exceed 1.3 cm (½ in.) in width for a cumulative length of the remaining 5 percent of the circumference of the tank and the gaps between the tank wall and the secondary seal used above the nonmetallic resilient seal do not exceed 0.32 cm (⅛ in.) over the entire circumference of the tank.

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 7414).)

§ 60.114a Testing and procedures.

(a) Except as provided in § 60.8(b), compliance with the standard pre-

scribed in § 60.112(a) shall be determined as follows:

(1) The owner or operator of any storage vessel subject to this Subpart which has an external floating roof shall meet the following requirements:

(i) Determine the gap widths between the primary seal and the tank wall and the secondary seal and the tank wall, and furnish the Administrator with a written report of the results. This shall de done either before, or within 60 days after, the storage vessel is initially filled with petroleum liquid, at least once every five years thereafter, and at other times as may be required by the Administrator under section 114 of the Act. The gap widths shall be determined according to the following procedures:

(A) Measure the gaps at various roof levels, including the lowest level of the roof legs, the maximum roof height, and six approximately equidistant points between these two levels.

(B) Measure the gaps continuously around the circumference of the tank and determine the accumulated distance for each gap width.

(C) Measure the gaps with probes of diameter equal to each gap width specified in §§ 60.112a(a)(1) (i)(A) and (ii)(A). A gap is deemed to exist under the following conditions:

(*1*) For a primary seal, the probe is to touch the liquid surface without forcing, and

(*2*) For a secondary seal, the probe is to touch the primary seal without forcing.

(D) Tabulate the gap widths: gaps less than or equal to 0.32 cm (⅛ in.) are to be considered equivalent to 0.32 cm (⅛ in.), gaps greater than 0.32 cm (⅛ in.) but less than or equal to 1.3 cm. (½ in.) are to be considered to be equivalent to 1.3 cm (½ in.), and gaps greater than 1.3 cm (½ in.) but less than or equal to 3.8 cm (1½ in.) are to be considered equivalent to 3.8 cm (1½ in.).

(ii) Provide the Administrator 30 days prior notice of the gap measurement to afford the Administrator the opportunity to have an observer present.

[Sec. 114 of the Clean Air Act as amended (42 U.S.C. 7414)].

§ 60.115a. Monitoring of operations.

(a) The owner or operator of any storage vessel to which this subpart applies shall for each storage vessel maintain a file of each type of petroleum liquid stored, of the typical Reid vapor pressure of each type of petroleum liquid stored, and of the dates of storage. Dates on which the storage vessel is empty shall be shown.

(b) The owner or operator of any storage vessel to which this subpart applies shall for each storage vessel determine and record the average monthly storage temperature and true vapor pressure of the petroleum liquid stored at such temperature if:

(1) The petroleum liquid has a true vapor pressure, as stored, greater than 26 mm Hg (0.5 psia) but less than 78 mm Hg (1.5 psia) and is stored in a storage vessel other than one equipped with an external floating roof, an interval-floating-type cover, a vapor recovery system or their equivalents; or

(2) The petroleum liquid has a true vapor pressure, as stored, greater than 470 mm Hg (9.1 psia) and is stored in a storage vessel other than one equipped with a vapor recovery system or its equivalent.

(c) The average monthly storage temperature is an arithmetic average calculated for each calendar month, or portion thereof if storage is for less than a month, from bulk liquid storage temperatures determined at least once every 7 days.

(d) The true vapor pressure is to be determined by the procedure in API Bulletin 2517. This procedure is dependent upon determination of the storage temperature and the Reid vapor pressure, which requires sampling of the petroleum liquids in the storage vessels. Unless the Administrator requires in specific cases that the stored petroleum liquid be sampled, the true vapor pressure may be determined by using the average monthly storage temperature and the typical Reid vapor pressure. For those liquids for which certified specifications limiting the Reid vapor pressure exist, that Reid vapor pressure may be used. For other liquids, supporting analytical data must be made available on request to the Administrator when typical Reid vapor pressure is used.

(e) In order that the primary seal may be routinely inspected, the secondary seal is to allow easy insertion of probes up to 3.8 cm (1½ in.) in diameter in at least four locations to measure gaps in the primary seal on storage vessels equipped with external floating roofs.

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 7414)).

[FR Doc. 78-13380 Filed 5-17-78; 8:45 am]

[6560-01]

[40 CFR Part 60]

[FRL 895-4]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Public Hearing on Proposed Standards for Petroleum Liquid Storage Vessels

AGENCY: Environmental Protection Agency.

ACTION: Hearing on proposed rule.

SUMMARY: This document announces a public hearing on the standards of performance for petroleum liquid storage vessels which are proposed in this issue of the FEDERAL REGISTER.

DATES: Hearing Date: Wednesday, June 7, 1978. See *Supplementary Information* for additional information.

ADDRESSES: Hearing held: Room 3906, Waterside Mall, 401 M Street SW., Washington, D.C. See *Supplementary Information* for additional information.

FOR FURTHER INFORMATION CONTACT:

Mr. Don R. Goodwin, Director, Emission Standards and Engineering Division (MD-13), Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone 919-541-5271.

SUPPLEMENTARY INFORMATION: In accordance with section 307(d)(5) of the Clean Air Act, a public hearing on the standards of performance for petroleum liquid storage vessels which are proposed in this issue of the FEDERAL REGISTER will be held as follows:

DATE: Wednesday, June 7, 1978.

PLACE: Room 3906, Waterside Mall, 401 M Street SW., Washington, D.C.

TIME: 9:00 a.m.

PURPOSE: Interested persons will be provided the opportunity for oral presentation of data, views, or arguments concerning the proposed standards of performance for petroleum liquid storage vessels. The hearing is open to the public.

Persons wishing to make oral presentations, which will be limited to 15 minutes each, or to attend the hearing should notify EPA by May 31 by contacting Ms. Mary Jane Clark, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone 919-541-5271. Any member of the public may file a written statement with EPA before, during, or within 30 days after the hearing. Written statements should be addressed to Mr. Jack R. Farmer at the address above.

A verbatim transcript of the hearing and written statements will be available for public inspection and copying during normal working hours at the U.S. Environmental Protection Agency's Public Information Reference Unit, Room 2922, Waterside Mall, 401 M Street SW., Washington, D.C. 20460 (Docket Number OAQPS-78-2).

Dated: May 9, 1978.

EDWARD F. TUERK,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc. 78-13014 Filed 5-17-78; 8:45 am]

federal register

THURSDAY, MAY 18, 1978
PART III



OFFICE OF MANAGEMENT AND BUDGET

■

BUDGET RESCISSIONS AND DEFERRALS

[3111-01]

OFFICE OF MANAGEMENT AND BUDGET

BUDGET RECISSIONS AND DEFERRALS

to the congress of the united states:

In accordance with the Impoundment Control Act of 1974, I herewith report one proposal to rescind $30.0 million in budget authority previously provided by the Congress. In addition, I am reporting four new diferrals of budget authority totalling $55.1 million and two revisions to previously transmitted deferrals increasing the amount deferred by $0.7 million in budget authority.

The rescission proposal affects the Department of Agriculture's drought and flood assistance program. The new deferrals and revisions to existing deferrals involve programs in the Departments of Commerce, Energy, and the Interior, the Corps of Engineers, and the International Communication Agency.

The details of the rescission proposal and the deferrals are contained in the attached reports.

JIMMY CARTER.

THE WHITE HOUSE,
May 12, 1978.

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Rescission No.	Item	Budget Authority
	Department of Agriculture:	
	Agricultural Stabilization and Conservation Service	
	Agricultural conservation program	
R78-5	(Drought and flood assistance)	30,000
Deferral No.		
	Department of Commerce:	
	Economic Development Administration	
D78-6A	Financial and technical assistance	4,600
	Department of Defense - Civil:	
	Corps of Engineers	
D78-60	Alaska hydroelectric power development fund	5,450
	Department of Energy:	
	Atomic energy defense activities	
	(Full Fuzing Option Bomb Production	
D78-61	Facilities)	23,497
D78-62	Energy	12,300
	Department of the Interior:	
	Bureau of Reclamation	
D78-63	Construction and rehabilitation	17,700
	Other Independent Agencies:	
	International Communication Agency	
	Salaries and expenses (special foreign	
D78-41B	currency program)	1,653
	Subtotal, deferrals	65,200
	Total, rescission proposals and deferrals	95,200

SUMMARY OF SPECIAL MESSAGES
FOR FY 1978
(in thousands of dollars)

	Rescissions	Deferrals
Eighth special message:		
New items	30,000	55,147 1/
Changes to amounts previously transmitted	—	700
Effect of eighth special message	30,000	55,847
Previous special messages	57,923	4,902,557
Total amount proposed in special messages	87,923 (in 5 rescissions)	4,958,404 2/ (in 63 deferrals)

1/ This amount is net of $3.8 million included in a new Department of Energy deferral (D78-62) being transmitted in this message. These funds have already been reported as deferred in two DOE deferrals (D78-31A and D78-36A) that are being incorporated into D78-62.

2/ This amount represents budget authority except for $9,573,000 consisting of three Department of the Treasury deferrals of outlays only (D78-50, D78-58, D78-28B).

Rescission Proposal No: R78-5

R78-5

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Agriculture	New budget authority (P.L. 95-24) $ 36,600,000
Bureau Agricultural Stabilization and Conservation Service	Other budgetary resources ---
Appropriation title & symbol Agricultural Conservation Program (Drought and Flood Assistance) 1283315	Total budgetary resources 36,600,000
	Amount proposed for rescission $ 30,000,000
OMB identification code: 12-3315-0-1-302	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

The Supplemental Appropriations Act, 1978 (P.L. 95-240) contained $36.6 million for drought and flood assistance in the Agriculture Department's Agricultural conservation program. These funds were to be utilized for payments to farmers for two purposes: drought assistance and water conservation practices. Since September 30, 1977, the effects on farmland of the 1977 drought have been mitigated by abundant rainfall in most of the areas that suffered from this drought. Therefore, $30 million of this appropriation are not needed for the purpose for which they were provided, and a rescission is proposed.

The remaining $6.6 million will be used for payments to farmers for costs of water conserving practices carried out during the period of January 20 through September 30, 1977. This is in accordance with the intent of the Congress that help be given to those farmers who carried out such practices after the January 1977 Presidential disaster declaration, but before the Congress initially made funds available for drought and flood assistance.

Estimated Effects:

There is no programmatic effect of this rescission proposal. Drought conditions do not exist where the funds were anticipated to be needed, and the FY 1978 program authorized by law can be accomplished without these funds.

Outlay Effect:

There is no outlay effect of this rescission because the funds could not be used if made available.

DEPARTMENT OF AGRICULTURE

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Agricultural Conservation Program

Of the funds appropriated under this head in the Supplemental Appropriations Act, 1978, $30,000,000 are rescinded.

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344.

This report revises Deferral No. D78-6, transmitted to the Congress on October 3, 1977, and printed as House Document No. 95-235.

This deferral for the Financial and technical assistance fund in the Economic Development Administration of the Department of Commerce increases the previously reported deferral from $3,900,000 to $4,599,543. This increase of $699,543 results from a decrease of $1,000,000 in planned obligations for FY 1978, partially offset by a decrease of $300,457 in unobligated balances carried forward from FY 1977.

Deferral No: D78-6A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Commerce	New budget authority (P.L. ____): $ ____
Bureau: Economic Development Administration	Other budgetary resources: 5,599,543*
Appropriation title & symbol: Financial and Technical Assistance 13x1210	Total budgetary resources: 5,599,543*
	Amount to be deferred: Part of year: $ ____
	Entire year: 4,599,543*
OMB identification code: 13-1210-0-1-403	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other ____
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: *

These funds were appropriated under the Trade Expansion Act of 1962 which has been superseded by the Trade Act of 1974. The remaining balance in this account is being used only for the care and preservation of collateral and the honoring of guarantees made in prior years.

The amount of $4,599,543 proposed for deferral will provide for continued care and protection of collateral in future years and provide a contingency for protection of the government's investment through the purchase of senior liens. These amounts could not be used effectively if made available for obligation.

Estimated Effects: *

The effect of deferring $4,599,543 until the end of FY 1978 will be to insure that adequate funds are available in the future to cover costs of protecting collateral and to honor guarantees made under the Trade Expansion Act of 1962.

Outlay Effect:

There is no outlay effect of this deferral.

* Revised from previous report.

Deferral No: D78-6O

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Defense - Civil	New budget authority (P.L. 95-240): $ 5,450,000
Bureau: Corps of Engineers	Other budgetary resources: ---
Appropriation title & symbol: Alaska Hydroelectric Power Development Fund 96X4203	Total budgetary resources: 5,450,000
	Amount to be deferred: Part of year: $ ____
	Entire year: 5,450,000
OMB identification code: 96-4203-0-3-271	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other ____
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification:

These funds were appropriated to remain available until expended in the Supplemental Appropriations Act, 1978, (P.L. 95-240) for use by the Alaska Hydroelectric Power Development fund. This Fund was established by the Alaska Hydroelectric Power Development Act (Section 203 of P.L. 95-587) to further the expeditious development of hydroelectric power generating facilities in Alaska.

The Act permits the use of funds for the Phase I stage of engineering and design of projects that meet the environmental, production, and financial requirements set forth in Section 203(a)(2) and (e) of the Act. The Corps of Engineers is currently studying a project for the Susitna River, Alaska, to determine if it meets these requirements. This review is expected to be completed in FY 1979. The funds are, therefore, deferred for the entire year.

This deferral action is being taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effects:

This deferral will have no programmatic or budgetary effect since the funds could not be used if made available.

Outlay Effects:

There is no outlay effect resulting from this deferral action since the funds could not be used if made available.

Deferral No: D78-61

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Energy Bureau:	New budget authority (P.L. 95-96): $2,512,396,000 Other budgetary resources: 554,871,000 Total budgetary resources: 3,067,267,000
Appropriation title & symbol: Atomic energy defense activities 89X0201 (Full Fuzing Option Bomb Production Facilities, various locations, Project No.78-16-b)	Amount to be deferred: Part of year: $; Entire year: 23,497,322
CIS identification code: 89-0201-0-1-053 Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

It has been determined that a modernized B-43 bomb, together with other weapons in the stockpile, may be able to fulfill requirements previously identified for the B-77 bomb, but at significantly lower costs. As a result, it may not be necessary to modify current weapon production facilities for the B-77 bomb. Therefore, the funds associated with B-77 bomb production facilities modification are being deferred. In addition, it has been requested that in FY 1979 funding be redirected to B-43 bomb production and to other purposes. The amount deferred, totalling $23.5 million, will be applied to reduce the appropriation request for these activities in FY 1979.

Estimated Effects:

The facility requirements for the modernization of the B-43 will primarily be provided for in the FY 1979 Budget. The funds related to this deferral will be applied to reduce the appropriation request for the Atomic energy defense activities requirements in FY 1979.

Outlay Effect: (estimated in millions of dollars)

Comparison with President's FY 1979 Budget:

1. Budget outlay estimate for FY 1978	$2,307.8
2. Outlay savings, if any, included in the budget outlay estimate	0

Current Outlay Estimates for FY 1978:

3. Without deferral	2,306.5
4. With deferral	2,301.8
5. Current outlay savings (line 3 - line 4)	4.7

Outlay savings for FY 1979: -4.7

Deferral No: D78-62

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Energy Bureau:	New budget authority (P.L. 95-96;95-74): $4,223,328,000 Other budgetary resources: 1,907,309,030 Total budgetary resources: 6,130,637,030
Appropriation title & symbol: Energy 89X0203	Amount to be deferred: Part of year: $; Entire year: 12,300,000 1/
CIS identification code: 89-0203-0-1-270 Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

The Department of Energy's energy appropriation is used for a wide variety of energy research and development activities. The amount deferred is made up of unobligated balances brought forward into FY 1978. These balances are not needed for obligation in FY 1978 and are, therefore, deferred for the entire year. These funds will be used in FY 1979 to offset funding requirements for the Department's nuclear research and development programs.

This deferral action is being taken in accordance with the Antideficiency Act (31 USC 665).

Estimated Effects:

There are no programmatic or budgetary effects of the deferral because the funds represent obligational authority in excess of that needed to conduct the FY 1978 programs.

Outlay Effects:

There is no outlay effect from this deferral.

1/ This amount includes funds previously reported as deferred under two Department of Energy deferrals--$2.3 million for the Plenum fill experiment deferral, D78-31A, and $1.5 million for the Molten salt breeder reactor deferral, D78-36A.

Deferral No: D78-63

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. 95-96): $353,950,000
Bureau: Bureau of Reclamation	Other budgetary resources: 223,255,533
Appropriation title & symbol: Construction & Rehabilitation 14X5061	Total budgetary resources: 577,205,533
	Amount to be deferred: Part of year: $; Entire year: 17,700,000
OMB identification code: 14-5061-0-2-301	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☑ Other: Civil Action No. 76-0943
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☑ Appropriation ☐ Contract authority ☐ Other ____

Justification:

The amount deferred was provided in an appropriation of $18.8 million, to remain available until expended, in the Department of the Interior and Related Agencies Appropriations Act, 1978. These funds are intended for continued construction of facilities at the Garrison Diversion Unit project in North Dakota. Funds are being deferred pending the completion and evaluation of project studies which have been necessitated for the reasons outlined below.

The Department of State has repeatedly and formally assured the Canadian Government that construction of the project features which may be in violation of the Boundary Waters Treaty of 1909 would not begin until after a report on the project by the International Joint Commission (IJC) was received by the two Governments and subsequent consultations were held. The IJC report was completed in September 1977 and consultations are being arranged, but have not taken place.

In May 1977, the U.S. District Court, Washington, D.C. in Civil Action No.76-0943 ordered activity at the project to cease pending the completion of a supplementary environmental impact statement and reconsideration of the project by the Congress. The Bureau of Reclamation is in the process of complying with these legal requirements. This deferral, totalling $17.7 million, is being reported to notify the Congress that pending the evaluation of the EIS, the IJC report, and potential modification studies of the project pursuant to the Court stipulation and order, project activity has been curtailed. The deferral will remain in effect until these legal and environmental problems associated with the Garrison Diversion Unit are resolved.

Estimated Effect:

This action will delay construction on various portions of the Garrison Diversion Unit, including the Lonetree Dam, the Oakes Pumping Plant, and the West Side Irrigation Facilities, pending resolution of the legal and environmental problems discussed above. Project activity is presently anticipated to resume during FY 1979.

Outlay Effect (estimated in millions of dollars)

Comparison with President's FY 1979 Budget:

1. Budget outlay estimate for FY 1978	384.1
2. Outlay savings, if any, included in the budget outlay estimate	0

Current Outlay Estimates for FY 1978:

3. Without deferral	357.7
4. With deferral	340.0
5. Current outlay savings (line 3 - line 4)	17.7

Outlay savings estimated for FY 1979 -17.7

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D78-41A transmitted to the Congress on January 27, 1978, and printed as House Document No.95-285.

This supplementary report contains the revisions necessary to change this deferral for the Salaries and expenses (special foreign currency program) from the United States Information Agency to the International Communication Agency. These revisions include changes to the appropriation symbol and the identification code for the account.

Deferral No: D78-41B

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency International Communication Agency *	New budget authority (P.L. 95-86) $ 7,057,000
Bureau	Other budgetary resources 3,842,000
Appropriation title & symbol Salaries and Expenses (Special Foreign Currency Program) 1/ 67X0205 *	Total budgetary resources 10,899,000
	Amount to be deferred: Part of year $ ____ Entire year 1,653,000
CMS identification code: 67-0205-0-1-154 *	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other ____
Grant program [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification: *

Reorganization Plan No.2 of 1977, implemented by Executive Order No.12048 of March 27, 1978, transferred the functions of the United States Information Agency to the International Communication Agency (ICA). These functions, authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), Reorganization Plan No.8 of 1953, the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.), and Executive Order No.11034 of June 25, 1962, as amended, involve the dissemination of information abroad about the United States, its people, and its policies.

The Foreign Relations Authorization Act, Fiscal Year 1978 (Public Law 95-105, approved August 17, 1977) authorized to be appropriated for fiscal year 1978, $269,286,000 for "Salaries and expenses" and "Salaries and expenses (special foreign currency program)" accounts. The Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1978, (Public Law 95-86, approved August 2, 1977) appropriated $7,057,000, to remain available until expended, for the "Salaries and expenses (special foreign currency program)" account. The account is used for payment of ICA local program expenses in U.S.-owned foreign currencies in those countries where the

1/ This account was the subject of a similar deferral during FY 1977.
* Revised from previous report.

Department of the Treasury determines that the supply of local currency is in excess of the normal requirements of the U.S. Government. In fiscal year 1978, the "excess currency" countries are: Burma, Guinea, India, Pakistan, and Egypt. It was estimated in the 1978 Budget that additional budgetary resources of $2,698,000 would be available for 1978 from prior year unobligated balances brought forward, recovery of prior year obligations, and anticipated reimbursements from other agencies. Thus, total obligations of $9,755,000 were planned for 1978 in the 1978 Budget.

It is now estimated that the 1978 beginning-of-year unobligated balance for this account plus anticipated recoveries and reimbursements from other agencies, will amount to $3,842,000, or $1,144,000 more than the sum estimated in the 1978 Budget. The additional unobligated balances were realized primarily from program reductions in India and added recovery of prior year obligations. Other resource adjustments will further reduce requirements in 1978 by $509,000 resulting in a total program of $9,246,000. Since total availabilities of $10,899,000 in this account for 1978 exceed program requirements by $1,653,000, that amount has been deferred for the entire year. These funds will be available for use in 1979, reducing the need for new appropriations in 1979 accordingly.

This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effects:

None. The amount deferred could not be obligated before fiscal year 1979.

Outlay Effect:

There is no outlay effect of this deferral, because the funds would not be obligated if made available.

[FR Doc. 78-13556 filed 5-17-78; 8:45 am]

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