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federal register

THURSDAY, MAY 25, 1978

highlights

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

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

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

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

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

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

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

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

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

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

[Last Listing: May 23, 1978]

H.R. 8331 ..... Pub. L. 95–283
Securities Investor Protection Act Amendments of 1978 (May 21, 1978; 92 Stat. 249) Price: $1.10.

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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.

[3410-01]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Revision of Delegations of Authority Pertaining to Department Safety and Health Program

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority pertaining to the Safety and Health Program within the Department. The department has determined that the objectives can best be obtained by consolidating the functions into a new Office of Safety and Health Management reporting directly to the Assistant Secretary for Administration.

EFFECTIVE DATE: May 25, 1978.

FOR FURTHER INFORMATION CONTACT:

Julius C. Jimeno, Acting Director, Office of Safety and Health Management, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-8247.

Subpart C—Delegations of Authority to the Deputy Secretary, Assistant Secretaries, the Director of Economics, Policy Analysis and Budget, and the Director, Office of Governmental and Public Affairs

1. Section 2.25 is amended by revoking and reserving paragraphs (e) (10) (xviii) and (xix) and adding a new paragraph (f) to read as follows:

§ 2.25 Delegations of authority to the Assistant Secretary for Administration.

* * * * *

(e) *Related to personnel.* * * *

(10) * * *

(xviii) [Reserved]

(xix) [Reserved]

* * * * *

(f) *Related to safety and health management.* (1) Provide Department-wide leadership, development, coordination, and implementation of policies, standards, techniques, and procedures, and represent the Department in complying with:

(i) Section 19 of the Occupational Safety and Health Act of 1970.

(ii) Executive Order 11807.

(iii) Guidelines of the Secretary of Labor related to safety and health of Federal employees, 29 CFR Part 1960.

(2) Coordinate Department requests and comments related to rulemaking under Section 6 of the Occupational Safety and Health Act of 1970.

(3) Provide Department-wide liaison and coordination of safety and health activities with the Department of Labor (DOL), Department of Health, Education and Welfare (HEW), Environmental Protection Agency (EPA), Department of Commerce (DOC), Department of Transportation (DOT), Civil Service Commission (CSC), General Services Administration (GSA), safety and health components of state and local governments and universities, and other affected or interested organizations and parties.

(4) Determine and/or provide Department-wide technical services and regional staff support for the safety and health programs.

(5) Develop and maintain a Department-wide integrated automatic data processing system for gathering and disseminating data and information related to injury/illness and property damage incidents.

(6) Promulgate Department policies, standards, techniques, and procedures, and represent the Department in administering the workers' compensation program.

(7) Develop and administer the Department's occupational health and preventive medical program.

(8) Exercise final authority in all safety and health matters, including individual cases, that involve the jurisdiction of more than one General Officer.

Subpart J—Delegations of Authority by the Assistant Secretary for Administration

2. A new § 2.76 is added to read as follows:

§ 2.76 Director, Office of Safety and Health Management.

(a) *Delegations.* Pursuant to § 2.25(f), the following delegations of authority are made by the Assistant Secretary for Administration to the Director, Office of Safety and Health Management:

(1) Provide Department-wide leadership, development, coordination, and implementation of policies, standards, techniques, and procedures, and represent the Department in complying with:

(i) Section 19 of the Occupational Safety and Health Act of 1970.

(ii) Executive Order 11807.

(iii) Guidelines of the Secretary of Labor related to safety and health of Federal employees, 29 CFR Part 1960.

(2) Coordinate Department requests and comments related to rulemaking under Section 6 of the Occupational Safety and Health Act of 1970.

(3) Provide Department-wide liaison and coordination of safety and health activities with the Department of Labor (DOL), Department of Health, Education, and Welfare (HEW), Environmental Protection Agency (EPA), Department of Commerce (DOC), Department of Transportation (DOT), Civil Service Commission (CSC), General Services Administration (GSA), safety and health components of State and local governments and universities, and other affected or interested organizations and parties.

(4) Determine and/or provide Department-wide technical services and regional staff support for the safety and health programs.

(5) Develop and maintain a Department-wide integrated automatic data processing system for gathering and disseminating data and information related to injury/illness and property damage incidents.

(6) Promulgate Department policies, standards, techniques, and procedures, and represent the Department in administering the workers' compensation program.

(7) Develop and administer the Department's occupational health and preventive medical program.

(b) *Reservations.* The following authorities are reserved to the Assistant Secretary for Administration:

(1) Exercise final authority in all safety and health matters, including individual cases, that involve the juris-

diction of more than one General Officer.

* * * * *

3. Section 2.78 is amended by revoking and reserving paragraphs (a)(10)(xviii) and (xix) as follows:

§ 2.78 Director, Office of Personnel.

(a) *Delegations.* * * *
(10) * * *
(xviii) [Reserved].
(xix) [Reserved].

* * * * *

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953.)

Dated: May 17, 1978.

For Subpart C:

CAROL TUCKER FOREMAN,
Acting Secretary of Agriculture.

For Subpart J:

JOAN S. WALLACE,
Assistant Secretary for Administration.

[FR Doc. 78-14612 Filed 5-24-78; 8:45 am]

[3410-02]

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

[Valencia Orange Reg. 590; Valencia Orange Reg. 589, Amdt. 1]

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

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period May 26–June 1, 1978, and increases the quantity of such oranges that may be so shipped during the period May 19–25, 1978. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: The regulation becomes effective May 26, 1978, and the amendment is effective for the period May 19–25, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

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

The committee met on May 22 and 23, 1978, to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of Valencia oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges continued to show overall strength.

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

1. Section 908.890 is added as follows:

§ 908.890 Valencia Orange Regulation 590.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period May 26, 1978, through June 1, 1978, are established as follows:

(1) District 1: 390,000 cartons; (2) District 2: 520,000 cartons; (3) District 3: 90,000 cartons.

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

2. Paragraph (a) (1) and (3) in § 908.889 Valencia Orange Regulation 589 (43 FR 21636), is hereby amended to read:

(1) District 1: 501,000 cartons; (3) District 3: 221,000 cartons.

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

Dated: May 24, 1978.

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

[FR Doc. 78-14873 Filed 5-24-78; 1:13 pm]

[4410-10]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

Designation of Harlingen, Tex. Suboffice as a District Office

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations of the Immigration and Naturalization Service to redesignate the suboffice of this Service in Harlingen, Tex., as a district office. Establishment of a new district office in Harlingen is necessary because the workload in all Service activities has increased dramatically in the lower Rio Grande Valley area. The entire area is now served by the San Antonio District Office. Creation of a district office in Harlingen is intended to reduce the disproportionately large workload now borne by the San Antonio district office, improve supervision of the ports of entry in Southern Texas, reduce lost work and travel time, and improve service to the public.

EFFECTIVE DATE: April 1, 1978.

FOR FURTHER INFORMATION CONTACT:

James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536. Telephone 202-376-8373.

SUPPLEMENTARY INFORMATION: The San Antonio, Tex., District is currently too large, having under its jurisdiction over 400 employees, six of the twelve largest ports of entry on the Southern border, an alien processing center, and a suboffice located in Harlingen, Tex. The Harlingen Suboffice, which has a staff of 28 persons, covers the seven counties in the lower Rio Grande Valley (Kleberg, Brooks, Kenedy, Willacy, Starr, Hidalgo and Cameron). The workload in all Service activities is increasing dramatically in this area. This has increased the workload placed on both the Harlingen Suboffice and the San Antonio District Office. The San Antonio District Office expends considerable time and cost in supervision of Service activities in the lower Rio Grande Valley.

A review of authorized staffing levels and workload data indicates

that there is sufficient workload in all Service activities in the lower Rio Grande Valley to support establishment of a full district office in lieu of the suboffice in Harlingen. The redesignation of Harlingen as a district office would reduce the disproportionately large workload in the San Antonio District and more equitably distribute the workload and span of control among the Texas districts. Additionally, supervision over the ports of entry in Southern Texas would improve, lost work and travel time would be reduced, and service to the public would be improved.

Accordingly, the amendments described below will be made to the indicated sections of Title 8 of the Code of Federal Regulations.

In 8 CFR 100.4(a), District No. 40 will be added to the list of districts under the jurisdiction of the Southern Regional Office.

In 8 CFR 100.4(b), District No. 14 San Antonio, Tex., will be amended by deleting the following counties: Brooks, Cameron, Hidalgo, Kenedy, Kleberg, Starr and Willacy; 8 CFR 100.4(b) will be further amended by adding District No. 40, Harlingen, Tex., which will have jurisdiction over the following counties in the State of Texas: Brooks, Cameron, Hidalgo, Kenedy, Kleberg, Starr and Willacy; 8 CFR 100.4(c)(1) will be amended by deleting Harlingen, Tex., because Harlingen is being redesignated as a district office.

In 8 CFR 100.4(c)(2) in District No. 14 San Antonio, Tex., the list of Class A ports will be amended by deleting Brownsville, Tex., Falcon Heights, Tex., Hidalgo, Tex., Los Ebanos, Tex., Port Isabel, Tex., Progreso, Tex., Rio Grande City, Tex., and Roma, Tex. 8 CFR 100.4(c)(2) will be further amended by adding District No. 40 Harlingen, Tex., which will have jurisdiction over the following Class A ports: Brownsville, Tex.; Falcon Heights, Tex.; Hidalgo, Tex.; Los Ebanos, Tex.; Port Isabel, Tex.; Progreso, Tex.; Rio Grande City, Tex. and Roma, Tex.

In 8 CFR 100.4(c)(3) District No. 14 will be amended by deleting the Rio Grande Valley International Airport at Brownsville, Tex., from the list of airports indicated under that district. 8 CFR 100.4(c)(3) will be further amended by adding District No. 40 Harlingen, Tex., to have jurisdiction over the Rio Grande Valley International Airport at Brownsville, Tex.

8 CFR 100.4(e) will be amended by substituting the title "special inquiry officer" with "immigration judge," and by adding District No. 40 to the list because an immigration judge will be stationed in the Harlingen, Tex., district office.

8 CFR 103.10 will be amended by deleting Harlingen, Tex., because Harlingen is being redesignated as a district office. Service records will be obtainable from the new district office as at present.

8 CFR 242.1 will be amended by deleting Harlingen, Tex., because Harlingen has been redesignated as a district office.

In the light of the foregoing, Chapter I of Title 8 of the Code of Federal Regulations is hereby amended as set forth below.

PART 100—STATEMENT OF ORGANIZATION

§ 100.4 [Amended]

1. In § 100.4(a), the second sentence is amended to read as follows:

(a) *Regional offices.* * * * The Southern Regional Office, located in Dallas, Tex., has jurisdiction over Districts 6, 14, 15, 20, 26, 28, 38 and 40, and Border Patrol Sectors 15, 16, 17, 18, 19, 20, and 21. * * *

2. In § 100.4(b), District No. 14, San Antonio, Tex. is revised by deleting certain counties from the jurisdiction of that office. The jurisdiction of District No. 14 as revised, reads as follows:

(b) *District offices.* * * *

* * * * *

14. *San Antonio, Tex.* The district office in San Antonio, Tex., has jurisdiction over the following counties in the State of Texas: Aransas, Atascosa, Bendera, Bastrop, Bee, Bell, Bexar, Blanco, Brazos, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Coke, Coleman, Comal, Concho, Coryell, Crockett, De Witt, Dimmit, Duval, Edwards, Falls, Fayette, Frio, Gillespie, Glasscock, Goliad, Gonzales, Guadalupe, Hays, Irion, Jackson, Jim Hogg, Jim Wells, Jones, Karnes, Kendall, Kerr, Kimble, Kinney, Lampasas, La Salle, Lavaca, Lee, Live Oak, Llano, McCulloch, McLennan, McMullen, Mason, Maverick, Medina, Menard, Milam, Mills, Nueces, Reagan, Real, Refugio, Robertson, Runnels, San Patricio, San Saba, Schleicher, Sterling, Sutton, Taylor, Tom Green, Travis, Uvalde, Val Verde, Victoria, Webb, Williamson, Wison, Zapata, Zavala.

* * * * *

3. § 100.4(b) is further amended by adding District No. 40, *Harlingen, Tex.*, with jurisdiction over the counties listed below, as follows:

40. *Harlingen, Tex.* The district office in Harlingen, Tex. has jurisdiction over the following counties in the State of Texas: Brooks, Cameron, Hidalgo, Kenedy, Kleberg, Starr and Willacy.

4. In § 100.4(c)(1), the list of offices therein enumerated is amended by deleting Harlingen, Texas. As amended, § 100.4(c)(1) reads as follows:

(c) *Suboffices.* * * *

(1) *Interior locations.*

Albany, N.Y.
Albuquerque, N. Mex.
Boise, Idaho
Cincinnati, Ohio
Fairbanks, Alaska
Fresno, Calif.
Las Vegas, Nev.
Louisville, Ky.
Memphis, Tenn.
Oklahoma City, Okla.
Pittsburgh, Pa.
Reno, Nev.
Sacramento, Calif.
Salt Lake City, Utah
St. Louis, Mo.
Spokane, Wash.
Syracuse, N.Y.
Tucson, Ariz.

* * * * *

5. In § 100.4(c)(2) the list of Class A ports under District No. 14, San Antonio, Tex. is revised by deleting several ports, and as revised, reads as follows:

* * * * *

(c) * * *

(2) *Ports of entry for aliens arriving by vessel or by land transportation.* * * *

* * * * *

DISTRICT NO. 14—SAN ANTONIO, TEX.

CLASS A

Amistad Dam, Tex.
*Corpus Christi, Tex. (the port of Corpus Christi includes, among others, the port facilities at Harbor Island, Ingleside, and Port Lavaca-Point Comfort, Tex.)
Del Rio, Tex.
Eagle Pass, Tex.
Laredo, Tex.

* * * * *

6. § 100.4(c)(2) is further amended by adding new District No. 40, Harlingen, Tex., and the Class A Ports over which it has jurisdiction, to read as follows:

DISTRICT NO. 40—HARLINGEN, TEX.

CLASS A

*Brownsville, Tex.
*Falcon Heights, Tex.
*Hidalgo, Tex.
*Los Ebanos, Tex.
*Port Isabel, Tex.
*Progreso, Tex.
*Rio Grande City, Tex.
*Roma, Tex.

7. In § 100.4(c)(3), District No. 14 is amended by deleting reference to the Rio Grande Valley International Airport at Brownsville, Tex. The section is further amended by adding District No. 40, Harlingen, Tex., to have jurisdiction over the above-named airport. As amended, § 100.4(c)(3) reads as follows:

* * * * *

(c) * * *

(3) *Ports of entry for aliens arriving by aircraft.* * * *

DISTRICT NO. 14—SAN ANTONIO, TEX.

Del Rio, Tex., Del Rio International Airport
Eagle Pass, Tex., Eagle Pass Airport
Laredo, Tex., Laredo International Airport

McAllen, Tex., Miller International Airport

* * * * *

DISTRICT NO. 40—HARLINGEN, TEX.

Brownsville, Tex., Rio Grande Valley International Airport at Brownsville, Tex.

* * * * *

8. 8 CFR 100.4(e) is revised to read as follows:

* * * * *

(e) *Immigration Judges.* Immigration Judges are stationed at the following district headquarters: Districts 2, 3, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 21, 25, 38, 39 and 40.

* * * * *

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS: AVAILABILITY OF SERVICE RECORDS

9. In § 103.10(a)(1), the first sentence is amended by deleting "Harlingen, Tex." As amended, the first sentence of § 103.10(a)(1) reads as follows:

§ 103.10 Requests for records under the Freedom of Information Act.

(a) *Place and manner of requesting records*—(1) *Place.* Records shall be made available in the Central Office, each regional office, any district office, and the following offices: Agana, Guam; Albany, NY.; Cincinnati, Ohio; Hammond, Ind.; Las Vegas, Nev.; Memphis, Tenn.; Milwaukee, Wis.; Norfork, Va.; Pittsburgh, Pa.; Providence, R.I.; Reno, Nev.; St. Louis, Mo.; Salt Lake City, Utah; Spokane, Wash.; additionally in particular cases, a district director may designate any other Service office. * * *

* * * * *

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING AND APPEAL

10. In § 242.1(a), the third sentence is amended by deleting "Harlingen, Tex." As amended, the third sentence of § 242.1(a) reads as follows:

§ 242.1 Order to show cause and notice of hearing.

(a) *Commencement.* * * * Orders to show cause may be issued by district directors, acting district directors, deputy district directors, assistant district directors for investigations, and officers in charge at Albany, N.Y.; Charlotte Amalie, Virgin Islands; Cincinnati, Ohio; Hammond, Ind.; Milwaukee, Wis.; Norfolk, Va.; Oklahoma City, Okla.; Pittsburgh, Pa.; Providence, R.I.; Salt Lake City, Utah; St. Louis, Mo.; Spokane, Wash.

* * * * *

(Sec. 103, 66 Stat. 173; (8 U.S.C. 1103).)

These amendments are published pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93-502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1. Compliance with the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendments contained in this order relate to agency organization and management.

Effective date. These amendments are effective as of April 1, 1978.

Dated: May 19, 1978.

LEONEL J. CASTILLO,
Commissioner of Immigration and Naturalization.

[FR Doc. 78-14584 Filed 5-24-78; 8:45 am]

[6720-01]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 78-302]

PART 528—NONDISCRIMINATION REQUIREMENTS

PART 531—STATEMENTS OF POLICY

Fair Lending Regulations and Guidelines

AGENCY: Federal Home Loan Bank Board ("Bank Board").

ACTION: Final amendments.

SUMMARY: These amendments to the Bank Board's fair lending regulations and policy statement: (1) Prohibit member institutions from automatically refusing to lend because of the age or location of a dwelling; (2) prohibit loan decisions based on discriminatory appraisals; (3) emphasize that there is a right to file a written loan application; (4) require member institutions to have written loan underwriting standards which are available to the public upon request; (5) revise the Equal Housing Lender poster which member institutions display in their lobbies; and (6) establish a new monitoring system for fair lending enforcement and analysis. Updating changes were made to reflect Equal Credit Opportunity Act and Community Reinvestment Act provisions, as well as to strengthen the Bank Board's ability to enforce member institutions' compliance with these and other Federal laws which prohibit discriminatory lending practices. Readers may also be interested in Bank Board Resolution No. 78-303 (published concurrently with these amendments), which proposes to require member institutions to give applicants a copy of the property appraisal when an application is denied or receives other adverse action on the basis of the appraised property value.

EFFECTIVE DATE: July 1, 1978.

FOR FURTHER INFORMATION, CONTACT:

Harry W. Quillian, Associate General Counsel, or Patricia C. Trask, Attorney, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552. Telephone numbers: 202-377-6440, 6444.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On November 1 and 2, 1977, the Bank Board adopted resolutions proposing amendments to update and strengthen its nondiscrimination-in-lending regulations and policy statement which reflect provisions of the Federal Fair Housing Act, the Equal Credit Opportunity Act (ECOA), and the Community Reinvestment Act (CRA). Bank Board Resolution No. 77-636 of November 1, 1977, proposed major changes to Part 528 and § 531.8 (12 CFR Part 528 and § 531.8) of the Rules and Regulations for the Federal Home Loan Bank System. Published November 14, 1977, at 42 FR 58953, the proposed changes would have: (1) Prohibited denials of loans and loan applications based on a dwelling's age or location; (2) required member institutions to have written loan underwriting standards; and (3) added prohibitions against discriminatory lending practices based on borrower characteristics protected under the ECOA. The public comment period on this proposal closed January 9, 1978.

Bank Board Resolution No. 77-637 of November 2, 1977, proposed several other amendments to Part 528 to enable the Bank Board to monitor compliance by member institutions with fair lending rules. Published November 8, 1977, at 42 FR 58182, these changes would have: (1) Defined an application for a loan from a member institution; (2) revoked obsolete rules concerning the Bank Board's Fair Housing Information Survey; (3) set up monitoring rules for fair lending enforcement; and (4) provided for a lender designation survey of selected member institutions to determine

whether patterns and practices of discriminatory lending could be more easily found if loan applicants' race and sex were noted by the lender when applicants chose not to provide that information. This proposal's public comment period ended December 9, 1977.

PUBLIC COMMENT

The Bank Board received approximately 330 public comment letters on each proposal, an estimated 75 percent of which were from member institutions. The remaining 25 percent were from Federal, State and local government agencies and officials, public interest groups, savings and loan trade groups, two members of Congress, and individual depositors. Opposed were the responding members of Congress, most member institutions, industry trade groups, several State regulatory agencies which enforce State nondiscrimination regulations, and a number of individual depositors. In favor were several industry trade groups, most responding Federal agencies and officials, and national, State, and local groups concerned with lending issues.

Opponents generally recommended that the Bank Board withdraw all, or portions, of both proposals on the ground that they would be unnecessary, unworkable, and burdensome. Proponents, on the other hand, supported the proposals, and made recommendations for changes to strengthen various provisions.

Bank Board's decision. The Bank Board has carefully considered all arguments. It recognizes that successful programs to encourage member institutions to invest in areas in communities which may now be underserved requires an effort by more than savings and loan institutions. However, these regulations and guidelines are an important step to assure that member institutions are not making arbitrary lending decisions based on unsubstantiated assumptions. Therefore, the final regulations and policy statement reflect a three-pronged approach by which (1) the Bank Board will monitor compliance through enforcement procedures; (2) member institutions will be encouraged to examine and evaluate their own commitment to fair lending; and (3) the public will have access to more information to assist them in obtaining equal treatment in the lending process.

Further, it is the Bank Board's intent that Federally-chartered savings and loan institutions shall be governed solely by Part 528 and § 531.8.

DISCUSSION OF AMENDMENTS

REGULATIONS

Although the monitoring section was separately covered by one proposal, it has been combined with the rest of the nondiscrimination-in-lending regulations and policy statement, and discussed in numerical order. Major changes from the proposals are: (1) No new "application" definition has been adopted; (2) monitoring information will not be required on telephone inquiries not treated as applications; (3) the loan application register has been simplified; (4) a right to file a written loan application has been emphasized; (5) member institutions are prohibited from basing underwriting decisions upon discriminatory property appraisals; (6) copies of member institutions' written loan underwriting standards must be made available to the public upon request; and (7) the Fair Lending Poster has been simplified, and contains a prohibition against discouraging loan inquiries or applications.

These rules also revoke obsolete Fair Housing Information Survey requirements.

Section 528.1 *Definitions.* The Bank Board has decided not to adopt a definition of "application" for a loan or other service. Public comments raised a number of problems which could be encountered for recordkeeping, data collection, and reporting if the proposed definition were used. The Bank Board favors the uniformity and continuity of permitting member institutions to continue using the application definition in Federal Reserve Regulation B, as recently interpreted by that Agency in Public Information Letter 8. The letter clarifies when a loan inquiry becomes an application for purposes of Regulation B and Bank Board regulations.

Existing definitions have been alphabetized and redesignated.

Section 528.1a *Supplementary guidelines.* This provision, which refers the reader to the Bank Board's policy statement, has been more logically placed at the start of the regulations, redesignated accordingly, and modified to refer to Regulation B.

Section 528.2 *Nondiscrimination in lending and other services.* This section has been amended to separate requirements of various statutes. Paragraph (a) adds to present regulations the prohibition against discrimination in lending on the basis of a dwelling's age or location. Many commenters interpreted the proposal to mean that age and location could not be considered at all in the appraisal process, and that, as a result, institutions would be required to make unsafe loans. However, as amplified in the guidelines, this section prohibits arbitrary refusals to consider a loan, or make a loan, because a property is old or located in an area which the institution may have assumed is declining. The condition and utility of the improvements may, of course, be considered, as may conditions of the area which can be reliably related to risk. These may include street conditions, amenities, availability of public utilities and municipal services, and exposure to flooding and land faults. Arbitrary refusals to consider a property, however, may result in further deterioration of existing housing stock, and may limit the areas and price range of housing for prospective borrowers.

Paragraph (b) has been clarified to state that each applicant's income shall be considered without prejudice (discounting is not permitted) when a joint application for a loan is filed; and paragraph (c) now contains a separate reference to ECOA-protected borrower characteristics. The requirement of written loan underwriting standards has been moved to a new section.

Section 528.2a *Nondiscriminatory appraisal and underwriting.* This entirely new section resulted from public comments recommending expansion of the proposed requirement that member institutions have written loan underwriting standards. Since the underwriting process takes into consideration the creditworthiness of the borrower and the value of the property which will secure a loan, the Bank Board has decided to adopt an amendment which, in paragraph (a)(1), prohibits use of discriminatory appraisals.

Paragraph (b) requires that the written loan underwriting standards of member institutions be available to the public, upon request, at each office. The Bank Board believes this will help borrowers evaluate their own ability to qualify for a loan and to understand better the factors which are considered in the loan underwriting process.

Section 528.3 *Nondiscrimination in applications.* The language of paragraph (a) has been simplified to make clearer that no member institution may discourage loan applications or inquiries, i.e., discriminatorily refuse to answer questions about loans, imply that no loan would be approved, or application considered, on the basis of any protected borrower characteristic or because of the age or location of a dwelling. This practice, commonly called "pre-screening", is of major concern to the Bank Board.

New paragraph (b) therefore requires that member institutions notify a person inquiring about a loan or loan terms that he or she may file a written application, and that a copy of the institution's loan underwriting standards is available.

Section 528.4 *Nondiscriminatory advertising.* This section has been shortened, and changed to include property age and location.

Section 528.5 *Equal Housing Lender Poster.* In response to public comments, the Bank Board has obtained approval (under 12 CFR 110.25(b)) of

a new, simplified Equal Housing Lender poster which must be displayed in each office of member institutions. In addition to streamlining and clarifying wording, the Bank Board has added a prohibition against discouraging loan applications, and included all three avenues of relief for an applicant who believes he or she has been discriminated against. (The proposed poster had only mentioned the complaint process; the final form adds that an aggrieved applicant may talk to the management or consider filing a civil lawsuit.)

Section 528.6 *Monitoring information.* The difficulty of obtaining monitoring information from telephone callers was addressed often in public comment letters, which have persuaded the Bank Board to change the requirement. Paragraph (a) has been modified to include only in-person or written applications.

Paragraph (b) requires that, whenever possible, all lenders designate race and sex of each applicant if that information is not voluntarily supplied. This requirement replaces the temporary lender designation survey which, upon reconsideration, the Bank Board determined to be less useful than uniform lender designation. The Bank Board acknowledges that there may be some incorrect designation of race/ethnic origin, and also some awkwardness experienced by member institutions' employees. However, more complete data than is being provided under existing voluntary monitoring provisions may be more effective in detecting patterns or practices of discriminatory lending.

Paragraph (c), regarding notice to applicants of the reason for monitoring, no longer refers to Regulation B's model residential loan application form as an example because of wording differences which make such form inappropriate for use by member institutions. It should be noted that the notice used by member institutions is also required of their service corporations which originate loans for, or sell loans to, the parent.

Paragraph (d), which proposed that all member institutions keep a loan application register, has been retained, but now requires fewer columns of data and less frequent handling. Substantial negative comment was received from member institutions and their trade groups, which believed that the paperwork generated by the register would be unmanageable and incomplete. Recommendations were made to drop this requirement, or shorten the sample register to four or five columns. Writers who favored the register as a monitoring tool, however, pointed out that more information was needed in order to make any worthwhile analysis of lending practices.

The Bank Board has considered the usefulness of each column of information for assessing the nature and extent of discriminatory lending. It has decided to shorten the register kept by member institutions to 23 columns. This change will minimize cost and paperwork while providing a management and examination tool for identifying missed lending opportunities and detecting lending patterns which may show a need for closer examination of lending practices.

In addition to being shorter, the register will require handling fewer times than the proposed one, and may be kept in any format chosen by a member institution. The Bank Board requires, however, that the register include at least all data contained in the sample loan application register in § 528.6(d).

In addition to developing the shortened register form, the Bank Board has undertaken to collect and analyze more detailed loan application data from a sampling of selected member institutions' loan applications. The Bank Board intends to evaluate the usefulness of these data, and through a process of evaluation of both the data obtained and the collection methodologies used will establish a uniform system to enable it to monitor compliance at minimal cost to the public and member institutions consistent with effective enforcement of these regulations.

On the basis of this evaluation, the Bank Board will decide whether to continue requiring member institutions to use the shortened register, use a more comprehensive one, or to begin some alternative monitoring system.

Paragraph (e), reporting requirements, has been changed to permit Bank Board collection of monitoring data for analysis. The Bank Board does not intend to require reports to be filed at present. This provision has been preserved, however, to facilitate reporting if experience under the monitoring section proves that it would be useful. Reporting of totals of loan applications received, denied, etc., for each race, sex, age, and marital status category, has been dropped.

No exemption would be made for institutions which must file reports under State fair housing laws because uniform data collection would be necessary for analysis if the Bank Board requires reporting in the future.

Information reported to the Bank Board for fair lending analysis would be kept in such manner as to ensure compliance with Privacy Act requirements.

Proposed paragraph (f) would have required retention of all loan application documents, including worksheets, for 25 months. To avoid problems such as whether records are to be retained in hardcopy or on microfilm, and when the time period begins running for the 25 months, the Bank Board has revised paragraph (f) to require the same recordkeeping as Federal Reserve Regulation B.

Section 531.8 *Guidelines for nondiscriminatory underwriting standards.* Present paragraph (a) of the guidelines, although not part of the proposal, has been modified to conform to the regulations by adding reference to property age and location.

Few public comments addressed proposed paragraphs (c) (1), (2), and (3), which discuss discrimination on the basis of sex or marital status, age, and income of spouses who apply jointly for a loan. Paragraphs (c)(1) and (c)(3) contain minor clarifying changes. Proposed paragraph (c)(2), regarding age, has been dropped in favor of regulation B's discussion of this factor.

Paragraph (c)(5) (applicant's prior history) has been modified to include reference to the potentially discriminatory effect of member institutions' preferring applicants who either do or have done business with the institution. The Bank Board received many comments expressing concern that this section was intended to require member institutions to disregard an applicant's prior credit history. However, the Bank Board believes that the opening sentence of paragraph (c)(5) which states, "* * * the loan decision should be based upon a realistic evaluation of all pertinent factors respecting an individual's creditworthiness, without giving undue weight to any one factor" adequately addresses this concern.

Paragraph (c)(6) has been clarified by adding that lending on less favorable terms in an area because of its racial composition is unlawful.

Paragraph (c)(7) amplifies the prohibitions against arbitrary refusals to lend because of a dwelling's age or location. The Bank Board received many comments on this paragraph which suggested the need for extensive clarification or other explanation of its meaning. In response, the Bank Board has revised this paragraph to state more effectively that loan decisions should be based on present market value (including consideration of specific improvements to be made by the borrower) and the likelihood that adequate value will be retained over the term of the loan. Any factors which may negatively affect its value in the near future should be clearly documented.

Paragraph (d), marketing practices, has been modified slightly, but not substantively changed because the Bank Board is considering the most effective method of implementing the Community Reinvestment Act. In the meantime, paragraph (d) expresses the Bank Board's policy on measures which may be taken by member insti-

tutions to evaluate their marketing programs in view of fair lending requirements.

These regulations and guidelines are adopted effective July 1, 1978, except that §§ 528.2a(b), 528.5(b), and 528.6 (c) and (d) are adopted effective September 1, 1978, so that member institutions may have adequate time to prepare new posters, disclosure notices, underwriting standards, and loan application registers.

Accordingly, the Bank Board hereby amends 12 CFR part 528 and § 531.8 as follows, effective July 1, 1978, except that as hereby adopted or revised §§ 528.2a(b), 528.5(b), and 528.6 (c) and (d) are effective September 1, 1978:

§ 528.1 [Amended]

1. In § 528.1, paragraphs (a) and (b) are redesignated as (b) and (c), respectively and new paragraph (a) is added to read as follows:

(a) *Application.* For purposes of this part and § 531.8, an application for a loan or other service is as defined in Regulation B, 12 CFR 202.2(f).

* * * * *

2. New § 528.1a is added to read as follows:

§ 528.1a Supplementary guidelines.

The Board's § 531.8 policy statement supplements, and should be read together with, part 528. Refer also to 12 CFR 202, Federal Reserve Regulation B.

3. Section 528.2 is revised to read as follows:

§ 528.2 Nondiscrimination in lending and other services. (See also, § 531.8 (b) and (c).)

(a) No member institution may deny a loan or other service, or discriminate in fixing the amount, interest rate, duration, application procedures, collection or enforcement procedures, or other terms or conditions of such loan or other service on the basis of the age or location of the dwelling, or on the basis of the race, color, religion, sex, or national origin of:

(1) An applicant or joint applicant;

(2) Any person associated with an applicant or joint applicant regarding such loan or other service, or with the purposes of such loan or other service;

(3) The present or prospective owners, lessees, tenants, or occupants of the dwelling(s) for which such loan or other service is to be made or given;

(4) The present or prospective owners, lessees, tenants, or occupants of other dwellings in the vicinity of the dwelling(s) for which such loan or other service is to be made or given.

(b) A member institution shall consider without prejudice the combined income of joint applicants for a loan or other service.

(c) No member institution may discriminate against an applicant for a loan or other service on any prohibited basis (as defined in 12 CFR 202.2(z).

4. New § 528.2a is added to read as follows:

§ 528.2a Nondiscriminatory appraisal and underwriting. (See also, § 531.8 (b), (c)(6), and (c)(7).)

(a) *Appraisal.* No member institution may use or rely upon an appraisal of a dwelling which the institution knows, or reasonably should know, is discriminatory on the basis of the age or location of the dwelling, or is discriminatory per se or in effect under the Fair Housing Act of 1968 or the Equal Credit Opportunity Act.

(b) *Underwriting.* Each member institution shall have clearly written, nondiscriminatory loan underwriting standards, available to the public upon request, at each of its offices. Each institution shall, at least annually, review its standards, and business practices implementing them, to ensure equal opportunity in lending.

5. Section 528.3 is amended to read as follows:

§ 528.3 Nondiscrimination in applications. (See also, § 531.8 (a) through (d).)

(a) No member may discourage, or refuse to allow, receive, or consider, any application, request, or inquiry regarding a loan or other service, or discriminate in imposing conditions upon, or in processing, any such application, request, or inquiry on the basis of the age or location of the dwelling, or on the basis of the race, color, religion, sex, national origin, or other characteristics prohibited from consideration in § 528.2(c) of this part, of the prospective borrower or other person, who:

(1) * * *

(2) * * *

(3) * * *

(b) A member institution shall inform each inquirer of his or her right to file a written loan application, and to receive a copy of the institution's underwriting standards.

6. In § 528.4, the text preceding the logo is revised to read as follows:

§ 528.4 Nondiscriminatory advertising.

No member institution may directly or indirectly engage in any form of advertising which implies or suggests a policy of discrimination or exclusion in violation of title VIII of the Civil Rights Act of 1968, the Equal Credit Opportunity Act, or this part. Advertisements other than for savings shall include a facsimile of the following logotype and legend (except that the legend "Equal Opportunity Lender" may be substituted for the legend "Equal Housing Lender"): * * *

7. In § 528.5(b), the text following the logo is revised to read as follows:

§ 528.5 Equal housing lender poster.

(a) * * *

(b) * * *

We do business in accordance with the Federal Fair Housing Law and the Equal Credit Opportunity Act.

It is illegal to: Discourage a loan inquiry or refuse to accept a written loan application;

Discriminate in fixing the amount, interest rate, duration, application procedures, or other terms or conditions of a loan; or

Deny a loan for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling on the basis of race, color, national origin, religion, sex, marital status or age; or because a person receives income from a public assistance program, or has in good faith exercised any right under the consumer credit protection act.

* * * * *

If you believe you have been discriminated against, you may: Speak with the management of this institution;

Complain to the Office of Community Investment, Federal Home Loan Bank Board, Washington, D.C. 20552, or the Assistant Secretary for Fair Housing and Equal Opportunity, Department of Housing and Urban Development, Washington, D.C. 20010; or

Consider filing a civil suit under Federal laws.

8. Section 528.6 is revised to read as follows:

§ 528.6 Monitoring information.

(a) *Information to be requested.* (1) Each member institution which receives an in-person or written application from a natural person for a loan related to a dwelling shall request, but not require, either on the application form or a form referring to the application, the following information regarding the applicant and joint applicant (if any):

(i) Race/national origin, using the categories American Indian or Alaskan Native; Asian or Pacific Islander; Black; White; Hispanic; Other (specify);

(ii) Sex;

(iii) Marital status, using the categories married, unmarried, and separated; and

(iv) Age.

(b) If the applicant(s) choose not to provide the information or any part of it, that fact shall be noted on the monitoring form, and the member institution shall, to the extent possible, on the bases of sight and/or surname, designate race and sex of each loan applicant and joint applicant.

(c) *Disclosure notice.* Any form used to collect monitoring information required by paragraph (a) shall contain a written notice that such information is requested by the Federal government to monitor compliance with Fed-

eral statutes which prohibit member institutions from discriminating on those bases against applicants for a loan or other service, and that the member institution is required to note race and sex, on the basis of sight and/or surname, if the applicant(s) choose not to do so.

(d) *Loan application register.* For examination purposes, each member institution shall maintain a current, readily accessible loan application register containing at a minimum the information required by the Board on the following sample form:

LOAN APPLICATION REGISTER

NAME AND ADDRESS OF ASSOCIATION

APPLICATION NUMBER	LOAN NUMBER	CENSUS TRACT	APPLICANT					CO-APPLICANT					FINAL LOAN TERMS				LOAN TO VALUE RATIO	YEAR PROPERTY BUILT	DISPOSITION			
			SEX	RACE	MARITAL STATUS	AGE	LENDER DESIGNATED	SEX	RACE	MARITAL STATUS	AGE	LENDER DESIGNATED	INTEREST RATE	AMOUNT	TERM	FEES			ANY LOAN TERM CHANGED/ ACCEPTED	ANY LOAN TERM CHANGED/ NOT ACCEPTED	DENIED	WITHDRAWN BY APPLICANT

INSTRUCTIONS FOR PREPARATION OF SAMPLE LOAN APPLICATION REGISTER

Application number. Indicate the application number in this column. Each application must be assigned a number at the time of receipt. The number should identify the application and facilitate locating it if the requested loan is not made.

Loan number (if applicable). If a loan is made as a result of the application, show the loan's identifying number.

Census tract. Show the property's census tract number in this column. If no census tract number has been assigned to the area in which the property is located then show the property's zip code.

APPLICANT

Sex.—Indicate "M" for male, "F" for female.

Race.—Indicate by using the following code: (1) American Indian or Alaskan Native, (2) Asian or Pacific Islander, (3) Black, (4) White, (5) Hispanic, or (6) Other.

Marital status.—Indicate by using the following code: (1) Married, (2) unmarried, or (3) separated.

Age.—Self-explanatory.

Lender designated. Indicate with a "X" if any of the monitoring information was refused by the applicant. If refused, the member institution must complete the monitoring information. Enclose in parenthesis any monitoring information completed by the member institution.

Co-applicant. To be completed in the same manner as indicated under Applicant above.

FINAL LOAN TERMS

Interest rate. Show the annual interest rate of the loan made.

Amount. Show the principal amount of the loan made.

Term. Show the term of the loan made. Indicate by "M" if shown in months and by "Y" if shown in years.

Fees. Show the sum of all fees and charges imposed directly or indirectly by the association and which are payable directly or indirectly by the borrower as an incident to or as a condition of the loan but excluding the following: (1) Interest, (2) hazard, credit life, accident, health, or loss-of-income insurance, and (3) escrows for real estate taxes and hazard insurance.

Loan-to-value ratio (percent). Show the ratio of the loan amount to the appraised value of the security property. Show "NA" if the loan is unsecured.

Year property built. Show the year or approximate year that the security property was built. If application is for an unsecured loan, indicate by "NA".

DISPOSITION

Any loan term changed/accepted. Indicate with a "X" if the loan offered was on terms other than those requested by the applicant but the applicant accepted such terms.

Any loan term changed/not accepted. Indicate with a "X" if the loan offered was on terms other than those requested by the applicant and the applicant did not accept the loan offered.

Denied. Indicate with a "X" if the loan application was denied by the association.

Withdrawn by applicant. Indicate with a "X" if the application was withdrawn by the applicant.

(e) *Reporting.* Each member institution shall report monitoring data to the Board in such manner as the Board may prescribe.

(f) *Recordkeeping.* For purposes of this Part, each member institution shall retain records as required by 12 CFR 202.12.

§ 531.8 [Amended]

1. In § 531.8, paragraph (a) is revised to read as follows:

* * * * *

(a) *General.* Fair housing and equal opportunity in home financing is a policy of the United States established by Federal Statutes and Presidential orders and proclamations. In furtherance of the Federal civil rights laws and the economical home financing purposes of the statutes administered by the Board, the Board has adopted, in Parts 528 and 529 of this subchapter, nondiscrimination regulations which, among other things, prohibit arbitrary refusals to consider loan applications on the basis of the age or location of a dwelling, and prohibit discrimination based on race, color, religion, sex, or national origin in fixing the amount, interest rate, duration, application procedures, collection or enforcement procedures, or other terms or conditions of housing related loans. This section provides supplementary guidelines to aid member institutions in developing and implementing nondiscriminatory lending policies. Each member institution should re-examine its underwriting standards at least annually in order to ensure equal opportunity.

2. In § 531.8, paragraph (c)(1) is revised to read as follows:

(c) *Discriminatory practices*—(1) *Discrimination on the basis of sex or marital status.* The Civil Rights Act of 1968 and the National Housing Act prohibit discrimination in lending on the basis of sex. The Equal Credit Opportunity Act, in addition to this prohibition, forbids discrimination on the basis of marital status. Refusing to lend to, requiring higher standards of creditworthiness of, or imposing different requirements on, members of one sex or individuals of one marital status, is discrimination based on sex or marital status. Loan underwriting decisions must be based on an applicant's credit history and present and reasonably foreseeable economic prospects, rather than on the basis of assumptions regarding comparative differences in creditworthiness between married and unmarried individuals, or between men and women.

* * * * *

3. In § 531.8, paragraph (c)(2) is revoked and present (c)(3) is redesignated as (c)(2).

4. In § 531.8, paragraph (c)(4) is redesignated as (c)(3) and revised to read as follows:

* * * * *

(c) * * *

(3) *Income of husbands and wives.* A practice of discounting all or part of either spouse's income where spouses apply jointly is a violation of Section 527 of the National Housing Act. As with other income, when spouses apply jointly for a loan, the determination as to whether a spouse's income qualifies for credit purposes should depend upon a reasonable evaluation of his or her past, present, and reasonably foreseeable economic circumstances. Information relating to childbearing intentions of a couple or an individual may not be requested.

* * * * *

5. In § 531.8, paragraph (c)(5) is redesignated as (c)(4) and a new paragraph (c)(5) is added to read as follows:

* * * * *

(c) * * *

(5) *Applicant's prior history.* Loan decisions should be based upon a realistic evaluation of all pertinent factors respecting an individual's creditworthiness, without giving undue weight to any one factor. The member institution should, among other thing, take into consideration that: (a) In some instances, past credit difficulties may have resulted from discriminatory practices; (b) a policy favoring applicants who previously owned homes may perpetuate prior discrimination; (c) a current, stable earnings record may be the most reliable indicator of credit-worthiness, and entitled to more weight than factors such as educational level attained; (d) job or residential changes may indicate upward mobility; and (e) preferring applicants who have done business with the lender can perpetuate previous discriminatory policies.

* * * * *

6. In § 531.8, paragraphs (c)(6) and (c)(7) are revised to read as follows:

* * * * *

(c) * * *

(6) *Income level or racial composition of area.* Refusing to lend or lending on less favorable terms in particular areas because of their racial composition is unlawful. Refusing to lend, or offering less favorable terms (such as interest rate, downpayment, or maturity) to applicants because of the income level in an area can discriminate against minority group persons.

(7) *Age and location factors.* Sections 528.2, 528.2a, and 528.3 prohibit

loan denials based upon the age or location of a dwelling. These restrictions are intended to prohibit use of unfounded or unsubstantiated assumptions regarding the effect upon loan risk of the age of a dwelling or the physical or economic characteristics of an area. Loan decisions should be based on the present market value of the property offered as security (including consideration of specific improvements to be made by the borrower) and the likelihood that the property will retain an adequate value over the term of the loan. Specific factors which may negatively affect its short-range future value (up to 3-5 years) should be clearly documented. Factors which in some cases may cause the market value of a property to decline are recent zoning changes or a significant number of abandoned homes in the immediate vicinity of the property. However, not all zoning changes will cause a decline in property values, and proximity to abandoned buildings may not affect the market value of a property because of rehabilitation programs or affirmative lending programs, or because the cause of abandonment is unrelated to high risk. Proper underwriting considerations include the condition and utility of the improvements, and various physical factors such as street conditions, amenities such as parks and recreation areas, availability of public utilities and municipal services, and exposure to flooding and land faults. However, arbitrary decisions based on age or location are prohibited, since many older, soundly constructed homes provide housing opportunities which may be precluded by an arbitrary lending policy.

* * * * *

7. In § 531.8, a new paragraph (d) is added to read as follows:

* * * * *

(d) *Marketing practices.* Member institutions should review their advertising and marketing practices to ensure that their services are available without discrimination to the community they serve. Discrimination in lending is not limited to loan decisions and underwriting standards; an institution does not meet its obligations to the community or implement its equal lending responsibility if its marketing practices and business relationships with developers and real estate brokers improperly restrict its clientele to segments of the community. A review of marketing practices could begin with an examination of an institution's loan portfolio and applications to ascertain whether, in view of the demographic characteristics and credit demands of the community in which the institution is located, it is adequately serving the community on a nondiscriminatory basis. The Board will systematically review marketing practices where evidence of discrimination in lending is discovered.

(Title VIII, Pub. L. 95-128, 91 Stat. 1147 (12 U.S.C. 2901); Title VII, Pub. L. 93-495 (15 U.S.C. 1691); Title VIII, Pub. L. 90-284, 82 Stat. 81 (42 U.S.C. 3601-3619), 16 Stat. 144, 14 Stat. 27 (42 U.S.C. 1981); EO 11063, 27 FR 11527; sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1437); secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); 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. 78-14701 Filed 5-24-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-WE-7-AD; Amdt. 39-3216]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Model TSCP700-4B and -5 APU's

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires removal from service of 29 serial number specified first stage compressor disks on TSCP700-4B and -5 auxiliary power units (APU's). These disks are suspected to be from a forging lot inadvertently exposed to overheat during the forging cycle with resultant degradation of material properties. This amendment is required to prevent a high energy release of first stage compressor blades and disk parts due to the possible fatigue failure of certain disks.

DATE: Effective date, May 30, 1978. Compliance schedule.—Within 3,000 cycles total time in service or within 300 cycles after the effective date of this AD, whichever occurs later.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The FAA has learned from the manufacturer that 29 first stage disks, P/N 969600-1 and -2, which were exposed to overheating during the forging cycle were shipped in TSCP700-4B and -5 APU's or as spares before the problem was discovered. Extensive investigation and limited testing of other affected disks by the manufacturer has determined that the service life of the discs is reduced to approximately 3,000 cycles.

Because there is reason to believe that some of these disks may be approaching the 3,000 cycle life the safety problem requires the timely accomplishment of corrective action to remove these disks from service.

To provide for those operators who have already accomplished the 3,000 cycle inspection presently required, the AD makes provision for replacement of first stage disks at a time period not to exceed 300 cycles after the effective date of this AD.

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

DRAFTING INFORMATION

The principal authors of this document are William C. Moring, Aircraft Engineering Division, and Frederick C. Woodruff, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

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

AIRESEARCH MANUFACTURING COMPANY OF ARIZONA: Applies to AiResearch Model TSCP700-4B and -5 Auxiliary Power Units (APU's) which have first stage compressor disks P/N's 969600-1 or -2 installed, of the serial numbers listed.

Disk Serial Number

7-03501-2503	7-03501-2532
7-03501-2504	7-03501-2538
7-03501-2506	7-03501-2545
7-03501-2507	7-03501-2546
7-03501-2510	7-03501-2548
7-03501-2511	7-03501-2549
7-03501-2513	7-03501-2558
7-03501-2514	7-03501-2582
7-03501-2519	7-03501-2588
7-03501-2522	7-03501-2599
7-03501-2523	7-03501-2606
7-03501-2526	7-03501-2619
7-03501-2527	7-03501-2718
7-03501-2529	7-03501-2743
7-03501-2531	

Compliance required before accumulating a total of more than 3,000 cycles on the first stage compressor disks, or within the next 300 cycles after the effective date of this AD, whichever occurs later, unless already accomplished:

To prevent a high energy release of first stage compressor blades and disk parts due to the possible fatigue failure of the disk, accomplish the following:

(a) Remove the first stage disk from the compressor section of the APU and replace with like serviceable part.

(b) For purposes of this AD:

(1) A cycle is defined as a start and acceleration to at least 95 percent high pressure spool (N_2) rpm followed by a shutdown, during which low pressure spool (N_1) rpm reaches, or exceeds, 97 percent rpm nominal. If, in any start, operating and shutdown sequence, the low pressure spool (N_1) is prevented from exceeding 91 percent rpm nominal, only one-half of a cycle must be recorded.

(2) Operators who have not kept a record of operating starts in individual disks may assume two starts have occurred for each recorded APU operating hour of service, or any other cycle per hour ratio approved by the operators' assigned FAA maintenance inspector: *Provided*, The request contains substantiating data to justify the alternative ratio.

(3) Operators who have not kept a record of APU operating hours of service shall estimate hours of APU operation equating APU operation to airplane hours time in service using a ratio approved by the operators' assigned FAA maintenance inspector and justified by substantiating data.

NOTE.—AiResearch Service Bulletin TSCP700-49-5016 dated April 25, 1978 refers to the same subject.

This amendment becomes effective May 30, 1978.

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

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

Issued in Los Angeles, Calif., on May 11, 1978.

JAY R. ADSEN.
Acting Director,
FAA Western Region.

[FR Doc. 78-14603 Filed 5-24-78; 8:45 am]

[4910-13]

[Airworthiness Docket Nos. 76-SW-41 and 76-SW-52; Amdt. 39-3221]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Models 206A, 206B, 206A-1, 206B-1, and 206L Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes two existing airworthiness directives applicable to Bell Models 206A, 206B, 206A-1, 206B-1, and 206L helicopters by reducing the retirement time of the tension-torsion straps from 1,200 hours to 600 hours and retirement from service no later than January 1, 1979. This amendment is needed because the FAA has determined that the existing AD's are inadequate to prevent all possible failures of the tension-torsion straps which could result in loss of the helicopter.

DATES: Effective date: July 3, 1978. Compliance schedule, as prescribed in body of AD.

ADDRESS: The applicable service bulletins and technical manuals may be obtained from Bell Helicopter Textron, P.O. Box 482, Fort Worth, Tex. 76101.

FOR FURTHER INFORMATION CONTACT:

Tom A. Dragset, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex., telephone number 817-624-4911, extension 517.

SUPPLEMENTARY INFORMATION: This amendment supersedes Amendment 39-2773, 41 FR 53777, AD 76-24-07 and 39-2782, 41 FR 53778, AD 76-24-08. Amendment 39-2773 currently requires replacement of the tension-torsion straps, P/N 206-011-127-1, every 1,200 hours on Bell Model 206L helicopters. Amendment 39-2782 currently requires replacement of the tension-torsion straps, P/N 206-010-105-3, every 1,200 hours and replacement of associated inboard strap fittings with a new, 100 percent shot-peened fitting on Bell Models 206A, 206B, 206A-1, and 206B-1 helicopters. After issuing these amendments, one strap failure occurred at 800 hours' total time in service. The National Transportation Safety Board has recommended that the agency issue an airworthiness directive to require a reduction in service life of the tension-torsion strap assembly from 1,200 hours to 600 hours until the cause of these failures can be determined and eliminated. Bell Helicopter and the FAA have determined that the cause of premature failure is due to the type of coating material being used. Accordingly, the manufacturer of the tension-torsion straps has reinstituted the use of the original coating material. Based on this, a notice was published in 42 FR 56339 on October 25, 1977, which proposed to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of certain tension-torsion straps, P/N 206-010-105-3, 206-010-105-5, and 206-011-127-1, every 600 hours on all Bell Model 206 series helicopters.

Interested persons have been afforded an opportunity to participate in the making of the amendment. In response to the proposal, six letters were received from helicopter operators, one from Bell Helicopter Textron, and one from the Bendix Corp., objecting to the proposal. One letter was received from the National Transportation Safety Board supporting the proposal. Those objecting to the proposal, except for Bendix, were not opposed to the AD if it would apply to offshore operators only. The FAA position is that it would be impossible to properly administer an FAA airworthiness directive that would only apply to certain operators using the aircraft in a specific environment.

Bendix was opposed because they are not aware of any basis for the proposal. In our opinion, the basis for the proposal is that the failure of the tension-torsion strap is apparently due to the type of coating material being used. Therefore, the retirement time of these straps should be reduced and the straps eventually should be removed from service. Since preparation of the proposal, Bell Helicopter Textron has issued Service Bulletins 206-78-1 and 206L-78-1 requiring retirement of all tension-torsion straps, P/N 206-010-105-3, 206-010-105-5, and 206-011-127-1 no later than January 1, 1979. In the interest of safety, the agency has determined that the AD should be issued as proposed, modified by the requirement of the Bell service bulletins. In addition, the requirement for replacement of the inboard strap fittings remains in effect for the Models 206A, 206B, 206A-1, and 206B-1 helicopters.

DRAFTING INFORMATION

The principal authors of this document are Tom A. Dragset, Aerospace Engineer, Flight Standards Division, and James O. Price, Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. 76101.

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 superseding Amendments 39-2773, 41 FR 53777, AD 76-24-07 and 39-2782, 41 FR 53778, AD 76-24-08 as follows:

BELL: Applies to Models 206A, 206B, 206A-1, 206B-1, and 206L helicopters, equipped with main rotor blade tension-torsion straps, P/N 206-010-105-3, P/N 206-010-105-5, or P/N 206-011-127-1, certificated in all categories.

Compliance required as indicated.

(a) For straps with less than 550 hours' total time in service on the effective date of this AD, accomplish the following prior to attaining 600 hours' total time in service or January 1, 1979, whichever occurs first.

(1) Remove each strap having the applicable part numbers, if installed, and remove

associated inboard strap fittings, P/N 206-010-155 -11 and -15, if installed.

(2) Install straps, P/N 206-011-147 -1 or -5, and inboard strap fittings, P/N 206-011-140-1, on Models 206A, 206B, 206A-1, and 206B-1 or P/N 206-011-147 -3 or -7 straps on Model 206L in accordance with the applicable Model 206 Maintenance and Overhaul Instructions or in accordance with equivalent FAA approved instructions.

(b) For straps with 550 hours' or more total time in service on the effective date of this AD, accomplish paragraphs (a)(1) and (a)(2) of this AD within the next 50 hours' time in service or January 1, 1979, whichever occurs first, unless already accomplished.

(c) The retirement time of the tension-torsion straps, P/N 206-010-105-3, P/N 206-010-105-5, and P/N 206-011-127-1, is reduced from 1,200 hours to 600 hours, and these straps must be retired from service by January 1, 1979, regardless of time in service. The inboard strap fittings, P/N 206-010-155 -11 and -15, must be removed from service as noted in paragraph (a)(1) of this AD. Replacement tension-torsion straps, P/N 206-011-147 -1 and -5 and P/N 206-011-147 -3 and -7 have a 1,200-hour life with no calendar life restriction.

This amendment becomes effective July 3, 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 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 16, 1978.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc. 78-14605 Filed 5-24-78; 8:45 am]

[4910-13]

[Docket No. 73-CE-16-AD; Amdt. 39-3215]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 340 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule (revision).

SUMMARY: This amendment revises Airworthiness Directive (AD) 73-22-1 by amending the applicability statement to delete the requirement for installation of Cessna Service Kit SK-421-56 on Cessna Model 421 (S/N 421-0151) airplane so long as this airplane remains in compliance with Supplemental Type Certificate (STC) SA599CE. Modification of this airplane per the STC makes installation of Cessna Service Kit SK-421-56 unnecessary and unpracticable.

DATES: Effective date: May 29, 1978.

FOR FURTHER INFORMATION CONTACT:

Donald L. Page, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3446.

SUPPLEMENTARY INFORMATION: AD 73-22-1 (38 FR 28649) required installation of Cessna Service Kit SK-421-56 and applicable check list and flight manual as specified in Cessna Service Letter ME73-5, Supplement 1 on certain serial numbers of Cessna 340 and 400 series airplanes, including airplane Model 421 (S/N 421-0151). This action was necessary to prevent the collection of fuel in the wing leading edge area and to provide additional instructions on preflight inspections and ground or inflight fire procedures. It has now come to the attention of the FAA that the incorporation of STC SA599CE on aircraft (S/N 421-0151) effectively prevents the entry of flammable fluids or vapors into this area of the wing. Accordingly, the requirement for the installation of the service kit, which provides for flammable fluid, venting and drainage in the wing leading edge area, should not apply to that airplane. Therefore, action is being taken to amend the applicability statement of AD 73-22-1 to except Model 421 (S/N 421-0151) from the requirement for installation of Cessna Service Kit SK421-56. Since this amendment is relieving in nature, and is in the public interest, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, Sec. 39.13 of the Federal Aviation Regulations (14 CFR Sec. 39.13) is amended, by amending AD 73-22-1 (Amendment 39-1735) as follows:

Add a second sentence to the Applicability Statement following the word "airplane" which states: "Model 421 (S/N 421-0151) airplane is excepted from the requirement for the installation of Cessna Service Kit SK421-56 so long as it complies with STC SA599CE."

This amendment becomes effective on May 29, 1978.

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

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

Issued in Kansas City, Mo., on May 11, 1978.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc. 78-14650 Filed 5-24-78; 8:45 am]

[4910-13]

[Docket No. 78-SO-33, Amdt. No. 39-3222]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA-34-200T Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (A. D.) which requires inspection and replacement, as necessary, of certain fuel lines and the installation of protective sleeves on a fuel line and on the mixture control cable on Piper Model PA-34-200T series airplanes. The A. D. is needed to prevent the mixture control cable chafing the fuel supply line which could result in fuel leakage.

DATES: Effective: May 31, 1978. Compliance required within the next 10 hours time in service after the effective date of this A. D. unless already accomplished.

ADDRESSES: The applicable service bulletin, Piper Service Bulletin 596, may be obtained from Piper Aircraft Corp., 820 East Bald Eagle Street, Lockhaven, Pa. 17745. Copies of Piper Service Bulletin 596 are maintained in the A. D. Rules Docket, Room 264, Federal Aviation Administration, Southern Region, 3400 Whipple Street, East Point, Ga.

FOR FURTHER INFORMATION CONTACT:

Gil Carter, ASO-214, Propulsion Section, Engineering and Manufacturing Branch, Southern Region, P.O. Box 20636, Atlanta, Ga. 30320, telephone: 404-763-7435.

SUPPLEMENTARY INFORMATION: There have been reports of fuel leakage due to fuel line damage caused by chafing between the mixture control cable and the fuel supply line in the right engine aft nacelle. Since this condition is likely to exist or develop on other airplanes of the same type design, an Airworthiness Directive is being issued which requires inspection for a chafed fuel line and replacement as necessary and installation of protective sleeves on Piper Model PA-34-200T series airplanes.

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 Gil Carter, Flight Standards Division, and Eddie L. Thomas, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

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

PIPER AIRCRAFT CORPORATION. Applies to Model PA-34-200T, serial numbers 34-757001 through 34-7870207, certificated in all categories.

Compliance is required within the next 10 hours time in service after the effective date of this A. D. unless already accomplished.

To prevent a fuel leak, accomplish the following:

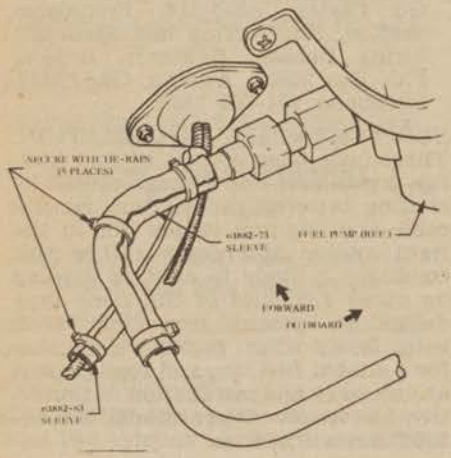
(a) Remove right engine nacelle aft hatch assembly.

(b) Inspect the fuel inlet line to the boost pump for evidence of chafing by the mixture control cable.

(c) If chafing is evident, replace the fuel line with the approved fuel line, Piper Part Number 95153-145. Install protective sleeves, Piper Part Numbers 63882-73 and 63882-83, or equivalent fuel resistant flexible sleeves on the fuel supply line and the mixture control cable. Secure the sleeves in place with tie raps, Piper Part Number 488-702 or equivalent fuel resistant devices, (see figure below). Leak check the fuel line using normal maintenance procedures.

(d) If no chafing is evident, remove existing clamps or Koroseal tie (if installed) and install protective sleeves, Piper Part Number 62882-73 and 63882-83, or equivalent fuel resistant flexible sleeves on the fuel supply line and the mixture control cable. Secure the sleeves in place with tie raps, Piper Part Number 488-702, or equivalent fuel resistant devices, (see figure below).

(e) Replace nacelle aft hatch assembly and make appropriate maintenance record entry.



An alternate method of compliance must be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

Piper Service Bulletin 596 also pertains to this same subject.

This amendment becomes effective May 31, 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 (99 U.S.C. 1655(c)); 14 CFR 11.89.)

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

Issued in East Point, Ga., May 17, 1978.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 78-14606 Filed 5-24-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-CE-5]

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

Designation of Transition Area, Knob Noster, Mo. (Whiteman AFB) and Alteration of Transition Area, Sedalia, Mo.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to divide the presently existing Sedalia, Mo., transition area into two separate transition areas, one of which will serve the Sedalia, Mo., Memorial Airport (Sedalia, Mo. transition area) and the other to serve Whiteman AFB, Mo. (Knob Noster, Mo., transition area). The purpose of this amendment is to eliminate confusion since the present Sedalia, Mo., transition area designation consists of two separate unconnected areas serving the two airports, which are approximately 18 miles apart.

EFFECTIVE DATE: July 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, Telephone, 816-374-3408.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to designate a transition area at Knob Noster, Mo., and to alter the transition area at Sedalia, Mo. Presently, the Sedalia, Mo., transition area serves both Whiteman AFB, Knob Noster, Mo., and the Sedalia, Mo., Memorial Airport. These two airports are approximately 18 miles apart. Confusion will be eliminated if the present Sedalia transition area is split into two separate transition areas to serve the respective airports. Since this change is primarily clarifying in nature, notice and public procedure hereon under 5 U.S.C. 553(b) is impracticable and contrary to the public interest, and good cause exists for making this amendment effective in less than thirty (30) days after its publication.

DRAFTING INFORMATION

The principal authors of this document are Dwaine E. Hiland, Air Traffic Division, Central Region, and John L. Fitzgerald, Jr., Office of the Regional Counsel, Central Region.

Accordingly, Subpart G, § 71.181, of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1978 (43 FR 440), is amended, effective 0901 G.M.T. July 13, 1978, by designating a transition area at Knob Noster, Mo. and altering the Sedalia, Mo. transition area as follows:

KNOB NOSTER, MO.

(WHITEMAN AFB)

That airspace extending upward from 700 feet above the surface within an 8 mile radius of Whiteman AFB (latitude 38°43'50" N., longitude 93°33'00" W.); within 2 miles each side of Whiteman AFB ILS localizer south course, extending from the 8 mile radius area to 8 miles south of the OM.

SEDALIA, MO.

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of Sedalia Memorial Airport (latitude 38°42'15" N. longitude 93°11'00" W.); within 3 miles each side of the 010 bearing from Sedalia Memorial Airport, extending from the 6.5 mile radius area to 8 miles north of the airport; and within 3 miles each side of the 176° bearing from Sedalia Memorial Airport, extending from the 6.5 mile radius area to 8 miles south of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation (49 U.S.C. 1655(c)); Sec. 11.69 of the Federal Aviation Regulations (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 Kansas City, Mo., on May 10, 1978.

JOHN E. SHAW,
Acting Director, Central Region.

[FR Doc. 78-14611 Filed 5-24-78; 8:45 am]

[6320-01]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER F—POLICY STATEMENTS

[Regulation PS-77, Amdt. 56]

PART 399—STATEMENTS OF GENERAL POLICY

Availability of Internal Staff Memoranda Discussed and Acted Upon in Open Meetings

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule announces the discretionary release of certain internal staff memoranda discussed and acted on by the Civil Aeronautics Board at its open meeting, so that the public can better understand those meetings.

DATES: Adopted: May 19, 1978. Effective: June 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Phyllis Kaylor or Carol Light, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, Phone: 202-673-5068 and 673-5233 respectively.

SUPPLEMENTARY INFORMATION: So that members of the public will have an opportunity to more fully understand what they have observed at the Board's open meetings, the Board has determined to make most portions of the internal staff memoranda discussed and acted on at open meetings routinely available to the public. The discretionary release of this material does not make it a basis for comment by the public or parties of Board matters and does not implement or affect the Board's responsibilities under the Freedom of Information Act.

Because this rule relates solely to matters of agency procedures, notice and public comment on it are not required. The Board amends Part 399 (14 CFR Part 399) effective June 19, 1978, as follows:

1. Amend the Table of Contents of Part 399 as follows:

Subpart I—Policies Relating to Disclosure of Information

Sec.

399.102 Routine public release of certain internal staff memoranda discussed at open Board meetings.

* * * * *

2. Add a new § 399.102 to read as follows:

§ 399.102 Routine public release of certain internal staff memoranda discussed at open Board meetings.

(a) The Civil Aeronautics Board conducts the majority of its business in open public sessions under the Government in the Sunshine Act. During the course of these meetings, a variety of items is discussed. Most items are presented to the Board in the form of a staff memorandum which outlines the issue for Board determination, recommends a proposed disposition, and usually contains a draft order, notice, rule, or opinion for the Board's consideration. If the Board approves the staff recommendation, the draft issuance is adopted subject to the Board's changes in the proposed language. Adoption of the staff recommendation at an open meeting does not constitute final Board disposition of the item. The Board acts only by the subsequent public issuance. The Board, as a matter of discretion, has determined to make routinely available most portions of internal staff memoranda acted on during the course of its open meetings so that the public will have an opportunity to more fully understand what is has observed at the open sessions.

(b) Internal staff memoranda are not part of the record of the proceeding; they are working papers created during the process of decisionmaking and this discretionary release does not alter their status. Thus, the Board has no obligation to consider documents, pleadings, filings, or other material based on the contents of released internal staff memoranda.

(c) This policy of discretionary release is independent of the Board's responsibilities under the Freedom of Information Act. Accordingly, material may be withheld from routinely released memoranda and later reviewed when a written FOIA request is submitted. If any material is withheld from routinely released memoranda, the memoranda will so state.

(d) As a service to members of the public attending open meetings, the Board will provide one free copy of each routinely released memorandum to individuals making an in-person request following that day's meeting at the Board's Docket Section, Room 714. All other requests for copies of routinely released memoranda are subject to the Board's fee schedule set forth in Part 389 and should be made in writing to the Office of the Secretary. A set of each meeting's routinely released memoranda will be available for public inspection and copying in the Board's Public Reference Room, Room 710, for one week following the meeting at which they are discussed. A permanent copy of each routinely released memorandum will be placed in a separate section of the Docket(s) discussed in each released memorandum.

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

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-14699 Filed 5-24-78; 8:45 am]

[3510-25]

Title 15—Commerce and Foreign Trade

CHAPTER III—INDUSTRY AND TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 385—SPECIAL COUNTRY POLICIES AND PROVISIONS

Advisory Notes for Selected CCL Entries

AGENCY: Office of Export Administration, Department of Commerce.

ACTION: Final rule.

SUMMARY: The United States and certain other countries cooperate in an international (COCOM) program to control the export of certain commodities to Communist countries. Some of these commodities are more likely to be approved for export to these destinations than others. This revision identifies those that are more likely to be approved, and is intended to provide guidance to the exporting community.

EFFECTIVE DATE: May 24, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The United States and its NATO allies (excluding Iceland) and Japan cooperate in an international (COCOM) control program designed to restrict the export of commodities and technical data of strategic significance to the

USSR, Eastern Europe and the People's Republic of China. Certain of the commodities under this COCOM control have both strategic and peaceful uses, and on a case-by-case basis, may be approved for export to these destinations after a review by the Office of Export Administration. This review generally includes an analysis of the kinds and quantities of the commodities proposed for export, their military or civilian uses, the unrestricted availability abroad of the same or comparable items, the country of destination, the ultimate end-users in the country of destination and the intended end-use. While each application to export a COCOM commodity undergoes this review, certain of the commodities are more likely to be approved than others. In order to provide guidance to the export trade, these commodities have been identified and are listed in Supplement No. 1 to Part 385.

Accordingly, the Export Administration Regulations (15 CFR 385) are revised as follows:

1. Section 385.2 is revised to read:

§ 385.2 Country groups Q, W, and Y[1]; U.S.S.R., East European Communist Countries, Laos, and People's Republic of China.

The Export Administration Act of 1969, as amended, states that it is the policy of the United States "to encourage trade with all countries with which we have diplomatic or trading relations, except those countries with which such trade has been determined by the President to be against the national interest." The Act also states that it is the policy of the United States "to restrict the export of goods and technology which would make a significant contribution to the military potential of any other nation or nations which would prove detrimental to the national security of the United States" and that export controls should be used "to the extent necessary to exercise the necessary vigilance over exports from the standpoint of their significance to the national security of the United States." Accordingly, and in compliance with the other Sections of the Export Administration Act of 1969, the Department conducts a continuing review of commodities and technology to assure that prior approval is required for the export or reexport of U.S.-origin commodities and technical data to the U.S.S.R., Albania, Bulgaria, Czechoslovakia, Estonia, German Democratic Republic, Hungary, Laos, Latvia, Lithuania, Poland, People's Republic of China, and Romania only if the commodities or technical data have a potential for being used in a manner that would prove detrimental to the national security of the United States. The general policy of the Department, however, is to approve applications or requests to export or reexport such commodities and technical data to these destinations when the Department determines, on a case-by-case basis, that the commodities or technical data are for a civilian use and would otherwise not make a significant contribution to the military potential of the country of destination that would prove detrimental to the national security of the United States. To permit such policy judgments to be made, each export application and reexport request is reviewed in the light of prevailing policies with full consideration of all relevant aspects of the proposed transaction. The review generally includes an analysis of the kinds and quantities of commodities or technologies to be shipped; their military or civilian uses; the unrestricted availability abroad of the same or comparable items; the country of destination; the ultimate end-users in the country of destination, and the intended end-use.

Applications covering certain commodities and technical data that are controlled by the United States and certain other nations that cooperate in an international export control system and are proposed for export or reexport to Country Groups Q, W, or Y may have to be forwarded to the Coordinating Committee (COCOM) of this international export control system for consideration in accordance with established COCOM procedures.

Although each proposed transaction is considered individually, certain goods on the Commodity Control List are more likely to be approved than others. See Supplement No. 1 to this Part 385 for an identification of such goods. The text of the current edition of Supplement No. 1 to Part 385, as published in the U.S. Department of Commerce Export Administration Regulations, is hereby incorporated by reference[2] pursuant to 5 U.S.C. 552(a) and 1 CFR Part 51.

[1]See Supplement 1 to Part 370 for listing of Country Groups.

[2]Copies of Supplement No. 1 to Part 385, entitled Advisory Notes For Selected CCL Entries, are available at the following places:

Superintendent of Documents, Government Printing Office, Washington, D.C. 20402; Exporters Service Staff, Office of Export Administration, Industry and Trade Administration, Department of Commerce, Washington, D.C. 20230; and District Offices of the Industry and Trade Administration, Department of Commerce.

A copy of Supplement No. 1 to Part 385 is also on file and available for inspection at the Office of the Federal Register, Washington, D.C. 20408.

All changes to Supplement No. 1 to Part 385, including amendments, deletions, revocations, redesignations, and corrections will be announced in the Federal Register and issued in Export Administration Bulletins which are published by the Office of Export Administration, Industry and Trade Administration, Department of Commerce, Washington, D.C. 20230 in the form of replacement pages or insert sheets.

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

Dated: April 24, 1978.

STANLEY J. MARCUSS,
Deputy Assistant Secretary for Trade Regulation.

NOTE.—Incorporation by reference provisions approved by the Director of the Federal Register on April 24, 1978.

[FR Doc. 78-14731 Filed 5-24-78; 8:45 am]

[4810-22]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 78-143]

PART 153—ANTIDUMPING

Impression Fabric of Man-Made Fiber from Japan

AGENCY: United States Customs Service, Treasury Department.

ACTION: Finding of Dumping.

SUMMARY: This notice is to advise the public that separate antidumping investigations conducted by the U.S. Treasury Department and the U.S. International Trade Commission have resulted in determinations that impression fabric of man-made fiber from Japan, with the exception of that produced and sold by two producers, is being sold at less than fair value and that these sales are likely to injure an industry in the United States. On this basis, a finding of dumping is being issued and, generally, all unappraised entries of this merchandise, with the exception of that produced and sold by two producers, will be liable for the possible assessment of special dumping duties.

EFFECTIVE DATE: May 25, 1978.

FOR FURTHER INFORMATION CONTACT:

David R. Chapman, Technical Branch, Duty Assessment Division,

U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as "the Act"), gives the Secretary of the Treasury responsibility for making a determination of sales at less than fair value. Pursuant to this authority the Secretary has determined that impression fabric of man-made fiber, finished, whether slit or uncut, and not inked (hereinafter, "impression fabric of man-made fiber") from Japan, other than that produced and sold for export by Asahi Chemical Industry Co., Ltd. (Asahi) and the Shirasaki Tape Co., Ltd. (Shirasaki), is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of December 30, 1977 (42 FR 65344-45)).

Section 201(a) of the Act (19 U.S.C. 160(a)) gives the United States International Trade Commission responsibility for determination of injury or likelihood of injury. The Commission has determined, and on March 28, 1978, it notified the Secretary of the Treasury, that an industry in the United States is likely to be injured by reason of the importation of impression fabric of man-made fiber from Japan, except that produced and sold for export to the United States by Asahi and Shirasaki, that is being, or is likely to be, sold at less than fair value within the meaning of the Act. (Published in the FEDERAL REGISTER of April 4, 1978 (43 FR 14143)).

Section 153.46 of the Customs Regulations (19 CFR 153.46) is amended by adding the following to the list of findings of dumping currently in effect:

Commodity, County, and T.D.
Impression fabric of man-made fiber, finished, whether slit or uncut, and not inked, except that produced and sold by Asahi Chemical Industry Co., Ltd., and the Shirasaki Tape Co., Ltd., Japan, 78-143.

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173.)

Dated: May 19, 1978.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

[FR Doc. 78-14651 Filed 5-24-78; 8:45 am]

[6560-01]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[FRL 899-4; FAP 3H5030/R32]

PART 193—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Dalapon

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the herbicide dalapon in potable water. The amendment to the regulations was requested by the U.S. Department of the Interior. This rule establishes a maximum permissible level for residues of dalapon in potable water.

EFFECTIVE DATE: Effective on May 25, 1978.

FOR FURTHER INFORMATION CONTACT:

Mrs. Patricia Critchlow, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460, 202-755-2516.

SUPPLEMENTARY INFORMATION: On March 7, 1978, the EPA published in the FEDERAL REGISTER (43 FR 9319) a notice of proposed rulemaking to amend 21 CFR 193.105 by establishing a regulation permitting the use of the herbicide dalapon (2,2-dichloropropionic acid) in potable water at 0.2 part per million (ppm) when present therein as a result of the application of dalapon sodium-magnesium salt mixtures to irrigation ditch banks in the western United States. This notice was published in connection with a petition (FAP 3H5030) submitted by the U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240. (A related document concerning the establishment of tolerances for residues of dalapon on a variety of crops and crop groupings appears elsewhere in today's FEDERAL REGISTER.) No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The data submitted in petition and other relevant material have been evaluated, and it is concluded that the pesticide can be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.). Therefore, the regulation is being established as proposed.

Any person adversely affected by this regulation may, on or before June 26, 1978, file written objections with the Hearing Clerk, EPA, Room M-3708, 401 M Street SW., Washington, D.C. 20460. Such objections shoud be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by the grounds legally sufficient to justify the relief sought.

Effective on May 25, 1978, 21 CFR Part 193 is amended as set forth below.

Dated: May 15, 1978.

(Sec. 409(c)(1) of the Federal Food, Drug, Cosmetic Act (21 U.S.C. 348(c)(1)).)

EDWIN L. JOHNSON.
Deputy Assistant Administrator for Pesticide Programs.

Part 193, Subpart A, is amended by adding the new § 193.105 as follows:

§ 193.105 Dalapon.

A tolerance of 0.2 part per million is established for residues of the herbicide dalapon (2,2-dichloropropionic acid) in potable water when present therein as a result of the application of dalapon sodium-magnesium salt mixtures to irrigation ditch banks in the western United States.

[FR Doc. 78-14599 Filed 5-24-78; 8:45 am]

[7590-01]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 2—RULES OF PRACTICE

Authority of Secretary to Rule on Procedural Matters

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its regulation governing its policy on granting of extensions of time for Commission review of certain decisions and actions by expanding the authority of the Secretary of the Commission to grant such extensions.

EFFECTIVE DATE: May 25, 1978.

FOR FURTHER INFORMATION CONTACT:

Stephen S. Ostrach, 202-254-8017.

SUPPLEMENTARY INFORMATION: None.

Because this amendment relates solely to matters of internal agency practice, general notice of proposed rulemaking is unnecessary.

Pursuant to section 161 of the Atomic Energy Act of 1954, 42 U.S.C. 2201, and 5 U.S.C. 553, 10 CFR 2.772 is amended by deleting the word "and" at the end of paragraph (c), by replacing the period at the end of paragraph (d) with a semicolon ";", and adding new paragraphs (e), (f) and (g) to read:

§ 2.772 Authority of the Secretary to Rule on Procedural Matters.

* * * * *

(e) Extend the time for the Commission to rule on a petition for review under 10 CFR 2.786(b); (f) Extend the time for the Commission to grant review on its own motion under 10 CFR 2.786(a); and (g) Extend time for Commission review on its own motion of a Director's denial under 10 CFR 2.206(c).

For the Commission.

Dated at Washington, D.C., this 19th day of May 1978.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-14663 Filed 5-24-78; 8:45 am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-3766]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Columbia Heights, Anoka County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Columbia Heights, Anoka County, Minn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Columbia Heights, Minn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Columbia Heights, are available for review at City Hall, 590 40th Avenue NE., Columbia Heights, Minn.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Adminstrator gives notice of his final determinations of flood elevations for the city of Columbia Heights, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Jackson Pond	43rd Ave. and Jackson St.	896
	44th Ave. and Quincy St	896
Pond near 5th St. and 39th Ave. NE. (unnamed).	5th St. and 39th Ave	902
Rainfall	Tyler St. NE., 500 ft north of intersection with 44th Ave. NE.	1014
	Fairway Dr., 600 ft west along Drive from intersection with 49th Ave. NE.	1004

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

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13775 Filed 5-24-78; 8:45 am]

[4210-01]

[Docket No. FI-3768]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Hugo, Washington County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Hugo, Washington County, Minn.

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Hugo, Minn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Hugo, are available for review at City Hall, 5524 Upper 146th Street, Hugo, Minn.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Hugo, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L.

93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hardwood Creek ...	Elmcrest Ave. North	902
	U.S. Highway 61	918
	County State Aid Highway 4.	921
East tributary to Hardwood Creek.	Ingersoll Ave. North	927
Clearwater Creek ..	Elmcrest Ave.	912
	129th St. North.....	913
South branch of Clearwater Creek.	140th St. North.....	913
North branch of Clearwater Creek.	Frenchman Rd. North....	914
	Burlington Northern Inc. RR.	920
	U.S. Highway 61	930
	169th St. North.....	932
Bald Eagle Lake	Shoreline.....	913

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

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13776 Filed 5-24-78; 8:45 am]

[4210-01]

[Docket No. FI-3769]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Le Sueur, Le Sueur County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Le Sueur, Le Sueur County, Minn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Le Sueur, Minn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Le Sueur, are available for review at City Hall, Le Sueur, Minn.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Le Sueur, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Minnesota River....	U.S. Highway 169	745
	Bridge St. and Minnesota Highway 93.	748

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

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13777 Filed 5-24-78; 8:45 am]

[4210-01]

[Docket No. FI-3841]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Mound, Hennepin County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Mound, Hennepin County, Minn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Mound, Minn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Mound, Hennepin County, Minn., are available for review at City Hall, 5341 Maywood Road, Mound, Minn.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Mound, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act

of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Minnetonka	Shoreline	931
Dutch Lake	do	940
Langdon Lake	do	935

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

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13778 Filed 5-24-78; 8:45 am]

[4210-01]

[Docket No. FI-3842]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Orono, Hennepin County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Orono, Hennepin County, Minn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Orono, Minn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Orono, Minn., are available for review at Orono City Hall, Orono, Minn.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Orono, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Unnamed tributary to Stubbs Bay, Lake Minnetonka.	Tonka Ave.	936
	Crestview Ave.	940
	Leaf St. crossing at approximately 2,300 ft above the mouth.	
	Watertown Rd	970
Pond E	Shoreline	964
Pond F	do	961
Pond B	do	931
Pond A	do	931
Pond C	do	931
Pond D	do	931
Pond G	do	936
Pond H	Casco Point Rd., approximately 500 ft southwest along the road from its intersection with Frederick St.	935
Carman Bay, Lake Minnetonka.	Shoreline	931
West Arm, Lake Minnetonka.	Fagerness Point Rd., approximately 550 ft southwesterly along the road from its intersection with Concordia St.	931
North Arm, Lake Minnetonka.	Shoreline	931
Crystal Bay, Lake Minnetonka.	do	931

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

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13779 Filed 5-24-78; 8:45 am]

[4210-01]

[Docket No. FI-3770]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Prior Lake, Scott County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Prior Lake, Scott County, Minn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Prior Lake, Minn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Prior Lake, are available for review at City Hall, 4629 Dakota Street SE., Prior Lake, Minn.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Prior Lake, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Spring Lake	Near Shoreline	914
Prior Lake	.....do	909

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

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13780 Filed 5-24-78; 8:45 am]

[4210-01]

[Docket No. FI-3957]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Red Wing, Goodhue County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Red Wing, Goodhue County, Minn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Red Wing, Minn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Red Wing, Goodhue County, Minn., are available for review at City Hall, Red Wing, Minn.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Red Wing, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hay Creek	Chicago, Milwaukee, St. Paul and Pacific RR.—downstream of Main St.	689
	Main St	693
	Chicago, Milwaukee, St. Paul and Pacific RR.—upstream of Main St.	693
	U.S. Highway 61	693
	Chicago and Northwestern RR.	694
	Featherstone Road*	695
	.....do.**	697
	Pioneer Trail	705
Trout Brook	Driveway downstream of Pioneer Trail*.	713
	.....do.**	716
	Pioneer Trail*	716
	.....do.**	720
Spring Creek	Chicago and Northwestern RR.	690
	U.S. Highway 61*	696
	.....do.**	699
	Spring Creek Avenue*	718
	.....do.**	722

*Downstream.
**Upstream.

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

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13781 Filed 5-24-78; 8:45 am]

[4210-01]

[Docket No. FI-3843]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Roseau, Roseau County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Roseau, Minn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Roseau, Roseau County, Minn., are available for review at City Hall, Roseau, Minn.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Roseau, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Roseau River	3d St	1,049
	Center St	1,049
	Corporate limit (southernmost crossing).	1,051

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

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13782 Filed 5-24-78; 8:45 am]

[4210-01]

[Docket No. FI-3656]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Senatobia, Tate County, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Senatobia, Tate County, Miss.

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Senatobia, Miss.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Senatobia, Tate County, Miss., are available for review at City Hall, 135 North Front Street, Senatobia, Miss.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Senatobia, Miss.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Senatobia Creek	State Highway 4	252
Hickahala Creek tributary 1.	Gravel Rd	265
	Strayhorn St	282
	Tate St	291
Hickahala Creek tributary 2.	Illinois Central Gulf RR	252
	Panola St. (U.S. Highway 51).	273
	Tate St	301
Hickahala Creek tributary 2A.	Strayhorn St	282
	Tate St	291
Hickahala Creek tributary 3.	Norfleet Rd	246
	Robinson St	268
Hickahala Creek tributary 3A.	Main St./State Highway 4.	263
Bonner Creek	Interstate 55	252
	Ward St	265
	U.S. Highway 51	270

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

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13783 Filed 5-24-78; 8:45 am]

[4210-01]

[Docket No. FI-4037]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for The Unincorporated Areas of Jackson County, Missouri

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Unincorporated Areas of Jackson County, Mo.

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map

(FIRM), showing base (100-year) flood elevations, for the Unincorporated Areas of Jackson County, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the Unincorporated Areas of Jackson County, Mo. are available for review at the County Planning and Zoning Office, First Floor, County Court House (Annex), 306 W. Kansas, Independence, Mo.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Unincorporated Areas of Jackson County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Fire Prairie Creek.	At the western corporate limits of Levasy, Mo.	723
	Just upstream of O'Donnell Rd.	724
	150 feet upstream of Buckner-Tarsney Rd.	730
	Just downstream of U.S. 24 (westbound).	731
	325 feet upstream of U.S. 24 (eastbound).	732
Mill Creek	At the southern corporate limits of Sugar Creek, Mo.	774
	1800 feet downstream of Quarry Rd.	783
	Just upstream of Quarry Rd.	799
	750 feet upstream of Quarry Rd.	803
Missouri River	At the western corporate limit of Levasy, Mo.	713
	Just downstream of the Atchison, Topeka, & Santa Fe RR.	718
	3.8 miles upstream of the Atchison, Topeka, & Santa Fe RR.	723
	5.7 miles downstream of confluence of Mill Creek.	726
	At confluence of Mill Creek.	732
	2.4 miles upstream of confluence of Mill Creek.	735

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

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13784 Filed 5-24-78; 8:45 am]

[4210-01]

[Docket No. FI-3410]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Kansas City, Jackson County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Kansas City, Jackson County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Kansas City, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Kansas City, are available for review at City Hall, 414 East 12th, 29th Floor, Kansas City, Mo.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Kansas City, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Shoal Creek	76th St	791
Mill Creek	Brighton Rd	822
	Cypress Rd	841
	Jackson St	845
	Indiana St	870
	Northeast 56th St	890
Missouri River	I-435 bridge	742
	Paseo Highway bridge	747
	Hannibal Bridge	749
Old Maids Creek	Linden Rd	796
Rock Creek (Avondale).	Antioch Bridge	780
	Winn Rd	785
	Parvin Rd. culvert	806
	I-35	810
	North Parvin Rd	819
Rock Creek	Brighton Ave	821
Rocky Branch	Northeast 132d St	889
Searcy Branch	Birmingham Rd	738
	Highway 210	743
	New St	749
	Russel Rd	778
	Parvin Rd	789
2d Creek	U.S. 71	928
	Culvert Northwest 108th St. (downstream).	962
	Culvert Northwest 108th St. (upstream).	965
2d Creek West Branch.	108th St	961
Shoal Creek	Birmingham Rd	743
	Hughes Rd	746
	Brighton Ave	804
Line Creek	Northwest 68th St. and county road AA.	829
Fishing River	North Stark Ave	894
1st Creek	Baughman Rd	971
East Fork Shoal Creek.	Missouri Highway 152	821

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East Fork of Line Creek.	Northwest 68th St	839
East Creek	Old wood bridge	796
Burington Creek	Northwest 53d Ter	813
	Northwest 56th St	836
Wildcat Branch	Northwest 28th St	896
	Missouri Highway 29	914
Waukomis Lake tributary.	Bryan Ave	843
Unnamed creek at Randolph, Mo. (north branch).	I-435	762
Unnamed creek at Randolph, Mo. (east branch).	Birmingham Rd	744
Todd Creek	Northwest Interurban Rd.	860
	I-29	909
Blue River	Interstate 435	741
	U.S. 40	765
	South B U.S. 71	795
	Holmes Rd	860
Round Grove Creek.	Kansas City Southern RR.	769
	Raytown Rd	784
	Blue Ridge cutoff	813
	Raytown Rd	836
Little Blue River	Little Blue Rd	797
	Noland Rd	806
	View High Dr	821
	High Grove Rd	888
Little Cedar Creek	Rhinehart Rd	802
Brush Creek	North Childress Ave	883
Unnamed Creek No. 1.	Blue Ridge cutoff	818
	43d St	979
Unnamed Creek No. 2.	Chicago, Rock Island and Pacific RR (upstream).	860
	Pittman Rd	883
	Sterling Ave. (downstream).	936
	Sterling Ave. (upstream)	944
	Kermont	970
Brush Creek	Cleveland Ave	771
	Prospect Ave	779
	Woodland Ave	796
	Troast Ave	817
	Wornall Rd	837
	State Line Rd	853
Town Fork Creek	51st St	794
	57th St	811
	Park Ave	846
White Oak Creek	Military Club Rd	810
Lampkins Fork	Raytown Rd	911
Indian Creek	Missouri Pacific RR	799
	Wornall Rd	809
Dyke Branch	Holmes Rd	797
	Wornall Rd	832
Buckeye Creek	Culvert Brighton Rd	748
	Culvert Highway 210 access road.	751
	Culvert 38th St	789

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

Issued: April 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13785 Filed 5-24-78; 8:45 am]

[4210-01]

[Docket No. FI-4036]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Lewis and Clark, Buchanan County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Lewis and Clark, Buchanan County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Lewis and Clark, Buchanan County, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the village of Lewis and Clark are available for review at the home of the city clerk, 400 Lake Crest Boulevard, Lewis and Clark Village, Rushville, Mo.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Lewis and Clark, Buchanan County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Missouri River	Southern corporate limit at Missouri Highway 45.	788
	At intersection of Lake Shore Dr. and Cedar St.	790

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

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13786 Filed 5-24-78; 8:45 am]

[4210-01]

[Docket No. FI-3580]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Levasy, Jackson County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Levasy, Jackson County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Levasy, Jackson County, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Levasy are available for review at City Hall, Levasy, Mo.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Levasy, Jackson County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Missouri River	West corporate boundary.	711
	East corporate boundary.	713
Fire Prairie Creek.	Westbound U.S. Route 24 bridge near river mile 1.4.	708
	Route "H"	715
	Westbound U.S. Route 24 bridge near river mile 4.6.	721
	West corporate boundary.	723

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

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13787 Filed 5-24-78; 8:45 am]

[4210-01]

[Docket No. FI-3960]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Mackenzie, St. Louis County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Mackenzie, St. Louis County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Mackenzie, St. Louis County, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Mackenzie, St. Louis County, Mo., are available for review at the Office of the Village Clerk, 7108 Holly Hills, Mackenzie, Mo.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Mackenzie, St. Louis County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
No Name Creek	Eastern corporate limits	425
	Downstream of Mackenzie Rd.	428

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

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13788 Filed 5-24-78; 8:45 am]

[4210-01]

[Docket No. FI-3962]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Broken Bow, Custer County, Nebr.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Broken Bow, Custer County, Nebr. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date if issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Broken Bow, Custer County, Nebr.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the city of Broken Bow are available for review at the City Clerk's Office, City Hall, 314 South 10th Avenue, Broken Bow, Nebr.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Broken Bow, Custer County, Nebr.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mud Creek	Eastern corporate limits	2,468
	Just upstream of Burlington Northern Bridge.	2,472
	Just upstream of 5th Ave.	2,474
	300 ft downstream of 9th Ave.	2,475
	Just upstream of 9th Ave.	2,477
	Just downstream of 10th Ave.	2,478
	Just downstream of 12th Ave.	2,479
	1,750 ft upstream of 12th Ave.	2,480
	100 ft upstream of western corporate limits.	2,482
	200 ft upstream of western corporate limits.	2,484
Unnamed tributary.	Confluence with Mud Creek.	2,475
	Just upstream of Burlington Northern Bridge.	2,479
	450 ft upstream of North B St.	2,480
	125 ft downstream of North E St.	2,483
	Just upstream of North E St.	2,486
	660 ft downstream of North L St.	2,487
	Just downstream of 17th Ave.	2,494

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

Issued: April 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13789 Filed 5-24-78; 8:45 am]

[4210-01]

[Docket No. FI-3987]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of York, York County, Nebr.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of York, York County, Nebr.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the city of York are available for review at City Hall, York, Nebr.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of York, York County, Nebr.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Beaver Creek	Upstream side at County Rd., 5.2 mi downstream of Blackburn Ave.	1,569
	Upstream side at County Rd., 3.5 mi downstream of Blackburn Ave.	1,578
	Blackburn Ave	1,589
	U.S. Highway 81	1,592
	Academy Ave	1,596
	2 mi upstream of Academy Ave.	1,601
	At County Rd., 4.1 mi upstream of Academy Ave.	1,614
Tributary A	At confluence with Beaver Creek.	1,579
	Nobes Rd.	1,605
	4th St	1,615
	8th St	1,624
Tributary B	At confluence with Beaver Creek.	1,594
	8th St	1,605
	10th St	1,607
	12th St	1,616
	Burlington Northern RR. (downstream face).	1,623
Tributary C	At confluence with Beaver Creek.	1,599
	4th Street	1,600
	0.3 mi upstream of 4th St.	1,600
	At County Rd., 0.8 mi upstream of 4th St.	1,621
	Burlington Northern RR. (downstream face).	1,628

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

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13790 Filed 5-24-78; 8:45 am]

[4210-01]

[Docket No. FI-2633]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Borough of Florham Park, Morris County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the borough of Florham Park, Morris County, N.J. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the borough of Florham Park, Morris County, N.J.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the borough of Florham Park, Morris County, N.J., are available for review at the Borough Hall, 111 Ridgedale Avenue.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the borough of Florham Park, Morris County, N.J.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Passaic River	Corporate limits (downstream).	176
	Columbia Turnpike	177
	Passaic Ave	177
	Corporate limits (upstream).	178
Black Cat Ditch	Vreeland Rd	176
	Fernwood Rd	179
	Columbia Turnpike	189
	Brooklake Rd	192
Fish's Brook	....do	177
	Lakeview Ave	195
Spring Garden Brook.	Brooklake Rd	177
	Dam	177
	East Madison Ave	181
	Corporate limits (upstream).	183
Pinch Brook	Corporate limits (downstream).	183
	Ridgedale Ave	185
	Corporate limits (upstream).	186
Black Brook	Columbia Turnpike	183
	Private road	183

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

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13791 Filed 5-24-78; 8:45 am]

[4210-01]

[Docket No. FI-2378]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Moorestown, Burlington County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Moorestown, Burlington County, N.J. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Moorestown, N.J.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Moorestown, are available for review at Township Hall, 111 West Second Street, Moorestown, N.J.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the township of Moorestown, N.J.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North branch, Pennsauken Creek.	Moorestown Pike**	11
	Lenola Rd.**	12
Strawbridge Lake	Pleasant Valley Rd.**	21
	Church St.**	23
Pompeston Creek	Middlesex Rd.**	34
	New Albany Rd.**	44
	West Maple Ave.**	54
Swedes Run	Garwood Rd.**	37
	Westfield Rd.**	47
Kendles Run	Creek Rd.**	14

**Upstream side of road.

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

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13792 Filed 5-24-78; 8:45 am]

[3710-08]

Title 32—National Defense

CHAPTER V—DEPARTMENT OF THE ARMY

[EP 405-1-2]

PART 641—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

Subpart L—Records and Reports

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: This amendment modifies internal reporting requirements to eliminate submission of annual relocation assistance reports to the General Services Administration. Pursuant to Federal Property Management Regulation Amendment A-26 published in the FEDERAL REGISTER, March 13, 1977 (42 FR 14097), the General Services Administration has canceled the requirement that Federal agencies responsible for implementing Pub. L. 91-646 submit annual reports to GSA. Notwithstanding this action, the Department of the Army continues to require certain reports for internal management purposes for Federal and federally assisted projects.

EFFECTIVE DATE: May 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Garland P. Thompson, Homeowners Assistance Division, Real Estate Directorate, Office of the Chief of Engineers, Washington, D.C. 20314, 202-693-6786.

NOTE.—The Chief of Engineers has determined that this rule does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107. (Statutory Authority Pub. L. 90-483).

Dated: May 9, 1978.

THOMAS J. WOODALL,
Lieutenant Colonel, Corps of Engineers, Acting Executive Director, Engineer Staff.

In consideration of the above, subpart L of part 641 of subchapter J 32 CFR is amended by revising §§ 641.272, 641.273(b), and 641.274(b) as set forth below:

* * * * *

§ 641.272 Reports control symbol.

RCS DAEN-RE-18 and RCS DAEN-RE-22 are assigned to reports required by § 641.273.

§ 641.273 Reporting requirements.

* * * * *

(b) RCS DAEN-RE-22. Summary statistical data pertaining to land and relocation costs during the fiscal year by local interests in connection with federally assisted projects will be reported. ENG form 4660-R will be used for this purpose.

§ 641.274 Reporting instructions.

* * * * *

(b) *Annual Reports.* Annual reports required by RCS DAEN-RE-22 will be dispatched in sufficient time to reach HQDA (DAEN-REH-O) Washington, D.C. 20314 by November 1 of each year.

* * * * *

[FR Doc. 78-14647 Filed 5-24-78; 8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 872-2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Massachusetts Revision

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule approves the Massachusetts State Implementation Plan (SIP) for the Pioneer Valley Air Pollution Control District. The Plan requires: (1) Service stations having stationary storage tanks with a capacity equal to or greater than 2,000 gallons to install equipment to control volatile organic compounds from being emitted into the atmosphere during delivery of motor vehicle fuel to service stations, and (2) firms of 250 or more employees to offer carpool matching services and mass transit pass programs to their employees and to report on those efforts. The intended effect of this rule is to improve air quality in the Pioneer Valley Air Pollution Control District.

EFFECTIVE DATE: June 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Barbara H. Ikalainen, Air Branch, EPA Region I, Room 2113, J. F. K. Federal Building, Boston, Mass. 02203, 617-223-5630.

SUPPLEMENTARY INFORMATION: On May 31, 1972, pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with exceptions, the Massachusetts State Implementation Plan (SIP) for the attainment of National Ambient Air Quality Standards (NAAQS).

On August 9, 1977 a proposal was published in the FEDERAL REGISTER (42 FR 40220) to approve two regulations for the Pioneer Valley Air Pollution Control District. The first regulation requires Stage I vapor recovery controls at gasoline dispensing facilities with storage capacity equal to or greater than 2,000 gallons. The second regulation requires that firms employing 250 or more employees offer carpool matching services to their employees and a mass transit pass program, where appropriate. Firms with 1,000 or more employees would additionally have to offer vanpooling services. All firms subject to the regulation would also have minor reporting requirements to fulfill. The proposed revision was submitted to EPA by the Acting Commissioner of the Department of Environmental Quality Engineering on May 31, 1977 and was accompanied by a summary of the public hearing comments and by copies of the regulations and the recommendation of the Director of Air and Hazardous Materials to approve the regulations as submitted. Several public comments were received by EPA in response to the proposed approval notice. A summary of the issues raised follows.

Thirteen responses were received; five responses were directed towards the Stage I Vapor Recovery proposal and eight responses were directed towards the proposed Carpooling regulation. Many of the letters which were opposed to specific details of one or both of the regulations voiced general support of the intent of the regulation.

The five responses to the Stage I vapor recovery proposal iterated three major concerns: One, that EPA should defer approval of the regulation until EPA reviews the ambient air quality standards for photochemical oxidants; two, that EPA should defer approval of the regulation until the Commonwealth revises the SIP; and three, that EPA should defer approval of the regulation until the economic impact upon small business is examined.

In response to the first concern, that EPA should defer approval of the regulation until re-evaluation of the national ambient air quality standard, the Administrator has responded to a similar request made by the American Petroleum Institute in a FEDERAL REG-

ISTER Notice dated, August 11, 1977, in which he concluded that, "the re-evaluation of existing data provides no ground for delaying implementation of, and compliance with, regulations to control hydrocarbons." Therefore, Region I is proceeding uniformly to require the implementation of hydrocarbon controls, as appropriate, throughout the New England states.

In response to the second concern that EPA should defer approval of the regulation until the Commonwealth has completed a comprehensive revision of the SIP, it should be understood that the promulgation of this regulation is a necessary part of their SIP revision, and is likely to be necessary no matter what other controls are also adopted.

The third concern, that the economic impact of this regulation upon small businesses and small privately owned service stations be evaluated, has been addressed. The Office of Air Quality Planning and Standards' evaluative report indicated that the influence of Stage I regulations upon small businesses was no greater than any other competitive economic burden and that marginal operations would be affected as they would be by any other free market competitive force. ("Ref. Economic Impact of Stage I Vapor Recovery Regulations," Arthur D. Little, Inc., November 1976.) This report is available from EPA at the address listed above.

Pioneer Valley Air Pollution Control District Rule 2.5 is different from the Federal Stage I vapor recovery regulation in the following respects. The Federal Stage I vapor recovery regulations include additional provisions requiring the installation of vapor recovery systems at bulk plants and bulk terminals; marine fuel storage facilities and aviation fuel storage facilities; and newly installed tanks with a capacity greater than 250 gallons. In addition the Federal Stage I vapor recovery regulations require that the vapor laden delivery vessels be designed and maintained to be vapor tight at all times.

In order to demonstrate whether the differences in control between Pioneer Valley Air Pollution Control District Rule 2.5 and the Federally promulgated vapor recovery regulations are significants, the Pioneer Valley Air Pollution/Control District should quantify, in conjunction with its 1979 SIP submission, the impact on emissions resulting from not including aviation fuel storage facilities and marine fuel storage facilities in the requirement to install vapor recovery systems. In addition, a determination should be made, in conjunction with the 1979 SIP submission, of the magnitude of emissions resulting from the exclusion of bulk plant and newly installed tanks of a capacity less than 2,000 gallons from the requirement to install vapor recovery systems. Regarding a requirement that vapor laden delivery vessels be designed and maintained to be vapor tight at all times, the 1979 SIP submissions should revise Rule 2.5 to include such a provision.

Eight letters were received on the proposed carpooling regulation. The greatest amount of concern was voiced about the criminal penalties associated with the regulation. Most of those writing indicated that they believed that employers would be subject to criminal penalties if their employees did not form carpools or use the pass programs offered. This is not true. Criminal penalties are only available against employers who fail to take the required measures to encourage their employees to carpool or to patronize mass transit.

Five of the eight letters recommended a voluntary plan without any mandatory measures. First, it should be noted that the mandatory measures require only that employers offer carpool matching services and mass transit passes if the service is reasonably available to their employees; the employees do not have to use these services if they do not wish to. The only other mandatory requirements are reporting requirements which state that employers must report to "Masspool" on their efforts to offer these programs and their employees' response. EPA does not consider these mandatory measures to constitute a burden on any employer or employee.

Four of the letters requested a public hearing. Public hearings were held by the Massachusetts Department of Environmental Quality Engineering on June 9, 1976 at 2 p.m. at the Auditorium of the Springfield Community College and again at 7 p.m. at the Springfield City Hall. These hearings were held in conformance with the provisions of the state Administrative Procedure Act, and satisfy the EPA requirements in the Code of Federal Regulations (40 CFR, Part 51.4(b)).

Three letters commented that the carpool regulation would cause undue economic burden. The experience of firms who have participated in this program since 1975 in the Boston Metropolitan Area has been that there is very little expense associated with this regulation and that in fact employee acceptance and active participation in the program has been an asset to the firms, some of which feel it has been good for morale.

Three letters commented that the vanpooling requirements were particularly unfair because of expenses anticipated. These requirements apply only to firms employing 1,000 or more employees and the economics of the situation are dependent upon the number of employees who would be interested in participating. If there are not enough interested employees (15 per van) then vanpooling would not have to be implemented.

Three comments were received which stated that there was inadequate mass transit to service all the firms subject to these regulations and that therefore they should not be required to offer any "pass programs". The regulations require that firms offer the pass program to employees who wish to participate, if appropriate. If the firms can show that there is a lack of transit service or other valid reasons, they will not be required to offer a pass program.

Two of the letters objected to the employee size cutoff of 250: One letter recommended no size cutoff so that all firms in the Pioneer Valley Air Pollution Control District would be affected, and a second letter recommended a higher size cutoff so that only very large firms would be affected.

The 250 cutoff figure was chosen because it was believed that matching opportunities for the carpool matching services offered by Masspool would be better in firms of this size or bigger. However, any smaller firms who wish to use Masspool matching services may ask to do so. The same reasoning holds true for the pass program; any individual who wishes a mass transit pass could receive one from the transit authority.

The comments received during the comment period do not appear to raise any reason to delay approval of these regulations as part of the Massachusetts State Implementation Plan (SIP).

After evaluation of the State's submittal, the Adminsitrator has determined that the Massachusetts revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Massachusetts Implementation Plan for the Pioneer Valley Air Pollution Control District with the understanding that the State and EPA will reevaluate Rule 2.5, the Stage I vapor recovery provision, in light of the State's 1979 SIP submittal.

(Sec 110(a), Clean Air Act, as amended (42 U.S.C. 7401 et seq).)

Dated; May 19, 1978.

DOUGLAS M. COSTLE,
Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart W—Massachusetts

1. Section 52.1120(c)(15) is revised to read as follows:

§ 52.1120 Identification of Plan

* * * * *

(c) * * *

(15) A revision to Regulation 2.5, Compliance with Emission Limitations, and to Regulation 16, Reduction of Single Passenger Commuter Vehicle Use, for the Pioneer Valley Air Pollution Control District, submitted on May 20, 1977, by the Acting Commissioner of the Executive Office of Environment Affairs, Department of Environmental Quality Engineering.

[FR Doc. 78-14665 Filed 5-24-78; 8:45 am]

[6560-01]

[FRL 886-1]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Mississippi: Approval of Plan Revisions

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Mississippi implementation plan is revised by changing the State regulations which apply to the incineration of cotton gin waste. The incineration of this waste is no longer covered by a mass emission standard of 0.2 grains of particulate matter per dry standard cubic foot (sdcf), but rather is covered by a visible emission standard of 40 percent opacity. The plan is also revised by changes in State regulations governing open burning. The effect of this revision is to change procedures and establish more specific conditions for certain types of open burning.

EFFECTIVE DATE: June 26, 1978.

ADDRESSES: Copies of the materials submitted by the State of Mississippi may be examined during normal business hours at the following locations: Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Air Programs Branch, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Ga. 30308. Air and Water Pollution Control Commission, Robert E. Lee Building, Jackson, Miss. 39205.

SUPPLEMENTARY INFORMATION: On May 26, 1976, following notice and public hearing in conformity with 40 CFR 51.4, the Mississippi Air and Water Pollution Control Commission adopted changes in § 3.8, Incineration, of its air pollution control regulation APC-S-1. The revised § 3.8 was submitted for EPA's approval on August 30, 1977; a clarifying submittal was made on November 14, 1977. The original § 3.8 is retained as subsection 3.8(a) and is unchanged except for references to the exemption provided in a new subsection 3.8(b) for the incineration of waste from the ginning of cotton. Such incineration is no longer covered by the incinerator emission standard of 0.2 grains of particulate matter per dry standard cubic foot, but by a visible emission standard of 40 percent opacity. Startup operation may produce emissions of greater opacity for up to 15 minutes per startup in any one hour, except that there may be no more than three startups in any one 24-hour period. In submitting this revision, the State asserts that its implementation will not adversely affect the attainment and maintenance of the national ambient air quality standards since a more appropriate and enforceable emission standard is provided.

On September 27, 1977, the Mississippi Air and Water Pollution Control Commission, following notice and public hearing in conformity with 40 CFR 51.4, adopted changes in § 3.7, Open Burning, of its air pollution control regulation APC-S-1. These changes were submitted for EPA's Approval on October 31, 1977. The primary effect of these changes is on procedures; they do not create less restrictive emission limits. Also, more specific conditions are established for certain types of open burning. These are now detailed.

Fires set in accordance with recognized agricultural and forestry practices (sub-section (a) must (1) receive approval of the Mississippi Forestry Commission, (2) be conducted in the period extending from one hour after sunrise to one hour before sunset or at any other time when weather conditions will permit good dispersion of air pollutants, and (3) not be started with fuels which would produce excessive visible emissions.

Waste vegetation resulting from site or right-of-way clearing (subsection (g)) may be burned under the following conditions. (1) Starter fuels must not cause excessive visible emissions. (2) the burning must be permitted by local ordinance. (3) The burning must be conducted at least 500 yards from an occupied dwelling; this restriction may be reduced to 50 yards if forced draft air is provided for combustion. (4) The burning must be conducted at least 500 yards from commercial airport property, private airfields or marked aircraft approach corridors; closer burning may be permitted only with the approval of airport authorities. (5) The burning must not produce a traffic hazard. (6) No burning may be done during a High Fire Danger Alert issued by the Mississippi Forestry Commission or an Emergency Air Pollution Episode Alert issued by the Mississippi Air and Water Pollution Control Commission.

The open burning of oil field waste products (subsection (k)) is limited to tank bottoms and other refuse, other than liquid oil, which cannot practicably be disposed of otherwise; the Air and Water Pollution Control Commission may approve the burning of spilled oil if it cannot be recovered. The following conditions apply to the burning of oil field wastes. (1) The permission of the State Oil and Gas Board must be obtained. (2) Burning must occur between 8 a.m. and 5 p.m. and last no longer than 45 minutes. (3) No burning shall be conducted under the alert conditions described in the preceding paragraph.

These revisions in the Mississippi plan were announced as proposed rulemaking in the FEDERAL REGISTER on December 30, 1977 (42 FR 65208), at which time the public was invited to submit written comments on them. No comments were received, however.

CURRENT ACTION

The Administrator has determined that implementation of the present plan revisions will not adversely affect the attainment and maintenance of the national ambient air quality standards in Mississippi. Accordingly, they are hereby approved. This approval action is effective June 26, 1978, and is taken under the authority provided in section 110 of the Clean Air Act (42 U.S.C. 4710).

Dated: May 18, 1978.

DOUGLAS M. COSTLE,
Administrator.

Chapter I of Title 40, Code of Federal Regulations, is amended as follows:

Subpart Z—Mississippi

In § 52.1270, paragraph (c) is amended by adding subparagraphs (8) and (9) as follows:

§ 52.1270 Identification of plan.

* * * * *

(c) * * *

(8) Revised regulations for the incineration of cotton ginning waste, submitted on August 30 and November 14, 1977, by the Mississippi Air and Water Pollution Control Commission.

(9) Revised regulations for open burning, submitted on October 31, 1977, by the Mississippi Air and Water Pollution Control Commission.

[FR Doc. 78-14598 Filed 5-24-78; 8:45 am]

[6560-01]

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 899-5; PP 3E 1385/R134]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Dalapon

AGENCY: Office of Pesticide Programs, Environmental Protective Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the herbicide dalapon. The amendment to the regulations was requested by the U.S. Department of the Interior. This rule establishes maximum permissible levels for residues of dalapon on a variety of crops and crop groupings.

EFFECTIVE DATE: Effective on May 25, 1978.

FOR FURTHER INFORMATION CONTACT:

Mrs. Patricia Critchlow, Registration Division (WH-567), Office of Pesticide Programs EPA, 401 M Street SW., Washington, D.C. 20460, 202-755-2516.

SUPPLEMENTARY INFORMATION: On March 7, 1978, the EPA published a notice of proposed rulemaking in the FEDERAL REGISTER (43 FR 9323) in response to a pesticide petition (PP 3E1385) submitted to the Agency by the United States Department of the Interior (USDI), Bureau of Reclamation, Washington, D.C. 20240. This petition proposed that 40 CFR 180.150 be amended by the establishment of tolerances for residues of the herbicide dalapon (2,2-dichloropropionic acid) resulting from application of dalapon sodium-magnesium salt mixtures to irrigation ditch banks in the western United States in programs of the USDI Bureau of Reclamation in or on the following raw agricultural commodities and commodity groups:

Flaxseed, forage grasses, forage legumes, and wheat at 2 parts per million (ppm).

Cucurbits, grain crops (except wheat), leafy vegetables, and seed and pod vegetables at 0.5 ppm.

Avocados, citrus fruits, cottonseed, fruiting vegetables, hops, nuts, pome fruits, root crop vegetables, small fruits, at 0.2 ppm. (A related document concerning the establishment of a food additive regulation for residues of dalapon in water appears elsewhere in this issue of the FEDERAL REGISTER). No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.150 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before June 26, 1978, file written objections with the Hearing Clerk, EPA, Room 1019, East Tower, 401 M Street SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on May 25, 1978, Part 180, Subpart C, § 180.150 is amended by adding tolerances for flaxseed, forage grasses, forage legumes, and wheat at 2 ppm; cucurbits, grain crops (except wheat), leafy vegetables, and seed and pod vegetables at 0.5 ppm; and avocados, citrus fruits, cottonseed, fruiting vegetables, hops, nuts, pome fruits, root crop vegetables, small fruits, and stone fruits at 0.2 ppm as set forth below.

(Sec.408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).)

Dated: May 15, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart C, Section 180.150 is revised (1) by designating the existing tolerances as paragraph (a), (2) by deleting the negligible residue designation ("N"), (3) by establishing the new paragraph (b) containing tolerances for residues of dalapon resulting from application of dalapon sodium-magnesium salt mixtures to irrigation ditch banks in the western United States, and (4) by editorially restructuring paragraph (a) into a tabular alphabetized listing, to read as follows:

§ 180.150 Dalapon; tolerances for residues.

(a) Tolerances are established for residues of the herbicide dalapon (2,2-dichloropropionic acid) resulting from application of dalapon sodium salt or sodium-magnesium salt mixtures in or on the following raw agricultural commodities.

Commodity:	*Parts per million*
Almonds	10
Almonds hulls	50
Apples	3
Apricots	1
Asparagus	30
Bananas	5
Beans	1
Beans, straw	1
Beets sugar (roots)	5
Beets, sugar (tops)	5
Cattle, mbyp	0.2
Cattle, meat	0.2
Coffee beans	2
Corn, ear, dried (K+C)	10
Corn, fodder	5
Corn, forage	5
Corn, fresh (including sweet K+CWHR)	5
Corn, grain	10
Cottonseed	35
Cranberries	5
Eggs	0.3
Flaxseed	75
Goats, mbyp	0.2
Goats, meat	0.2
Grapefruit	5
Grapes	3
Grasses, pasture	10
Grasses, range	10
Hogs, mbyp	0.2
Hogs, meat	0.2
Lemons	5
Limes	5
Macadamia nuts	1
Milk	0.1
Oranges	5
Peaches	15
Pears	3
Peas, shelled	15
Peas, unshelled	15
Peas, vine, with pod	15
Peas, vine, without pod	15
Pecans	0.1
Pineapples	3
Plums	1
Potatoes	10
Poultry, (excluding kidney)	3
Poultry, kidney	9
Sheep, mbyp	0.2
Sheep, meat	0.2
Sorghum	1
Sorghum, forage	5
Soybeans	1
Soybeans, straw	1
Sugarcane	0.1
Tangerines	5
Walnuts	5

(b) Tolerances are established for residues of dalapon (2,2-dichloropropionic acid) resulting from application of dalapon sodium-magnesium salt mixtures to irrigation ditch banks in the western United States in or on the following raw agricultural commodities. Where tolerances are established at higher levels from other uses of dalapon on the subject crops, the higher tolerance applies also to residues from the irrigation ditch bank use.

Commodity:	*Parts per million*
Avocados	0.2
Citrus fruits	0.2
Cottonseed	0.2
Cucurbits	0.5
Flaxseed	2.0
Fruits, pome	0.2
Fruits, small	0.2
Fruits stone	0.2
Grain crops (exc wheat)	0.5
Grasses, forage	2
Hops	0.2
Legumes, forage	2
Nuts	0.2
Vegetables, fruiting	0.2
Vegetables, leafy	0.5
Vegetables, root crop	0.2
Vegetables, seed and pod	0.5
Wheat	2

[FR Doc. 78-14600 Filed 5-24-78; 8:45 am]

[6560-01]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 899-7]

PART 413—ELECTROPLATING POINT SOURCE CATEGORY

Public Hearing

AGENCY: Environmental Protection Agency.

ACTION: Public hearing.

SUMMARY: EPA gives notice that it will conduct a public hearing concerning interim final pretreatment limitations for existing sources under the Federal Water Pollution Control Act. The purpose of this hearing is to solicit clarification of previously submitted comments and to receive additional comments on these pretreatment regulations for the electroplating point source category. The intended effect of this hearing is to afford an opportunity for individuals to participate to the fullest extent in the rulemaking process.

SUPPLEMENTARY INFORMATION: On July 12, 1977, the Environmental Protection Agency published in the FEDERAL REGISTER interim final pretreatment limitations for existing sources, pursuant to section 307(b) of the Federal Water Pollution Control Act. On February 14, 1978, the Environmental Protection Agency proposed additional pretreatment limitations for existing sources. The public comment period for both limitations closes on June 19, 1978.

In order to afford an opportunity for individuals to participate to the fullest extent in the rulemaking process, notice is hereby given that the Environmental Protection Agency will conduct a public hearing in which it will solicit clarification of previously submitted comments and receive additional comments on these pretreatment regulations for the electroplating point source category.

Persons who have submitted comments on the aforementioned regulations are invited to clarify these comments and submit additional information and data. Other individuals, who have not already done so, are encouraged to participate in this decisionmaking process.

Parties wishing to submit comments in writing are urged to do so. The presiding officer is authorized to establish reasonable restrictions on the nature or amount of documentary material or oral statements presented at the hearing giving due regard to the relevancy of any such information and to the avoidance of undue repetitiveness of the information presented. Comments submitted in advance of the hearing should be mailed to the Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, Attention Distribution Officer, WH-552.

Expenses incurred by individuals in attending this public hearing are the responsibility of the individual and not the Environmental Protection Agency.

DATE: This hearing, open to the public, will be held on June 22 and 23, 1978, at 9 a.m. in the GSA Auditorium, 18 and F Streets, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Harold B. Coughlin, Effuent Guidelines Division, EPA (WH-552), 401 M Street SW., Washington, D. C. 20460 by telephone at 202-426-2560.

Dated: May 18, 1978.

THOMAS C. JORLING,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc. 78-14636 Filed 5-24-78; 8:45 am]

[4910-22]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

[Amdt. No. 77-5]

PART 395—HOURS OF SERVICE OF DRIVERS

Deletion of Section Requiring an Out-of-Service Driver Sticker

AGENCY: Federal Highway Administration, DOT.

ACTION: Amendment.

SUMMARY: This rule deletes the requirement for an Out-of-Service Driver Sticker to be placed on a vehicle when a driver has been declared out of service. It is felt inappropriate to place a sticker on a vehicle when it is the driver who is being placed out of service. This amendment will eliminate the present Form MCS-88.

EFFECTIVE DATE: May 25, 1978.

FOR FURTHER INFORMATION CONTACT:

Principal Program Contact—Gerald J. Davis, Chief, Driver Requirements Branch, Regulations Division, Bureau of Motor Carrier Safety, Department of Transportation, Washington, D.C. 20590, 202-426-9767.

Principal Lawyer—Gerald M. Tierney, Attorney, Motor Carrier and Highway Safety Law Division, Office of the Chief Counsel, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590, 202-426-0834.

SUPPLEMENTARY INFORMATION: Section 395.13(b)(2) of the Federal Motor Carrier Safety Regulations (FMCSR) which presently sets forth action to be taken when a driver is declared "out of service," is being eliminated.

The Driver Equipment Compliance Check Form (MCS-63) provides a section to complete when a driver is declared out of service. A provision is also made for the driver to sign this section. Therefore, the Out-of-Service Driver Sticker (Form MCS-88) is of limited value since it is inappropriate to place a sticker on a vehicle when it is the driver who is being placed out of service.

In addition, since the information contained in § 395.13(b)(1) is nothing more than instructions to our field staff it should not be contained in the FMCSR.

Also, the elimination of the Out-of Service Driver Sticker is consistent with the current Government practice to help minimize paperwork and eliminate forms where possible.

NOTE.—The Federal Highway Administration has determined that this document does not contain a major proposal according to the criteria established by the Department of Transportation pursuant to Executive Order 12044.

§ 395.13 [Deleted].

For the foregoing reasons, paragraph (b) of 49 CFR 395.13 is deleted.

(Sec. 204, Interstate Commerce Act (49 U.S.C. 304); Sec. 6, Department of Transportation Act (49 U.S.C. 1655); delegation of authority at 49 CFR 1.48 and 301.60, respectively.)

Issued: May 16, 1978.

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

[FR Doc. 78-14658 Filed 5-24-78; 8:45 am]

[4910-22]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[Docket No. 1-5; Notice 24]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Brake Hoses

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Final rule.

SUMMARY: This notice amends Standard No. 106-74, Brake Hoses, to exempt hydraulic brake hose to be used only in assemblies having keyed end fittings from the striping require-

ment, to exempt air and vacuum brake hose assemblies having renewable or reusable end fittings from the assembly labeling requirement, to exempt certain end fittings that are to be used on plastic vacuum brake hose from the end fitting labeling requirement, to provide for a stamping alternative to banding for the labeling of assemblies having crimped or swaged end fittings, to exempt coiled nylon air brake hose from the length change requirement for air brake hose, and to exempt wire reinforced air brake and vacuum brake hose from the adhesion requirements. This rule responds to industry requests for less expensive labeling alternatives and for relief from several performance requirements in the standard that are not appropriate for certain hose designs.

DATE: Effective date: May 25, 1978.

FOR FURTHER INFORMATION CONTACT:

Fred Redler, Crash Avoidance Division, National Highway Traffic Safety Administration, Washington, D.C. 20590, 202-426-0853.

SUPPLEMENTARY INFORMATION: This amendment is based on a notice of proposed rulemaking published December 30, 1976 (41 FR 58365). Nineteen comments were received in response to that notice and were given full consideration in the formulation of this final rule. The comments were primarily supportive of the proposed changes.

Based on a petition by one committee of the American Society for Testing and Materials (ASTM), the proposal specified an increase in the "brake fluid compatibility" test temperature from 200° F to 212° F. The ASTM Committee petitioned for the increase so that the temperature would be compatible with the equivalent 100° Centigrade (C) value that has been proposed for adoption as a standard test temperature by the International Standards Organization. Several commenters strongly objected to this slight increase in the test temperature. Commenters stated that there is no safety justification for the proposed change and that the increase, over the 70-hour test period, could cause significant changes in test results and lead to the rejection of good hose. Four foreign commenters noted that the inner tubing of much imported brake hose is made from natural rubber rather than the synthetic materials that are generally used in the United States. They argued that this small temperature increase could rule out the use of natural rubber, which has certain desirable properties and which has, otherwise, proven satisfactory in the past.

General Motors stated that the International Standards Organization has apparently not proposed a temperature of 100° C for this test and that the test temperature for "brake fluid compatibility" should remain at 200° F. ASTM Committee D-11.31 stated that the ASTM Committee that requested the change (D-11.45) was not authorized to seek the change, and the ruling ASTM Committee does not approve of the temperature increase.

Based on consideration of these comments, the NHTSA has concluded that an increase in temperature for "brake fluid compatibility" testing of brake hose is not justified. Therefore, the proposed change is not adopted.

This amendment exempts air and vacuum brake hose assemblies having renewable or reusable end fittings from the existing labeling requirement (banding) for brake hose assemblies (by specifying assembly labeling requirements only for brake hose assemblies having end fittings attached by crimping or swaging). Further, the new assembly labeling requirement provides for alternative methods of labeling by banding or by stamping (or etching or embossing) of one end fitting on the assembly. The new provisions do not require the date of assembly to be placed on the label, whether banding or stamping is used.

Paccar recommended retention of the existing requirement that the date of assembly be included in assembly labeling. Paccar contended that date of assembly is important for purposes of determining the shelf-life of an assembly. The NHTSA concludes that the assembly date is not necessary for this purpose, because it is the brake hose that generally determines the assembly shelf-life. Since the hose must bear its date of manufacture under existing requirements, this should suffice as an indicator of the entire assembly's shelf life.

Several commenters stated that the assembly labeling requirements should be deleted altogether, arguing that brake hose assembly failures are most likely to result from installation errors and damage in service rather than from improper production of the assembly. Samuel Moore and Company argued that all assembly labeling should be totally optional. While data demonstrate that most assembly failures result from improper installation or later damage, identity of the assembler is still important. If assembly labeling were not required, only reputable assemblers might identify themselves with their products. The door would be opened to the marketing of substandard hose assemblies, and there would be no way to identify the assembler in the event a safety-related defect or a noncompliance necessitated recall.

Samuel Moore and Company also stated that the proposed assembly labeling requirement would discriminate against manufacturers of crimped and swaged air brake hose assemblies, since the requirements would not be applicable to assemblies having renewable or reusable end fittings. The agency did not require labeling for assemblies having renewable or reusable end fittings because it has been found that such labeling is impractical. With reusable end fittings the assembler's identity could be lost or misapplied by a person who re-assembles the set at a later date, and the chances for confusion concerning who assembled the set would be great.

Paccar commented that the "stamping" option for assemblies having cramped or swaged end fittings could create confusion also, and that all assembly labeling requirements should be deleted. While the NHTSA agrees that some confusion might exist, labeling of assemblies having permanent end fittings is substantially more practicable and offers less possibility for confusion than labeling of assemblies having renewable or reusable end fittings. Most of the hypotheticals posed by Paccar involved situations in which permanent end fittings are stamped with the fitting manufacturer's designation (which is not required by the standard). Paccar contends confusion as to who is responsible for the assembly could result when an assembler later applies his band to the assembly or when a repair shop in the field produces an assembly using stamped end fittings.

Since end fittings that are to be attached to hose by crimping or swaging are not required to be labeled, the NHTSA concludes that it is the responsibility of the fitting manufacturer who chooses to stamp his fittings to keep adequate records whether a certain production lot of fittings are sold by themselves or whether they are used in assemblies that are also produced by the fitting manufacturer.

Paccar also argued that large assemblers who also manufacture end fittings would have an economic advantage over assemblers whom they supply with end fittings, since end fittings are usually stamped with the fitting manufacturer's designation. With the stamping labeling alternative, the fitting manufacturer who also makes assemblies would not have to further label his assemblies, whereas, an assembler who purchased his end fittings would have to pay either the cost of special labeling of end fittings or that of banding.

The NHTSA recognizes that there are several items of higher cost borne by small assemblers but disagrees that the assembly labeling requirements are discriminatory as suggested by Paccar. As mentioned earlier, manufacturers of permanent end fittings are not required to label their fittings (and if they do so they bear the additional cost by choice). Therefore,

under the new assembly labeling requirements, assemblers who are also permanent end fitting manufacturers and small asssemblers who do not manufacture end fittings are on the same footing; both are required to label only once, either by banding or by stamping the end fitting. Of course, independent of any standard, an assembler who produces all components of his product can generally manufacture an assembly at a lower cost than an assembler who purchases components for his product.

Further, from a practical standpoint, the larger assemblers who also supply end fittings to smaller assemblers are not generally in competition with the smaller assemblers. Rather, they deal with large volume users in competition with other large suppliers. The small assemblers are generally only in competition with other small assemblers who are in the same position with respect to cost of assembly labeling. The requirements are, therefore, made final as proposed.

Several commenters pointed out that the notice proposing these amendments deleted an existing exemption from the assembly labeling requirements of the standard. Assemblies that are assembled and installed by a vehicle manufacturer in vehicles manufactured by him are currently excepted from the requirements of paragraph S5.2.4. The deletion in the proposal was inadvertent, and the exception is included in the new paragraph S5.2.4 specified in this amendment.

General Motors noted that the proposed new paragraph S5.2.4.1 (the stamping option for assembly labeling) did not specify any criteria for the manufacturer's designation, and asked whether the designation could consist of block capital letters or symbols representative of the assembler. General Motors also requested concurrence in their assumption that, as a manufacturer of both bulk brake hose and hose assemblies, they would be permitted under the stamping option to use one designation for bulk hose and a different designation for hose assemblies. Finally General Motors recommended that the phrase "shall be permanently etched, embossed, or stamped," in proposed paragraph S5.2.4.1 and in existing paragraph S5.2.4, be changed to read, "shall be etched, embossed, or stamped by means of deformation of the material." They argued that the word "permanently" should be deleted since any marking can eventually be obliterated by corrosion, rust, abuse, or other means.

The NHTSA agrees with the clarifications and editorial changes requested by General Motors, and the changes are included in these amendments of the hose assembly and end fitting labeling requirements. The NHTSA concurs with General Motors' assumption that it is permitted to stamp its bulk hose and its assemblies with different designations. The word "permanently" is deleted from paragraphs S5.2.3 and S5.2.4, as it was from paragraph S5.2.2 in a previous notice (41 FR 28505, July 12, 1976).

International Harvester objected to the proposal to exempt hydraulic brake hose used in assemblies with keyed end fittings from the striping requirement of paragraph S5.2.1. Harvester stated that its hose assemblies with keyed end fittings are designed with different orientations for the left and right hand sides of vehicles. Each could be installed with a 20° twist if inadvertently installed on the wrong side of the vehicle. Since the striping requirement is intended to prevent twisted installation, this amendment only exempts hose for use in an assembly whose end fittings prevent its installation in a twisted orientation.

Commenters supported the proposed exemption from labeling of end fittings used in factory-made, non-repairable plastic vacuum brake hose assemblies (such as those used by Mercedes-Benz). The proposal is therefore made final.

Commenters also agreed with the proposed exemption of coiled nylon air brake hose from the "length-change" requirement of paragraph S7.3.6. The requirement is therefore amended as proposed.

Paragraphs S7.3.7 and S9.2.9 are amended to exempt wire-reinforced brake hose from the adhesion requirements of the standard, since the adhesion test does not give sufficiently repeatable results in the case of wire-reinforced brake hose. A substitute test for this type hose is under consideration.

The Dairy Equipment Company stated that all assembly labeling requirements were eliminated by a notice published November 26, 1977 (41 FR 52055) which revised paragraphs S12 and S13 of the standard. The Company's interpretation of that amendment is incorrect. As explained in the preamble to that notice, the revision of paragraphs S12 and S13 permits the indefinite use in new vehicles of hose assemblies manufactured prior to the effective date of the labeling requirement for assemblies.

This does not mean that new hose, end fittings and assemblies produced after specific effective dates do not have to meet the labeling requirements of the standard. For example, a hose assembly manufactured today must bear the required assembly labeling even if it is constructed of hose or end fittings that do not have DOT labeling because they were manufactured prior to September 1, 1974.

Since this amendment relieves restrictions, the agency has determined that it will have negligible economic impact. The environmental effects of the amendment should be positive. Elimination of the banding requirement will save approximately 30,000 pounds of material annually.

The engineer and lawyer primarily responsible for the development of this rulemaking document are Fred Redler and Hugh Oates, respectively.

Because these amendments relieve restrictions and create no additional burdens, the National Highway Traffic Safety Administration (NHTSA) finds, for good cause shown, that an immediate effective date is in the public interest.

In consideration of the foregoing, Standard No. 106-74 (49 CFR 571.106-74) is amended as follows:

§ 571.106-74 [Amended]

1. S5.2.1 is amended by the addition of a sentence at the end of the paragraph to read:

However, hydraulic brake hose manufactured for use only in an assembly whose end fittings prevent its installation in a twisted orientation in either side of the vehicle, need not meet the requirements of S5.2.1.

2. S5.2.2(d) is amended to read:

(d) The nominal inside diameter of the hose expressed in inches or fractions of inches.

3. To conform with S5.1 which was amended in Notice 16 (40 FR 12088) on March 17, 1975, the text of S5.2.3 is deleted, and the word "Reserved" is substituted.

4. S5.2.4 is amended and a new S5.2.4.1 is added to read:

S5.2.4 Each hydraulic brake hose assembly, except those assembled and installed by a vehicle manufacturer in vehicles manufactured by him, shall be labeled by means of a band around the brake hose assembly as specified in this paragraph or, at the option of the manufacturer, by means of labeling as specified in S5.2.4.1. The band may at the manufacturer's option be attached so as to move freely along the length of the assembly, as long as it is retained by the end fittings. The band shall be etched, embossed, or stamped in block capital letters, numerals or symbols at least one-eighth of an inch high with the following information:

(a) The symbol DOT constituting certification by the hose assembler that the hose assembly conforms to all applicable motor vehicle safety standards.

(b) A designation that identifies the manufacturer of the hose assembly, which shall be filed in writing with: Office of Vehicle Safety Standards, Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. The designation

may consist of block capital letters, numerals or a symbol.

S5.2.4.1 At least one end fitting of a hydraulic brake hose assembly shall be etched, stamped or embossed with a designation at least one-sixteenth of an inch high that identifies the manufacturer of the hose assembly and is filed in accordance with S5.2.4(b).

5. To conform to editorial revisions of S5.1, S5.2.2 and S5.3.2, S7.2 is amended to read:

S7.2 *Labeling*

S7.2.1 *Hose.* Each air brake hose shall be labeled, or cut from bulk hose that is labeled, at intervals of not more than 6 inches, measured from the end of one legend to the beginning of the next, in block capital letters and numerals at least one-eighth of an inch high, with the information listed in paragraphs (a) through (e). The information need not be present on hose after it has become part of a brake hose assembly or after it has been installed in a motor vehicle.

(a) The symbol DOT, constituting a certification by the hose manufacturer that the hose conforms to all applicable motor vehicle safety standards.

(b) A designation that identifies the manufacturer of the hose, which shall be filed in writing with: Office of Vehicle Safety Standards, Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. The designation may consist of block capital letters, numerals, or a symbol.

(c) The month, day, and year, or the month and year, of manufacture, expressed in numerals. For example, 10/1/74 means October 1, 1974.

(d) The nominal inside diameter of the hose expressed in inches or fractions of inches, or the nominal outside diameter of plastic tubing expressed in inches or fractions of inches followed by the letters OD. (Examples of inside diameter; ⅛, ½ (½SP in the case of ½ inch special air brake hose). Example of outide diameter; ¼ OD.)

(e) The letter "A" shall indicate intended use in air brake systems. In the case of a hose intended for use in a reusable assembly, "AI" or "AII" shall indicate Type I or Type II dimensional characteristics of the hose as described in Table III.

S7.2.2 *End fittings.* Except for an end fitting that is attached by deformation of the fitting about a hose by crimping or swaging, at least one component of each air brake hose fitting shall be etched, embossed, or stamped in block capital letters and numerals at least one-sixteenth of an inch high with the following information:

(a) The symbol DOT, constituting a certification by the manufacturer of that component that the component conforms to all applicable motor vehicle safety standards.

(b) A designation that identifies the manufacturer of that component of the fitting, which shall be filed in writing with: Office of Vehicle Safety Standards, Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. The designation may consist of block capital letters, numerals, or a symbol.

(c) The letter "A" shall indicate intended use in air brake systems. In the case of an end fitting intended for use in a reusable assembly, "AI" or "AII" shall indicate use with Type I or Type II hose, respectively.

(d) The nominal inside diameter of the hose to which the fitting is properly attached expressed in inches or fractions of inches, or the outside diameter of the plastic tubing to which the fitting is properly attached expressed in inches or fractions of inches followed by the letters OD (See examples in S7.2.1(d)).

S7.2.3 *Assemblies.* Each air brake hose assembly made with end fittings that are attached by crimping or swaging, except those assembled and installed by a vehicle manufacturer in vehicles manufactured by him, shall be labeled by means of a band around the brake hose assembly as specified in this paragraph or, at the option of the manufacturer, by means of labeling as specified in S7.2.3.1. The band may at the manufacturer's option be attached so as to move freely along the length of the assembly, as long as it is retained by the end fittings. The band shall be etched, embossed, or stamped in block capital letters, numerals or symbols at least one-eighth of an inch high, with the following information:

(a) The symbol DOT, constituting certification by the hose assembler that the hose assembly conforms to all applicable motor vehicle safety standards.

(b) A designation that identifies the manufacturer of the hose assembly, which shall be filed in writing with: Office of Vehicle Safety Standards, Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. The designation may consist of block capital letters, numerals or a symbol.

S7.2.3.1 At least one end fitting of an air brake hose assembly made with end fittings that are attached by crimping or swaging shall be etched, stamped or embossed with a designation at least one-sixteenth of an inch high that identifies the manufacturer of the hose assembly and is filed in accordance with S7.2.3(b).

6. S7.3.6 is amended by the addition of the parenthetical phrase "(other than a coiled nylon tube for use in an assembly that meets the requirements of § 393.45 of this title)" following the phrase "An air brake hose".

7. S7.3.7 is amended by the addition of the phrase "Except for hose reinforced by wire," at the beginning of the text.

8. To conform with editorial revisions of S5.1, S5.2.2 and S5.2.3, S9.1 is revised to read:

S9.1 *Labeling.*

S9.1.1 *Hose.* Each vacuum brake hose shall be labeled, or cut from bulk hose that is labeled, at intervals of not more than 6 inches, measured from the end of one legend to the beginning of the next, in block capital letters and numerals at least one-eighth of an inch high, with the information listed in paragraphs (a) through (e). The information need not be present on hose after it has become part of a brake hose assembly or after it has been installed in a motor vehicle.

(a) The symbol DOT, constituting a certification by the hose manufacturer that the hose conforms to all applicable motor vehicle safety standards.

(b) A designation that identifies the manufacturer of the hose, which shall be filed in writing with: Office of Vehicle Safety Standards, Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. The designation may consist of block capital letters, numerals or a symbol.

(c) The month, day, and year, or the month and year, of manufacture, expressed in numerals. For example, 10/1/74 means October 1, 1974.

(d) The nominal inside diameter of the hose expressed in inches or fractions of inches, or the nominal outside diameter of plastic tubing expressed in inches or fractions of inches followed by the letters OD (Example of inside diameter: 7/32, ¼. Example of outside diameter: ¼ OD.)

(e) The letters "VL" or "VH" shall indicate that the component is a light-duty vacuum brake hose or heavy-duty vacuum brake hose, respectively.

S9.1.2 *End Fittings.* Except for an end fitting that is attached by heat striking or by interference fit with plastic vacuum hose or that is attached by deformation of the fitting about a hose by crimping or swaging, at least one component of each vacuum brake hose fitting shall be etched, embossed, or stamped in block capital letters and numerals at least one-sixteenth of an inch high with the following information:

(a) The symbol DOT, constituting a certification by the manufacturer of that component that the component conforms to all applicable motor vehicle safety standards.

(b) A designation that identifies the manufacturer of that component of the fitting, which shall be filed in writing with: Office of Vehicle Safety Standards Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. The designation may consist of block capital letters, numerals or a symbol.

(c) The letters "VL" or "VH" shall indicate that the end fitting is intended for use in a light-duty or heavy-duty vacuum brake system, respectively.

(d) The nominal inside diameter of the hose to which the fitting is properly attached expressed in inches or fractions of inches, or the outside diameter of the plastic tubing to which the fitting properly attached expressed inches or fractions of inches followed by the letters OD (See examples in S9.1.1(d)).

S9.1.3 *Assemblies.* Each vacuum brake hose assembly made with end fittings that are attached by crimping or swaging and each plastic tube assembly made with end fittings that are attached by heat shrinking or dimensional interference fit, except those assembled and installed by a vehicle manufacturer in vehicles manufactured by him, shall be labeled by means of a band around the brake hose assembly as specified in this paragraph or, at the option of the manufacturer, by means of labeling as specified in S9.1.3.1. The band may at the manufacturer's option be attached so as to move freely along the length of the assembly, as long as it is retained by the end fittings. The band shall be etched, embossed, or stamped, in block capital letters and numerals at least one-eighth of an inch high, with the following information:

(a) The symbol DOT, constituting certification by the hose assembler that the hose assembly conforms to all applicable motor vehicle safety standards.

(b) A designation that identifies the manufacturer of the hose assembly, which shall be filed in writing with: Office of Vehicle Safety Standards, Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. The designation may consist of block capital letters, numerals or a symbol.

S9.1.3.1 At least one end fitting of a vacuum brake hose assembly made with end fittings that are attached by crimping or swaging, or of a plastic tubing assembly made with end fittings that are attached by heat shrinking or dimensional interference fit shall be etched, stamped or embossed with a designation at least one-sixteenth of an inch high that identifies the manufacturer of the hose assembly and is filed in accordance with S9.1.3(b).

9. S9.2.9 is amended by the addition of the phrase "Except for hose reinforced by wire," at the beginning of the text.

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

Issued: May 17, 1978.

HOWARD J. DUGOFF,
Acting Administrator.

[FR Doc. 78-14342 Filed 5-24-78; 8:45 am]

[4910-59]

[Docket No. 78-06; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Definitions; Correction

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Correction; final rule.

SUMMARY: In FR Doc. 78-5913 appearing at page 9606 in the FEDERAL REGISTER of March 9, 1978, the following changes should be made:

(1) The amendatory language for § 571.108 is corrected to read as follows:

"3. Standard No. 108, Lamps, reflective devices, and associated equipment (49 CFR 571.108), is amended by deleting from paragraph S3 the definition of 'Speed attainable in 1 mile'."

(2) Paragraph 5 amending § 571.121 should be a separate section to read as follows:

"5. Standard No. 122, Motorcycle brake systems (49 CFR 571.122), is amended by deleting from paragraph S4 the definition of 'Speed attainable in 1 mile'."

EFFECTIVE DATE: May 25, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. David Fay, Engineering Systems Staff, National Highway Traffic Safety Administration, Washington, D.C. 20590, 202-426-2817.

(Secs. 102, 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1391, 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on May 19, 1978.

MICHAEL M. FINKELSTEIN,
Acting Associate Administrator for Rulemaking.

[FR Doc. 78-14548 Filed 5-24-78; 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.

[7590-01]

NUCLEAR REGULATORY COMMISSION

[10 CFR Parts 40, 50, 70, 75, and 150]

SAFEGUARDS ON NUCLEAR MATERIAL—IMPLEMENTATION OF US/IAEA AGREEMENT

Proposed Rule

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The United States and the International Atomic Energy Agency have negotiated an agreement which will permit the Agency to apply its safeguards to certain nuclear activities in the United States. The Nuclear Regulatory Commission is considering regulations which would enable the United States to be in compliance with respect to licensed activities, as soon as the agreement enters into force. The implementing regulations include provisions requiring licensees: (1) To submit information concerning their installations, for the use of IAEA; (2) to establish, maintain, and follow prescribed material accounting and control procedures; (3) to provide specific reports; and (4) to permit inspection by IAEA representatives. The proposed rules are being published at this time so that the issuance of final regulations may be accomplished promptly once the Senate gives its consent.

DATE: Comment period expires July 24, 1978.

ADDRESSES: (1) Written comments should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch; (2) the US/IAEA agreement, the document, "Agreement between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America," is available at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Single copies may be obtained without charge by writing to the Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

FOR FURTHER INFORMATION CONTACT:

Mr. L. C. Solem, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, phone 301-443-6936; Mr. James R. Wolf, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, phone 301-492-7437; or Mr. Paul K. Morrow, Office of Nuclear Materials Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, phone 301-427-4004.

SUPPLEMENTARY INFORMATION: The U.S. Nuclear Regulatory Commission (NRC) is considering amending its regulations to implement, with respect to NCR and Agreement State licensees, the Agreement between the United States and the International Atomic Energy Agency (IAEA or Agency) for the Application of Safeguards in the United States of America (hereafter called the Agreement). The amendments include a new proposed 10 CFR part 75, "Safeguards on Nuclear Material—Implementation of US/IAEA Agreement," and conforming amendments to 10 CFR part 40, "Licensing of Source Material," 10 CFR part 50, "Licensing of Production and Utilization Facilities," part 70, "Special Nuclear Material," and 10 CFR part 150, "Exemptions and Continued Regulatory Authority in Agreement States Under Section 274."

The Agreement would enter into force when the U.S. notifies the Agency that its constitutional and statutory requirements have been met. On February 9, 1978, the President submitted the Agreement to the Senate for advice and consent to radification.

The amendments will not be issued as final regulations until the Senate gives its advice and consent to ratification. Thereupon, licensees whose installations are determined by the United States to be eligible for application of safeguards under the Agreement, and identified as such on a list to be provided by the United States to the IAEA, will be required to comply with the proposed regulations. The requirements would not apply to ore processing or to activities at installations which have been determined to have direct national security significance.

The Agreement contemplates that the Agency will be entitled to review certain information for each facility (such as a power reactor or a fuel fabrication facility) on the U.S. eligible installation list so as to define conditions (such as the scope of material balance areas) for the application of safeguards at the particular installation concerned. Licensees would be required to submit the specified information to the Commission when regulations are adopted. At a later date, when the Agreement enters into force, the installation information would be transmitted to the Agency. The Agency would be authorized to send inspectors to verify the information supplied by the NRC about the installation. It is anticipated at that time, pursuant to individual notice from the NRC, licensees would be required to implement their material accounting and control procedures. As installations are selected by the Agency under the Agreement for the application of safeguards, those installations would become subject to IAEA safeguards inspection by Agency representatives.

It should be noted that the regulations reflect not only the provisions of the main body of the Agreement (relating to installations identified by the IAEA for the application of safeguards, including inspection activity), but also the provisions of the Protocol to the Agreement (which relates to other installations on the eligible list and does not include inspection activity), as supplemented, respectively, by proposed Subsidiary Arrangements and Transitional Subsidiary Arrangements.

Certain details of implementation of the Agreement (for example, definition of IAEA material balance areas, codes to be used in reporting the composition of nuclear material, and requirements for emplacing Agency equipment at an installation subject to IAEA safeguards inspection) will be developed on a case-by-case basis. Those details, as agreed to between the Agency and the United States, will be incorporated in a Facility Attachment (to the Subsidiary Arrangements or Transitional Subsidiary Arrangements, as the case may be) for the particular installation. A licensee will be consulted by the Commission during the process of negotiation of the Facility Attachment applicable to his installation. The Commission would be authorized, however, to specify such matters even before the relevant Facility Attachment has been prepared.

BACKGROUND AND AUTHORITY

More than a hundred nations, including the United States, are parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), 21 U.S.T.

483, T.I.A.S. 6839. The NPT sets out the undertaking of the parties "* * * to cooperate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities." In furtherance of this objective * * * "Each non-nuclear-weapon State Party to the Treaty undertakes to accept [IAEA] safeguards * * * for the exclusive purpose of verification of the fulfillment of its obligations assumed under * * * [the] Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices."

Although this requirement does not apply to the United States and other nuclear-weapon parties, at the time the Treaty was signed, July 1, 1968, it was the announced policy of the United States that it would voluntarily accept the application of IAEA safeguards to all its nuclear activities, except those of direct national security significance. This offer, which has been reaffirmed by later Administrations, was first made by President Johnson on December 2, 1967, on the ocassion of the 25th anniversary of the first nuclear chain reaction, when he stated:

> I want to make it clear, very clear, to all the world that we in the United States are not asking any country to accept safeguards that we are unwilling to accept ourselves.
>
> So I am, today, announcing that when such safeguards are applied under the treaty, the United States will permit the International Atomic Energy Agency to apply its safeguards to all nuclear activities in the United States—excluding only those with direct national security significance.
>
> Under this offer, the agency will then be able to inspect a broad range of U.S. nuclear activities, both governmental and private * * *.

In a later Presidential statement it was explained further that the offer was made "in order to encourage the widest possible adherence to the Treaty by demontrating to other nations that they would not be placed at a commercial disadvantage by reason of the application of safeguards under the Treaty."

The offer described above reflects a long-standing policy of cooperation between the United States and the Agency. The International Atomic Energy Agency Participation Act of 1957 provided for the participation of the United States in the Agency "consistent with and in furtherance of the purposes of the Agency set forth in its Statute and the policy concerning the development, use, and control of atomic energy as set forth in the Atomic Energy Act of 1954, as amended," 22 U.S.C. 2022. The Statute of the Agency, 8 U.S.T. 1093, T.I.A.S. 3873, provides that the IAEA is to "* * * seek to accelerate and enlarge the contribution of atomic energy to peace, health, and prosperity throughout the world * * *". Under the Statute, "* * * The Agency is authorized * * * to establish and administer safeguards * * * at the request of a State * * *".

The Commission is required under section 122 of the Atomic Energy Act of 1954, as amended,[1] to give maximum effect to the policies contained in any international arrangement. In light of the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons and the IAEA Statute, as well as the U.S./IAEA Safeguards Agreement, the Commission has the responsibility to implement the Agreement, if ratified, with respect to activities subject to its regulatory authority.

This can be accomplished pursuant to section 161 of the Atomic Energy Act, which authorizes the Commission to:

> b. Establish by rule, regulation, or order, such standards and instructions to govern the possession and use of special nuclear material [or] source material * * * as the Commission may deem necessary or desirable to promote the common defense and security * * *.
>
> i. Prescribe such regulations or orders as it may deem necessary * * * to guard against the loss or diversion of * * * special nuclear material * * * [and] to prevent any use or disposition thereof which the Commission may determine to be inimical to the common defense and security * * *.
>
> o. Require by rule, regulation, or order, such reports, and the keeping of such records with respect to, and to provide for such inspections of, activities * * * under licenses * * * as may be necessary to effectuate the purposes of the Act * * *.
>
> p. Make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary to carry out the purposes of this Act.

Section 3 of the Act declares that it is the purpose of the legislation to effectuate stated policies by providing, among other things, for:

> c. A program for Government control of the possesion, use, and production of atomic energy and special nuclear material, whether owned by the Government or others, so directed as to make the maximum contribution to the common defense and security and the national welfare, and to provide continued assurance of the Government's ability to enter into and enforce agreements with nations or groups of nations for the control of special nuclear materials and atomic weapons.

The application of the proposed regulations to Agreement State licensees is in conformity with section 274m. of the Act, which preserves the authority of the Commission "* * * to issue * * * regulations * * * to protect the common defense and security * * * or to guard against the loss or diversion of special nuclear material."

[1]The regulatory functions of the Atomic Energy Commission were transferred to the Nuclear Regulatory Commission by sec. 201(f) of the Energy Reorganization Act of 1974.

Analysis

General provisions

The regulations contained in 10 CFR part 75 would apply to persons licensed to possess source or special nuclear material at "installation". The term "installation" includes a production facility or utilization facility as defined in the Act and the Commission's regulations, a uranium hexafluoride production plant, a fuel fabrication plant, and any other location where the possession of more than one effective kilogram of nuclear material is authorized by a license issued by NRC or an Agreement State. The term also includes a critical facility, which is a "utilization facility" under NRC regulations.

The exclusion of ore processing operations conforms to standard IAEA safeguards practices. The exclusion of activities of direct national security significance reflects the condition announced at the time of the original offer by the United States; the Executive Branch will indicate, through the listing of eligible installations, those installations which will be eligible for Agency safeguards and which are therefore not of direct national security significance to the United States.

As is the case with many parts of the Commission's regulations, provision is made for granting exemptions in appropriate situations. One circumstance which might justify the exercise of this authority is that the application of the proposed regulations would result in burdens upon licensees that go beyond safeguards requirements in non-nuclear-weapon States. (Article 3(c) of the Agreement.) An exemption would only be granted upon a finding that the action is authorized by law, consistent with the Agreement, not inimical to the common defense and security and otherwise in the public interest.

The definition of "effective kilogram", as applied to possession of uranium-233, retains the definition contained in existing NRC regulations instead of the one provided in Article 90G of the Agreement. In the unlikely event that use of this definition would impose duties upon persons that would not otherwise be called for under the Agreement, an exemption may be granted under § 75.3.

Installation information

The scope of the required information is adapted primarily from Articles 43 and 46 of the Agreement and Articles 6 and 9 of the Protocol. Under these provisions, the IAEA has the right, which it is expected to exercise, to have this information provided for all facilities on the U.S. eligible list. Licensees who are subject to the regulations may be required to provide the information to the Commission within

45 days after being requested by the Commission. (It is contemplated that such a request would be made to existing licensees following promulgation of the regulations as effective final rules.)

Under the Agreement, the Agency is to require only the minimum amount of information needed to fulfill its responsibilities and must take every precaution to protect commercial and industrial secrets or any other confidential information coming to its knowledge, and must examine on premises of the United States (without physical transmission to the IAEA) installation information considered by the United States to be particularly sensitive. The proposed regulations would allow a licensee to request that sensitive information be withheld from being transmitted physically to the Agency. The information would be withheld while such a request is considered. The Director, Office of Nuclear Reactor Regulation (for all nuclear power plants and non-power reactor installations) or Director, Office of Nuclear Material Safety and Safeguards (for other installations) would ordinarily rule upon requests pertaining to sensitive information, but, if appropriate, could refer a specific matter to the Commission for direction. The decision would reflect an effort to achieve an effective balance between legitimate concerns of licensees, including protection of competitive positions, and the undertaking of the United States to cooperate to facilitate the implementation of the safeguards provided for in the Agreement.

MATERIAL ACCOUNTING AND CONTROL

The provisions relating to material accounting and control are adapted primarily from Articles 32, 51, 54, 55, and 56 of the Agreement and Articles 13, 16, 17, and 18 of the Protocol. Licensees subject to the regulations would be required to describe their procedures in the information submitted to the Commission and then to maintain and follow such procedures. The Commission may require modifications in the procedures, where necessary to conform to the Agreement; such required modifications would be communicated to the licensee in writing.

The Commission anticipates that, for most purposes, the program already undertaken by a special nuclear material licensee who is subject to the material accounting and control procedures described in §§ 70.51(e), 70.57, and 70.58 of the Commission's regulations (10 CFR 70.51(e), 70.57, and 70.58) will satisfy the corresponding requirements of the proposed 10 CFR part 75. Some program adjustments may be required, however, especially with respect to the identification to Agency material balance areas and the need to account for materials on the basis of individual batches.

REPORTS

The proposed reporting requirements are adapted primarily from Articles 60 through 66 of the Agreement and Articles 21 through 25 of the Protocol. The initial and routine accounting reports are to be submitted on prescribed Forms DOE/NRC-741, Nuclear Material Transaction Report and DOE/NRC-742, Material Status Report, which have been revised and will be revised further, as necessary, to conform to the provisions of the Agreement. The reporting requirements, which are applicable to source material licensees as well as special nuclear material licensees, will not be implemented until the licensee is given appropriate individual notice. In some cases, arrangements with respect to the installation concerned may have been negotiated between the United States and the Agency, and formalized in the form of facility attachments to the Subsidiary Arrangements or Transitional Subsidiary Arrangements, before notice to initiate reports is issued. However, if Agency material balance areas have not been defined, the initial report to the Commission would list material, by Reporting Identification Symbol (RIS), on an installation-wide basis.

The circumstances requiring a special report are in some respects broader than those set forth in the Commission's present special nuclear material regulations. A report is required not only when there has been an actual loss or possible unlawful diversion, but also whenever there may have been a loss of material associated with any unusual incident or circumstances and whenever there occurs an impairment of containment that would allow unauthorized removal of material. Special reports are to be communicated to the appropriate Regional Office of the NRC Office of Inspection and Enforcement.

INSTALLATIONS DESIGNATED FOR AGENCY SAFEGUARDS

Only those installations which from time to time have been identified by the Agency for safeguards application under Article 2(b) of the Agreement, and which are covered specifically by Subsidiary Arrangements as provided by Article 39, are subject to IAEA safeguards inspections. (Installations to be covered by Transitional Subsidiary Arrangements requirements of the Protocol are not subject to inspection but may be visited by Agency representatives for purposes related to verification of installation information.) Inspections of Agency-designated installations may be scheduled or unannounced, as provided by Article 9(c) of the Agreement, but will be arranged so as to reduce to a minimum the possible inconvenience and disturbance to the licensees' activities and so as to ensure protection of industrial secrets or any other confidential information coming to the inspectors' knowledge.

Generally, the NRC reporting requirements are the same for installations designated for safeguards application as for those not so designated. With respect to the former, however, advance notification of certain transfers is required so as to allow the Agency to verify imports or exports (pursuant to Article 89(a)) and withdrawals (Article 12(a)). Advance notification is not necessary for imports of material not safeguarded previously under prior arrangements with the Agency (including yellowcake which is to be converted into uranium hexafluoride).

The identification of specific installations that will be subject to safeguards, and therefore to inspections, is a matter to be decided by the Agency. Under Article 2(c) of the Agreement, however, the Agency will proceed in a manner which the Agency and the United States mutually agree takes into account constitutional or statutory requirements to avoid discriminatory treatment as between commercial firms similarly situated. It is expected that with respect to each class of installation (e.g., power reactors, fuel fabrication plants, etc.) selection will be on a rotating basis and will involve installations of advanced design incorporating new technology and those which are sensitive in terms of international competition.

The designation of a particular installation for Agency safeguards application wil be communicated to the licensee by notice from the Commission. The notice to nuclear power plants and non-power reactors installations will be issued by the Director, Office of Nuclear Reactor Regulations. The notice to all other installations will be by the Director, Office of Nuclear Material Safety and Safeguards.

Under Article 14 of the Agreement, the Agency will reimburse the licensee for certain expenses incurred in connection with inspection activities. Specific cost items to be borne by the Agency will be enumerated in the applicable Facility Attachment.

ENFORCEMENT

The purpose of proposed § 75.51 is to provide a clear basis for enforcement or other administrative action where appropriate.

Agreement State licensees would be subject to Commission enforcement orders, as well as injunctions and criminal penalties as provided by the Atomic Energy Act, but would not be subject to license modification, suspension, or revocation as such.

PARTS 40, 50, AND 70 AMENDMENTS

The amendments to Parts 40, 50, and 70 provide the means for the Commission and the IAEA to obtain necessary information during construction of nuclear reactors or other installations. In each case, failure to furnish the required information sufficiently far in advance may be grounds for denial of a license, or delay in issuance of a license. This would result, in the case of source material license applications, by virtue of the Commission's inability to make the finding, under 10 CFR 40.32(d), that "The issuance of the license will not be inimical to the common defense and security * * *". The same result would obtain in the case of facility operating licenses and special nuclear material licenses by virtue of the provisions of 10 CFR 50.40(c) and 10 CFR 70.31(d), respectively.

The principle being applied in each instance is that adherence to the Agreement contributes to the common defense and security by encouraging universal adherence to an effective nuclear safeguards system. It is vital, if the safeguards are to be effective, that the control procedures be in force before nuclear material is received. The proposed amendments would serve this purpose in the United States and would thereby encourage other countries to furnish needed information during construction, with the result that the worldwide safeguards system will be strengthened.

PART 150 AMENDMENTS

Under Section 274m. of the Atomic Energy Act, the agreement entered into between the Commission and the Governor of any State providing for the discontinuance of Commission regulatory authority does not "* * * affect the authority of the Commission under subsection 161 b. or i. (of the Act) to issue rules, regulations, or orders to protect the common defense and security * * *". The Commission would set forth here, as it has with respect to certain other matters, the nature and extent of the Commission's continued authority in the Agreement States.

ENVIRONMENTAL ASSESSMENT

The Department of State has been designated as lead agency under the National Environmental Policy Act of 1969 for environmental review related to the Agreement. The Department has completed an environmental impact appraisal and has determined that implementation of the Agreement will not affect significantly the human environment and that an impact statement is not required. The Commission concurs with this determination. The regulations that are the subject of this notice are administrative and procedural and give rise to no substantive and significant environmental impacts other than those flowing directly from the Agreement itself. Accordingly, there has been no separate environmental impact appraisal for the rules that are now being proposed.

NOTICE

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following new 10 CFR Part 75 and amendments to 10 CFR Parts 40, 50, 70, and 150 are contemplated. All interested persons who desire to submit written comments or suggestions in connection with the proposed amendments should submit them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Docketing and Service Branch, by July 24, 1978.

Copies of comments regarding the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

It is proposed to amend 10 CFR Chapter I as follows:

PART 40—LICENSING OF SOURCE MATERIAL

1. The citation of authority is amended by adding a new paragraph as follows:

AUTHORITY: * * * Section 40.31(g) also issued under sec. 122, 68 Stat. 939, (42 U.S.C. 2152).

2. Section 40.4 is amended by adding paragraph (p) as follows:

§ 40.4 Definitions.

* * * * *

(p) "Effective kilogram" means (1) for the source material uranium in which the uranium isotope uranium-235 is greater than 0.005 weight percent (0.5%) of the total uranium present: 10,000 kilograms, and (2) for any other source material: 20,000 kilograms.

3. Section 40.31 is amended by adding paragraph (g) as follows:

§ 40.31 Application for specific licenses.

* * * * *

(g) An applicant for a license to possess and use source material in a uranium hexafluoride production plant or a fuel fabrication plant and any other applicant for a license to possess and use more than one effective kilogram of source material (except for ore processing, as defined in § 75.4(1) of this chapter) should file with the Commission, at least 9 months prior to the date when the applicant desires to receive such source material (or earlier upon request by the Commission), the installation information described in § 75.11 of this chapter; and the applicant shall permit verification by the International Atomic Energy Agency and take such other action as may be necessary to implement the US/IAEA Safeguards Agreement, in the manner set forth in §§ 75.6, 75.11–75.14 of this chapter. The Commission will grant an exemption from this provision, upon application, if it determines that the installation will not be included on the United States eligible list.

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

4. The citation of authority is amended by inserting the following new sentence between the existing first and second sentences:

AUTHORITY: * * * Section 50.78 also issued under sec. 122, 68 Stat. 939, 42 U.S.C. 2152.

5. The last sentence of the citation of authority is amended by inserting the phrase "and § 50.78" between the words "§§ 50.70–50.71" and "issued under sec. 161o.".

6. Section 50.78, "Installation information and verification," with accompanying caption, is added to read as follows:

US/IAEA SAFEGUARDS AGREEMENT

§ 50.78 Installation information and verification.

Each holder of a construction permit shall, if so requested by the Commission, submit installation information, permit verification by the International Atomic Energy Agency, and take such other action as may be necessary to implement the Safeguards Agreement, in the manner set forth in §§ 75.6, 75.11–75.14 of this chapter.

PART 70—SPECIAL NUCLEAR MATERIAL

7. The citation of authority is amended by adding the following sentence:

AUTHORITY: * * * section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152).

8. Section 70.21 is amended by adding paragraph (g) as follows:

§ 70.21 Filing.

* * * * *

(g) An applicant for a license to possess and use more than one effective kilogram of special nuclear material should file with the Commission, at least 9 months prior to the date when the applicant desires to receive such special nuclear material, the installation information described in § 75.11 of

this chapter; and the applicant shall permit verification by the International Atomic Energy Agency and take such other action as may be necessary to implement the US/IAEA Safeguards Agreement, in the manner set forth in §§ 75.6, 77.11–75.14 of this chapter. The Commission will grant an exemption from this provision, upon application, if it determines that the installation will not be included on the United States eligible list.

PART 75—SAFEGUARDS ON NUCLEAR MATERIAL—IMPLEMENTATION OF US/IAEA AGREEMENT

9. A new Part 75 is added to read as follows:

GENERAL PROVISIONS

Sec.
75.1 Purpose.
75.2 Scope.
75.3 Exemption.
75.4 Definitions.
75.5 Interpretations.
75.6 Delivery of information, reports, and other communications.
75.7 Agency representatives.

INSTALLATION INFORMATION

75.11 Installation information.
75.12 Communication of information to the Agency.
75.13 Verification.
75.14 Supplemental information.

MATERIAL ACCOUNTING AND CONTROL

75.21 General requirements.
75.22 Accounting records.
75.23 Operating records.
75.24 Retention of records.

REPORTS

75.31 General requirements.
75.32 Initial report.
75.33 Accounting reports.
75.34 Inventory change reports.
75.35 Material balance reports.
75.36 Special reports.
75.37 Disclosure of reports to Agency.

INSTALLATIONS DESIGNATED FOR AGENCY SAFEGUARDS

75.41 Designation.
75.42 Inspections.
75.43 Circumstances requiring advance notification.
75.44 Timing of advance notification.
75.45 Content of advance notification.
75.46 Agency seals on nuclear material.
75.47 Expenses.

ENFORCEMENT

75.51 Violations.

AUTHORITY: Secs. 53, 63, 122, 161, Pub. L. 83-703, 68 Stat. 930, 932, 939, 948 as amended (42 U.S.C. 2073, 2093, 2152, 2201); Sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841).

For purposes of Sec. 223, Pub. L. 83-703, 68 Stat. 958, as amended (42 U.S.C. 2273), the provisions of this part issued under Sec. 161o., Pub. L. 83-703, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

GENERAL PROVISIONS

§ 75.1 Purpose.

This part establishes a system of nuclear material accounting and nuclear material control to implement, with respect to NRC and Agreement State licensees, the Agreement between the United States and the International Atomic Energy Agency (IAEA) for the Application of Safeguards in the United States.

§ 75.2 Scope.

(a) Except as provided in § 75.3, the requirements in this part apply to all persons licensed by the Commission or Agreement States to possess source or special nuclear material at an installation, as defined herein, on the United States eligible list.

(b) The United States eligible list is a list of installations eligible for IAEA safeguards under the US/IAEA Safeguards Agreement which the Secretary of State or his designee files with the Commission, a copy of which shall at all times be available for inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. In accordance with the provisions of the Agreement, there will be excluded from the United States eligible list:

(1) Activities having direct national security significance.

(2) Mining and ore processing activities.

§ 75.3 Exemptions.

The Commission may, upon application of any interested person or upon its own initiative, grant exemptions from the requirements of this part that it determines are authorized by law and consistent with the Agreement, are not inimical to the common defense and security, and are otherwise in the public interest.

§ 75.4 Definitions.

As used in this part:

(a) Unless otherwise defined below, the terms defined in § 40.4, § 50.2, and § 70.4 of this chapter have the same meaning when used in this part.

(b) "Agency" means the International Atomic Energy Agency (IAEA) or its duly authorized representatives.

(c) "Agreement," except as used in the term "Agreement State," means the Agreement between the United States and the Agency for the Application of Safeguards in the United States, including the Protocol thereto.

(d) "Agreement State" as designated in Part 150 of this chapter means any State with which the Commission has entered into an effective agreement under subsection 274b. of the Act.

(e) "Batch" means a portion of nuclear material handled as a unit for accounting purposes at a key measurement point and for which the composition and quantity are defined by a single set of specifications or measurements. The nuclear material may be in bulk form or contained in a number of separate items.

(f) "Containment" means:

(1) The application of any devices designed to limit the mobility of nuclear material, the access of personnel, and the unauthorized operation of equipment such as transfer valves and sampler lines; and

(2) Structural elements, including the design of buildings and layout of equipment, which minimize and control access to nuclear material.

(g) "Effective kilogram" means a unit used in safeguarding nuclear material. The quantity is:

(1) For special nuclear material: The amount specified in § 70.4(t) of this chapter.

(2) For source material: The amount specified in 40.4(p) of this chapter.

(h) "IAEA material balance area" means an area established for IAEA accounting purposes, such that:

(1) The quantity of nuclear material in each transfer into or out of each material balance area can be determined; and

(2) The physical inventory of nuclear material in each material balance area can be determined when necessary in accordance with specified procedures.

(i) "Installation" means:

(1) A production facility or utilization facility as defined in § 50.2 of this chapter;

(2) A uranium hexafluoride production plant;

(3) A fuel fabrication plant; and

(4) Any location where the possession of more than one effective kilogram of nuclear material is authorized pursuant to Parts 40 or 70 of this chapter, or pursuant to an Agreement State license.;

(j) "Key measurement point" means a location where nuclear material appears in such a form that it may be measured to determine material flow or inventory. Key measurement points thus include, but are not limited to the inputs and outputs (including measured discards) and storages in material balance areas.

(k) "Nuclear material" means any source material or any special nuclear material.

(l) "Ore processing" means uranium milling and other procedures for producing U_3O_8 from uranium ore or from uranium concentrates produced as a byproduct from phosphate production plants.

(m) "Surveillance" means human or instrumental monitoring of plant activities to detect nuclear material movement.

(n) "United States eligible list" means the list of installations described in § 75.2.

§ 75.5 Interpretations.

Except as authorized specifically by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

§ 75.6 Delivery of information, reports, and other communications.

(a) All information and reports required to be submitted pursuant to the provisions of this part, and other communications concerning these regulations, shall be delivered as follows:

Item	Section	Manner of delivery
Installation information	75.11	To the cognizant director.
Sensitive information	75.12	Do.
Supplemental information	75.14	Do.
Initial report	75.32	In accordance with printed instructions for preparation of form DOE/NRC-742.
Inventory change reports	75.34	In accordance with printed instructions for preparation of form DOE/NRC-741.
Material balance reports (and statement of the physical inventory).	75.35	In accordance with printed instructions for preparation of form DOE/NRC-742.
Special reports	75.36	To the regional office of the NRC Office of Inspection and Enforcement listed in app. A of pt. 73 of this chapter for the region in which the installation is located.
Transfers (advance notification)	75.43	Do.
Delays	75.44	Do.
Other communications		To the cognizant director.

(b) If an installation is a nuclear power plant or a non-power reactor for which a construction permit or operating license has been issued (and without regard to the issuance of licenses to receive and possess nuclear material at the installation), the cognizant Director is the Director, Office of Nuclear Reactor Regulation. For all other installations, the cognizant Director is the Director, Office of Nuclear Material Safety and Safeguards.

(c) Communications to the Directors, Office of Nuclear Material Safety and Safeguards or Office of Nuclear Reactor Regulation, may be delivered by mail, addressed to such Director at the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, or may be addressed to such Director and delivered in person at the Commission's offices 1717 H Street NW., Washington, D.C., or 7920 Norfolk Avenue, Bethesda, Md.

§ 75.7 Agency representatives.

Each licensee subject to the provisions of this part shall recognize as a duly authorized representative of the Agency any person bearing Agency credentials who is either accompanied by a Commission inspector or whose credentials have been confirmed in writing or by phone by the Commission.

INSTALLATION INFORMATION

§ 75.11 Installation information.

(a) Each licensee subject to the provisions of this part shall submit to the Commission, within 45 days after written request is made by the Commission, the following information with respect to any installation in which the licensee carries out licensed activities:

(1) The identification of the installation, stating its general character, purpose, nominal capacity (thermal power level, in the case of power reactors), and geographic location, and the name and address to be used for routine purposes;

(2) A description of the general arrangement of the installation with reference, to the extent feasible, to the form, location and flow of nuclear material and to the general layout of important items of equipment which use, produce or process nuclear material;

(3) A description of features of the installation relating to material accounting, containment and surveillance; and

(4) A description of the existing and proposed procedures at the installation for nuclear material accounting and control, with special reference to material balance areas established by the licensee, measurement of flow and procedures for physical inventory taking.

(b) Each licensee shall thereafter submit to the Commission information with respect to any modification or change at the installation affecting the information described in paragraph (a) of this section. Such information shall be submitted:

(1) With respect to a modification or change which will necessitate a change in a license condition or technical specification or which will decrease the effectiveness of the material accounting and control procedures, at least 70 days before the modification or change is scheduled to be completed;

(2) With respect to any other modification or change, at the time the first inventory change report is submitted after the modification or change is completed.

(c) The information specified in paragraphs (a) and (b) of this section shall be prepared on forms supplied by the Commission and shall be detailed sufficiently to enable the Agency to make determinations in a knowledgeable manner.

(d) The Agency determinations referred to in this section are:

(1) Identification of the features of installations and nuclear material relevant to the application of safeguards to nuclear material in sufficient detail to facilitate verification;

(2) Determination of IAEA material balance areas to be used for Agency accounting purposes and selection of those stragegic points which are key measurement points and which will be used to determine flow and inventory of nuclear material;

(3) Establishment of the nominal timing and procedures for taking of physical inventory of nuclear material for Agency accounting purposes;

(4) Establishment of the records and reports requirements and records evaluation procedures;

(5) Establishment of requirements and procedures for verification of the quantity and location of nuclear material; and

(6) Selection of appropriate combinations of containment and surveillance methods and techniques at the strategic points at which they are to be applied.

§ 75.12 Communication of information to the Agency.

(a) Except as otherwise provided in this section, the Commission will furnish to the Agency all information submitted in accordance with §§ 75.11 and 75.14.

(b)(1) A licensee may request that information of particular sensitivity, which it claims to be commercial or financial information within the meaning of §9.5(a)(4) of this chapter, not be transmitted physically to the Agency. A licensee who makes such a request should, at the time the information is submitted, identify the pertinent document or part thereof and make a full statement of the reasons supporting its request.

(2) In deciding upon such a request, it is the policy of the Commission to achieve an effective balance between legitimate concerns of licensees, including protection of competitive positions, and the undertaking of the United States to cooperate to facilitate the implementation of the safeguards provided for in the Agreement. In

reaching a decision, the Commission will take into account the obligation of the Agency to take every precaution to protect commercial and industrial secrets and other confidential information coming to its knowledge in the implementation of the Agreement.

(3) If a request is denied, the Commission will notify the applicant with a statement of reasons. The notice of denial will specify a time, not less than ten (10) days after the date of the notice, when the information will be transmitted physically to the Agency.

(4) If a request is granted, the Commission will determine a location where the information will remain readily available for examination by the Agency, and will so inform the licensee.

(c) A request made under § 2.790(b) of this chapter, will not be treated as a request under this section unless the application makes specific reference to this section, nor shall a determination to withhold commercial or financial information from public disclosure necessarily require a determination that such information not be transmitted physically to the Agency.

§ 75.13 Verification.

Each licensee subject to the provisions of this part shall afford to the Agency, at all reasonable times, opportunity to visit the installation to verify the installation information.

§ 75.14 Supplemental information.

(a) At the time information is submitted in accordance with § 75.11, and promptly whenever changes are made, each licensee subject to the provisions of this part shall submit to the Commission:

(1) Information on organizational responsibility for material accounting and control, including information with respect to separation of functions to provide internal checks and balances.

(2) Health and safety rules to be observed by the Agency inspectors at the installation.

(b) A submission hereunder shall indicate, by reference to this section or other explicit statement, that the information is being supplied for purposes of implementation of the US/IAEA Safeguards Agreement.

Material Accounting and Control

§ 75.21 General requirements.

(a) Each licensee subject to the provisions of this part shall establish, maintain and follow written material accounting and control procedures as provided in this section.

(b) The procedures shall be based on a structure of IAEA material balance areas and, with respect to each batch of nuclear material, shall provide for measurements of flow and inventory taking at key measurement points.

(c) The procedures and the IAEA material balance areas shall be those communicated in writing by the Commission to the licensee, based upon Agency determinations. In the absence of such communication, and to the extent that any such communication may be incomplete, the licensee shall employ the procedures described by him in the information submitted under § 75.11 except that he may treat the entire installation as a single IAEA material balance area unless he has received specific directions to the contrary.

(d) The material accounting and control procedures required by this section shall include:

(1) A measurement system for the determination of the quantities of nuclear material received, produced, shipped, lost or otherwise removed from inventory, and the quantities on inventory;

(2) The evaluation of precision and accuracy of measurements and the estimation of measurement uncertainty;

(3) Procedures for identifying, reviewing and evaluating differences in shipper/receiver measurements;

(4) Procedures, including frequency, for taking a physical inventory;

(5) Procedures for the evaluation of accumulations of unmeasured inventory and unmeasured losses;

(6) Maintenance of accounting and operating records.

(e) The licensee shall implement the procedures required by this section as soon as the Commission gives the licensee notice requiring it to do so.

(f) The requirements of this section are in addition to any other requirements, including those set forth in § 70.51(e), § 70.57, and § 70.58 of this chapter, that may apply to the licensee.

§ 75.22 Accounting records.

(a) The accounting records required by § 75.21 shall include, for each IAEA material balance area:

(1) All inventory changes, so as to permit a determination of the book inventory at any time;

(2) All measurement results that are used for determination of the physical inventory; and

(3) All adjustments and corrections that have been made in respect to inventory changes, book inventories and physical inventories.

(b) The records shall show, for each batch of nuclear material: material identification, batch data and source data. The "batch data" means a separate listing of the total weight of each element of nuclear material, including isotopic composition for special nuclear material, with plutonium and enriched uranium measured in grams and natural or depleted uranium and thorium measured in kilograms. The "source data" are the data recorded to generate the batch data.

(c) For each inventory change the records shall show the date of the inventory change and, when appropriate, the originating material balance area, the receiving material balance area, or the recipient.

§ 75.23 Operating records.

The operating records required by § 75.21 shall include, for each IAEA material balance area:

(a) Those operating data which are used to establish changes in the quantities and composition of nuclear material;

(b) The data obtained from the calibration of tanks and instruments and from sampling and analyses, the procedures employed to control the quality of measurements, and the derived estimates of random and systematic error;

(c) A description of the sequence of the actions taken in preparing for, and in taking, a physical inventory, to ensure that it is correct and complete; and

(d) A description of the actions taken to ascertain the magnitude and cause of any accidental or unmeasured loss that might occur.

§ 75.24 Retention of records.

The records referred to in §§ 75.22 and 75.23 shall be retained by the licensee for at least five years.

Reports

§ 75.31 General requirements.

Each licensee subject to the provisions of this part shall make an initial report, and thereafter shall make accounting and special reports. Such reports shall be based on the records kept in accordance with § 75.21. At the request of the Commission, the licensee shall amplify or clarify any report with respect to any matter relevant to implementation of the Agreement; such amplification or clarification shall be in writing and shall be submitted within twenty (20) days or such other time as may be specified in the Commission's request.

§ 75.32 Initial report.

(a) The initial reporting date shall be the last day of the calendar month in which the Commission gives the licensee notice that an initial report is required.

(b) The initial report, to be submitted to the Commission on Form DOE/NRC-742, Material Status Report, in accordance with printed instructions for completing the form, shall list, by batch and IAEA material balance area, the quantities of nuclear material contained in or at an installation as of the initial reporting date.

(c) The initial report shall be dispatched within twenty (20) days after the initial reporting date.

§ 75.33 Accounting reports.

(a) The accounting reports for each IAEA material balance area shall consist of (1) inventory change reports showing all changes in the inventory of nuclear material and (2) material balance reports showing the material balance based on a physical inventory of nuclear material actually present.

(b) The reports shall be based on data available as of the date of reporting and may be corrected at a later date, as required.

§ 75.34 Inventory change reports.

(a) Inventory change reports, to be submitted on Form DOE/NRC-741, Nuclear Material Transaction Report, and prepared in accordance with printed instructions for completing the form, shall specify identification and batch data for each batch of nuclear material, the date of the inventory change, and, as appropriate, the originating material balance area and the receiving material balance area or the recipient.

(b) Inventory change reports, when appropriate, will be accompanied by concise notes (in the Miscellaneous block of Form DOE/NRC-741):

(1) Explaining the inventory changes on the basis of the operating records provided for under § 75.23; and

(2) Describing the anticipated operational program for the installation, including the schedule for taking physical inventory and such other items related to the Agreement as may specifically be requested by the Commission.

(c) Inventory change reports shall be completed and distributed as soon as possible after the inventory change occurred or is established.

§ 75.35 Material balance reports.

(a) Material balance reports, to be submitted on Form DOE/NRC-742, Material Status Report, and prepared in accordance with printed instructions for completing the form, shall include the following entries:

(1) Beginning physical inventory;

(2) Inventory changes (first increases, then decreases);

(3) Ending book inventory;

(4) Shipper/receiver differences;

(5) Adjusted ending book inventory;

(6) Ending physical inventory; and

(7) Inventory difference (material unaccounted for).

A statement of the physical inventory, listing all batches separately and specifying material identification and batch data for each batch, shall be attached to each material balance report.

(b) Material balance reports shall be dispatched as soon as possible and in any event within twenty (20) days after the physical inventory has been taken.

§ 75.36 Special reports.

Special reports shall be made immediately to the Director of the NRC Regional Office, by telephone if:

(a) Any unusual incident or circumstances indicate that there is or may have been loss of nuclear material covered by the applicable license; or

(b) The containment has changed from that specified in the license to the extent that unauthorized removal of nuclear material has become possible.

§ 75.37 Disclosure of reports to Agency.

The Commission may communicate to the Agency any reports submitted to it under the provisions of this part or any information contained in such reports.

INSTALLATIONS DESIGNATED FOR AGENCY SAFEGUARDS

§ 75.41 Designation.

The Commission, by written notice, will designate those installations which, in accordance with identifications made from time to time by the IAEA, are subject to the application of Agency safeguards.

§ 75.42 Inspections.

(a) Each licensee who has been given notice, pursuant to § 75.41, shall afford to the Agency at all reasonable times opportunity to inspect its designated installation.

(b) Each licensee shall permit the Agency, in conducting any such inspections, to:

(1) Examine the records kept pursuant to § 75.21;

(2) Observe that the measurements of nuclear material at key measurement points for material balance accounting are representative;

(3) Verify the functioning and calibration of instruments and other measuring control equipment.

(4) Observe that samples at key measurement points for material balance accounting are taken in accordance with procedures which produce representative samples, to observe the treatment and analysis of the samples, and to obtain duplicates of such samples;

(5) Use the Agency's own equipment for independent measurement and surveillance; and

(6) Take other actions contemplated by the Agreement, as evidenced by written notice from the Commission, including for example:

(i) Installation of Agency equipment for measurement and surveillance; and

(ii) Application of Agency seals and other identifying and tamper-indicating devices to containments.

(c) Each licensee shall, at the request of an Agency inspector:

(1) Analyze the Agency's analytical standards; and

(2) Ship samples taken for the Agency's use, in accordance with applicable packaging and export licensing regulations, by the method of carriage and to the address specified by the inspector.

(d) Nothing in this section shall be deemed to require or authorize the licensee to carry out any operation that would otherwise constitute a violation of the terms of any applicable license, regulation or order of the Commission.

§ 75.43 Circumstances requiring advance notification.

(a) Each licensee who has been given notice, pursuant to § 75.41, shall give advance written notification to the Commission with respect to the international and domestic transfers specified in this section.

(b) *Exports.* Notification is required with respect to any export of nuclear material for peaceful purposes, in an amount exceeding one effective kilogram directly or indirectly to any non-nuclear-weapon state (as referred to in Article III(2) of the Treaty on the Non-Proliferation of Nuclear Weapons, 21 U.S.T. 483). If the licensee anticipates that it will make two or more shipments for peaceful purposes, within any period of 90 days, directly or indirectly to destinations in the same non-nuclear-weapon state, notification is required with respect to each shipment if the aggregate quantity of nuclear material to be transferred exceeds one effective kilogram.

(c) *Imports.* (1) Notification is required (to the fullest extent possible on the basis of available information) with respect to nuclear material which immediately prior to export is subject to safeguards, under an agreement with the Agency, in the country from which the material, directly or indirectly, is being exported. Such notification is only required, however, if the quantities of nuclear material are as specified in paragraph (c)(2) of this section.

(2) Notification is required with respect to any import of nuclear material of the character described in paragraph (c)(1) of this section in an amount exceeding one effective kilogram. Also, if the licensee anticipates that it will receive two or more shipments of nuclear material of that character, within any period of 90 days, from points of origin in the same country, notification is required with respect to each shipment if the aggregate quantity of such nuclear material to be received exceeds one effective kilogram.

(d) *Domestic transfers.* Notification is required with respect to any transfer of nuclear material in the United States other than:

(1) Transfers to installations on the United States eligible list; and

(2) Transfers of small quantities in the form of samples containing less

than 0.01 effective kilogram per sample.

§ 75.44 Timing of advance notification.

(a) Except as provided in paragraph (b) of this section, notification to the Commission, where required by § 75.43, shall be given:

(1) In the case of exports and domestic transfers, at least twenty days in advance of the preparation of the nuclear material for shipment from the installation.

(2) In the case of imports, at least twelve days in advance of the unpackaging of nuclear material at the installation.

(b) For a particular receipt or shipment of nuclear material, the Commission may approve a shorter notice period than that specified by paragraph (a) of this section.

(c) The licensee shall inform the Commission, by phone, as soon as possible, with respect to any delay in the receipt (or unpackaging) or the shipment (or preparation for shipment) of nuclear material for which advance notification is required. New dates should be provided, if known.

§ 75.45 Content of advance notification.

(a) The notifications required by § 75.43 shall include the weight of nuclear material being received or shipped, the chemical and isotopic composition and physical form, the estimated date and place at the reporting installation where the nuclear material is to be unpackaged or prepared for shipment (and where the quantity and composition can be verified), the applicable IAEA material balance area at the reporting installation, the approximate number of items to be received or shipped, and the probable dates of receipt or shipment. The notification shall indicate that the information is being supplied pursuant to § 75.43.

(b) The notifications required with respect to exports and imports shall also include:

(1) If available, a general description of containers (including, in the case of exports, features that would permit sealing);

(2) Destination of export or origin of import (by country and, if known, place);

(3) Means of transport; and

(4) Expected date and place of arrival in the destination country (for exports or in the United States (for imports).

§ 75.46 Agency seals on nuclear material.

A licensee who has been given notice, pursuant to § 75.41 shall not break an Agency seal on any nuclear material except at the time such nuclear material is being unpackaged.

§ 75.47 Expenses.

(a) Under the Agreement, the Agency undertakes to reimburse a licensee, who has been given notice, pursuant to § 75.41 for extraordinary expenses incurred as a result of a specific request by an Agency inspector: *Provided*, That the Agency has agreed in advance to do so. The Agreement also contemplates that in any case the Agency will bear at least the direct and resonable cost of making additional measurements or taking samples at the specific request of an Agency inspector.

(b) The advance agreement of the Agency to reimburse the licensee for certain categories of expenses may be set forth in written notice from the Commission to the licensee.

(c) The Commission will take such action as it finds to be appropriate to assist the licensee with respect to the reimbursement of any expense which, under the Agreement, is to be borne by the Agency.

ENFORCEMENT

§ 75.51 Violations.

(a) An injunction or other court order may be obtained prohibiting any violation of any provision of the Atomic Energy Act of 1954, as amended, or title II of the Energy Reorganization Act of 1974, or any regulation or order issued thereunder. A court order may be obtained for the payment of a civil penalty imposed pursuant to section 234 of the Act for violation of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Act, or section 206 of the Energy Reorganization Act of 1974, or any rule, regulation, or order issued thereunder, or any term, condition, or limitation of any license issued thereunder, or for any violation for which a license may be revoked under section 186 of the Act. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

(b) The Commission may issue such orders to secure compliance with the provisions of this part or to prohibit any violation of such provisions as may be proper to protect the common defense and security. Enforcement actions, including proceedings instituted with respect to Agreement State licensees, will be conducted in accordance with the procedures set forth in § 2.201 (notice of violation) and § 2.202 (order to show cause) of this chapter; only NRC licensees, however, shall be subject to license modification, suspension, or revocation as such as a result of such enforcement actions.

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

10. The citation of authority is amended by adding the following paragraph:

AUTHORITY: Sec. 150.17a also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). For purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), § 150.17a issued under sec. 161b., 68 Stat. 950 (42 U.S.C. 2201(b)).

§ 150.10 [Amended]

11. Section 150.10, "Persons exempt", is amended by inserting in the first sentence "150.17a," between "150.17", and "150.18".

12. Section 150.17a "Compliance with Requirements of U.S./IAEA Safeguards Agreement" is added to read as follows:

§ 150.17a Compliance with requirements of US/IAEA Safeguards Agreement.

(a) For purposes of this section, the terms "effective kilogram", "ore processing", "installation", and "U.S. eligible list" have the meaning set forth in § 75.4 of this chapter.

(b) Each person who, pursuant to an Agreement State License, is authorized to possess source material in amounts greater than 1 effective kilogram (except in ore processing) is subject to the provisions of part 75 of this chapter and shall comply with all its applicable provisions. An applicant for such a license shall file with the Commission, at least 9 months prior to the date when the applicant desires to receive such source material or earlier upon request by the Commission, the installation information described in § 75.11 of this chapter; and the applicant shall permit verification by the International Atomic Energy Agency and take such other action as may be necessary to implement the US/IAEA Safeguards Agreement, in the manner set forth in §§ 75.6, 75.11–75.14 of this chapter. The Commission will grant an exemption from this requirement, upon application, if it determines that the installation will not be included on the U.S. eligible list.

Dated at Washington, D.C., this 22d day of May 1978

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-14664 Filed 5-24-78; 8:45 am]

[7590-01]

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Generic Issue of Financial Qualification

AGENCY: Nuclear Regulatory Commission.

ACTION: Initiation of rulemaking.

SUMMARY: Notice is hereby given that the Nuclear Regulatory Commission has instructed the staff to initiate a rulemaking proceeding with respect to the requirement for demonstrating financial qualifications to obtain Part 50 licenses for production and utilization facilities. The staff intends to consider the factual, legal and policy aspects of the financial qualifications issue, as well as the adequacy of the present rules and practices involved.

DATE: Comments are due on or before July 24, 1978.

ADDRESS: Send comments to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

FOR FURTHER INFORMATION CONTACT:

Mr. Donald Skovholt, 301-492-7492.

SUPPLEMENTARY INFORMATION: The staff wishes to receive comments regarding this issue from interested parties. These comments should address the aspects identified above and include any suggestions for specific changes to the rules.

Following receipt of all such comments and suggestions in response to this notice, the staff will evaluate them and determine whether, in the view of the staff, changes to the rules are desirable. If considered desirable, the staff would then recommend initiation of appropriate further rulemaking proceedings.

All interested persons who desire to submit written comments or suggestions should send their comments to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, on or before July 24, 1978.

Dated at Bethesda, Md., this 18th day of May 1978.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc. 78-14505 Filed 5-24-78; 8:45 am]

[6720-01]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 528]

[No. 78-303]

FEDERAL HOME LOAN BANK SYSTEM

Nondiscrimination Requirements

AGENCY: Federal Home Loan Bank Board ("Bank Board").

ACTION: Proposed amendment.

SUMMARY: This amendment would require member institutions to send loan applicants a copy of the property appraisal with the Regulation B adverse action notice when an application is rejected or otherwise adversely acted on because the property's appraised value is too low to secure the loan requested. Presently, institutions may simply state that there is inadequate collateral. The Bank Board believes that a copy of the appraisal would better explain the reason for the loan decision. Readers may also be interested in the Bank Board's final nondiscrimination-in-lending regulations (Bank Board Resolution No. 78-302), published concurrently with this proposal, which provide, among other things, that lending decisions may not be based on discriminatory appraisals.

COMMENTS MUST BE RECEIVED ON OR BEFORE: July 28, 1978.

ADDRESS: Send comments to the Office of the Secretary, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552. Comments available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552, telephone 202-377-6440.

SUPPLEMENTARY INFORMATION: The Bank Board proposes to amend 12 CFR 528.2a of the rules and regulations for the Federal Home Loan Bank System by adding thereto a new subparagraph (a)(2), as summarized above. This would provide applicants with information not usually available to them, but just as important as reasons for a loan denial or other adverse action based upon individual creditworthiness. When a loan is denied, or is offered on less favorable terms than generally available because of any reason related to applicants' employment history, income, length of residence in the area, etc., the information can be verified by applicants from personal knowledge. However, a loan decision based upon inadequate collateral can be verified by applicants only if the institution provides a copy of the appraisal, or if the applicants order another appraisal.

In addition to comments on this proposal, the Bank Board invites suggestions of alternative methods dissatisfied applicants could use to confirm the fairness of an appraisal.

Accordingly, the Board proposes to amend 12 CFR 528.2a by redesignating paragraph (a) thereof as (a)(1) and adding new subparagraph (a)(2) to read as follows:

§ 528.2a. Nondiscriminatory appraisal and underwriting (see also § 531.8 (b), (c)(6), and (c)(7)).

(a) (1) *Appraisal.* * * *

(2) When an institution denies or takes other adverse action on a loan application because the appraised value of the property is inadequate to secure the loan amount requested, a copy of the appraisal shall accompany the adverse action notice required under 12 CFR 202.9.

* * * * *

(Title VIII, Pub. L. 95-128 91 Stat. 1147 (12 U.S.C. 2901); Title VII, Pub. L. 93-495 (15 U.S.C. 1691); Title VIII, Pub. L. 90-284, 82 Stat. 81 (42 U.S.C. 3601-3619), 16 Stat. 144, 14 Stat. 27 (42 U.S.C. 1981); E.O. 11063, 27 FR 11527; sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1437); secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); 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. 78-14700 Filed 5-24-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 78-NE-12]

AIRWORTHINESS DIRECTIVES

Pratt & Whitney JT8D -1, -1A, -1B, -7, -7A, -7B -9, and -9A Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require a third stage turbine blade displacement inspection and installation of improved blade retention rivets and washers on JT8D model engines. The proposed AD is needed to prevent third stage turbine blade retention failure which could result in failure of the low turbine shaft and/or penetration of engine casings by turbine blade and vane debris.

DATE: Comments must be received on or before July 31, 1978.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attention: Rules Docket No. 12, New England Executive Park, Burlington, Mass. 01803. The applicable service bulletins and maintenance and engine manuals may be obtained from: Pratt & Whitney Aircraft, Division of United Technologies Corp., 400 Main Street, East Hartford, Conn. 06108. A

copy of each of the service bulletins and maintenance and engine manuals 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: 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 failures of third stage turbine blade retention devices have occurred resulting in blade loss and penetration of the engine casings and fan ducts and in some cases, separation of the low turbine shaft. The low turbine shaft failure occurs when it contacts the high turbine shaft inner wall and a machining action takes place. Contact between the shafts is caused by a high rotating unbalance load applied to the low turbine shaft following loss of third stage turbine blades. Since this condition is likely to exist or develop in other engines of the same type design, the proposed AD would require repetitive blade displacement inspections and eventual installation of improved blade retention rivets and washers. The blade displacement inspection would be required until the improved retention rivet, P/N 759351, is installed as required by Pratt & Whitney Aircraft Service Bulletin No. 4592. Engines incorporating the older service repair rivet, P/N 618749, in accordance with Pratt & Whitney Aircraft Service Bulletin No. 1903, are not subject to the blade displacement inspection requirement.

The blade rivet failures have occurred randomly with respect to operating time, and no specific time interval can be identified for incorporation of improved blade retention rivets. The proposed compliance date of June 30, 1980, is therefore based on availability of replacement parts and the earliest possible operator maintenance schedule. The blade displacement inspection will be required until the improved retention rivets are installed and will be done initially at 3,000 hours since installation of third stage turbine blades in the third stage turbine disk and every 1,000 hours thereafter. This interval is based on known failure statistics.

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 & Whitney Aircraft: Applies to Pratt & Whitney Aircraft JT8D -1, -1A, -1B, -7, -7A, -7B, -9, and -9A turbofan engine models not incorporation third stage turbine blade retention rivets, P/N 759351 or P/N 618749.

Compliance required as indicated, unless already accomplished.

To prevent third stage turbine blade rivet failure which could result in failure of the low turbine shaft and/or noncontainment of turbine blade and vane debris, accomplish the following:

1. Inspect engines for proper position of the third stage turbine blade in the disk blade slot in accordance with the procedures in the Pratt & Whitney Aircraft JT8D Maintenance Manual, P/N 481671, section 72-00, Borescope or Radioisotope Inspection of Third Stage Turbine Blade, or equivalent means approved by the Chief, Engineering and Manufacturing Branch, New England Region, prior to the accumulation of 3,000 hours time in service since installed in disk or within the next 600 hours time in service after the effective date of this AD, whichever is later, and every 1,000 hours time in service thereafter. Engines with third stage turbine blade roots displaced axially more than 0.032 inch relative to the disk rear surface must be removed prior to further flight. Engines with third stage turbine blade mismatch or axial displacement 0.032 inch or less shall be subject to 300 hour repetitive displacement inspections. Engines with third stage turbine blade mismatch confirmed by an initial displacement inspection and two 300 hour repetitive displacement inspections may revert to the 1,000 hour repetitive inspection interval.

Note.—(a) Mismatch of the blade relative to the disk is the result of manufacturing tolerance build-up; (b) displacement of the blade is axial movement of the blade relative to its position when originally installed; (c) a piece of 0.032 inch safety wire may be used with the borescope technique as a guide to determine the position of the blade relative to the disk rear face.

2. Install improved third stage turbine blade retention rivets, P/N 759351, in accordance with Pratt & Whitney Aircraft Service Bulletin No. 4592, Revision 1, dated August 20, 1976, or later FAA approved revision, by June 30, 1980.

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 and maintenance 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 Corporation, 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 Independance Avenue SW., Washington, D.C. 20591. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its Headquarters in Washington, D.C. and at New England Region.

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

Issued in Burlington, Mass. on May 16, 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. 78-14604 Filed 5-24-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-CE-12]

TRANSITION AREA, CASSVILLE, MO.

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This Notice proposes to designate a 700-foot transition area at Cassville, Mo., to provide controlled airspace for aircraft executing a new instrument approach procedure to the

Cassville, Mo., Municipal Airport, which is based on the Neosho, Mo., VORTAC.

DATES: Comments must be received on or before August 1, 1978.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408. The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Mo. An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE537, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before August 1, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received 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 NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Mo. 64106 or by calling 816-374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

THE PROPOSAL

The FAA is considering an amendment to Subpart G, §71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Cassville, Mo. To enhance airport usage, a new instrument approach procedure to the Cassville, Mo. Municipal Airport, is being established based on the Neosho, Mo., VORTAC, a navigational aid. The establishment of an instrument approach procedure based on this navigational aid entails designation of a transition area at and above 700-foot Above Ground Level (AGL) within which aircraft will be provided controlled airspace protection. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under instrument flight rules (IFR) and other aircraft operating under visual flight rules (VFR).

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, §71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1978 (43 FR 440), by adding the following new transition area:

CASSVILLE, MO.

That airspace extending upward from 700 feet above the surface within a 5 mile radius of Cassville Municipal Airport (latitude 36°41'46" N, longitude 93°53'56" W); and within 2.5 miles each side of the Neosho VORTAC 108° radial, extending from 5 mile radius area to 25 miles east of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 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 Kansas City, Mo., on May 11, 1978.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc. 78-14607 Filed 5-24-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-CE-10]

TRANSITION AREA, WASHINGTON, MO.

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This Notice proposes to designate a 700-foot transition area at Washington, Mo., to provide controlled airspace for aircraft executing a new instrument approach procedure to the Washington Memorial Airport, Washington, Mo., which is based on the Foristell, Mo., VORTAC.

DATES: Comments must be received on or before August 1, 1978.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408. The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Mo. An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE537, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before August 1, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received 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 NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Mo. 64106 or by calling 816-374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

THE PROPOSAL

The FAA is considering an amendment to Subpart G, §71.181 of the

Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Washington, Mo. To enhance airport usage, a new instrument approach procedure to the Washingtom Memorial Airport, Washington, Mo., is being established based on the Foristell, Mo., VORTAC, a navigational aid. The establishment of an instrument approach procedure based on this navigational aid entails designation of a transition area at and above 700-feet Above Ground Level (AGL) within which aircraft will be provided controlled airspace protection. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under instrument flight rules (IFR) and other aircraft operating under visual flight rules (VFR).

Accordingly, the Federal Aviation Administration proposed to amend Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1978 (43 FR 440), by adding the following new transition area:

WASHINGTON, MO.

Washington Memorial Airport, Washington, Mo. That airspace extending upward from 700 feet above the surface within a 5 mile radius of the Washington Memorial Airport (latitude 38°35'40" N, longitude 90°59'55" W) and with 1½ miles each side of the Foristell, Mo. VORTAC R-193° extending from the 5 mile radius areas to 7½ miles north of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 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 Kansas City, Mo., on May 11, 1978.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc. 78-14608 Filed 5-24-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-CE-9]

TRANSITION AREA, BOWLING GREEN, MO.

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This Notice proposes to designate a 700-foot transition area at Bowling Green, Mo., to provide controlled airspace for aircraft executing a new instrument approach procedure to the Bowling Green, Mo., Municipal Airport, which is based on the Quincy, Ill., VORTAC.

DATES: Comments must be received on or before August 1, 1978.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408. The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Mo. An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE537, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before August 1, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received 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 NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Mo. 64106 or by calling 816-374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

THE PROPOSAL

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Bowling Green, Mo. To enhance airport usage, a new instrument approach procedure to the Bowling Green, Mo., Municipal Airport is being established based on the Quincy, Ill., VORTAC, a navigational aid. The establishment of an instrument approach procedure based on this navigational aid entails designation of a transition area at and above 700-feet Above Ground Level (AGL) within which aircraft will be provided controlled airspace protection. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under instrument flight rules (IFR) and other aircraft operating under visual flight rules (VFR).

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1978 (43 FR 440), by adding the following new transition area:

BOWLING GREEN, MO.

Bowling Green Municipal Airport, Bowling Green, Mo. That airspace extending upward from 700 feet above the surface within a 5 mile radius of the Bowling Green Municipal Airport (latitude 39°22'15"N, longitude 091°13'30"W) and within 2½ miles each side of the Quincy, Ill. VORTAC R-174° extending from the 5 mile radius area to 7 miles north of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

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

Issued in Kansas City, Mo., on May 11, 1978.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc 78-14609 Filed 5-24-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-GL-10]

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 additional controlled airspace near Taylorville, Ill., to accommodate a new (NDB) instru-

ment approach procedure into the Taylorville Municipal Airport established on the basis of a request from the Taylorville 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 June 29, 1978.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 78-GL-10, 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 to 700 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-10, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Ill. 60018. All communications received on or before September 7, 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 shoud 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 Taylorville, Ill. 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:

Taylorville, Ill.

That airspace extending upward from 700 feet above the surface within a 5 statute mile radius of the Taylorville Municipal Airport (latitude 39°32'05" N., longitude 89°19'45" W.) and within 3 statute miles each side of the 348° true bearing of the Taylorville NDB extending from the 5 statute mile radius area to 8 statute miles north of the Taylorville NDB.

This amendment is proposed under the authority of section 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)); sec. 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 12, 1978.

John Truhan,
Acting Director,
Great Lakes Region.

[FR Doc 78-14610 Filed 5-24-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[14 CFR Part 208]

[EDR-355; Docket 32139; Dated May 19, 1978]

TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Elimination of Advertising Requirements

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: In response to a petition the Board proposes to amend its rules so as to eliminate the requirements that supplemental air carriers include the words "supplemental air carrier" in their advertisements, and conduct business in the name set forth in their certificate except as expressly authorized by the Board.

DATES: Comments by: July 25, 1978. Reply comments by: August 9, 1978. Comments and other relevant information received after these dates will be considered by the Board only to the extent practicable. Requests to be put on the service list by June 5, 1978. Docket section prepares the service list and sends it to each person listed, who then serves his comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 32139, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard B. Dyson, Office of General Counsel, Rules Division, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5444.

SUPPLEMENTARY INFORMATION: Part 208 of the Board's economic regulations sets forth the terms, conditions, and limitations of certificates to engage in supplemental air transportation. Section 208.30(a) requires a supplemental air carrier to include the words "supplemental air carrier" in all advertising in which it holds out its services to the public as an authorized air carrier.[1]

[1]Section 208.30(a) provides: "No supplemental air carrier shall advertise its services or hold itself out to the public as an air carrier authorized to engage in air transportation unless it includes the words 'supplemental air carrier' in such advertising."

Trans International Airlines, Inc. (TIA), and World Airways, Inc., filed a petition for rulemaking to amend Part 208 by deleting the advertising requirement of section 208.30(a). Petitioners argued that the requirement is a vestigial remnant of the Board's early efforts to "protect" the public from nonscheduled air carriers and that its inclusion in advertisements unfairly stigmatizes supplemental air carriers in the minds of the public. Moreover, petitioners contended that because no similar qualification is imposed on the advertising of foreign "supplemental" air carriers, section 208.30(a) is discriminatory, placing U.S. flag supplementals at a competitive disadvantage relative to their foreign counterparts.

Trans World Airlines, Inc. (TWA), answered the petition in opposition. TWA argued that an important distinction exists between scheduled and supplemental air carriers and that section 208.30(a) serves a "real and present purpose in denoting the statutory role of the supplemental air carrier."

After consideration of the matter, we have tentatively decided to grant the joint petition and revoke section 208.30(a). The Board promulgated section 208.30(a) as a regulation in ER-454, effective May 13, 1966. The advertising requirement was adopted from the terms of the interim certificates issued to supplemental air carriers pursuant to the 1962 amendments to the Act, Pub. L. 87-528.[2] The incorporation of this advertising clause into the interim certificates appears to have resulted from the Board's desire to warn the public of possible unreliable operations by nonscheduled airlines.[3]

The Board has no reason to believe that at this time the charter services offered by supplemental carriers differ in any substantial way from those of the scheduled carriers. We therefore do not accept TWA's argument that the statutory distinctions between supplemental and scheduled carriers must be reflected in a requirement that supplementals so identify themselves in all their advertising. We are not aware that any significant consumer interest is served by the present requirement.

Secondly, section 208.30(a) may have a discriminatory effect, as petitioners argue, in view of the absence of a similar requirement for foreign "supplemental" (charter-only) air carriers. Although the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 1159b(a), does not require identical provisions for both domestic and foreign supplementals, there Congress did state that "U.S. air carriers * * * have become subject to a variety of discriminatory and unfair competitive practices in their competition with foreign air carriers." There does not appear to be sufficient cause to impose the 208.30(a) burden on U.S. supplementals when no similar restriction is placed on their foreign counterparts.

By granting the petition and eliminating section 208.30(a), the Board will not lose its power to control supplementals' advertising. In addition to the enforcement of certificates, the Board can act under section 411 of the Act to prohibit any "unfair or deceptive practice or unfair method of competition." Under the proposed change, however, supplemental air carriers would be free to identify themselves in any way that is not misleading to the public.

We also take this occasion to propose revocation of § 208.30(b), which provides that no supplemental air carrier shall conduct business in any name other than that set forth in its certificate, except as expressly authorized by the Board. The purpose of preventing the confusing use of names by all carriers, including supplementals, is adequately met by the provisions in 14 CFR Part 215. Section 215.2 specifically prohibits air carriers from holding themselves out to the public under any name except that in which they received Board authorization. Since that general prohibition applies to supplementals, the specific prohibition in § 208.30(b) is no longer necessary.

PROPOSED RULE

The Board proposes to amend Part 208 of its economic regulations (14 CFR Part 208) as follows:

1. The Table of Contents would be amended by deleting and reserving § 208.30 of Subpart A, as follows:

* * * * *

Sec.
§ 208.30 [Reserved]

* * * * *

2. Section 208.30 would be deleted and reserved, as follows:

§ 208.30 [Reserved]

* * * * *

(Secs. 204, 401, and 411 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754, 769; 49 U.S.C. 1324, 1371, 1381.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-14703 Filed 5-24-78; 8:45 am]

[2] See Supplemental Air Service Proceeding, Docket 13795, 45 CAB 231 at 296 and 423 (1966).

[3] *In Large Irregular Carriers, Exemptions*, 11 CAB 609 (1950), decided May 25, 1950, the Board stated:

"[I]nquiries and informal complaints received by the Board have indicated dissatisfaction on the part of travelers because the service rendered by the irregular carriers was not as reliable or satisfactory as the service furnished by the certificated carriers operating on regular schedules." (P. 617.)

"To prevent misleading of the public, we shall provide that any carrier granted an exemption shall not hold out, expressly or otherwise, that it operates on a frequent or regular basis between any two points, and that such carrier shall, in any advertisement of its services, disclose in a clear and prominent manner that they are offered on an irregular basis only and shall not include in any such advertising any list or schedule of flights." (P. 621.)

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 250, 256]

[Release No. 35-20547; File No. S7-741]

UNIFORM SYSTEM OF ACCOUNTS FOR MUTUAL AND SUBSIDIARY SERVICE COMPANIES

Proposed Amendments

AGENCY: Securities and Exchange Commission.

ACTION: Proposed amendments.

SUMMARY: The Commission proposes to amend its Uniform System of Accounts for Mutual and Subsidiary Service Companies promulgated pursuant to the Public Utility Holding Company Act of 1935 and provide for a system of accounts which follows, with modifications, the Federal Energy Regulatory Commission's Uniform System of Accounts. The Commission also proposes to amend rule 93 to require service companies to keep their accounts and records in accordance with the proposed amended Uniform System of Accounts. Adoption of these proposals would require the service companies to (1) design subaccounts and keep memorandum and time records to facilitate the preparation of reports and statements required by regulatory commissions and facilitate the conduct of audit and account inspection programs, (2) establish a work order system to accumulate reimbursable costs and charges to customers, and (3) account for compensation to be paid for use of capital.

DATES: Comments must be received on or before August 1, 1978. Proposed effective date: Not later than January 1, 1979.

ADDRESS: Comments should refer to file S7-741 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments will be available for public inspection.

FOR FURTHER INFORMATION CONTACT:

Leon C. Rubin, 202-523-5677 or Robert P. Wason, 202-523-5685, Division of Corporate Regulation, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Uniform System of Accounts for Mutual and Subsidiary Service Companies ("Uniform System of Accounts") was adopted May 12, 1936. Historically, the activities of service companies have centered on accounting, administration, financing, and engineering services. Today, such companies' services have been expanded to include data processing, modeling, fuel management and analysis, rate analysis, systems analysis, budgeting, and other support services. There are presently 11 jurisdictional subsidiary companies which, during 1977, rendered over $363 million of services, at cost, to the jurisdictional electric and gas operating utilities. The cost of these services represented 2.10 percent of operating revenues of these utilities.

Operating utilities not part of holding company systems generally perform these functions themselves, with the aid of independent contractors. Many of these operating utilities are subject to the jurisdiction of the Federal Energy Regulatory Commission ("FERC"), formerly the Federal Power Commission, and keep their accounts and records in accordance with the FERC Uniform System of Accounts ("FERC System of Accounts"). Most of the remaining operating utilities keep their accounts and records in accordance with the uniform system of accounts prescribed by their respective state regulatory commissions, which in most instances is similar to the FERC System of Accounts. The FERC System of Accounts is designed for operating utilities. Although it is broad enough to cover the costs associated with self performed service functions, it does not deal with the accounting requirements of service, at cost, by a separate service company to a group of associated utility companies. The proposal would replace the Commission's present system of accounts, adopted in 1936, for such separate service companies with a system consistent with the FERC accounts and also provide accounts analyzing service company revenues and the rate of return on service company capital, all of which are included generally in the cost of service of the operating utilities. The proposal would require service companies to keep their accounts and records in accordance with the proposed revised Uniform System of Accounts. It would require the service company to design a subaccount structure and to keep memorandum and time records appropriate to any service functions or departmental structures needed for a full accounting of all transactions of such company.

The Commission believes that the proposed revision would: (1) facilitate coordination of accounts for consolidation purposes, (2) facilitate the preparation of reports and statements required by regulatory commissions and the conduct of audit and account inspection programs, and (3) incorporate compliance with generally accepted accounting principles, standards and regulations.

Accordingly, pursuant to provisions of the Public Utility Holding Company Act of 1935 (Secs. 13, 15, and 20(a), 49 Stat. 825, 828, 833; 15 U.S.C. 79m, 79o, 79t), the Commission proposes to amend 17 CFR Chapter II as follows:

1. By revising § 250.93 to read as follows:

§ 250.93 Accounts and records of mutual and subsidiary service companies.

Every mutual service company and every company whose organization and conduct of business the Commission has found, pursuant to § 250.88, to meet the requirements of section 13(b) (49 Stat. 825; 15 U.S.C. 79m), shall keep such accounts, cost-accounting procedures, correspondence, memoranda, papers, books, and other records in such manner and preserve them for such periods, as are prescribed in the Uniform System of Accounts for Mutual and Subsidiary Service Companies under the Public Utility Holding Company Act of 1935 (49 Stat. 803, et seq.: 15 U.S.C. 79a to 79z-5), dated May 12, 1936, as amended[7] and shall keep no other records with respect to the same subject matter except (a) records other than accounts, (b) records required by state law, (c) subaccounts or supporting accounts which are not inconsistent with the accounts required by such uniform system, and (d) such other accounts as may be authorized by the Commission. This section, as amended, shall become effective not later than January 1, 1979, except that a company as to which the Commission does not grant such approval, or make such finding, until after that date shall not be subject to this section until the first of the month following such approval or finding.

2. By revising and restating Part 256 to read as follows:

PART 256—UNIFORM SYSTEM OF ACCOUNTS FOR MUTUAL SERVICE COMPANIES AND SUBSIDIARY SERVICE COMPANIES SUBJECT TO THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

GENERAL INSTRUCTIONS

Sec.
256.00-1 Preface.

[7]Copies of the printed pamphlet containing the Uniform System of Accounts for Mutual and Subsidiary Service Companies, as amended, are available upon request from the Securities and Exchange Commission.

Sec.
256.01-1 Companies for which this system of accounts is prescribed.
256.01-2 Application to companies doing business with nonassociate companies.
256.01-3 General structure of accounting system.
256.01-4 Construction and centralized procurement accounting.
256.01-5 Determination of service cost accounting.
256.01-7 Departmental classification required.
256.01-8 Records.
256.01-9 Definitions.
256.01-10 Unbilled items.
256.01-11 Submission of questions.

BALANCE SHEET ACCOUNTS: ASSETS AND OTHER DEBIT ACCOUNTS

1. SERVICE COMPANY PROPERTY

256.101 Service company property.
256.107 Construction work in progress.
256.108 Accumulated provision for depreciation and amortization of service company property.

2. INVESTMENTS

256.123 Receivables from associate companies.
256.124 Other investments.

3. CURRENT AND ACCRUED ASSETS

256.131 Cash.
256.134 Special deposits.
256.135 Working funds.
256.136 Temporary cash investments.
256.141 Notes receivable.
256.143 Accounts receivable
256.144 Accumulated provision for uncollectible accounts.
256.145 Notes receivable from associate companies.
256.146 Accounts receivable from associate companies.
256.152 Fuel stock expenses undistributed.
256.154 Materials and supplies.
256.163 Stores expense undistributed.
256.165 Prepayments.
256.174 Miscellaneous current and accrued assets.

4. DEFERRED DEBITS

256.181 Unamortized debt expense.
256.184 Clearing accounts.
256.186 Miscellaneous deferred debits.
256.188 Research, development, and demonstration expenditures.
256.190 Accumulated deferred income taxes (prepaid).

LIABILITIES AND OTHER CREDIT ACCOUNTS

5. PROPRIETARY CAPITAL

256.210 Common stock issued.
256.211 Miscellaneous paid-in capital.
256.215 Appropriated retained earnings.
256.216 Unappropriated retained earnings.

6. LONG-TERM DEBT

256.221 Bonds.
256.223 Notes and advances from associate companies.
256.224 Other long-term debt.
256.225 Unamortized premium on long-term debt.
256.226 Unamortized discount on long-term debt-debit.

7. CURRENT AND ACCRUED LIABILITIES

256.231 Notes payable.

Sec.
256.232 Accounts payable.
256.233 Notes payable to associate companies.
256.234 Accounts payable to associate companies.
256.236 Taxes accrued.
256.237 Interest accrued.
256.238 Dividends declared.
256.241 Tax collections payable.
256.242 Miscellaneous current and accrued liabilities.

8. DEFERRED CREDITS

256.253 Other deferred credits.
256.255 Accumulated deferred investment tax credits.

9. ACCUMULATED DEFERRED INCOME TAXES

256.282 Accumulated deferred income taxes.

INCOME AND EXPENSE ACCOUNTS

1. INCOME

256.457 Services rendered to associate companies.
256.458 Services rendered to nonassociate persons.
256.421 Miscellaneous income or loss.

2. EXPENSE

256.920 Salaries and wages.
256.921 Office supplies and expenses.
256.922 Administrative expense transferred—credit.
256.923 Outside services employed.
256.924 Property insurance.
256.925 Injuries and damages.
256.926 Employee pensions and benefits.
256.928 Regulatory commission expense.
256.930.1 General advertising expenses.
256.930.2 Miscellaneous general expenses.
256.931 Rents.
256.932 Maintenance of structures and equipment.
256.403 Depreciation and amortization expense.
256.408 Taxes other than income taxes.
256.409 Income taxes.
256.410 Provision for deferred income taxes.
256.411 Provision for deferred income taxes—credit.
256.411.5 Investment tax credit.
256.426.1 Donations.
256.426.5 Other deductions.
256.427 Interest on long-term debt.
256.430 Interest on debt to associate companies.
256.431 Other interest expense.

AUTHORITY: Secs. 13, 15, 20, 49 Stat. 825, 828, 833; 15 U.S.C. 79m, 79o, 79t.

GENERAL INSTRUCTIONS

NOTE.—Cross references to accounts are made by citing the account number, e.g., account 201 instead of the corresponding section number (§ 256.201).

CROSS REFERENCES.—For general rules and regulations, Public Utility Holding Company Act of 1935, see Part 250 of this chapter. For uniform system of accounts for public utility holding companies, Public Utility Holding Company Act of 1935, see Part 257 of this chapter.

§ 256.00-1 Preface.

(a) The accompanying Uniform System of Accounts for Mutual Service and Subsidiary Service Companies represents a modernization of the accounting system for such companies to provide a detailed system of accounts which is tailored to expanded services, including data processing, rate analysis, system analysis, budgeting and other support services presently being rendered by such companies. This Uniform System of Accounts is not applicable to: (1) companies engaged in the financing, acquisition, exploration, development or production of fuel; and (2) companies engaged in the financing or ownership of fuel transportation and handling equipment.

(b) It has been the Commission's task to provide a system comprehensive enough to cover the traditional services and the present services being performed by such companies, yet elastic enough to permit adaptation to varying requirements; a system which, faithfully applied, will provide information essential in the administration of section 13 of the Public Utility Holding Company Act of 1935, will be workable and reasonably simple from an operating viewpoint, and free from unnecessary complexities or burdensome requirements which might render it incompatible with the interests of investors or consumers.

(c) The uniform system of accounts provided requires the service company to (1) design subaccounts and keep memorandum and time records to facilitate the preparation of reports and statements required by regulatory commissions and facilitate the conduct of audit and account inspection programs, (2) establish a work order system to accumulate reimbursable costs and charges to customers, and (3) account for compensation to be paid for use of capital.

(d) Credits to the accounts or memorandum records may be made upon the basis of estimated costs to associate companies which shall conform as nearly as may be practicable to actual costs, provided that at stated intervals adjustments to actual costs shall be made. Such adjustments may be made at intervals during the fiscal year, but final adjustments shall be made at the end of such year. Overbillings or underbillings arising from these adjustments should be cleared through the appropriate account and offset by adjustments to other accounts involved.

(e) The "expense" accounts provided have been designed to show the cost of each general class of service furnished by the service company and with a view toward securing an equitable allocation thereof to the associate companies served.

Consideration was given to a further and more extended classification of service costs so as to more extensively identify them with the several functional processes of the associate companies served. In this connection, each service company shall maintain a work order system for accumulating reimbursable costs and charges to customers and maintain time records for all service company employees within reasonable cost benefit standards in order to secure a more exact allocation of all expenses assignable to the several functional processes and chargeable to the companies served. It is believed that the results to be obtained from the system now prescribed, together with the more detailed information to be called for in the annual reports, will supply a better basis of identifying cost than is presently available.

CROSS REFERENCE: For rule adopting this Uniform System of Accounts, see § 250.93. For regulations under section 13 of the Act, see §§ 250.80 to 250.95.

§ 256.01-1 Companies for which this system of accounts is prescribed.

(a) This Uniform System of Accounts is designed for use by:

(1) Any company operating, or organized to operate, as a mutual service company under the provisions of Section 13 of the Public Utility Holding Company Act of 1935, and

(2) Any subsidiary company whose organization and conduct of business the Commission has found to meet the requirements of Section 13(b) of the Public Utility Holding Company Act of 1935, with respect to the performance of services or construction work for, or the sale of goods to, associate companies.

(b) This Uniform System of Accounts is not applicable to: (1) companies engaged in the financing, acquisition, exploration, development or production of fuel; and (2) companies engaged in the financing or ownership of fuel transportation and handling equipment.

§ 256.01-2 Application to companies doing business with nonassociate companies.

While this Uniform System of Accounts is designed for companies whose principal business is the performance of services or construction for associate companies at cost, it contemplates situations in which the service company may perform service or construction for nonassociate companies in transactions in which charges are not limited to cost. In recognition of the element of profit in such cases, a subaccount is included in the "Income" group for "Excess or deficiency on servicing nonassociate persons." In computing charges to associate companies, any net credit to this account must be deducted from amounts reimbursable by associate companies for compensation for use of capital invested in the service company. A deficiency, however, may not be charged directly or indirectly to an associate company unless such charge is authorized by a State or Federal Com-

mission having jurisdiction. To the extent not so authorized, such a deficiency will effectively reduce the net return on capital invested in the service company.

§ 256.01-3 General structure of accounting system.

(a) The accounts provided herein are in two general categories: balance sheet accounts and income and expense accounts. Subsidiary accounts are provided for the details of account 101, service company property.

(b) The income and expense accounts include, under separate divisions, accounts for recording the revenue or income earned or received and also appropriate accounts for all expenses of operation, maintenance, taxes, interest, all elements of cost allocable to the service performed, and compensation for the use of capital. Appropriate subdivisions or subaccounts should be provided for each service company department or division.

(c) All disbursements and expenses of the service company for service performed for associate companies are recoverable from such companies. In the interest of minimizing questions as to the propriety of charges for reimbursement, each service company shall maintain a work order system for accumulating all direct costs. To the maximum extent possible, such costs shall be accumulated by direct charges. All employees, including officers, of the service company shall keep, within reasonable cost benefit standards, time records which permit ready identification of the hours worked, account numbers charged, department, work order number and other code designations that facilitate proper classification.

(d) The numbers to the right of the decimal point in most cases correspond with the respective account numbers in the Uniform System of Accounts for Public Utilities and Licensees (18 CFR Part 101) of the Federal Energy Regulatory Commission and shall be considered as parts of the account titles. Each service company, company, however, may adopt for its own purposes a different system of account numbers provided that the account numbers herein prescribed shall appear in the descriptive headings of the ledger accounts and, if practicable, on various original source documents. Service companies adopting a different system of account numbers for their own purposes shall keep readily available a list which indicates its account numbers and the corresponding account numbers provided herein. Records of service companies shall be maintained in a manner permitting ready analysis by prescribed accounts (with direct reference to the source of each item of the books of original entry) and permitting preparation of financial operating statements directly from such records at the end of each accounting period.

§ 256.01-4 Construction and centralized procurement accounting.

(a) Specific accounts have not been provided in which to classify expenditures made in the performance of construction contracts, under which the service company undertakes to construct physical property for associate or nonassociate companies. The difference in the nature of undertakings which will be embraced in such contracts renders impracticable an attempt to prescribe the accounts applicable in all cases. The service company shall keep records to show the cost of each construction project, the amount of service costs allocated thereto, and such additional classification of expenditures relating to a construction project as will meet the accounting requirements of the associate company for which the work is performed.

(b) Service costs allocated to construction shall include the proper proportion of salaries, expense of officers and employees, pay of employees on the service company's regular staff specifically assigned to construction work, and other expenses of maintaining the service company's organization and equipment. Cost of materials, construction payrolls, outside services, and other expenses directly attributable to construction work shall be excluded from the accounting system of the service company and charged directly by the vendor or supplier to the associate companies' construction project.

(c) Service costs allocated to centralized procurement activities shall include only the cost of the support services performed by the service company in connection with the procurement of goods for associate companies. Cost of goods procured shall be excluded from the accounting system of the service company and charged directly by the vendor or supplier to the associate company concerned. The service company shall keep records indicating the cost of goods, if any, it procures for each associate company and the amount of service costs allocated thereto. These records should be maintained to meet the Federal Energy Regulatory Commission's accounting requirements for electric and gas companies.

§ 256.01-5 Determination of service cost accounting.

(a) Service at cost and fair allocation of costs require, first of all, an accurate accounting for the elements which make up the aggregate expense of conducting the business of the service company. In the accounts herein prescribed, the total amounts included in the expense accounts during any period plus such amount as appropriately may be added as compensation for the use of capital constitute cost during such period.

§ 256.01-7 Departmental classification required.

The importance of "salaries and wages" as an element of cost requires analysis of this item of expense by departmental or other functional category in accordance with the departmental organization of the service company. To the extent practicable, such departmental organization should be established along lines which will provide a readily available basis for analysis.

§ 256.01-8 Records.

(a) The books of account and other records of the service company shall be so kept as to show fully the facts pertaining to all entries in these accounts. All such entries shall be supported by sufficient detailed information to permit ready identification and audit.

(b) The books and records referred to herein shall include not only accounting records in a limited technical sense but all other records such as minute books, stock books, reports, working papers, memoranda, etc., which may be useful in developing the history of or facts regarding any transactions of the service company.

(c) No company shall destroy any records except as authorized by the provisions of Part 256(a) of this chapter.

(d) The accounts may be subdivided, provided such subdivisions do not impair the integrity of the prescribed accounts. The titles of all subdivisions or subaccounts shall refer by number to the accounts of which they are subdivisions.

(e) Clearing-accounts shall be kept when necessary or useful in making proper distribution of items to the appropriate accounts prescribed herein or in accumulating overhead type items such as rent, utility, employee benefits, etc., that are to be allocated to work orders.

(f) As of the effective date of this Uniform System of Accounts, the several accounts prescribed herein shall be opened by transferring thereto the balances carried in the accounts previously maintained by the service company. The service company is authorized to make such subdivisions, reclassification, or consolidations of such balances as are necessary to meet the requirements of this Uniform System of Accounts.

(g) Except where this Uniform System of Accounts accords specific treatment for specified accounts, all accounts and financial statements shall be maintained in accordance

with Regulation S-X and Accounting Series Releases of this Commission. The Uniform System of Accounts promulgated by the Federal Energy Regulatory Commission, as amended from time to time, and the interpretations thereof adopted from time to time by the Federal Energy Regulatory Commission, and accounting regulations and orders of any other Federal or State Commission having jurisdiction over associate companies shall be complied with unless expressly inconsistent with the requirements of this system and Regulations S-X.

§ 256.01-9 Definitions.

Definitions contained in the Public Utility Holding Company Act of 1935 shall be applicable to terms not specifically defined herein.

(a) "Accounts" means the accounts prescribed by this Uniform System of Accounts.

(b) "Associate company" means any company in the same holding company system.

(c) "Company" or "the company," when not otherwise indicated in the context, means the service company.

(d) "Commission" means the Securities and Exchange Commission.

(e) "Direct cost" shall include those costs which can be separately identified through a work order system, without unreasonable effort or expense, as being applicable to services performed to associate and nonassociate companies. Cost incidental or directly related to a directly charged item shall be classified as direct costs.

(f) "Federal commission" means any Federal agency, including the Securities and Exchange Commission, which has jurisdiction to regulate public utility companies in some relevant respect.

(g) "Federal Energy Regulatory Commission" means the Federal Energy Regulatory Commission or any successor thereto.

(h) "Holding company system" means any holding company, together with all of its subsidiary companies and all mutual service companies of which such holding company or any subsidiary company thereof is a member company.

(i) "Indirect cost" shall include those costs which cannot be separately identified without unreasonable effort or expense, and includes overhead, general services and support cost on a departmental basis.

(j) "Mutual service company," "service company" or "subsidiary service company" means a company approved by the Commission as a mutual service company or a subsidiary company of a registered holding company found by the Commission to be organized and conducted as to meet the requirements of Section 13(b) of the Act and the provisions of Rule 88 promulgated thereunder but shall not include: (1) companies engaged in the financing, acquisition, exploration, development or production of fuel; and (2) companies engaged in the financing or ownership of fuel transportation and handling equipment.

(k) "Operating company" means an electric utility company or gas utility company as defined in the Act.

(l) "Person" means an individual or company.

(m) "State commission" means any commission, board, agency, or officer, by whatever name designated, or a State, municipality, or other political subdivision of a State which under the laws of such state has jurisdiction to regulate public-utility companies.

(n) "Uniform system of accounts" means the Uniform System of Accounts for Mutual Service Companies and Subsidiary Service Companies prescribed herein, as amended from to time to time.

(o) "Work order system" means a system for the accumulation of service company cost on a job, project or functional basis which utilizes schedules and worksheets and is necessary for the accounting of charges billed to associate and nonassociate companies.

§ 256.01-10 Unbilled items.

When the amount of any know item affecting these accounts cannot be accurately determined in time for inclusion in the accounts of the fiscal year in which the transaction occurs, the amount of the item shall be estimated and included in the proper accounts. When the item is billed, the necessary adjustments shall be made through the accounts in which the estimate was recorded. If, during the interval between the date of inclusion of the item in the accounts and the date on which it is billed, a substantial difference from the initial estimate is determined, appropriate adjustments shall be made in the current accounts to cover such difference. The service company is not required to anticipate minor items which would not appreciably affect these accounts.

§ 256.01-11 Submission of questions.

To promote and maintain uniformity in accounting, the service companies shall submit all questions of doubtful interpretation of the prescribed accounting to the Division of Corporate Regulation or its successor for consideration and decision.

BALANCE SHEET ACCOUNTS: ASSETS AND OTHER DEBIT ACCOUNTS

1. SERVICE COMPANY PROPERTY

§ 256.101 Service company property.

This account shall include the cost of service company property included in subaccounts 301 and 303 through 311 prescribed herein.

§ 256.107 Construction work in progress.

This account shall include the total of the balances of work orders for service company property in process of construction. Work orders shall be cleared from this account as soon as practicable after completion of the job.

§ 256.108 Accumulated provision for depreciation and amortization of service company property.

(a) This account shall be credited with the amounts charged to account 403, Depreciation and Amortization Expense.

(b) At the time of retirement of depreciable service company property, this account shall be charged with the book cost of the property retired and the cost of removal, and shall be credited with the salvage value and any other amounts recovered, such as insurance, unless the company maintains costs and related reserves for specific units or types of property.

(c) Individual subaccounts for each classification of property listed under account 101 shall be maintained.

2. INVESTMENTS

§ 256.123 Receivables from associate companies.

This account shall only include notes receivable, advances, and other balances in open accounts with associate companies, which are not subject to current settlement.

§ 256.124 Other investments.

This account shall include the cost of investments in securities, club memberships, associations, life insurance policy for employees, or other miscellaneous investments, other than account 136, Temporary cash investments. This account shall not be used for investments in securities of, and/or advances to, associate companies. The account shall be maintained in such manner as to show the nature and amount of each investment.

3. CURRENT AND ACCRUED ASSETS

§ 256.131 Cash.

This account shall include the amount of current cash funds except working funds.

§ 256.134 Special deposits.

This account shall include deposits with fiscal agents or others for special purposes. Entries to this account shall specify the purpose for which the deposit is made.

§ 256.135 Working funds.

This account shall include cash advanced to officers, agents, employees and others as petty cash or working funds.

§ 256.136 Temporary cash investments.

This account shall include the cost of investments, such as demand and time loans, bankers' acceptances, United States Treasury obligations, marketable securities, and other similar investments, acquired for the purpose of temporarily investing cash.

§ 256.141 Notes receivable.

This account shall include the cost of all notes receivable and similar evidences of amounts due within one year from persons other than associate companies. The account shall be so maintained as to show separately amounts due from officers, directors, employees and others.

§ 256.143 Accounts receivable.

This account shall include amounts due on open accounts, other than amounts due from associate companies.

§ 256.144 Accumulated provision for uncollectible accounts.

This account shall be credited with amounts provided for losses on notes and accounts receivable which may become uncollectible, and also with collections on accounts previously charged hereto.

§ 256.145 Notes receivable from associate companies.

§ 256.146 Accounts receivable from associate companies.

These accounts shall include notes and balances in open accounts due from associate companies which are expected to be paid in full within one year. Items which are not paid within twelve months from due date shall be transferred to account 123, Investments in associate companies.

NOTE.—Expenditures which do not pertain to performance of services by the service company should be paid directly by the associate company. Accommodation payments, if appropriate, for the account of an associate company would be included in this account, but shall be segregated in a subaccount.

§ 256.152 Fuel stock expenses undistributed.

The service company shall utilize this account, where appropriate, to include the cost of service company labor and of office supplies used and operating expenses incurred with respect to the review, analysis and management of fuel supply contracts or agreements, the accumulation of fuel information and its interpretation, the logistics and handling of fuel, and other related support functions, as a service to the associate companies engaged in the procurement and transportation of fuel. This account shall be maintained to show the expenses attributable to each associate company through the use of work orders. All expenses of a service company's fuel department or functions shall be cleared through this account.

§ 256.154 Materials and supplies.

The service company shall utilize this account, where appropriate, to include the costs of materials and supplies held for use by the service company in performing its services. The cost of material and supplies attributable to work orders for service company property in process of construction shall be charged to account 107, Construction work in progress. Materials and supplies issued shall be credited hereto and charged to the appropriate expense or other accounts on the basis of a unit price determined by the use of cumulative average, first-in-first-out, or such other method of inventory accounting as conforms with generally accepted accounting standards consistently applied.

§ 256.163 Stores expense undistributed.

(a) The service company shall utilize this account, where appropriate, to include the service cost of labor and expenses incurred with respect to centralized procurement activities rendered to associate or nonassociate companies.

(b) *Items.*

(1) Supervision of purchasing and stores department to extent assignable to materials handled through stores.

(2) Purchasing department activities in checking material needs, investigating sources of supply, analyzing prices, preparing and placing orders, and related activities to extent applicable to materials handled through stores.

(3) Unloading from shipping facility and putting in storage.

(4) Inspecting and testing materials and supplies when not assignable to specific items.

(5) Keeping stock records, including recording and posting of material receipts and issues and maintaining inventory record of stock.

(6) Communication service.

(7) Cash and other discounts not practically assignable to specific materials, freight, express, etc., when not assignable to specific items, transportation expense, and excise and other similar taxes not assignable to specific materials.

This account shall be maintained to show the expenses attributable to each associate company through the use of work orders. All expenses of a service company's centralized procurement activities shall be cleared through this account.

(c) Any amounts applicable to fuel costs should be included in account 152, Fuel stock expenses undistributed.

§ 256.165 Prepayments.

This account shall include amounts representing prepayments of insurance, rents, taxes, interest and miscellaneous items, and appropriate subaccounts shall be maintained in respect of each class of prepayment.

§ 256.174 Miscellaneous current and accrued assets.

This account shall include the cost of all other current and accrued assets not provided for elsewhere. The records supporting this account shall be maintained so as to show the nature of each asset included herein.

4. DEFERRED DEBITS

§ 256.181 Unamortized debt expense.

This account shall include expenses related to the issuance or assumption of debt securities. Amounts recorded in this account shall be amortized over the life of each respective issue under a plan which will distribute the amount equitably over the life of the security. The amortization shall be on a monthly basis, and the amounts thereof shall be charged to account 431, Other interest expense.

§ 256.184 Clearing accounts.

This account shall include undistributed balances in clearing accounts at the date of the balance sheet. Balances shall be substantially cleared not later than the end of the calendar year.

§ 256.186 Miscellaneous deferred debits.

This account shall include all debits not provided for elsewhere, such as the costs of service performed which have not been billed to associate or nonassociate companies and unusual or extraordinary expenses, not included in other accounts, and items the proper final disposition of which is undertain. The records supporting the entries to this account shall be so kept that the service company can furnish full information as to the purpose, monthly balance, status, write-off and duration of each deferred debit.

§ 256.188 Research, development, and demonstration expenditures.

(a) The service company shall utilize this account, where appropriate, for the cost of all expenditures of research, development and demonstration undertaken by or sponsored through the service company except those expenditures properly chargeable to account 107, Construction work in progress.

(b) All cost shall be transferred from this account by the end of each fiscal year to the appropriate accounts of the associate companies benefiting from these expenditures.

(c) This account shall be so maintained as to show separately each project along with complete detail of the nature and purpose of the research, development and demonstration project together with the related costs.

§ 256.190 Accumulated deferred income taxes (prepaid).

(a) This account shall be debited and account 411, Provision for deferred income taxes—credit, or account 421, Miscellaneous income, as appropriate, shall be credited with an amount equal to that by which income taxes payable for the year are higher because of the inclusion of certain items in income for tax purposes, which items for general accounting purposes will not be fully reflected in the service company's determination of annual net income until subsequent years.

(b) This account shall be credited and account 410, Provision for deferred income taxes, or account 421, Miscellaneous Income, as appropriate, shall be debited with an amount equal to that by which income taxes payable for the year are lower because of prior payment of taxes as provided by paragraph (a) above, because of difference in timing for tax purposes of particular items of income or income deductions from that recognized by the service company for general accounting purposes.

(c) Vintage year records with respect to entries to this account, as described above, and the account balance shall be so maintained as to show the factor of calculation with respect to each annual amount of the item or class of items for which deferred tax accounting by the service company is utilized.

LIABILITIES AND OTHER CREDIT ACCOUNTS

5. PROPRIETARY CAPITAL

§ 256.201 Common stock issued.

This account shall include the par or stated value of all common capital stock issued and outstanding.

§ 256.211 Miscellaneous paid-in capital.

This account shall include the balance of all other credits for paid-in capital which are not properly includable in the foregoing accounts.

§ 256.215 Appropriated retained earnings.

This account shall include the amount of retained earnings which has been appropriated or set aside for specific purposes. Separate subaccounts shall be maintained under such titles as will designate the purpose for which each appropriation was made.

§ 256.216 Unappropriated retained earnings.

This account shall include the balance, either debit or credit, arising from earnings. All dividends shall be charged to this account. It shall not include amounts properly includable in account 211, Miscellaneous paid-in capital. Entries to this account shall be sufficiently detailed for ready analysis of the account.

6. LONG-TERM DEBT

Separate accounts shall be maintained for each class of obligation, and records shall be maintained to show for each class the terms of the obligations, including the date of obligation, date of maturity, interest dates and rates, and security for the obligations.

§ 256.221 Bonds.

This account shall include in a separate subaccount for each class and series of bonds the face value of the actually issued and unmatured bonds which have not been retired or cancelled; also the face value of such bonds issued by others the payment of which has been assured by the service company.

§ 256.223 Notes and advances from associate companies.

This account shall include the face value of notes and balances on open accounts due to associate companies. It does not include notes and open accounts representing indebtedness subject to current settlement which are includable in account 233, Notes payable to associate companies or account 234, Accounts payable to associate companies.

§ 256.224 Other long-term debt

This account shall include all long-term debt not provided for elsewhere and not subject to current settlement.

§ 256.225 Unamortized premium on long-term debt.

(a) This account shall include the excess of the cash value of consideration received over the face value upon the issuance or assumption of long-term debt securities.

(b) Amounts recorded in this account shall be amortized over the life of each respective issue under a plan which will distribute the amount equitably over the life of the security. The amortization shall be on a monthly basis, with the amounts thereof to be credited to account 427, Interest on long-term debt or account 431, Other interest expense.

§ 256.226 Unamortized discount on long-term debt-debit.

(a) This account shall include the excess of the face value of long-term debt securities over the cash value of consideration received therefor, related to the issue or assumption of all types and classes of debt.

(b) Amounts recorded in this account shall be amortized over the life of the respective issues under a plan which will distribute the amount equitably over the life of the securities. The amortization shall be on a monthly basis, with the amounts thereof charged to account 427, Interest on long-term debt or account 431, Other interest expense.

7. CURRENT AND ACCRUED LIABILITIES

§ 256.231 Notes payable.

This account shall include the face value of all notes, drafts, acceptances, or other similar evidences of indebtedness, payable on demand or within a time not exceeding one year from date of issue, to other than associate companies.

§ 256.232 Accounts payable.

This account shall include all amounts payable by the service company within one year other than amounts payable to associate companies.

§ 256.233 Notes payable to associate companies.

§ 256.234 Accounts payable to associate companies.

These accounts shall include notes and balances in open accounts due to associate companies within one year.

§ 256.236 Taxes accrued.

(a) This account shall be credited with the amount of taxes accrued during the accounting period, corresponding debits being made to the appropriate accounts for tax charges. Such credits may be based upon estimates, but from time to time during the year as the facts become known the amount of the periodic credits shall be adjusted so as to include as nearly as can be determined in each year the taxes applicable thereto. Any amount representing a prepayment of taxes applicable to the period subsequent to the date of the balance sheet shall be shown under account 165, Prepayments.

(b) The records supporting the entries to this account shall be kept so as to show for each class of taxes the amount accrued, the basis for the accrual, the accounts to which charged, and the amount of tax paid.

§ 256.237 Interest accrued.

This account shall include the amount of interest accrued on all liabilities of the service company. Supporting records shall be maintained so as to show the amount of interest accrued on each obligation.

§ 256.238 Dividends declared.

This account shall include the amount of dividends which have been declared but not paid.

§ 256.241 Tax collections payable.

This account shall include the amount of taxes collected by the service company through payroll deductions or otherwise pending transmittal of such taxes to the proper taxing authority.

§ 256.242 Miscellaneous current and accrued liabilities.

This account shall include the amount of all other current and accrued liabilities not provided for elsewhere. The records supporting this account shall be maintained so as to show the nature of each liability included herein.

8. DEFERRED CREDITS

§ 256.253 Other deferred credits.

This account shall include advance billings and receipts and other deferred credit items, not provided for elsewhere, including amounts which cannot be entirely cleared or disposed of until additional information has been received. Subaccounts by category of credits should be established.

§ 256.255 Accumulated deferred investment tax credits.

This account shall be credited and account 411.5, Investment tax credit, debited with investment tax credits deferred by companies which do not apply such credits as a reduction of the overall income tax expense in the year in which a tax credit is realized. A proportionate amount shall be debited to account 411.5, Investment tax credit, as determined in relation to the average useful life of service company property to which the tax credit relates or such lesser period of time as may be adopted.

(b) Records shall be maintained identifying the service company property giving rise to the investment tax credits for each year with the weighted-average service life of such properties and any unused balances of such credits. Such records are not necessary unless the tax credits are deferred.

9. ACCUMULATED DEFERRED INCOME TAXES

§ 256.282 Accumulated deferred income taxes.

(a) The text of these accounts is designed primarily to cover deferrals of Federal income taxes. However, they are also to be used when making deferrals of state and local income taxes. Service companies which have service company property and which have deferred taxes on income with respect thereto shall separately classify such deferrals in the accounts provided below so as to allow ready identification.

(b) This account shall be credited and account 410, Provision for deferred incomes taxes, shall be debited with tax effects related to property described in paragraph (a) above where taxable income is lower than pretax accounting income due to differences between the periods in which revenue and expense transactions affect taxable income and the periods in which they enter into the determination of pretax accounting income.

(c) This account shall be debited and account 411, Provision for deferred income taxes—credit, shall be credited with tax effects related to property described in paragraph (a) above where taxable income is higher than pretax accounting income due to differences between the periods in which revenue and expense transactions affect taxable income and the periods in which they enter into the determination of pretax accounting income.

(d) Records with respect to entries to this account, as described above, and the account balance shall be so maintained as to show the factors of calculation and the separate amounts applicable to the additions of each vintage year for each class, group, or unit. The underlying calculations to segregate and associate deferred tax amounts with the respective vintage years may be based on reasonable methods of approximation, if necessary, consistently applied.

SERVICE COMPANY PROPERTY ACCOUNTS

Sec.
256.301 Organization.
256.303 Miscellaneous intangible plant.
256.304 Land and land rights.
256.305 Structures and improvements.
256.306 Leasehold improvements.
256.307 Equipment.
256.308 Office furniture and equipment.
256.309 Automobiles, other vehicles and related garage equipment.
256.310 Aircraft and airport equipment.
256.311 Other service company property.

§ 256.301 Organization.

This account shall include all fees paid to Federal or State governments for the privilege of incorporation and expenditures incident to organizing a corporation or other form of organization and putting it into readiness to do business including cost of obtaining certificates authorizing the service company to engage in its business, fees and expenses for incorporation, fees and expenses for mergers or consolidations, office expenses incident to organizing the service company, and other expenditures incident to the organization of the service company such as stock, minute books and corporate seal.

NOTE.—This account shall not include any discounts upon securities issued or assumed nor shall it include any costs or expenses in connection with the authorization, issuance and sale of securities of the service company.

§ 256.303 Miscellaneous intangible plant.

(a) This account shall include the cost of patent rights, licenses, privileges, and other intangible property necessary or valuable in the conduct of the service company's operations and not specifically chargeable to any other account.

(b) This account shall be maintained in such a manner that the service company can furnish full information with respect to the amounts included herein.

NOTE.—When any item included in this account is retired or expires, the book cost thereof shall be credited hereto and charged to account 426.5, other deductions.

§ 256.304 Land and land rights.

(a) This account shall include the cost of any right, title, or interest to land held by the service company, including without limitation the cost of land owned in fee by the service company and the cost of easements, rights of way, and any other similar interests in land.

(b) When special assessments for improvements provide for deferred payments, the full amount of the assessments shall be charged to the appropriate land account and the unpaid balance shall be carried in an appropriate liability account. Interest on unpaid balances shall be charged to the appropriate interest account. If any part of the cost of improvement is included in the general tax levy, the amount thereof shall be charged to the appropriate tax account.

(c) Separate entries shall be made for the acquisition, transfer, or sale of each parcel of land, and each land right. A record shall be maintained showing the nature of ownership, full legal description, area, map reference, purpose for which used, city, county and tax district in which situated, from whom purchased or to whom sold, payment given or received, other costs, contract date and number, date of recording of deed, and book and page number of record.

(d) If at the time of acquisition of an interest in land such interest extends to buildings or other improvements which are then devoted to the service company's operations, the land and improvements shall be separately appraised and the cost allocated to land and buildings or improvements on the basis of the appraisals. If the improvements are removed or wrecked without being used in operations, the cost of removing or wrecking shall be charged and the salvage credited to the account in which the cost of the land is recorded.

§ 256.305 Structures and improvements.

(a) This account shall include the cost of all buildings and facilities and fixtures permanently attached thereto which are owned by the service company.

(b) The cost of foundations which are specially provided for machinery, apparatus, or other equipment of the company shall be charged to the same account as the cost of such machinery, apparatus, or equipment.

(c) Other fixtures temporarily attached to buildings shall not be included in the cost of the building but in the equipment account.

§ 256.306 Leasehold improvements.

This account shall include all costs incurred by the service company in improvements of, remodeling of, or installation of additional facilities in rented offices or buildings to suit tenant's needs.

§ 256.307 Equipment.

This account shall include the cost of equipment owned by the service company and used in rendering services such as micro-wave, communications and dispatching, automatic data processing, information storage and retrieval equipment, research and laboratory testing, construction, meter repairing, and printing and stationery. Subaccounts shall be maintained by classes of equipment for each service rendered.

§ 256.308 Office furniture and equipment.

This account shall include the cost of office furniture and equipment owned by the service company and used in rendering services, e.g., bookcases, shelves, desks, tables, chairs, desk equipment, safes, drafting-room equipment, filing cabinets, storage and other cabinets, floor covering, library and library equipment, accounting machines, electronic calculators, typewriters and other mechanical office equipment.

§ 256.309 Automobiles, other vehicles and related garage equipment.

This account shall include the delivered cost of all service company owned automobiles, vans, trucks, and other vehicles used by the service company in its operations. The cost of all tools, implements, and other equipment used in the inspection, maintenance, repair and overhaul of vehicles shall also be included in this account.

§ 256.310 Aircraft and airport equipment.

This account shall include the delivered cost of all service company owned aircraft and accessories thereto used by the service company in its operations. The cost of all tools, implements and other equipment used in the inspection, maintenance, repair and overhaul of aircraft shall also be included in this account.

§ 256.311 Other service company property.

(a) This account shall include the cost of service company property owned by the service company not provided for elsewhere.

(b) This account shall be maintained in such a manner that the service company can furnish full information with respect to the amounts included herein.

INCOME AND EXPENSE ACCOUNTS

1. INCOME

All invoices for services rendered to associate companies shall be submitted with sufficient information and in sufficient detail as to permit the associate company to identify the charge as if it had itself provided the services and in terms of the system of accounts prescribed by the regulatory authority to which it is subject.

§ 256.457 Services rendered to associate companies.

This account shall include amounts billed to associate companies for services rendered at cost. See accounts 457-1 through 457-5. Overbillings or underbillings arising from adjustments of estimated to actual cost should be cleared through this account and concurrent adjustments made to other accounts involved.

§ 256.458 Services rendered to nonassociate persons.

This account shall include amounts billed for services rendered to nonassociate persons. See Accounts 458-1 through 458-4.

§ 256.421 Miscellaneous income or loss.

This account shall include all income or loss items not provided for elsewhere. All income items in this account shall be deducted from and all loss items shall be added to the total compensation for equity otherwise computed as the amount reimbursable for equity invested in the service company.

2. EXPENSE

§ 256.920 Salaries and wages.

(a) This account shall include salaries, wages, bonuses and other consideration for services, with the exception of director's fees paid directly to officers and employees of the service company.

(b) This account shall be supported by time records and appropriately referenced to detailed records subdividing salaries and wages by departments or other functional organization units. See General Instructions.

§ 256.921 Office supplies and expenses.

(a) This account shall include office supplies and expenses incurred in connection with the general administration of service company operations assignable to specific administrative or general departments and not specifically provided for in other accounts. This includes the expenses of the various administrative and general departments, the salaries and wages of which are includable in account 920.

(b) This account may be subdivided in accordance with a classification appropriate to the departmental or other functional organization of the service company.

§ 256.922 Administrative expenses transferred—credit.

This account shall be credited with administrative expenses recorded in accounts 920 and 921 which are transferred to construction costs of the asset and other debit accounts.

§ 256.923 Outside services employed.

(a) This account shall include the fees and expenses of professional consultants and others for general services with the exception of fees and expenses for outside services of account 928, Regulatory commission expense and account 930.1, General advertising expenses. Separate subaccounts shall be provided for auditing, legal, engineering, management consulting fees and any other fees of professional or outside services that are material in amount.

(b) Records shall be so maintained to permit ready analysis showing nature of service, identity of the person furnishing the service, and affiliation if any.

§ 256.924 Property insurance.

(a) This account shall include the cost of insurance premiums to protect the service company against losses and damages to owned or leased property used in its operations. Recoveries from insurance companies or others for property damages shall be credited to the account charged with the cost of the damage. If the damaged property has been retired, the credit shall be to the appropriate account for accumulated provision for depreciation.

(b) Records shall be kept so as to show the amount of coverage for each class of insurance carried, the property covered, and the applicable premiums. Any dividends distributed by mutual insurance companies shall be credited to the accounts to which the insurance premiums were charged.

§ 256.925 Injuries and damages.

(a) This account shall include the cost of premiums for insurance to protect the service company against claims for injury, liability and damage claims of employees or others and losses of such character not covered by outside insurance.

(b) Reimbursements from insurance companies or others for expenses charged hereto on account of injuries and damages and insurance dividends or refunds shall be credited to this account.

§ 256.926 Employee pensions and benefits.

This account shall include pensions paid to or on behalf of retired employees, or payments for the purchase of annuities for this purpose, when the service company has definitely, by contract, committed itself to a pension plan under which the pension funds are irrevocably devoted to pension purposes. This account shall also include payments made under employee benefit programs such as medical and surgical benefits, disability benefits,

life insurance, savings and thrift plans, and other similar benefits. Include, also, expenses incurred in medical, educational or recreational activities for the benefit of employees.

§ 256.928 Regulatory commission expense.

This account shall include all expenses, properly includable in service company operating expenses, incurred by the service company in connection with formal cases before regulatory commissions, or other regulatory bodies, on its own behalf or on behalf of associated companies, including payments made to a regulatory commission for fees assessed to the service company for pay and expenses of such commission, its officers, agents and employees, and for filings or reports made under regulations of regulatory commissions. The service company shall be prepared to show the cost of each formal case.

§ 256.930.1 General advertising expenses.

This account shall include the cost of materials used and expenses incurred in advertising and related activities, the cost of which by their content and purpose are not provided for elsewhere.

ITEMS

1. Advertising in newspaper, periodicals, billboards, radio, etc.
2. Advertising matter such as posters, bulletins, booklets and related items.
3. Fees and expenses of advertising agencies and commercial artists.
4. Postage and direct mail advertising.
5. Printing of booklets, dodgers, bulletins, etc.
6. Supplies and expenses in preparing advertising materials.
7. Office supplies and expenses.

§ 256.930.2 Miscellaneous general expenses.

(a) This account shall include the cost of expenses incurred in connection with the general management of the service company not provided for elsewhere.

ITEMS

1. Industry association dues for company memberships.
2. Contributions for conventions and meetings of the industry.
3. Communication service not chargeable to other accounts.
4. Trustee, registrar, and transfer agent fees and expenses.
5. Stockholders meeting expenses.
6. Dividend and other financial notices.
7. Printing and mailing dividend checks.
8. Directors' fees and expenses.
9. Publishing and distributing annual reports to stockholders.
10. Public notices of financial, operating and other data required by regulatory statutes, not including, however, notices required in connection with security issues or acquisitions of property.
11. Other general expenses not provided for elsewhere.

(b) Records shall be so maintained to permit ready analysis by item showing the nature of the expense and identity of the person furnishing the service.

§ 256.931 Rents.

This account shall include rents including taxes paid for the property of others used, occupied or operated in connection with service company functions. Provide subaccounts for major grouping such as office space, warehouses, other structure, office furniture, fixtures, computers, data processing equipment, micro-wave and telecommunication equipment, airplanes, automobiles, etc. The cost, when incurred by the lessee, of operating and maintaining leased property, shall be charged to the accounts appropriate for the expense as if the property were owned.

§ 256.932 Maintenance of structures and equipment.

This account shall include materials used and expenses incurred in the maintenance of property owned, the cost of which is includable in accounts 305 through 311, and of property leased from others. Provide subaccounts by major classes of structures and equipment, owned and leased.

256.403 Depreciation and amortization expense.

This account shall include the amount of depreciation and amortization for all service plant, and leasehold improvements, the cost of which is includable in accounts 305 through 311. Provide subaccounts by each class of service company property owned and leased.

§ 256.408 Taxes other than income taxes.

(a) This account shall include the amount of state unemployment insurance, franchise taxes, federal excise taxes, social security taxes, and all other taxes assessed by Federal, State, County, Municipal, or other local governmental authorities, except income taxes.

(b) When it is not possible to determine the exact amount of taxes, the amount shall be estimated and adjustments made in current accruals as the actual tax levies become known.

(c) This account shall be kept in such manner as to show the amount of each class of taxes.

NOTE A.—Taxes applicable to property construction or investments may be charged to the account in which the property construction or investment is included. Special assessments for street and similar improvements shall be included in the appropriate service company property account. Gasoline and other miscellaneous taxes shall be charged, where practicable, to the same account as the materials on which the tax is levied.

NOTE B.—Interest on tax refunds or deficiencies shall not be included in this account but in account 421, Miscellaneous income, or account 431, other interest expense, as appropriate.

§ 256.409 Income taxes.

(a) This account shall include the amount of local, state and federal taxes on income properly accruable during the period covered by the income statement to meet the actual liability for such taxes. As the exact amount of taxes become known, the current tax accruals shall be adjusted accordingly so that this account, as nearly as can be ascertained, shall include the actual taxes payable which are chargeable to service company operations.

(b) Interest on tax refunds or deficiencies shall not be included in this account but in account 421, Miscellaneous income, or account 431, other interest expense, as appropriate.

§ 256.410 Provision for deferred income taxes.

This account shall be debited and Accumulated Deferred Income Taxes shall be credited with an amount equal to any deferral of taxes on income as provided by the text of account 282. No entries required to be made to this account shall be netted against any credit amounts appropriately includable in account 411, Provision for deferred income taxes—credit.

§ 256.411 Provision for deferred income taxes—credit.

This account shall be credited and Accumulated Deferred Income Taxes debited with an amount equal to the portion of taxes on income payable for the year which is attributable to a deferral of taxes on income in a prior year, in accordance with the plan of deferred tax accounting provided by the text of account 282. No entries required to be made to this account shall be netted against any debit amount appropriately includable in account 410, Provision for deferred income taxes.

§ 256.411.5 Investment tax credit.

This account shall be debited with the amounts of investment tax credits related to service company property that are credited to account 255, Accumulated deferred investment tax credits, by service companies which do not apply the entire amount of the benefits of the investment credit as a reduction of the overall income tax expense in the year to which such credit is realized (see account 255).

(b) This account shall be credited with the amounts debited to account 255 for proportionate amounts of tax credit deferrals allocated over the average useful life of property to which the tax credits relate or such

lesser period of time as may be adopted by the service company.

§ 256.426.1 Donations.

This account shall include all payments or donations for charitable, social or community welfare purposes.

§ 256.426.5 Other deductions.

This account shall include other miscellaneous expenses which are nonoperating in nature but which are properly deductible before determining total income before interest charges. Records shall be so maintained by subaccount to permit ready analysis showing the nature of the expense and identity of the person furnishing the service.

NOTE.—Preliminary survey and investigation expenses related to abandoned projects, when not written-off to the appropriate operating expense account, shall be included in this account.

§ 256.427 Interest on long-term debt.

This account shall include the amount of interest accrued on outstanding long-term debt owed by the service company to nonassociate persons.

§ 256.430 Interest on debt to associate companies.

This account shall include interest accrued on amounts included in account 223, Notes and advances from associate companies, account 224, Other long-term debt, and account 233, Notes payable to associate companies. The records supporting the entries to this account shall be so kept as to show to whom the interest is to be paid, the period covered by the accrual, the rate of interest and the principal amount of the advances or other obligations on which the interest is accrued. Separate subaccounts should be maintained for each related debt account.

§ 256.431 Other interest expenses.

This account shall include all interest charges not provided for elsewhere.

ANALYSIS OF REVENUE AND INCOME

To facilitate a uniform analysis of revenues and income, subaccounts shall be maintained as follows:

REVENUES SERVICES RENDERED TO ASSOCIATE COMPANIES

256.457-1 Direct cost charged to individual associate companies.
256.457-2 Indirect costs charged to individual associate companies.
256.457-3 Direct costs charged to groups of associate companies.
256.457-4 Indirect costs charged to groups of assoicate companies.
256.457-5 Compensation for use of capital—associate companies.

SERVICES RENDERED TO NONASSOCIATE PERSONS

256.458-1 Direct costs charged to nonassociate persons.
256.458-2 Indirect costs charged to nonassociate persons.
256.458-3 Compensation for use of capital—nonassociate persons.
256.458-4 Excess or deficiency on servicing nonassociate persons.

Paragraph (a) of Rule 91 provides in pertinent part that a servicing transaction shall be deemed to be performed at no more than cost if the price of such service does not exceed a fair and equitable allocation of expenses plus reasonable compensation for necessary capital procured through the issuance of capital stock. Such compensation as approved by the Commission may be computed monthly and shall be treated in the same manner as though it were a corporate overhead expense and allocated between accounts 457 and 458 on the ratio of all direct and indirect charges billed.

§ 256.457-1 Direct costs charged to individual associate companies.

This account shall include those costs which can be separately identified through a work order system, without unreasonable effort or expense, as being applicable to services performed for individual associate companies. This account shall not include any compensation for use of equity capital or intercompany interest on indebtedness.

§ 256.457-2 Indirect costs charged to individual associate companies.

This account shall include those costs of services performed for individual associate companies which cannot be separately identified without unreasonable effort or expense and therefore must be allocated. This account would include overhead, general services and support cost on a departmental basis. Included in this account will be all salaries, wages and other costs not charged directly or otherwise allocated. Journal or memorandum entries should be prepared monthly, by departments, for all such cost accumulated and billed to customers. This account shall not include any compensation for use of equity capital or intercompany interest on indebtedness.

§ 256.457-3 Direct costs charged to groups of associate companies.

This account shall include those costs which can be separately identified through a work order system, without unreasonable effort or expense, as being applicable to services performed for groups of associate companies. This would include such services as power pool cost, accounting cost and project costs such as plant requirement studies, research and development cost and specific planning programs for the entire system or smaller groups thereof. Journal or memorandum entries should be prepared monthly to distribute these costs to the individual companies. This account shall not include any compensation for use of equity capital or intercompany interest on indebtedness.

§ 256.457-4 Indirect costs charged to groups of associate companies.

This account shall include those costs of services performed for groups of associate companies which cannot be separately identified without unreasonable effort or expense and therefore must be allocated. This account would include overhead, general services and support cost on a departmental basis. Included in this account as an overhead item will be an allocable portion of all salaries, wages and other costs not charged directly. The amounts would be as set forth in the same monthly departmental journal or memorandum entries referred to for these costs in Account 457-2. The entries should be prepared monthly by departments to distribute these costs to individual companies. This account shall not include any compensation for use of equity capital or intercompany interest on indebtedness.

§ 256.457-5 Compensation for use of capital—associate companies.

This account shall include only the portion of compensation for use of equity capital and intercompany interest on indebtedness before income taxes which is properly allocable to services rendered to each associate company after adjustments for other income reflected in accounts 421 and 458-4. A statement to support the basis for the compensation and how it was calculated should be attached to each billing of the associate companies.

§ 256.458-1 Direct costs charged to nonassociate persons.

This account shall include those direct costs which can be separately identified through a work order system, without unreasonable effort or expense, as being applicable to service performed for nonassociate persons. This account shall not include any compensation for use of equity capital or interest on indebtedness.

§ 256.458-2 Indirect costs charged to nonassociate persons.

This account shall include those costs of services performed for nonassociate persons which cannot be separately identified without unreasonable effort or expense and therefore must be allocated. This account would include overhead, general services and support cost on a departmental basis and accumulated in a general work order system. Included in this account will be an allocable portion of all salaries, wages and other costs not charged directly. The amounts would be as set forth in the same monthly

departmental journal or memorandum entries referred to for these costs, in account 457-2. This account shall not include any compensation for use of equity capital or intercompany interest on indebtedness.

§ 256.458-3 Compensation for use of capital—nonassociate persons.

This account shall include only the portion of compensation for use of equity capital and intercompany interest on indebtedness before income taxes which is properly allocable to services rendered to nonassociate persons. A statement to support the basis for the compensation and how it was calculated should be attached to a separate journal entry, ledger system, or memorandum file.

§ 256.458-4 Excess or deficiency on servicing nonassociate persons.

This account shall include the amount by which the aggregate price received for services rendered to nonassociate persons differs from the sum of the total direct and indirect costs and compensation for use of capital which are properly allocable to such services. (Accounts 458-1 through 458-3).

INSTRUCTIONS

Any excess revenue (net credit balance) from servicing nonassociate persons must be deducted from amounts reimbursable by associate companies for compensation for use of capital invested in the service company, account 457-5. A deficiency (net debit balance) from servicing nonassociate persons may not be charged to associate companies unless such charge is authorized by a State or Federal Commission having jurisdiction. To the extent not so authorized, such a deficiency will effectively reduce the net return on capital invested in the service company.

Procedure for computing amounts credited to Accounts 457-5 and 458-3:

1. Compute the amount of return for use of capital as authorized by the Commission.
2. Allocate the return computed between Accounts 457-5 and 458-3.
3. Deduct the net credit balances of Accounts 421 and 458-4 from the computed return allocated to Account 457-5.

All compensation for the use of equity capital and intercompany interest on indebtedness which is properly allocable to services rendered should be allocated to associate and nonassociate companies on the ratio of all direct and indirect charges billed, except as otherwise authorized.

COMMENTS

All comments on the matters discussed in this release should be submitted to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. All such communications should refer to File No. S7-741 and will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 17, 1978.

[FR Doc. 78-14634 Filed 5-24-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-3813]

CITY OF BEAUMONT, RIVERSIDE COUNTY, CALIFORNIA

Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 3384 of the FEDERAL REGISTER of January 25, 1978.

EFFECTIVE DATE: January 25, 1978.

FOR FURTHER INFORMATION CONTACT:

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

The following flood elevation should be deleted:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Highland Springs Channel.	8th St.....	2601

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

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13904 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR PART 1917]

[Docket No. FI-4120]

CITY OF BUENA PARK, ORANGE COUNTY, CALIF.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Buena Park, Orange County, Calif.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Clerk's Office, City Hall, 6650 Beach Boulevard, Buena Park, Calif.

Send comments to: Mr. Forrest L. Yaberg, Director of Public Works, city of Buena Park, City Hall, 6650 Beach Boulevard, Buena Park, Calif. 90620.

FOR FURTHER INFORMATION CONTACT:

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

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

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community

must change any existing ordiances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own or pursuant to policies established by other Federal, States, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Brea Creek	Dale St., between Brea Creek and Atchison, Topeka & Santa Fe RR.	87
Fullerton Creek	Northeast side of Manchester Blvd at 10th St.	82
	Beach Blvd., between 10th St. and Melrose St..	1
Brea Creek	Beach Blvd. at Emery St..	1

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

Issued: April 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13905 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4114]

CITY OF RICHMOND, CONTRA COSTA COUNTY, CALIF.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicitited on the proposed base (100-hear) flood elevations listed below for selected locations in the city of Richmond, Contra Costa County, Calif.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Richmond, Calif.

Send comments to Honorable Donald Wagerman, Mayor of Richmond, Civic Center Plaza, City Hall, Richmond, Calif. 94804.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	location	Elevation in feet, national geodetic vertical datum
Rheem Creek	Goodrick Ave. (upstream side).	9
	Southern Pacific Transportation Co. RR. (upstream side).	16
	Atchison, Topeka & Santa Fe RR. (upstream side).	23
Wildcat Creek	Garden Tract Rd. (downstream side).	9
San Pablo Bay	Coastline	6
San Francisco Bay	do	6

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

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13906 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4115]

TOWN OF BEACON FALLS, NEW HAVEN COUNTY, CONN.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administrtation, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Beacon Falls, New Haven County, Conn.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the town hall, Beacon Falls, Conn. Send comments to: Mr. Leonard F. D'Amico, First Selectmen, Town of Beacon Falls, Town Hall, 10 Maple Avenue, Beacon Falls, Conn. 06403.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Naugatuck River...	Southern corporate limit.	99
	Pines Bridge Rd.	113
	Confluence of Bronson Brook.	127
	Depot St.	132
	Confluence with Spruce Brook.	153
	Confluence with Egypt Brook.	161
	Northern corporate limit at the confluence of Beacon Hill Brook.	167
Hemp Swamp Brook.	Lopus Rd.	113
	At private crossing 680 ft above Lopus Rd.	126
	Access rd.	161
	At a point 620 ft upstream of access rd.	168
	At a point 550 ft downstream of Pines Bridge Rd.	205
	Pines Bridge Rd.	217
	Rimmon Rd.	231
	At a point 290 ft upstream of Rimmon Rd.	232
Bronson Brook.....	Route 8.	127
	At dam 1,070 ft upstream of Route 8.	156
	At Weir 1,970 ft upstream of Route 8.	179
	Confluence of Bronson Brook tributary.	211
Bronson Brook tributary.	Bethany Rd.	216
	Munson Rd.	241
	Private crossing 470 ft upstream of Munson Rd.	260
	Lasky Rd.	278
	At a point 600 ft upstream of Lasky Rd.	286
Beacon Hill Brook	Route 8.	167
	Andrasko Rd.	171
	Cotton Hollow Rd.	183
	Confluence with unnamed tributary.	226
	Northeastern corporate limit.	255

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

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13907 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4116]

THE CITY OF CHAPMAN, DICKINSON COUNTY, KANS.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Chapman, Kans. Send comments to: Mayor Ted Canfield, City Hall, Chapman, Kans.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Smokey Hill River..	Approximately 100 ft upstream of Marshall St.	1,113
	Logan Rd. (extended).....	1,113
Chapman Creek	At intersection of 4th Street and Anderson Sts.	1,114
	Approximately 100 ft downstream of the intersection of Marshall St. and Kimberly Lane.	1,115

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

Issued: April 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13908 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4117]

CITY OF BROCKTON, PLYMOUTH COUNTY, MASS.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Brockton, Plymouth County, Mass.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the City Planner, City Hall, Brockton, Mass. 02401.

Send comments to: Mayor David Crosby or Mr. Barry Conner, Office of the City Planner, City Hall, Brockton, Mass. 02401.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Salisbury Plain River.	Just upstream of Meadow Lane.	75
	Perkins Ave	84
	Just upstream of Otis St	90
Salisbury Brook	Just upstream of Spring St.	122
	Just upstream of Moraine Rd.	126
Trout Brook	Just upstream of Crescent St.	90
	East Ashland St	97

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

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13909 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4118]

VILLAGE OF BRONXVILLE, WESTCHESTER COUNTY, N.Y.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the village of Bronxville, Westchester County, N.Y.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Village Hall, Bronxville, N.Y.

Send comments to: Mr. James E. Gordon, Village Administrator of Bronxville, Village Hall, 200 Pondfield Road, Bronxville, N.Y. 10708.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the village of Bronxville, Westchester County, N.Y. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a). These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bronx River	Midland Ave	84
	Parkway Rd	86
	Palmer Ave	88
	Dam	94
	Upstream corporate limits.	94

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

42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13910 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4119]

VILLAGE OF DEPOSIT, DELAWARE COUNTY, N.Y.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Deposit, Delaware County, N.Y.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Village Clerks Office, Deposit, N.Y.

Send comments to: President Myrlin Page, 146 Front Street, Deposit, N.Y. 13754.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Branch Delaware River.	Approximately 100 ft upstream New York State route 10.	989
	Just downstream northern corporate limits.	994
Oquaga Creek.....	Just upstream of Mill St. Bridge.	994
Butler Brook.....	Approximately 150 ft upstream of Front St.	991
	Just upstream of Elm St	997
Big Hollow.....	Just upstream Second Street abutments.	1002
Bone Creek	Just upstream of Front St.	1015
	Just downstream of 4th St.	1060

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

Issued: April 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13911 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3169]

UNINCORPORATED AREAS OF DURHAM COUNTY, N.C.

Revision of Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the unincorporated areas of Durham County, N.C.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 42 FR 38526 on July 28, 1977, and in The Durham Herald published on August 7 and August 17, 1977, and hence supersedes those previously published rules.

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Durham County Soil Conservation Agency, Agriculture Building, and the Durham County Planning Department, Durham, N.C.

Send comments to: Mr. Ed Swindell, Jr., County Manager, or Mr. Deryl Bateman, Director, Durham County Planning Department, 226 East Main Street, Durham, N.C., 27701.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Eno River	Approximately 150 ft downstream of State Route 1401.	358
Eno River tributary 3.	Just upstream of State Route 1449.	417
Crooked Creek	Approximately 150 ft upstream of State Route 1003.	422
Crooked Creek tributary 1.	Approximately 500 ft upstream of confluence with Crooked Creek.	454
Sevenmile Creek	Just upstream of dam at State Route 1556.	423
	Just upstream of State Route 1449.	437
Ellerbe Creek	Just upstream of Jimmy Glenn Rd.	269
Little River	Just upstream of State Route 1628.	304
	Approximately 250 ft upstream of U.S. Highway 501.	350
	Just upstream of State Route 1641.	396
Little River tributary 1.	Approximately 150 ft upstream of State Route 1003.	453
Little River north fork.	Just upstream of State Route 1461.	471
Little River north fork tributary 1.	Approximately 120 ft upstream State Route 1464.	463
Little River south fork.	Approximately 100 ft upstream State Route 1461.	441
	Just upstream of State Route 1003.	466
Cabin Creek	Just upstream of State Route 1684.	322
Little Lick Creek	Just upstream of State Route 1814.	275
Little Lick Creek tributary 1B.	Just upstream of NC 98.	284
Chunky Pipe Creek.	Approximately 100 ft upstream of State Route 1815.	271
Panther Creek	Just upstream of State Route 1818.	290
Lick Creek	Approximately 150 ft downstream of State Route 1902.	280
	Just upstream of State Route 1905.	293
Lick Creek tributary 1.	Confluence with Lick Creek.	300
Stirrup Iron Creek	Just downstream of G.E. access Rd.	336
Stirrup Iron Creek tributary A.	Approximately 1,000 ft upstream of State Route 1969.	323
Stirrup Iron Creek tributary B.	Confluence with Stirrup Iron Creek.	322
New Hope Creek tributary 1.	Just downstream of State Route 1113.	262
Northeast Creek	Just upstream of State Route 1102.	251
	Just upstream of NC 54.	259
	Just upstream of State Route 1945.	268
	Just upstream of State Route 1121.	280
Northeast Creek tributary C.	Just upstream of State Route 1102.	259
	Just upstream of State Route 1254.	273
Northeast Creek tributary D.	Just upstream of State Route 1103.	245
Northeast Creek north prong.	Just upstream of State Route 1182.	269
Northeast Creek north prong tributary A.	Confluence with Northeast Creek north prong.	282
Burdens Creek	Approximately 200 ft downstream of Alston Ave.	256
	Just downstream of Jenkins Rd. (State Route 1975).	266
Two Bottle Creek	Just downstream of NC 54.	271

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 23, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13912 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4120]

THE VILLAGE OF BRIDGEPORT, BELMONT COUNTY, OHIO

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the village of Bridgeport, Belmont County, Ohio.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Building, 301 Main Street, Bridgeport, Ohio.

Send comments to: The Honorable Samuel Lofton, Mayor, Village of Bridgeport, 302 Main Street, Bridgeport, Ohio 43912.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	Downstream corporate limit.	659
	Upstream corporate limit.	659
Wheeling Creek	Upstream corporate limit.	660

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

Issued: April 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13913 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4121]

TOWNSHIP OF MIDDLETOWN, DELAWARE COUNTY, PA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township or Middletown, Delaware County, Pa.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the office of the Township Manager, Lima, Pa.

Send comments to: Mr. Donald L. Glackin, Township Manager of Middletown, P.O. Box 157, Lima, Pa.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ridley Creek	Downstream corporate limits.	70
	Fox Rd. (extended)	99
	Media Station Rd. (upstream).	113
	Baltimore Pike (downstream).	117
	Baltimore Pike (upstream).	120
	Media by-pass (upstream).	129
	Rose Tree Rd. (upstream).	129
	Confluence of Spring Run.	129
	Approximately 160 ft downstream of confluence of Dismal Run.	140
Chester Creek	Dutton Mill Rd. (downstream corporate limits).	49
	Conrail Crossing approximately 2,850 ft upstream of Dutton Mill Rd. (upstream).	55
	Knowlton Rd. (upstream).	62
	Confluence of Crum Run.	63
	Mount Alverno Rd. (upstream).	67
	Confluence of Chrome Run.	68
	Pennel Rd. (Pa. route 452) (upstream).	83
	Conrail crossing approximately 770 ft upstream of Pennel Rd. (upstream).	85
	Covent Rd. (upstream)	105
	Hollow Hill Rd. (confluence of West Branch Chester Creek) (upstream).	106
	Lenni Road (upstream)	115
	Conrail crossing approximately 700 ft downstream of Station Rd. (upstream).	134
	Station Rd. (upstream)	135
	Baltimore Pike (upstream).	141
	Confluence of Rocky Run.	141
	Conrail crossing approximately 2,050 ft downstream of Darlington Rd. (upstream).	148
	Darlington Rd. (upstream).	149
	Forge Rd. (upstream)	168
	Dam approximately 1,320 ft upstream of Forge Rd. (downstream).	176
	Dam approximately 290 ft downstream of upstream corporate limits (downstream).	189
	Upstream corporate limits.	204
Rocky Run	Approximately 200 ft upstream of Old Forge Rd.	255
	Forge Rd. (downstream)	283
	Forge Rd. (upstream)	288
	Brook Lane (upstream)	294
	Upstream corporate limits.	302
Chrome Run	Confluence with Chester Creek.	68
	St. Andrews Dr. (Downstream).	74
	St. Andrews Dr. (upstream).	80

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

Issued: April 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13914 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4122]

BOROUGH OF PUNXSUTAWNEY, JEFFERSON COUNTY, PA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Punxsutawney, Jefferson County, Pa.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Civic Center, Punxsutawney, Pa.

Send comments to: Honorable Paul Jordan, Mayor of Punxsutawney, Mahoning East Civic Center, Punxsutawney, Pa. 15767.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mahoning Creek ...	Corporate limits (east) ...	1,237
	P.C.R.R. (Conrail) (abandoned).	1,228
	Corporate limits (west) ..	1,227

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

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13915 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4123]

CITY OF RED BANK, HAMILTON COUNTY, TENN.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Red Bank, Hamilton County, Tenn.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Red Bank, Tenn.

Send comments to: Honorable John D. Carnes, Mayor of Red Bank, City Hall, 3117 Dayton Boulevard, Red Bank, Tenn. 37415.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, above mean sea level
Stringers Branch ..	Corporate Limits	654
	U.S. Highway 127 and State Highway 8.	654
	Spur State Highway 27 ..	663
	Strawberry Lane	664
	Dayton Blvd. (U.S. Highway 27).	666
	Merriman Ave	669
	Midvale St	674
	Kildare St	680
	Memorial Dr	687
	Hawkins St	693
	Dayton Blvd. (U.S. Highway 27).	699
	Laurel St	704
	Lancaster St	706
	Newberry St	712
	Fair St	714
	Dayton Blvd. (U.S. Highway 27).	716
	Euclid Ave	725
	Leawood St. Bridge	738

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

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13916 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4124]

CITY OF TEXARKANA, BOWIE COUNTY, TEX.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Texarkana, Bowie County, Tex.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Bulletin Board in the Lobby of City Hall, Texarkana, Tex.

Send comments to: Hon. David L. Keller, Mayor of Texarkana, City Hall, P.O. Box 1967, Texarkana, Tex. 75501.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Howard Creek	Buchanan Rd. (upstream).	270
	Flower Acre Rd. (upstream).	285
	U.S. Highway 59 (downstream).	286
	Findley St. (upstream)	296
South Wagner Creek.	Buchanan Rd. (upstream).	273
	Garber St. (upstream)	278
	Findley St. (upstream)	281
	Robinson Rd. (downstream).	290
	Kilgore St. (downstream).	301
	U.S. Highway 67 (downstream).	307
Wagner Creek	Texas and Pacific RR. (upstream).	266
	U.S. Highway 59 (Lakeside Dr.) (downstream).	270
	Findley St. (upstream)	278
	U.S. Highway 67 (downstream).	287
	Westlawn Dr. (downstream).	295
Cowhorn Creek	U.S. Highway 67 (downstream).	283
	West 15th St. (downstream).	293
	Lumpkin Rd. (upstream).	301
	College Dr. (downstream).	306
	Kennedy Lane (upstream).	313
	Interstate 30 (downstream).	325
Cowhorn Creek, west tributary.	Confluence of Cowhorn Creek (downstream).	316
	Interstate 30 (upstream)	326
Days Creek	Corporate Limits (upstream).	275
Nix Creek	South Day St. (upstream).	280
Swampoodle Creek.	Confluence of Days and Nix Creek (upstream).	277
	West 3d St. (upstream)	286
	U.S. Highway 67 (downstream).	287
	West 17th St. extended (downstream).	297
	U.S. Highway 82 (New Boston Rd.) (downstream).	300
	College Dr. (downstream).	315
Swampoodle Creek tributary.	Texas Blvd. (downstream).	313
	Pines St. (downstream)	318
Swampoodle Creek west channel.	Kansas City Southern RR. (upstream).	315
	College Dr. (downstream).	317

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

Issued: May 2, 1978.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 78-13917 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3163]

THE TOWN OF JOHNSON, LAMOILLE COUNTY, VT.

Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 42 FR 38732 of the FEDERAL REGISTER of July 29, 1977.

EFFECTIVE DATE: July 29, 1977.

FOR FURTHER INFORMATION CONTACT:

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

The original notice published on July 29, 1977 as 42 FR 38732 is in error and should be corrected to read as follows:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Gihon River	Town/village of Johnson corporate limits.	564
	Just upstream of town/village of Johnson corporate limits.	569
	500 ft downstream State route 100-C.	570
	Just downstream of State route 100-C.	577
	Just upstream of State route 100-C.	578
	Just downstream of dam	586
	Just upstream of dam	608
	1,100 ft upstream of dam.	613
	Just downstream of town Highway 33.	614
	Just upstream of town Highway 33.	619
	One-half mile upstream of town Highway 33.	620
	Three-quarter mile upstream of town Highway 33.	621
Bell Brook	260 ft upstream at mouth at Gihon River.	577
	320 ft upstream at mouth at Gihon river.	581
	530 ft upstream at mouth at Gihon River.	582
	1,000 ft upstream at mouth at Gihon River.	603
	370 ft downstream of town Highway 32.	619
	100 ft downstream of town Highway 32.	626
	Just upstream of town Highway 32.	627
	690 feet upstream of town Highway 32.	684
Lamoille River	West corporate limits	469
	Just downstream of Ithiel Falls.	476
	580 ft downstream of Smith Brook.	486
	Just downstream of State route 15.	489
	Just upstream of State route 15.	491
	One mile upstream of State route 15.	493
	West town/village of Johnson corporate limits.	497
	Southeast town/village of Johnson corporate limits.	500
	1,600 ft upstream town/village of Johnson corporate limits.	502
	3,200 ft upstream town/village of Johnson corporate limits.	517
	Three-quarter mile upstream town/village of Johnson corporate limits.	528

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	500 ft downstream of Vermont Northern RR.	530
	Just upstream of Vermont Northern RR.	533
	East corporate limits	536
Foot Brook	290 ft downstream of State route 15.	492
	Just downstream of State route 15.	494
	Just upstream of State route 15.	498
	530 ft upstream of State route 15.	503

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

Issued: April 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13918 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4125]

CITY OF REDMOND, KING COUNTY, WASH.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Redmond, King County, Wash.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Planning Department, 15670 Northeast 85th Street, Redmond, Wash.

Send comments to: Mayor Selwyn Young, 15670 Northeast 85th Street, Redmond, Wash. 98052.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sammamish River	Just downstream of Northeast 116th St.	28
	Approximately 300 ft upstream of State Highway 908.	31
	Just upstream of Leary Way.	31
	Mouth of Sammamish River..	
Bear Creek	Approximately 300 ft upstream of State Highway 202.	43
	Approximately 300 ft downstream of Northeast 95th St.	56
Evans Creek	192d Ave. NE. (extended).	52

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

Issued: April 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13919 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3164]

VILLAGE OF JOHNSON, LAMOILLE COUNTY, VT.

Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 42 FR 38733 of the FEDERAL REGISTER of July 29, 1977.

EFFECTIVE DATE: July 29, 1977.

FOR FURTHER INFORMATION CONTACT:

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

The original notice published on July 29, 1977 at 42 FR 38732 is in error and should be corrected to read as follows:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lamoille River	West corporate limits	497
	Just downstream of Railroad St. bridge.	499
	South corporate limits	500
Gihon River	Mouth at Lamoille River.	499
	Just upstream of Pearl St.	499
	200 ft upstream of Pearl St.	502
	900 ft downstream of School St.	505
	530 ft downstream of School St.	515
	Just upstream of School St.	525
	160 ft upstream of School St.	526
	425 ft upstream of School St.	533
	100 ft downstream of dam.	546
	Just upstream of dam	558
	680 ft upstream of dam	561
	1,100 ft upstream of dam.	562
	East corporate limits	565

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

egation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: April 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13920 Filed 5-24-78; 8:45 am]

[4210-01]

Federal Insurance Aministration

[24 CFR Part 1917]

[Docket No. FI-412]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR GRANT COUNTY, OREG.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Bulletin Board in the Courthouse, Canyon City, Oreg. Send comments to: Honorable Francis E. R. Cole, County Judge of Grant County, Canyon, Oreg.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
John Day River.....	From below Mount Vernon to above John Day, 1,200 ft upstream of U.S. Highway 26 crossing west of Mount Vernon.	2,803
	Downstream corporate limits of Mount Vernon.	2,833
	Upstream corporate limits of Mount Vernon.	2,845
	Road leading to Luee School (upstream side).	2,956
	Western corporate limits of John Day.	3,045
	Projection of east end of county fair grounds track within John Day.	3,074
	1,350 ft downstream from confluence of Little Pine Creek.	3,112

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13921 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4128]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE CITY OF SALEM, MARION AND POLK COUNTIES, OREGON

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Salem, Marion, and Polk Counties, Oreg.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Civic Center, 555 Libert Street, Salem, Oreg. Send comments to: Mr. Robert S. Moore, City Manager of Salem, 555 Liberty Street, Salem, Oreg. 97301.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Willamette River ..	Downstream corporate limits.	138
	Center St	142
	Upstream corporate limits.	145
Shelton Ditch	Mouth	142
	Upstream Church St	147
	Upstream Winter St	149
	Upstream 12th St	155
	Upstream 14th St	161
	Upstream Lee St	168
	Upstream Ford St	176
	Upstream Airport Rd	185
	Mill Creek control structure.	189
Mill Creek	Shelton ditch control structure.	191
	Upstream Mission St	197
	Upstream Cascade Gateway Park Bridge.	204
	Upstream Interstate Route 5.	221
	Upstream River Bend Gravel Co. Haul Rd.	228
	Upstream Salem-Turner Rd.	237
	Upstream Prison Annex Rd.	246
	Upstream corporate limits.	257

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13922 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4129]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE TOWNSHIP OF BIRMINGHAM, DELAWARE COUNTY, PA.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the Township Supervisor, Chadds Ford, Pa. Send comments to: Mr. Harold F. Jones, Chairman of the Board of Supervisors of Birmingham, P.O. Box 189, Chadds Ford, Pa. 19317.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, above mean sea level
Brandywine Creek	Rock Hill Rd. (extended).	160
	Upstream side of Route 100 crossing.	162
	Upstream side of Conrail crossing.	168
	Baltimore Pike (upstream side) (crossing).	170
	Upstream corporate limits.	172
Harvey Run	Route 100 crossing (upstream side).	168
	Upstream side Ring Rd. crossing.	185
	Heyburn Rd. (downstream side).	211
	Private Rd. crossing at headwaters.	306

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13923 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-413]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PA.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Engineer's Office, 201 Lysle Boulevard, McKeesport, Pa. Send comments to: Honorable Thomas J. Fullard, Mayor of McKeesport, 201 Lysle Boulevard, City Hall, McKeesport, Pa. 15132.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line

800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Monongahela River.	Upstream corporate limits.	746
	Confluence of Youghiogheny River.	744
	Confluence of Crooked Run.	743
	Downstream corporate limits.	742
Youghiogheny River.	Upstream corporate limits.	749
	Confluence of Long Run	746
	15th Ave	744
	Mouth	744
Long Run	Upstream corporate limits.	791
	Upstream of Shopping Center Dr.	759
	Corporate limits (downstream of shopping center.	757
	Long Run Rd.	747
	Mouth	746
Crooked Run	Upstream corporate limits.	816
	Upstream of Avberle Ave.	807
	Upstream of 5th Ave.	799
	Upstream of Pennsylvania Ave.	794
	Downstream limit of detailed study.	785

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13924 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4131]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE TOWNSHIP OF RALPHO, NORTHUMBERLAND COUNTY, PA.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Muncipal Building, Intersection of Market and Valley Avenue, Elysburg, Pa. Send comments to: Mr. Harry W. Slagle, Chairman of the Board of Supervisors of Ralpho, P.O. Box 168, Elysburg, Pa. 17824.

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Shamokin Creek	Route 61 Bridge (upstream).	596
	Irish Valley Road Bridge (upstream).	604
	Bridge No. 1 (750 ft downstream of corporate limits) (upstream).	613
	Dam No. 1 (500 ft downstream of corporate limits) (upstream.	616
	Upstream corporate limits.	617
Pocahontas Creek.	Downstream corporate limits (Route 242).	540
	L.R. 49134 (upstream)	559
	Pine View Rd. (upstream).	572
	Market St. (upstream)	586
	Footbridge (250 ft upstream of Market St.) (upstream).	588
	Dam No .1 (1,000 ft above Market St.) (upstream).	590
	Township Route 509 (upstream).	593
	Dam No. 2 (1,000 feet above township Route 509) (upstream).	597
	State Route 487 (upstream).	600
South branch Roaring Creek.	Downstream corporate limits.	604
	Footbridge No. 1 (1,000 ft above corporate limits) (upstream).	609
	Footbridge No. 2 (1,100 ft above corporate limits) (upstream).	610
	Footbridge No. 3 (1,550 ft above corporate limits) (upstream).	610
	Footbridge No. 4 (1,850 ft above corporate limits) (upstream).	613
	Township Route 804 (upstream).	647
	Bear Hollow Rd. (upstream).	661
	Township Route 802 (upstream).	676
	Township Route 459 (downstream).	720

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13925 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4132]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE TOWNSHIP OF UPPER TYRONE, FAYETTE COUNTY, PA.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Owensdale School, Connellsville Road 2, Upper Tyrone, Pa. Send comments to: Mr. Roy Weaver, Chairman of the Board of Supervisors of Upper Tyrone, Star Route, Scottsdale, Pa. 15863.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Youghiogheny River.	Downstream corporate limits, of the Township of Upper Tyrone.	859
	Confluence of Galley Run.	863
	Upstream corporate limits of the Township of Upper Tyrone.	864
Jacobs Creek	State Route 819	1,022
	Chessie System RR	1,027
	State Route 110	1,028
	Conrail bridge	1,029
	Bridge St	1,033
	Confluence of Stauffer Run.	1,034
	Dexter Rd	1,035
	U.S. Route 119	1,036
	State Route 26151	1,038
	Upstream corporate limits of the Township of Upper Tyrone.	1,039
Galley Run	Confluence with Youghiogheny River..	863
	State Route 26088	864
	Chessie System RR. bridge (680 ft upstream of State Route 26088)..	870

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13926 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4133]

Proposed Flood Elevation Determinations for Guadalupe County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Courthouse, Seguin, Tex. Send comments to: Hon. Pat Baker, County Judge of Guadalupe County, Courthouse, Seguin, Tex. 78155.

FOR FURTHER INFORMATION CONTACT:

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

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

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal,

State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cibolo Creek	Lookout Rd. upstream	758
	Interstate Highway upstream.	751
	Frontage Rd. upstream	750
	Selma Rd. upstream	735
	Main St. upstream	715
	Schaefer Rd. upstream	675
	Lower Seguin Rd. upstream.	653
	Weir Rd. upstream	648
	Frontage Rd. upstream	621
Guadalupe River	Upstream county bondary.	586
	T.P.—dam: above	583
	0.1 mi below	551
	McQueeny Dam	538
	State Highway 78 upstream.	533
	Interstate Highway 10 upstream.	516
	U.S. Highway 90 upstream.	515
	T.P.—4 dam: above	511
	0.7 mi below	494
	State Highway 123 upstream.	486
	State Highway 123 bypass upstream.	475
	Nolte Dam	468
	Farm to market 466	463
	Confluence of Geronimo Creek.	458
	Confluence of Mill Creek.	418
	Downstream county boundary.	383
San Marcos River	Upstream county boundary.	546
	Farm to market 1979	518
	Farm to market 1977	488
	County Rd. 237 upstream.	411
	South Pacific RR	382
	State Highway 80 upstream.	364
	Downstream county boundary.	358
Santa Clara Creek	County Rd. 361 upstream.	717
	County Rd. 374 upstream.	680
	County Rd. 354 upstream.	657
	Southern Pacific RR	634
	Farm to market 78	631
	Farm to market 465	605
	County Rd. 312 upstream.	594
	Interstate Highway 10 upstream.	576
	County Rd. 304 upstream.	567
	County Rd. 315 upstream.	560
Santa Clara Creek tributary No. 1.	County Rd. 367 upstream.	670
	Confluence of Santa Clara Creek tributary No. 2.	652
	Southern Pacific RR	635
	Farm to market 78	632
	Confluence of Santa Clara Creek.	596
Santa Clara Creek tributary No. 2.	County Rd. 354 upstream.	666
	Confluence with Santa Clara Creek tributary No. 1.	652
Cotton Creek south.	County Rd. 419 upstream.	582
	County Rd. 413 upstream.	528
	County Rd. 411 upstream.	513
	County Rd. 411C upstream.	493
	State Highway 123 upstream.	476
	Confluence of Guadalupe River.	468
Elm Creek north	County Rd. 411B upstream.	526
	Farm to market 467	516
	Confluence of Cottonwood Creek south.	492
Alligator Creek	County Rd. 140 upstream.	620
	Farm to market 758	614
	County Rd. 107A upstream.	606
	County Rd. 105 upstream.	592
	Confluence with Geronimo Creek.	590
Elm Creek south	County Rd. 4128 upstream.	516
	County Rd. 409B upstream.	504
	Farm to market 467 upstream.	486
	County Rd.: 8,300 feet above County Rd. 412D.	471
	County Rd. 412D upstream.	463
	Downstream county boundary.	459
Geronimo Creek	County Rd. 130 upstream.	612
	[illegible] 123 upstream	574
	County Rd. 121 upstream.	572
	County Rd. 118 upstream.	560
	Farm to market 20	515
	Interstate Highway 10 upstream.	499
	Southern Pacific RR	495
	U.S. Highway 90 upstream.	491
	U.S. Highway 90A upstream.	472
Cottonwood Creek north.	County Rd. 245 upstream.	563
	Downstream County Rd. 245 upstream.	558
	Farm to market 1978	555
	Downstream County Rd. 245.	549
	Farm to market 1979	522
	County Rd. 244A upstream.	493
	Farm to market 1339	474
	Confluence with York Creek.	452
York Creek	Upstream county boundary.	544
	County Rd. 105 upstream.	527
	State Highway 123 upstream.	503
	Confluence of Long Creek.	483
	County Rd. 231 upstream.	464
	County Rd. 241A upstream.	457
	Farm to market 20	437
	County Rd. 238 upstream.	425
Long Creek	Farm to market 1979	563
	Dam No. 10: above	561
	0.2 mi below	532
	County Rd. 152 upstream.	524
Walnut Creek	Interstate Highway 10 upstream.	547
	Southern Pacific RR	546
	Corporate limits	538

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13927 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3864]

Proposed Flood Elevation Determinations for the Town of Ludlow, Windsor County, Vt.; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 43 FR 3587 of the FEDERAL REGISTER of January 26, 1978.

EFFECTIVE DATE: January 26, 1978.

FOR FURTHER INFORMATION CONTACT:

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

The following location:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Black River	100 ft downstream of Pleasant St.	972

should be corrected to read:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Black River	280 ft downstream of Pleasant St.	972

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13928 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4134]

Proposed Flood Elevation Determinations for Dinwiddie County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the County Administrator, Dinwiddie County, Va. Send comments to: Mr. W. C. Knott, County Administrator of Dinwiddie County, P.O. Drawer 70, Dinwiddie, Va. 23841.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, above mean sea level
Reedy Creek	At upper Appomattox Canal.	110
	upstream side of Norfolk Western RR. crossing.	114
	Upstream side of State Route 600 crossing.	117
	Upstream side of telephone line crossing.	122

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13929 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4135]

Proposed Flood Elevation Determinations for the Town of Gate City, Scott County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Hall, Gate City, Va. Send comments to: Hon. Darrell Dougherty, Mayor of Gate City, P.O. Box 486, Town Hall, Gate City, Va. 24251.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the Proposed determinations of base (100-year) flood elevations for the town of Gate City, Scott County, Va., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 40001-4128, and 24 CFR 1917.4(a).

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

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

Source of flooding	Location	Elevation in fleet, national geodetic vertical datum
Big Moccasin Creek.	Downstream corporate limits.	1,260
	Gate City water supply plant.	1,268
	Upstream corporate limits.	1,275
Little Moccasin Creek.	Confluence with Big Moccasin Creek.	1,266
	Upstream side of U.S. Highways 23, 58, and 42.	1,281

Source of flooding	Location	Elevation in fleet, national geodetic vertical datum
	Upstream side of Moccasin St.	1,297
	Upstream side of Horton St.	1,312
	Upstream side of Ruth Subdivision Rd.	1,338
	Upstream corporate limits.	1,347

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

Issued: April 1, 1978.

PATRICIA ROBERTS HARRIS
Secretary.

[FR Doc. 78-13930 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4136]

Proposed Flood Elevation Determinations for Henrico County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

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

ADRRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the County Administration Building, Parham and Hungary Spring Rds., Henrico County, Va. Send comments to: Mr. William S. Dewhirst, Acting County Manager of Henrico County, P.O. Box 27032, Richmond, Va. 23272.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
James River	Henrico County, upstream.	148
	Pittaway Creek at Richmond City limits.	139
	Bosher Dam	135
	Hugenot Bridge	128
Gillie Creek	Laburnam Ave	104
	Interstate 48	90
	East Richmond Rd	63
	Henrico County, at city of Richmond, downstream.	47
Stony Run	U.S. Route 33	97
	Interstate 64, upstream	94
	Henrico County boundary, downstream.	77
Upham Brook	U.S. Route 33	175
	Bird Hill Rd	169
	Azalea Ave	130
	U.S. Route 1	128
	Interstate I-95	115
	U.S. Route 1-301	108
	Wilkinson Rd	103
North Run	Mountain Rd	185
	Confluence of Hungary Creek.	175
	Parham Rd	161
	Confluence of Rocky Branch.	151
	Confluence of Thorpe Branch.	143
	Lakeside Ave	136
	Confluence with Upham Brook.	118
Hungary Creek	Dam, 2,600 ft upstream from Staples Mill Rd.	224
	Staples Mill Rd	216
	Richmond, Fredericksburg & Potomac RR.	208
	Purcell Rd	198
	Woodman Rd	188
	Confluence with North Run.	175
Rocky Branch	U.S. Route 33	202
	Hermitage Rd	183
	Rocky Branch Lane	152
	Confluence with North Run.	151
Thorpe Brnch	Pershing Ave	189
	Norman Ave	173
	Confluence with North Run.	143
Tuckahoe Creek	Confluence of Broad Branch.	148
	Patterson Ave	145
	Confluence with James River.	143
Deep Run	Interstate 64	176
	3 Chopt Rd	172
	Confluence of Stoney Run.	156
	Pump Rd	146
	Confluence of Tuckahoe Creek.	145
Stoney Run	Church Rd	202
	Fallon Bridge Dr	156
	Confluence with Deep Run.	156

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13931 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4137]

Proposed Flood Elevation Determinations for Henry County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines

of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the County Administrator, Collinsville, Va. Send comments to: Mr. John M. Richardson, County Administrator of Henry County, P.O. Box 7, Collinsville, Va. 24078.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Leatherwood Creek.	Bear Branch Confluence	736
	Virginia Route 648 upstream.	705
	West Fork Confluence....	686
	Camp Branch Confluence.	683
	West Bound Lane Highway 58 upstream.	682
	East Bound Lane Highway 58 upstream.	682
	Southern RR.....	664
	Virginia Route 620	664
	Virginia Route 650 upstream.	648
West Fork Leatherwood Creek.	Reservoir No. 3 Dam.....	747
	Confluence of Wet Branch.	746
	Virginia Route 57 upstream.	728
	Confluence of Reservoir No. 2.	714
	Confluence with Leatherwood Creek.	686
Wet Branch.....	Reservoir No. 4 Dam.....	752
	Virginia Route 628 upstream.	746
	Confluence with West Fork.	746
	Leatherwood Creek.....	
Reservoir No. 2 Branch.	Reservoir No. 2 Dam.....	772
	Virginia Route 655 upstream.	771
	Virginia Route 720 upstream.	719
	Virginia Route 57 upstream.	714
Jones Creek.....	Virginia Route 667 upstream.	735
	Private Drive upstream of U.S. Highway 220.	732
	U.S. Highway 220 upstream.	729
	Southern Ry.....	723
Beaver Creek	Martinsville Reservoir Dam.	775
	Virginia Route 714 upstream.	772
	Virginia Route 108 upstream.	757
	Private Drive.....	753
	Confluence of Little Beaver Creek.	742
	U.S. Highway 220 upstream.	729
	Confluence of Jones Creek.	723
	Norfolk & Western Ry...	719
	Southern Ry.....	718
	Virginia Route 57 upstream.	716
	.....	
	Confluence with Smith River.	716
Hairston Branch...	Confluence with Little Beaver Creek.	759
Little Beaver Creek.	Virginia Route 108	749
	Confluence with Beaver Creek.	742
Daniels Creek	Sarah Ave. upstream	856
	Virginia Highway 220 upstream.	856
	West Paul St. upstream .	850
	Eliza Reamy Ave. upstream.	838
	Redd Boulevard upstream.	832
	Coffman Drive upstream.	823
	Virginia Route 609 upstream.	813
	Wheeler Ave. upstream..	805
	Virginia Route 1142 upstream.	788
	Private Drive.....	775
	Virginia Route 57 upstream.	731
Reed Creek.....	Virginia Route 665 upstream.	854
	Private Road	797
	Virginia Route 609 upstream.	782
	U.S. 220 (Business) upstream.	756
	Virginia Route 57 upstream.	745
	Confluence of Little Reed Creek.	741
	U.S. 220 By-pass upstream.	741
	Norfolk & Western Ry...	740
Little Reed Creek .	Private Drive upstream of Va. Route 669.	896
	Virginia Route 669 upstream.	833
	Private Road 1,500 feet downstream of Va. Route 669.	811
	Private Drive 1,800 feet upstream of Meadow La..	784
	Meadow La. upstream	774
	Dyer Rd. upstream.....	765
	Private Drive 1,100 feet upstream of Virginia Route 57.	752
	Virginia Route 57 upstream.	749
	Edgewood Rd. upstream	747
	Virginia Route 606 upstream.	741
	Confluence with Reed Creek.	741
Town Creek.....	Virginia Route 606 upstream.	884
	Virginia Route 604 upstream.	869
	Norfolk & Western Ry...	802
	Virginia Route 674 upstream.	796
	Confluence with Smith River.	789
Smith River	Virginia Route 674 upstream.	791
	Confluence of Town Creek.	789
	Virginia Route 666 upstream.	763
	Riverside Dr. upstream ..	758
	Main St. upstream.....	755
	Church St. upstream	751
	Confluence of Blackberry Creek.	747
	Alternate Route 57 upstream.	736
	U.S. 220 By-pass upstream.	729
	Confluence of Reed Creek.	728
	New Virginia Route 609 upstream.	724
	Jordan Creek Confluence.	723
	Norfolk & Western Ry...	722
	Confluence of Beaver Creek.	716
	Confluence of Grassy Creek.	709
	Martinsville Dam.....	675
	U.S. Highway 220 upstream.	675
	Virginia Route 966 upstream.	670
	Norfolk & Western Ry. downstream of Route 966.	666
	Confluence of Marrow Bone Creek.	623
	Confluence of Leatherwood Creek.	608
	Virginia Route 636 upstream.	595
	Virginia Route 622 upstream.	575
	Downstream County Line.	562
Blackberry Creek..	County Line.....	1,198
	Virginia Route 687 upstream.	1,165
	Virginia Route 832 upstream.	1,159
	Confluence of Hales Pond Creek.	876
	Virginia Route 676 upstream.	850
	Virginia Route 779 upstream.	830
	Virginia Route 698 upstream.	814
	Virginia Route 780 upstream.	784
	Private Drive 2,000 feet downstream of Virginia Route 780.	775

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Private Drive 2,500 feet upstream of Alternate Route 57.	760
	Alternate Route 57 upstream.	747
	Confluence with Smith River.	747
Rangley Creek	Private Drive 1,500 feet upstream of Valley Dr. Creek confluence.	833
	Confluence of Valley Dr. Creek.	821
	Private Drive 1,500 feet upstream of Virginia Route 683.	817
	Virginia Route 683 upstream.	811
	U.S. Highway 220 upstream.	742
Jordon Creek	Virginia Route 683 upstream.	830
	Confluence of Meadow Creek upstream.	802
	U.S. Highway 220 Bypass.	744
	Confluence of Rangley Creek.	740
	Private Drive	738
	Virginia Route 684 upstream.	734
	Virginia Route 1163 upstream.	729
	Norfolk & Western Ry	724
	Virginia Route 682 upstream.	724
	Confluence with Smith River.	724
Meadows Creek	Private Road	859
	Confluence with Jordan Creek.	802
Grassy Creek	U.S. Highway 58 upstream.	894
	Virginia Route 875 upstream.	890
	Abandoned Railroad	854
	U.S. Highway 220 upstream.	834
	Confluence with Smith River.	709
Little Marrowbone Creek.	Private Drive	743
	Virginia Route 641 upstream.	735
	Virginia Route 1313 upstream.	696
	Confluence with Marrowbone Creek.	692
Marrowbone Creek.	Marrowbone Reservoir Dam.	740
	Virginia Route 688 upstream.	726
	Virginia Route 687 upstream.	710
	Confluence of Little Marrowbone Creek.	692
	U.S. 220 South Bound Lane upstream.	692
	U.S. 220 North Bound Lane upstream.	692
	Virginia Route 782 upstream.	684
	Norfolk & Western Ry	679
	Fisher Dam	658
	Virginia Route 641 upstream.	624
	Confluence with Smith River.	622
Camp Branch	Reservoir No. 6 Dam	701
	Virginia Route 630 upstream.	683
	Virginia Route 9964 upstream.	683
	Confluence with Leatherwood Creek.	683

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13932 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4138]

Proposed Flood Elevation Determinations for the City of Roanoke, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Municipal Building, 215 Church Street, Roanoke, Va. Send comments to: Mr. Warren E. Trent, Director of Flood Control for the City of Roanoke, Municipal Building, 215 Church Street, Roanoke, Va. 24001.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Roanoke River	Upstream Tayloe Ave	908
	Upstream Main St. (U.S. 220).	945
	Upstream Corporate Limit.	984
Tinker Creek	Upstreamside Orange Ave.	925
	Downstreamside Preston Ave.	980
Glade Creek	Upstream Vinton Mill Rd.	913
	Downstreamside Berkley Rd.	927
Glade Creek Tributary.	Upstream State 653	937
	Downstreamside U.S. 460.	999
Lick Run	Upstream 8th St	919
	Upstream Orange Ave	940
	Upstream 10th St	982
Trout Run	Upstream 5th st	931
	Upstream 7th St	941
Barnhardt Creek	Downstreamside U.S. 11.	997
	Upstream U.S. 11	1,002
	Upstreamside Glenmoor Dr.	1,018
Mudlick creek	Downstream Mudlick Rd.	981
	Upstream Side Grandin Road.	1,003
Carvin creek	Upstream Hollins Rd. (State 601).	983
	Downstream Hershberger Rd.	985
Carnard Branch	Upstream Riverland Rd.	918
	Upstream Findlay Rd	958
Gumspring Branch.	Upstream Garden City Dr.	980
	Upstream Tipton Ave	1,068
Murray Run	Upstream Brandon Ave.	940
	Upstream West Dr	980
	Upstream Ogden Rd	1,068
Ore Branch	Upstream Wiley Dr	937
	Upstream Broadway Ave.	961
Ore Branch Tributary.	Upstreamside State 419	1,097
	Upstreamside Franklin Rd. (U.S. 220).	1,107
Peters Creek	Upstream Norfolk & Western RR.	967
	Upstream Peachtree Dr.	1,024

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

42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13933 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR PART 1917]

[Docket No. FI-4139]

Proposed Flood Elevation Determinations for Rockbridge County, Va.

AGENCY: Federal Insurance Administrations, HUD.

ACTION: Proposed rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the County Administration Building, Courthouse Square, Lexington, Va. Send comments to: Mr. Donald G. Austin, County Administrator of Rockbridge County, County Administration Building, Courthouse Square, Lexington, Va. 24450.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation, in feet, above mean sea level
James River	Upstream county limits	767
	Botetourt county limits	761
	Highway 759 bridge	735
	Downstream county limits.	710
Buffalo Creek	5,515 ft above Possum Run.	962
	3,380 ft above Possum Run at Private Dr.	955
	3,200 ft above Possum Run.	954
South River	Norfolk & Western Ry	1,006
	State Route 716	990
	State Route 631	917
Irish Creek	6,480 ft above mouth	1,089
	3,000 ft above mouth	1,050
	State Route 608	1,020
Maury River at Lexington.	Confluence of Woods Creek.	912
	U.S. Route 11	911
Maury River at Rockbridge Baths.	23,340 ft above confluence of Cedar Grove Branch.	1,164
	20,000 ft above confluence.	1,136
	State Route 623 (extended).	1,120
	State Route 39 (extended).	1,112
	State Route 602 (extended).	1,103
	8,400 ft above confluence.	1,078
Calf Pasture River at Camp Virgina.	10,060 ft above Little Calf Pasture River.	1,378
	8,000 ft above river	1,371
	State Route 601	1,363
Calf Pasture River at Goshen.	5,900 ft above confluence of Goshen Creek.	1,408
	State Route 48	1,400
	State Route 746	1,396
	Mouth Goshen Creek	1,393
Mill Creek	4,870 ft above mouth	1,426
	Downstream corporate limits, Town of Goshen.	1,411

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13934 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4140]

Proposed Flood Elevation Determinations for the Town of Fort Gay, Wayne County, W. Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, Wayne Street, Fort Gay, W. Va. Send comments to: Honorable J. R. Hall, P.O. Box 336, Fort Gay, W. Va. 25514.

FOR FURTHER INFORMATION CONTACT:

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

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

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed

to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Sandy River	Corporate limits, 26.46 mi above mouth.	576
	Confluence with Tug and Levisa Forks.	577
Tug Fork	Louisa-Fort Gay toll bridge.	577
Mill Creek	Norfolk and Western Ry	578
	Cedar Heights Rd.	578

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13935 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3714]

Proposed Flood Elevation Determinations for Vernon County, Wis; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 61963 of the FEDERAL REGISTER of December 7, 1977.

EFFECTIVE DATE: December 7, 1977.

FOR FURTHER INFORMATION CONTACT:

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

The following correction is made:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Fork Kickapoo River.	Salem Ridge Road	874

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13936 Filed 5-24-78; 8:45 am]

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 78-048]

DRAWBRIDGE OPERATION REGULATIONS

Pequonnock River, Connecticut

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The city of Bridgeport, Connecticut, has requested that the operation regulations for the Grand Street drawbridge be amended to no longer require openings of the draw at any time. Presently, the draw is required to open upon at least 24 hours notice. The draw was last opened in 1961. This action would save the cost of maintaining the operating machinery.

DATE: Comments must be received before June 27, 1978.

ADDRESS: Comments should be submitted to the Commander (oan), Third Coast Guard District, Governors Island, New York, N.Y. 10004.

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: Interested persons are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Third Coast Guard District.

The Commander, Third Coast Guard District, will forward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Stephen H. Barber, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

The reach of the Pequonnock River above the Grand Street bridge has not been used by vessels which required openings of this bridge since 1961 or for at least 16 years. For this reason the Coast Guard is considering allowing the draw to remain permanently closed.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.130(a)(5) to read as follows:

§ 117.130 Pequonnock River, Yellow Mill Channel, and Johnson Creek, Bridgeport, Conn.; bridges.

(a) * * *

(5) *Grand Street Bridge.* The draw need not open for the passage of vessels.

* * * * * *

(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 19, 1978.

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

[FR Doc. 78-14709 Filed 5-24-78; 8:45 am]

[4910-14]

[33 CFR Part 117]

[CGD 78-061]

DRAWBRIDGE OPERATION REGULATIONS

Wading River, New Jersey

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Burlington County Board of Chosen Freeholders requests regulations to govern the operation of their County Road 542 bascule bridge across Wading River, mile 5.0, New Jersey. The present regulations require this bridge to open on signal. The proposed regulations would require at least 24 hours' notice for an opening. A review of the logs submitted by the applicant shows a total of nine openings were provided in the last five years, broken down as follows: 1973—4 openings; 1974—2 openings; 1975—0 openings; 1976—3 openings; 1977—0 openings. These openings were solely for recreational craft. This change will relieve the bridge owner of the responsibility of having a drawtender present at all times.

DATE: Comments must be received before June 27, 1978.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (oan), Third Coast Guard District, Governors Island, New York, New York 10004.

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: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Third Coast Guard District, will forward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Stephen H. Barber, Project Attorney, Office of the Chief Counsel.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding a new subparagraph (9) to § 117.225(f) to read as follows:

§ 117.225 Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) * * *

(9) Wading River, Burlington County Road 542, N.J., The draw shall open on signal if at least 24 hours' notice is given.

* * * * *

(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 19, 1978.

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

[FR Doc. 78-14707 filed 5-24-78; 8:45 am]

[33 CFR Part 183]

[CGD 77-191]

BOATS AND ASSOCIATED EQUIPMENT

Raceboat; Safety and Labeling Exemptions

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: This advance notice solicits public participation in the formulation of a proposed rule that would exempt raceboats from the manufacturer requirements of Part 183 of Title 33 of the Code of Federal Regulations. Regulations issued under the authority of the Federal Boat Safety Act of 1971 require builders of boats under 20 feet to display capacity information listing maximum persons capacity, maximum horsepower capacity, maximum weight capacity and to provide flotation. There are also requirements regarding construction of the electrical systems and fuel systems for gasoline-powered inboard boats. Many builders of raceboats have petitioned for, and have been granted, relief from these requirements. The Coast Guard believes that the arguments presented by these petitioners have general applicability to all builders of raceboats, and therefore may justify a general exemption.

DATES: Comments must be received on or before August 23, 1978.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/81), (CGD 77-191), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Interested persons are invited to submit written data, views, or arguments. Written comments should include the docket number (CGD 77-191), the name and address of the person submitting the comments, and the specific question to which each comment is addressed.

DRAFTING INFORMATION

The principal persons involved in drafting this notice are: Mr. Lysle B. Gray, Project Manager, and Lt. G. S. Karavitis, Project Attorney, Office of Boating Safety.

DISCUSSION

Many raceboats fall within the definition of "boat" as used in the Federal Boat Safety Act of 1971. The Act states, in part, that a boat is any vessel used primarily for noncommercial purposes. The Coast Guard has promulgated a series of regulations concerning safe loading, safe powering, flotation, and display of capacity information for boats less than 20 feet in length. There are also regulations applicable to the fuel systems and electrical systems on inboard boats powered by gasoline engines. These regulations detail manufacturer requirements intended to protect the public from safety hazards that the Coast Guard has identified in the design and construction of boats, as well as to provide information about the safe operating capacities of boats.

Some manufacturers build boats which are used solely for racing. Many of these boats are not suitable for operation by the average boater. Raceboats are not designed to meet the hazards encountered by the recreational boater who may be operating in a variety of water environments out of the presence of other vessels which could render assistance. The typical raceboat is operated at high speeds on a specified course under organized and supervised conditions. This is usually in the presence of safety patrols, with rescue craft available in case of emergency. In addition, the organizations which conduct boat races have their own rules governing the construction of raceboats. These rules are enforced by inspections of the raceboats prior to each series of races.

The National Boating Safety Advisory Council which was established under the authority of the Federal

Boat Safety Act of 1971, has discussed the question of exempting raceboats from the regulations. The Council recommended that raceboats could be exempted from regulation if a suitable warning label was posted in each boat to inform the user or a prospective buyer that the raceboat did not comply with Coast Guard regulations. The Coast Guard agrees with this concept. This advance notice of proposed rulemaking is being issued to seek public assistance in developing a rule which defines the term "raceboat," and which specifies the wording of a warning label to be placed on raceboats or to suggest alternative approaches to this problem. Comments are specifically requested in the following areas of interest:

A. Definition of Raceboat

Raceboats are not always readily identifiable by their form or shape, or on the basis of power or performance. Some classes of raceboats are specially built family runabout ski boats whose external appearance is indistinguishable from their recreational counterparts. On the other hand, some recreational boats are designed and built to imitate the appearance of popular raceboats. These boats, however, are not intended for use as raceboats, but intended for recreational use. An example is the popular "SK" or "Ski" boat. For this reason, it is desirable to have a definition of raceboats. In suggesting a definition of raceboats, it should be kept in mind that a "boat" is a vessel used for noncommercial purposes. Thus, any raceboat used for commercial purposes is not subject to construction regulation and need not be excepted.

QUESTIONS

(1) How can the Coast Guard define the term "raceboat" so that there can be a common and consistent understanding among Coast Guard enforcement personnel, boat manufacturers, and boat operators or buyers as to what boats are intended to qualify for the exemption?

(2) What, if any, difficulties might be encountered in attempting to apply and enforce a definition of "raceboat"?

B. Labels

A key element in the approval of the raceboat proposal by the National Boating Safety Advisory Council was the provision that a raceboat would be required to have a warning label. This label would be required to be permanantly displayed on a boat in a conspicuous place. The label is intended to provide sufficient warning to any purchaser or user that the boat is constructed for a specialized purpose. The raceboat label would indicate that the boat did not comply with certain construction safety standards.

QUESTIONS

(1) Would a warning label on a raceboat provide adequate protection to the boat buyer and user?

(2) If not, what alternative approach should be used?

C. Content of Labels

During discussions with the National Boating Safety Advisory Council and with state boating law enforcement authorities, a proposal was developed for a label having the following general form:

WARNING—RACEBOAT. DOES NOT COMPLY WITH U.S. COAST GUARD MANUFACTURER CONSTRUCTION STANDARDS. THIS BOAT AND ITS OPERATION MUST COMPLY WITH ALL OTHER BOATING LAWS AND REGULATIONS.

QUESTIONS

(1) Are there any changes in the text of the proposed warning label that should be considered?

(2) Does this label adequately warn persons of the hazards of using a raceboat?

(3) Is the label understandable?

(4) What problems might be created by use of this label?

D. Boating Law Enforcement

The raceboat problem was discussed informally with a group of six state boating law administrators. Their views varied concerning the impact of the proposed label on enforcement of boating safety laws. Some anticipated difficulties, while others expected no change, or even an improvement in enforcement.

QUESTIONS

(1) What would be the effect on enforcement of boating safety laws if manufacturers were permitted to sell raceboats which do not comply with the construction requirements of 33 CFR Part 183 if they labeled the boats with a warning?

(2) Should there be any penalty if a manufacturer affixed raceboat warning labels to boats which were, in fact, not designed for racing?

(3) What, if any, sanctions should be used to prevent operators from using a raceboat for some other purpose not associated with boat races?

(4) What changes in state boating laws might be necessary or desirable if boats are sold with a raceboat label similar to the proposal?

E. Impact on Consumers and Boating Safety

Some persons have expressed concern that the raceboat label might become a status symbol which would lead to misuse by both the boat builders and certain boat buyers. The possession and use of a raceboat might appeal to some persons who are not capable of using it properly or safely. It is argued that boat manufacturers would use the raceboat label as a means to avoid the expense of complying with safety standards when building recreational boats. Certain types of operators who tend to be reckless, might purchase such boats, not for racing in sanctioned races, but for recreational use.

QUESTIONS

(1) To what extent, and in what manner, is it likely that consumers may purchase raceboats for recreational use?

(2) Should boats defined as "raceboats" and having a warning label be prohibited from being used other than in races or race related activities?

(3) What would be the reaction of the typical boat buyer if a manufacturer placed a raceboat label on a boat intended to be sold for recreational use?

(4) How can the Coast Guard control the use of raceboat labels by manufacturers?

(5) Should the Coast Guard devise a system to revoke an individual manufacturer's right to use the raceboat label?

(6) What actions by the manufacturer should be considered grounds for revocation?

(7) Will insurance companies provide coverage for a raceboat being used as a recreational boat?

(Sec. 5(a), Sec. 6, 85 Stat. 215 (46 U.S.C. 1454, 1455); 49 CFR 1.46(n)(1).)

Dated: May 17, 1978.

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

[FR Doc. 78-14674 Filed 5-24-78; 8:45 am]

[4910-59]

National Highway Traffic Safety Administration

[49 CFR Part 512]

[Docket No. 78-10; Notice 1]

CONFIDENTIAL BUSINESS INFORMATION

Notice of Proposed Rulemaking

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

ACTION: Notice of proposed rulemaking and invitation for financial assistance in the preparation of comments.

SUMMARY: This notice proposes procedures by which the National Highway Traffic Safety Administration will consider claims that information submitted to it should be considered confidential business information. The notice also proposes the form and content requirements for asserting a claim that information submitted to the

agency is confidential business information, and states the circumstances under which the agency may disclose information which is claimed to be confidential business information. Finally, the notice proposes several class determinations relating to confidentiality. These procedures will clarify and expedite the processing of information for which confidential treatment is requested. The notice is issued in response to problems posed by a rising number of requests for confidential treatment of information submitted to the agency.

DATE: Comments on this notice must be received by July 10, 1978. Applications for financial assistance to aid in the preparation of comments on this notice must be received on or before June 9, 1978.

ADDRESSES: Comments should refer to the docket number and be submitted to: Docket Section, Room 5108, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that ten copies be submitted. Applications for financial assistance should be submitted to Ms. Jeanette Feldman, Public and Consumer Affairs, National Highway Traffic Safety Administration, Room 5232, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

David A. Zisser, Office of the Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-9511.

SUPPLEMENTARY INFORMATION: In recent months, the activities of the National Highway Traffic Safety Administration, especially in the area of automotive fuel economy, have resulted in a marked increase in claims for confidential treatment of information obtained by the agency. This increased incidence of claims for confidential treatment of information has created a need for a procedural regulation setting out how the agency will consider claims for confidentiality, and the circumstances under which the agency may release information which is claimed to be confidential. This proposed regulation addresses that need.

The proposed regulation would apply to all information obtained by the agency for any purpose and from any source. In general, the proposed regulations sets out how a claim for confidential treatment of information should be asserted and supported (§ 512.4), and the legal standards the agency will apply in evaluating such claims (§ 512.5). In addition, the proposed regulations specify the notice which will be afforded submitters of information regarding any action on their claim for confidentiality, including notice of the agency's determination to release information (§§ 512.4, 512.6, 512.7, and 512.8). Finally, the proposed regulation specifies the circumstances in which the agency may release information which is confidential or which is claimed to be confidential (§§ 512.8 and 512.10). Section 512.8 is particularly important since it enables the Administrator to release confidential business information to the public if that information is relevant to an agency proceding, such as rulemaking.

The agency believes that expeditious decisions on claims for confidentiality will benefit both the agency and the submitters of information. Therefore, in most cases the agency will make its confidentiality determinations within ten working days of receipt of the information. Moreover, the determination of confidentiality will be made on the basis of the justification for confidentiality submitted at the time of asserting the claim for confidentiality, and the agency will not, except in special circumstances, consider additional support for claims of confidentiality made at a later time.

In the past, some submitters of information supplied a complete justification for a claim for confidential treatment in bits and pieces in the course of an extended correspondence with the agency. The agency wishes to make clear that that ad hoc, time consuming, and expensive process will no longer be allowed under this proposed regulation. The agency has indicated the type of information that is necessary to support a claim for confidential treatment of information. The agency has made clear that supplemental justification will not be considered absent special circumstances, and has made clear that a submitter's complete justification must be made at the time of the submission of the information claimed to be confidential. The agency recognizes that it may be burdensome for a submitter of information to fully justify the claims for confidentiality at the time of the submission of the information. However, a full justification at the outset is necessary for the agency to make an orderly and prompt determination. Morever, the agency believes that requiring a full justification for confidentiality will reduce the number of specious claims that may be made. Finally, the agency notes that in many cases of legitimate claims for confidential treatment of information, the information in question will fall within a class of information found, under these regulations, to be presumptively confidential, and will not require a justification for confidential treatment.

With respect to information obtained under National Traffic and Motor Vehicle Safety Act of 1966 as amended, and Titles I, IV and V of the Motor Vehicle Information and Cost Savings Act, as amended, the proposed regulation allows the Administrator to release admittedly confidential information, in certain specified circumstances, when it is determined to be in the public interest to do so. For example, the Administrator may determine that release of certain confidential business information is necessary to allow a meaningful opportunity for public comment on a rule. This discretionary release authority is given explicity to the Administrator In both the National Traffic and Motor Vehicle Safety Act of 1966, as amended, and in Titles I, IV, and V of the Motor Vehicle Information and Cost Saving Act, as amended. The agency realizes that release of competitively harmful information can create hardship for the submitter of the information. Therefore, the Administrator will consider carefully both the public interests and the private harms attendant to the release of such information. In addition, the submitter of confidential information which the Administrator contemplates releasing will receive reasonable advance notice of that contemplated release. Further, the submitter and other interested persons will have an opportunity to comment on the harm that will result and the public interest that will be served, and will be permitted to suggest ways to release the information in a way that will eliminate or reduce the private harm, without sacrificing the public benefits.

The proposed regulation provides somewhat different substantive standards for determining confidentiality for information obtained in connection with Title V of the Motor Vehicle Information and Cost Savings Act, as amended, (relating to automotive fuel economy) than are provided for information obtained in connection with other agency tasks. Section 505 (d)(1) of the Cost Savings Act (15 U.S.C. 2005 (d)(1)) establishes the substantive standard for confidentiality for information obtained in connection with Title V. The proposed regulation reflects that standard. For other information, the agency is proposing the substantive standards for confidentiality that are developed by judicial interpretation of the Freedom of Information Act (5 U.S.C. 552), See, e.g., *National Parks and Conservation Association* v. *Morton*, 162 U.S. App. D.C. 223, 498 F. 2d 765 (1974).

Support for a claim for confidential treatment of information must describe how the submitter of the information ensures the secrecy of the information. In addition, the submitter must inform the agency of the instances known to the submitter where that information has become available to persons or organizations other than

the submitter. Furthermore, the submitter of information must certify under oath that the submitter has made diligent efforts to determine whether the information has become available to parties other than the submitter, and that all such known instances have been indicated to the agency. These requirements are designed to prevent a situation where confidential status is claimed for information that is not secret. It is elementary that the secrecy of information is an indispensible element of its eligibility for confidential treatment. However, in the past, some submitters of information have requested confidential treatment for information that is not secret. This practice not only creates needless work for the agency, but sometimes may result in some undeserving information obtaining confidential status.

The agency does not take the position that knowledge by any persons other than the submitter of information necessarily vitiates a claim for confidential status for that information. There are situations where information can be made known to persons other than the submitter of the information and still be secret, such as when information has been disclosed to a government agency or another business, such as a supplier, which has agreed to keep the information confidential. The agency does believe that all known cases of disclosure of the information, both authorized and unauthorized, must be considered by the agency in determining whether any legitimate interest in the confidentiality of the information has been compromised. Therefore, all known disclosure of information must be made known to the agency for evaluation.

The agency believes that this certification requirement is a reasonable one. Submitters of information are not required to state under oath that there have been no inadvertent or unauthorized disclosures of information claimed to be confidential. Rather, submitters of information are required to certify only that a diligent effort has been made to determine whether inadvertent or unauthorized disclosure has occurred, and to identify known instances of such disclosure. Submitters need make no representations with respect to unknown instances of inadvertent or unauthorized disclosure of information that are not discoverable by the exercise of due diligence. However, submitter will be required to notify the agency of instances of disclosure which become known after the required certification.

The proposed regulation provides for determinations of elements of confidentiality for certain types of information on a class basis. These classes will establish rebuttable presumptions relating to confidentiality, which will in turn alleviate at least part of the burden of supporting a claim for confidentiality. Although making class determinations relating to business confidential information is a difficult undertaking (as evidenced by the fact that few agencies make such determinations), the agency believes that to the extent that such meaningful classes can be identified and described, class determinations will ease the burdens of both the agency and submitter of information in making and processing claims for confidential treatment of information. It should be noted that the fact that an item of information may fall within a class that makes it presumptively confidential in no way limits the authority of the Administrator to release that information pursuant to §§ 512.8 or 512.10 of this part. Moreover, confidentiality may be claimed for information not falling within a class if the submitter of the information complies fully with section 512.4 of this part.

Initial class determinations, which are proposed in Appendix B, establish classes of information whose disclosure would, the agency concludes result in significant competitive damage, or would likely result in substantial competitive harm, as appropriate, if disclosed to the public. The effect of claiming confidentiality for information falling in one of these classes is to remove the necessity for making a showing of substantial competitive harm, or significant competitive damage, under § 512.4(b) (6) or (7). With respect to the information obtained by the agency in connection with Title V of the Motor Vehicle Information and Cost Savings Act, the Center for Auto Safety has argued that such information may be withheld as confidential business information only if disclosure would result in significant damage to the automobile industry, rather than to a particular manufacturer. That position is based upon an interpretation of section 505(d)(1) of the Cost Savings Act, which governs the withholding of information obtained under Title V. Section 505(d)(1) provides in relevant part, that information subject to it may be withheld from public disclosure as confidential business information only if disclosure of the information "would result in significant competitive damage." It is argued that this language, which does not specify competitive damage to the person submitting the information, is intended to authorize withholding information only if disclosure would damage competition, and not the competitive position of a particular person or company. The agency rejects that interpretation, and believes that "significant competitive damage" within the meaning of section 505(d)(1) can mean damage to the competitive position of a single person or manufacturer.

The agency notes the courts, in interpreting the confidential business information exemption of the Freedom of Information Act, 5 U.S.C. 552(b)(4), have clearly found that harm to a single person is sufficient to invoke the protection of that exemption. See, e.g., *National Parks and Conservation Association* v. *Morton*, 162 U.S. App. D.C. 223, 498 F. 2d 765 (1974), where the court stated that information may be withheld as confidential business information if its disclosure would be likely to "cause substantial harm to the competitive position of the person from whom the information was obtained." The agency believes that Congress wished to incorporate into section 505(d)(1) a meaning similar to that contained in those judicial statements, where harm to the competitive position of a single manufacturer was sufficient to allow confidentiality. Congress did not expressly state that the only damage that could justify withholding information was damage to an entire industry. Indeed, Congress used the term "competitive damage", which seems to focus on an individual, rather than a term such as "damage to competition" which goes beyond harm to an individual to harm an industry. Moreover, the agency notes that where Congress clearly intended the impact of actions under Title V on the competitive structure of the automotive industry to be considered, Congress provided that the Federal Trade Commission, an agency with substantial expertise in matters concerning the competitive structure of industries, perform a review. See section 508(b)(4) of the Cost Savings Act. Since there is no provision in section 505(d)(1) for an FTC review of the competitive effects of releasing business information, the agency believes that Congress did not intend an evaluation of the effect on the competitive structure of the industry to be necessary to support a claim of confidentiality.

The classes of information proposed in Appendix B are types of information which, if released to the public, would, in the agency's opinion, result in significant competitive damage, or would likely result in substantial competitive harm. The classes are intended to include only information which is sufficiently specific so that a competitor of the submitter of the information would gain a large competitive advantage over the submitter if the information became publicly known. Class 1, which relates to blueprints, reflects a judgment that blueprints or drawings which do not contain production process data, such as specificiations, or which have as their subject items in the public domain for more than five years, or have as their subject things that could be easily manufactured without access to the blue-

prints or drawings, are not sufficiently sensitive to warrant a presumption that their release would harm the competitive position of the submitter or anyone else. The agency chose the five year period because that period represents the average design cycle for automobiles. Information falling in classes 2 and 3, future model specific product plans and model specific projections of future sales mix, would presumptively result in harm to the submitter if released. However, the agency believes that projections of product plans or sales mix more than three years into the future are often insufficiently specific, or if specific, are often insufficiently reliable to presumptively result in harm or damage to the submitter's competitive position. The agency chose the three year period for product plans and mix projections because three years represents the normal planning cycle when a manufacturer must settle upon reasonably certain plans. Of course, any submitter is free to claim confidential status for any type of blueprints, or for projections which extend further than three years in the future, although the submitter will have to make all the showings required in § 512.4.

Although only three classes of information, the disclosure of which would presumptively result in adverse competitive consequences, have been proposed at this time, the agency contemplates that additional classes of information may be established in the future. Therefore, the agency solicits comments regarding other potential classes of information the release of which might be deemed presumptively harmful, such as projections of investment levels relating to particular programs, cost information (both actual and projected), or studies of demand elasticities.

Finally, in § 512.10, the proposed regulation allows the agency to release any information, including confidential business information, in certain circumstances, or to certain persons. These situations are limited to cases where the submitter of the information has consented to its relase, or where the recipient of the information would be bound to maintain its confidentiality, such as another Federal agency, or a contractor, or where the agency would have no authority to refuse to release the information, such as when the information is requested by the Congress, or when the release is ordered by a Federal court. This section in no way limits or otherwise affects the discretionary release authority contained in section 512.8. Rather, § 512.10 only allows the agency to release information in the limited circumstances in which release of the information would not compromise an interest in confidentiality, or where the agency would not have the authority to refuse to release information.

Because Part 512 is procedural, it is exempt from the notice and comment provisions of the Administrative Procedure Act. 5 U.S.C. 553(b)(A). However, in light of the great interest in the agency's treatment of confidential information shown by both potential submitters of information, and the general public, the agency has determined that the public interest would best be served by waiving the notice and comment exemption in this instance, and issuing Part 512 as a notice of proposed rulemaking.

The economic impacts of this proposal have been considered and agency Administration has determined there is no significant economic impact.

It is the judgment of this agency, based on available information, that no significant environmental impact would result from execution of this action.

In consideration of the foregoing, it is proposed that Title 49, Code of Federal Regulations, be amended by adding a new Part 512, Confidential Business Information, to read as set forth below.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date 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.

NHTSA invites all qualified individuals and organizations financially unable to participate in this proceeding to apply for financial assistance. All applications submitted before the deadline specified at the beginning of this notice will be examined by an evaluation board, composed 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 eligible if (1) it represents an interest whose representation can reasonably be 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 sufficient 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 the applicant which can make the strongest presentation or select more than one applicant if the eligible applicants seek to represent significantly different points of view or proposals. Compensation is available only for reasonable out-of-pocket expenses necessary to the applicant's participation, to the extent the agency's budget for this purpose will permit. Payment is made as soon as possible after the selected applicant has completed its work and submitted a claim.

Each applicant should specify in its application which rulemaking actions and issues it proposes to address it its application for funding is approved, and the nature of its proposed work product. Applicants must submit as part of their application all information required by Section 5 of the financial assistance regulations which governed the operation of last year's public participation demonstration programs. 42 FR 2864 (January 13, 1977). Failure to submit the required information may result in delays in evaluation and possible disqualification of the application.

The lawyer principally responsible for the development of this proposal is David A. Zisser.

The lawyer principally responsible for the development of Appendix B is Bruce C. Buckheit.

Issued on May 19, 1978.

HOWARD J. DUGOFF,
Acting Administrator, National Highway Traffic Safety Administration.

Sec.
512.1 Purpose and scope.
512.2 Applicability.
512.3 Definitions.
512.4 Asserting a claim for confidential treatment of information.
512.5 Substantive standards for affording confidential treatment.
512.6 Determination of confidential treatment.
512.7 Modification of determinations.
512.8 Discretionary release of confidential business information.
512.9 Class determinations.
512.10 Disclosure of information in certain circumstances.

AUTHORITY: Sec. 9, Pub. L. 89-670, 80 Stat. 931 (49 U.S.C. 1657); sec., 112, Pub. L. 89-563, 80 Stat. 725, amended Pub. L. 91-265, 84 Stat. 262 (15 U.S.C. 1401); sec. 119, Pub. L. 89-563, 80 Stat. 728, (15 U.S.C. 1407); sec. 104, Pub. L. 92-513, 86 Stat. 950, (15 U.S.C. 1914); sec. 204, Pub. L. 92-513, 86 Stat. 957;

(15 U.S.C. 1944); sec. 408, Pub. L. 92-513 as added Pub. L. 94-364, 90 Stat. 985 (15 U.S.C. 1990d), sec. 505 Pub. L. 94-163, 89 Stat. 908 (15 U.S.C. 2005), delegation of authority at 49 CFR 1.50.

§ 512.1 Purpose and scope.

The purpose of this part is to establish the procedure by which the NHTSA will consider claims that information submitted to the NHTSA, or which the NHTSA otherwise obtains, is confidential business information, as described in 5 U.S.C. 552(b)(4).

§ 512.2 Applicability.

(a) This part applies, in accordance with its terms, to all information which is submitted to the NHTSA, or which the NHTSA otherwise obtains, except as provided in paragraph (b).

(b) Information received as part of the procurement process, is subject to the Federal Procurement Regulations, 41 CFR, Chapter 1, as well as this part. In any c ase of conflict between the Federal Procurement Regulations and this part, the provisions of the Federal Procurement Regulations prevail.

§ 512.3 Definitions.

"NHTSA" means the National Highway Traffic Safety Administration.

"Administrator" means the Administrator of the National Highway Traffic Safety Administration.

"Chief Counsel" means the Chief Counsel of the National Highway Traffic Safety Administration.

"Confidential business information" means information described in 5 U.S.C. 552(b)(4).

§ 512.4 Asserting a claim for confidential treatment of information.

(a) Any person submitting information to the NHTSA and requesting that it be withheld from public disclosure as confidential business information shall—

(1) Stamp or mark "confidential" or some other term which clearly indicates the presence of information claimed to be confidential, on the top of each page containing information claimed to be confidential.

(2) Mark each item of information which is claimed to be confidential and which appears on a page marked in accordance with paragraph (a)(1) of this section, with brackets "[]".

(3) If an entire page is claimed to be confidential, indicate clearly that the entire page is claimed to be confidential.

(4) Submit the documents containing allegedly confidential information directly to the Office of Chief Counsel, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street SW., Washington, D.C.

(5) In the case of a document containing information which is claimed to be confidential submitted in connection with a NHTSA activity for which there is a public file or docket, simultaneously submit to the NHTSA a copy of the document from which information claimed to be confidential is deleted, for placement in the public file or docket pending the determination of the claim for confidential treatment.

(6) Simultaneously submit to the NHTSA in writing the name, address, and telephone number of a representative for receipt of notice under this part.

(b) For each item of information marked confidential in accordance with paragraph (a) of this section, the submitter of the information shall submit information supporting the claim for confidential treatment to the NHTSA with the item. Such supporting information must show—

(1) That the information claimed to be confidential is a trade secret, or commercial or financial information.

(2) Measures taken by the submitter of the information to ensure that the information has not been disclosed or otherwise made available to any person, company, or organization other than the submitter of the information.

(3) Insofar as is known by the submitter of the information, the extent to which the information has been disclosed, or otherwise become available, to persons other than the submitter of the information, and why such disclosure or availability does not compromise the confidential nature of the information.

(4) Insofar as is known by the submitter of the information, the extent to which the information has appeared publicly, regardless of whether the submitter has authorized that appearance or confirmed the accuracy of the information (include citations to such public appearances, and an explanation of why such appearances do not compromise the confidential nature of the information).

(5) Prior determinations of the NHTSA or other Federal agencies or Federal courts relating to the confidentiality of the information, or similar information, including class determinations under this part (include any written notice or decision connected with any such prior determination, or a citation to any such notice or decision, if published in the FEDERAL REGISTER).

(6) Except for information submitted to the agency in connection with the NHTSA's functions under Title V of the Motor Vehicle Information and Cost Savings Act, as amended, whether the submitter of the information asserts that disclosure would be likely to result in substantial competitive harm, what the harmful effects of disclosure would be, why the effects should be viewed as substantial, and the causal relationship between the effects and disclosure.

(7) For information submitted to the agency in connection with the NHTSA's functions under Title V of the Motor Vehicle Information and Cost Savings Act, whether the submitter of the information asserts that disclosure would result in significant competitive damage, what that damage would be, why that damage should be viewed as significant, and the causal relationship between the damage and disclosure.

(8) If information is voluntarily submitted, within the meaning of section 512.5(a)(2) of this part, why disclosure by the NHTSA would be likely to prevent the NHTSA from obtaining information in the future.

(9) The period of time for which confidentiality is claimed (permanently or until a certain date or the occurence of a certain event) and why earlier disclosure would result in the harms set out in paragraphs (b), (6), (7), or (8) of this section as the case may be.

(c)(1) If any element of the showing to support a claim for confidentiality required under paragraph (b) of this section is presumptively established by a class determination affecting the information for which confidentiality is claimed, the submitter of information need not establish that element again under paragraph (b).

(2) If the Chief Counsel believes that information which a submitter of information asserts to be within a class of information set out in Appendix B is not within that class, the Chief Counsel—

(A) Notifies the submitter of the information that the information does not fall within the class as claimed, and briefly explains why the information does not fall with the class, and

(B) Affords the submitter of the information a reasonable amount of time, not less than 10 working days, to comply fully with paragraph (b) of this section.

(d) Information in support of a claim for confidentiality submitted to the NHTSA under paragraph (b) of this section must consist of objective data to the maximum extent possible. To the extent that opinions are given in support of a claim for confidential treatment of information, the submitter of the information shall submit in writing to the NHTSA the basis for the opinions, and the name, title, and credentials showing the expertise of the person supplying the opinion.

(e) The submitter of information for which confidential treatment is requested shall submit to the NHTSA with the request a certification in the form set out in Appendix A from the submitter, or an agent of the submitter, that a diligent inquiry has been made to determine that the informa-

tion has not been disclosed, or otherwise appeared publicly, except as indicated in accordance with paragraph (b) (3) and (4) of this section.

(f) A single showing in support for a claim that information is confidential, in accordance with paragraph (b) of this section, may be used to support a claim for confidential treatment of more than one item of information claimed to be confidential. However, general or nonspecific assertions or analyses may be insufficient to form an adequate basis for the agency to find that information may be afforded confidential treatment, under section 512.3, and may result in the denial of a claim for confidentiality.

(g) Where confidentiality is claimed for information obtained by the submitter from a third party, such as a supplier, the submitter of the information is responsible for obtaining all information or certifications from the third party necessary to comply with paragraph (b).

(h) A submitter of information shall promptly amend supporting information provided under paragraph (b) if the submitter obtains information upon the basis of which the submitter knows that the supporting information was incorrect when provided, or that the supporting information, though correct when provided, is no longer correct and the circumstances are such that a failure to amend the supporting information is in substance a knowing concealment.

(i) Noncompliance with this section may result in a waiver or denial of a claim for confidential treatment of information. However, failure to provide the certification required in paragraph (e) of this section shall result in a denial of the claim. Noncompliance with paragraph (h) of this section may subject a submitter of information to civil or criminal penalties.

(1) If the provisions of paragraph (a) of this section are not complied with at the time the information is submitted to the NHTSA so that the NHTSA is not aware of a claim for confidentiality, or the scope of a claim for confidentiality, the claim for confidentiality is waived unless the agency is notified of the claim before the information is disclosed to the public. Placing the information in a public docket or file is disclosure to the public within the meaning of this part, and any claim for confidential treatment of information so disclosed is precluded.

(2) A request that information be afforded confidential treatment may be denied if the submitter of the information does not provide with the request all of the supporting information required in paragraph (b) of this section, and will be denied if the information provided is insufficient to establish that the information may be afforded confidential treatment under the substantive tests set out in section 512.3. The Chief Counsel may notify a submitter of information of inadequacies in the supporting information, and may allow the submitter additional time to supplement the showing, but is under no obligation to provide either notice or additional time to supplement the showing.

(j) Information received that is identified as confidential and whose claim for confidentiality is supported in accordance with this section will be kept confidential until a determination of its confidentiality is made under section 512.6 of this part. Information will not be publicly disclosed except in accordance with this part.

§ 512.5 Substantive standards for affording information confidential treatment.

(a) Information obtained by the NHTSA, except for information obtained by the NHTSA under Title V of the Motor Vehicle Information and Cost Savings Act, may be afforded confidential treatment if it is:

(1) A trade secret, or

(2) Commercial or financial information; and

(3) Not already publicly available; and

(4) Information, which if disclosed, would be likely to result in substantial competitve harm to the submitter of the information, or

(5) Voluntarily submitted, and failure to afford the information confidential treatment would impair the ability of the NHTSA to obtain similar information in the future. Information whose production the NHTSA could not compel by compulsory process is voluntarily submitted information within the meaning of this part.

(b) Information obtained by the NHTSA under Title V of the Motor Vehicle Information and Cost Savings Act may be afforded confidential treatment if it is:

(1) A trade secret, or

(2) Commerical or financial information; and

(3) Not already publicly available; and

(4) Information, which if disclosed, would result in significant competitive damage.

§ 512.6 Determination of confidentiality.

(a) The decision of whether an item of information may be afforded confidential treatment under this part is made by the Office of Chief Counsel.

(b) The determination of confidentiality is made within ten working days of the Chief Counsel's receipt of the information and knowledge that the information is claimed to be confidential if—

(1) The information relates to a rulemaking proceeding for which a public docket has been established,

(2) The information relates to a petition before the NHTSA for which a public docket has been established,

(3) The information relates to a proceeding under Part B of Subchapter I of the National Traffic and Motor Vehicle Safety Act,

(4) The information relates to an investigation or proceeding by the NHTSA to enforce any regulation or standard, or

(5) The information is received under a reporting requirement established by the NHTSA.

(c) If information does not come under paragraph (b) of this section when received by the NHTSA, but is later determinded to be information described in paragraph (b), the determination of confidentiality is made within ten working days after it is determined that the information is information described in paragraph (b).

(d) For information not described under paragraph (b) of this section, the determination of confidentiality is made within ten working days after the NHTSA receives a request for that information under the Freedom of Information Act.

(e) The timing requirements prescribed in paragraphs (b), (c), and (d) of this section may be extended by the Chief Counsel for good cause shown on the Chief Counsel's own motion, or on request from any person. An extension of the timing requirement of paragraph (d) is made only in accordance with 5 U.S.C. 552. Any extension of time is accompanied by a written statement setting out the reasons for the extension.

(f) A person submitting information to the NHTSA with a request that the information be withheld from public disclosure as confidential business information is given notice of the Chief Counsel's determination regarding the request.

(1) If a request for confidentiality is granted, the submitter of the information is notified in writing that the information is being kept confidential and the length of time during which the information will be kept confidential.

(2) If a request for confidentiality is denied in whole or in part, the submitter of the information is notfied in writing of that denial, and is informed that the information will be placed in a public docket on a specified date, which is no less than ten working days after the submitter of the information has received notice of the denial of the request for confidential treatment if practicable, or some earlier date if the Chief Counsel determines that the public interest requires that the information be placed in a public file on such earlier date.

(g) A submitter of information whose request for confidential treatment is denied may petition for reconsideration of that denial only on the basis of information or arguments that were not available at the time the

originial request for confidentiality was made. The Chief Counsel may postpone placing the information in a public file in order to allow additional time to consider the petition for reconsideration. Petitions for reconsideration under this section shall be addressed to the Chief Counsel.

(h) If information which has been a subject of a confidentiality determination under this section is requested under the Freedom of Information Act, the Office of Chief Counsel advises the office processing that request whether the information has been determined to be confidential.

§ 512.7 Modification of confidentiality determinations.

(a) A determination that information is confidential business information remains in effect in accordance with its terms, unless modified by a later determination based upon—

(1) Newly discovered or changed facts,

(2) A change in the applicable law,

(3) A class determination under section 512.9 of this part, or

(4) The initial determination's being clearly erroneous.

(b) If the NHTSA believes that an earlier determination of confidentiality should be reconsidered based on one or more of the factors listed in paragraphs (a)(1)–(4) of this section, the submitter of the information is notified in writing of the NHTSA's intention to reconsider that earlier determination, and the reasons for that reconsideration, and is given an opportunity to comment which is not less than ten working days from the receipt of notice under this paragraph.

§ 512.8 Discretionary release of confidential business information.

(a) Information that has been determined or claimed to be confidential business information under § 512.6 of this part may be disclosed to the public by the Administrator notwithstanding such determination or claim if disclosure would be in the public interest as follows:

(1) Information obtained under Part A, Subchapter I of the National Traffic and Motor Vehicle Safety Act, relating to the establishment, amendment, or modification of Federal motor vehicle safety standards, may be disclosed when relevant to a proceeding under that part.

(2) Information obtained under Part B, Subchapter I of the National Traffic and Motor Vehicle Safety Act, relating to defects relating to motor vehicle safety, and failures to comply with applicable motor vehicle safety standards, may be disclosed if the Administrator determines that disclosure is necessary to carry out the purposes of that Act.

(3) Information obtained under Titles I, IV, or V of the Motor Vehicle Information and Cost Savings Act may be disclosed when that information is relevant to a proceeding under the title under which the information was obtained.

(b) No information is disclosed under this section unless the submitter of the information is given written notice of the Administrator's intention to disclose information under this section. Written notice is given at least ten working days before the day of intended release, although the Administrator may provide shorter notice is the Administrator finds that such shorter notice is in the public interest. The notice under this paragraph includes a statement of the Administrator's reasons for considering the disclosure of information under this section, and affords the submitter of the information an opportunity to comment on the contemplated release of information. The Administration may also give notice of the contemplated release of information to other persons, and may allow such other persons the opportunity to comment.

§ 512.9 Class determinations.

(a) The Chief Counsel may issue a class determination relating to confidentiality under this section if the Chief Counsel determines that one or more characteristics common to each item of information in that class will in most cases necessarily result in identical treatment for each item of information under this part, and that it is appropriate to treat all such items as a class for one or more purposes under this part. The Chief Counsel obtains the concurrence of the Office of the General Counsel, United States Department of Transportation, for any class determination that has the effect of raising the presumption that all information in that class is eligible for confidential treatment. Class determinations are published in the FEDERAL REGISTER.

(b) A class determination clearly identifies the class of information to which it pertains.

(c) A class determination may state that all of the information in the class—

(1) Is or is not governed by a particular section of this part, or by a particular set of substantive criteria under this part,

(2) Fails to satisfy one or more of the applicable substantive criteria, and is therefore ineligible for confidential treatment,

(3) Satisfies one or more of the applicable substantive criteria, or (4) Satisfies one of the substantive criteria during a certain period, but will be ineligible for confidential treatment thereafter.

(d) Class determinations will have the effect of establishing rebuttable presumptions, and do not conclusively determine any of the factors set out in paragraph (c) of this section.

§ 512.10 Disclosure of information in certain circumstances.

(a) Notwithstanding any other provision of this part, information which has been determined to be confidential business information, or which has been claimed to be confidential business information, may be disclosed—

(1) To Congress or the Comptroller General,

(2) Pursuant to court order,

(3) To the Office of the Secretary, United States Department of Transportation,

(4) With the consent of the submitter of the information,

(5) To other Federal agencies, in accordance with applicable law, or

(6) To contractors, if necessary for the performance of a contract with the Administration. In such instances, the contract limits further release of the information to named employees of the contractor with a need to know and provides that unauthorized release constitutes a breach of the contract for which the contractor may be liable to third parties.

APPENDIX A

AFFIDAVIT IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, _____, being duly sworn, depose and say:

(1) That I am (official) and that I am authorized by (company) to execute documents on behalf of (company):

(2) That the information contained in (*pertinent document[s]*) is confidential and proprietary data and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. 552(b)(4) [as incorporated by reference in and modified by § 505(d)(1) of Title 5 of the Motor Vehicle Information and Cost Savings Act.]

(3) That I have personally inquired of the responsible (company) personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside (*company*).

(4) That based upon such inquiries to the best of my knowledge the information for which (company) has claimed confidential treatment has never been released or become available outside the (company) except as hereinafter specified:

(5) That I make no representations beyond those contained in this affidavit and in particular I make no representations as to whether this information may become available outside (company) because of unauthorized or inadvertent disclosure except as stated in Paragraph 4; and

(6) That the information contained in the enumerated paragraphs of this affidavit is true and accurate to the best of my information, knowledge and belief.

_____

(Official)

APPENDIX B

CLASS DETERMINATIONS

The Administration has determined that the following types of information would

presumptively result in significant competitive damage or would be likely to result in substantial competitive harm if disclosed to the public—

(1) Blueprints and engineering drawings containing process of production data before the public availability, or within five years of the public availability, of the subject of the blueprints or engineering drawings, where the subject could not be manufactured without the blueprints or engineering drawings except after significant reverse engineering;

(2) Future model specific product plans, projected not more than three years into the future;

(3) Model specific projections of future sales mix, projected not more than three years into the future;

[FR Doc. 78-14572 Filed 5-24-78; 8:45 am]

[4910-59]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 72-23; Notice 04]

SEAT BELT ASSEMBLY ANCHORAGES

Proposed Elimination of Certain Requirements

AGENCY: National Highway Traffic Safety Administration.

ACTION: Proposal.

SUMMARY: This notice proposes the amendment of Safety Standard No. 210, Seat Belt Assembly Anchorages, to eliminate the anchorage location requirements for passive seat belt assemblies that meet the frontal crash protection requirements of Safety Standard No. 208. The purpose of the proposed amendment is to give manufacturers wide latitude in passive belt design in order to facilitate the early introduction of passive restraints in passenger cars. Separate anchorage location requirements for passive seat belts will be incorporated into the standard following further agency research concerning the relationship between anchorage location and passive belt effectiveness, comfort, and convenience.

DATE: Comments to this proposal must be received no later than June 26, 1978. Proposed effective date: Upon publication of a final rule in the FEDERAL REGISTER.

ADDRESS: Comments should refer to the docket number and notice number and be submitted to: Docket Section, Room 5108, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

William Smith, Crash Worthiness Division, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, Washington, D.C. 20590, 202-426-2242.

SUPPLEMENTARY INFORMATION: Safety Standard No. 210, Seat Belt Assembly Anchorages, specifies zones and acceptable ranges within which seat belt anchorages must be located. The purpose of the zone requirements is to ensure that the anchorages are in the proper location for effective occupant restraint and to reduce the likelihood of their failure. General Motors has petitioned the National Highway Traffic Safety Administration (NHTSA) to eliminate the forward boundary of the acceptable range for the location of the upper torso belt anchorage and the maximum angle limitation of the lower shoulder belt anchorage zone, for passive belt systems that meet the dynamic frontal crash protection requirements of Safety Standard No. 208. Letters have been received from Renault and Toyota in support of General Motors' petition.

By notice issued July 5, 1977, the Department amended Safety Standard No. 208 to require future passenger cars to be equipped with passive restraints, on a phased-in schedule beginning September 1, 1981 (42 FR 34289). General Motors has decided to voluntarily introduce passive belts as an option on one of its models in May 1978. The passive belt design that General Motors would like to use includes a window-frame shoulder belt anchorage location. The existing location requirements of Standard 210 will prevent this passive belt design on some 4-door vehicles, however, because the trailing edge of the front door window frame is outside the "acceptable range" for upper anchorages. Also, General Motors would like to move the lower anchorage of their passive belt outside the maximum angle limitation of the standard for purposes of comfort and convenience.

In order to facilitate the early introduction of passive restraints, the agency has determined that manufacturers should be given wide latitude in passive belt design. Experience with the Volkswagen Rabbit has shown that the use rate of passive belts can be around 70 percent, as opposed to the 20 percent use rate for conventional active seat belts. Further, the Volkswagen passive belt systems have proven to be extremely effective restraint systems. The passive-belt-equipped Rabbits have experienced a fatality rate of 0.78 deaths per 100 million miles traveled as opposed to a rate of 2.34 deaths per 100 million miles traveled for Volkswagen Rabbits equipped with conventional active seat belts. Therefore, early introduction of passive restraints is extremely desirable and should save many lives.

The zone location requirements for anchorages in Standard 210 were developed primarily for conventional active safety belt systems. Passive belt systems are a relatively new technology and current information indicates there will be a myriad of passive belt designs. The NHTSA is currently conducting research to determine the optimum anchorage locations for the various passive belt designs in terms of belt effectiveness and in terms of comfort and convenience for vehicle occupants. Until this research is completed and appropriate requirements for passive belts can be incorporated into Standard No. 210, it is the agency's opinion that the current anchorage location requirements should be eliminated for passive belts.

The agency emphasizes that even if this proposed amendment is ultimately adopted, passive belt systems would still have to meet all Standard 210 requirements except those relating to anchorage location. Further and more important, these belt systems will have to meet the dynamic frontal crash protection requirements of Standard 208. Likewise, it must be emphasized that the proposed exemption is purely an interim measure, until location requirements for passive belts have been formulated. New anchorage location requirements for passive belts, together with the frontal crash protection requirements of Standard 208 will ensure that passive belt systems are effective occupant restraint devices and that they are sufficiently comfortable and convenient that motorists will not be encouraged to defeat them.

The NHTSA Office of Passenger Vehicle Research has already initiated a research project to evaluate the effects of moving the upper anchorage of the Volkswagen Rabbit passive belt system in both the vertical and longitudinal directions. That office will also initiate a contract to evaluate the passive belt systems on any other vehicle that may be introduced in the near future. The NHTSA invites all comments suggesting research or methodology for evaluating the effect of anchorage location as it relates to passive belt effectiveness, comfort, and convenience.

The proposed amendment would have no environmental or inflationary impact.

The engineer and lawyer primarily responsible for this notice are William Smith and Hugh Oates, respectively.

In consideration of the foregoing, it is proposed that Standard No. 210 (49 CFR 571.210) be amended to add the following sentence at the end of the text of S4.3:

§ 571.210 Standard No. 210; Seatbelt assembly anchorages.

* * * * *

S4.3 *Location.* * * * Anchorages for passive belt systems that meet the frontal crash protection requirements of Standard No. 208 are exempt from

the location requirements of this section.

* * * * *

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.

In the case of comments that contain materials for which confidential treatment is requested, those materials should be deleted from the copies submitted to the docket. A copy of the complete comments should be submitted to the Office of Chief Counsel at the above address, with an indication of which portions of the comments are the subject of the request for confidentiality.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

(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 49 CFR 501.8.)

Issued on May 22, 1978.

MICHAEL M. FINKELSTEIN,
Acting Associate Administrator for Rulemaking.

[FR Doc. 78-14613 Filed 5-24-78; 8:45 am]

[4910-59]

[49 CFR Part 571]

[Docket NO. 77-02; Notice 6]

NEW PNEUMATIC TIRES—PASSENGER CARS

Proposed Amendment to Federal Motor Vehicle Safety Standard

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

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Pursuant to a petition by the Japan Automobile Tire Manufactures Association, this notice proposes an amendment to Federal Motor Vehicle Safety Standard No. 109, New Pneumatic Tires—Passenger Cars. The amendment would modify Appendix A of the standard by adding two new tire size designations. Adoption of the amendment would permit introduction into the U.S. market of the new tire sizes specified in the amendment

DATES: Comment closing date: June 22, 1978. Proposed effective date: Date of posting of the final rule at the FEDERAL REGISTER.

ADDRESSES: Comments should refer to the docket number and be submitted to Docket Section, Room 5108, Nassif Building, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

John A. Diehl, Tire Performance Group, Office of Automotive Ratings, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1714.

SUPPLEMENTARY INFORMATION: According to agency practice, the National Highway Traffic Safety Administration (NHTSA) responds to petitions for adding new tire sizes to Appendix A of Standard No. 109 by quarterly issuing final rules under an abbreviated rulemaking procedure for expediting such routine amendments. Guidelines for this procedure (October 5, 1978; 33 FR 14964, as amended August 13, 1974; 39 FR 28980) provide that these final rules become effective 30 days after their date of publication if no comments objecting to them are received by the agency during this 30-day period. If objections are received, rulemaking procedures for proposing and issuing motor vehicle safety standards (49 CFR Part 553) are to be initiated.

Pursuant to a petition from the Japan Autombile Tire Manufactures Association (July 26, 1977), a final rule amending Appendix A by adding two new tire size designations was published on December 12, 1977 (42 FR 62386; Docket No. 77-02; Notice 5) under the abbreviated rulemaking procedure. An objection to this amendment was timely submitted by General Motors Corp. (January 11, 1978). Accordingly, the amendment did not become effective. This notice initiates regular rulemaking procedures for amending Standard No. 109.

General Motors' principal objection was that the values for test rim width and for section width specified for the two new tire size designations are inconsisent with the test rim and section width values previously approved for these two sizes by the International Standards Organizations. In addition, General Motors commented that the new tire sizes should be added to Appendix A's P-metric table, Table I-KK, rather than to Table I-S as published in the December 12 notice. These objections will be considered by the NHTSA in preparing the final rule on the amendment to Standard No. 109 proposed by this notice.

The NHTSA has reviewed the environmental and economic impacts of this proposal. There should be no negative environmental impacts. Further, since this is a minor technical amendment of the standard which will permit the introduction into the U.S. market of two new tires sizes, there should be no costs associated with its implementation. Moreover, this is not

a major regulation within the Executive Order 12044.

In consideration of the foregoing, it is proposed that Title 49 of the Code of Federal Regulations, Part 571.109 (Standard No. 109, New Pneumatic Tires—Passenger Cars) be amended, as specified below.

§571.109 [Appendix Amended]

In Table I-S, the following new tire size deisgnations and corresponding values are added.

TABLE I-S

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR '60' SERIES RADIAL PLY TIRES

Tire size 1/ designation	MAXIMUM TIRE LOADS, (pounds) at various cold inflation pressures (psi)													Test rim width (inches)	Minimum size factor (inches)	Section width 2/ (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
225/60R13	890	950	1010	1070	1120	1170	1220	1270	1320	1360	1410	1450	1490	6 1/2	32.40	9.05
225/60R14	890	950	1010	1070	1120	1170	1220	1270	1320	1360	1410	1450	1490	6	32.72	8.65

1/ The letters "H" "S" or "V" maybe included in any specified tire size designation adjacent to the R.

2/ Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

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; speacifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been released to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. The agency has limited the comment period to 30 days since a 30-day comment period has already been provided on the proposed new tire size designations. Persons who have previously submitted objections to the amendment proposed in this notice need not resubmit such objections.

The principal authors of this notice are John Diehl of the Tire Performance Group and Nancy Eager of the Office of Chief Counsel.

(Secs. 103, 119, 201, and 202, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407, 1421, and 1422); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on May 22, 1978.

MICHAEL M. FINKELSTEIN,
Acting Associate Administrator for Rulemaking.

[FR Doc. 78-14790 Filed 5-23-78; 4:00 pm]

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 20]

MIGRATORY BIRD HUNTING

Supplemental Proposed Rulemaking

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Supplemental proposed rulemaking.

SUMMARY: This document supplements FEDERAL REGISTER Document 78-3893, published on February 14, 1978, which notified the public that the U.S. Fish and Wildlife Service proposes to establish hunting season regulations for certain migratory game birds during 1978-79, and provided information on certain proposed regulations. Further information and clarification is provided relative to some regulatory items for which information was not available when the initial document was published. These relate to zoning of waterfowl seasons in Connecticut, North Carolina, Alabana, Illinois, Ohio, and Nevada; some goose seasons; falconry seasons; rail seasons in the Pacific Flyway portions of Colo-

rado, Montana, New Mexico, and Wyoming; a change in the mourning dove hunting zone boundary in Mississippi; and additional measures for protection of the white-crowned pigeon in the Virgin Islands.

DATES: All relevant comments received no later than June 21, 1978, for regulations proposed for Alaska, Puerto Rico, and the Virgin Islands will be considered. The comment period for early season proposed regulations will end on July 13, 1978, and that for late season proposals on August 21, 1978.

ADDRESS: Comments to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 202-254-3207.

SUPPLEMENTARY INFORMATION: On February 14, 1978, the Fish and Wildlife Service published for comment in the FEDERAL REGISTER (43 FR 6275) a proposal to amend 50 CFR Part 20. That document dealt with the establishment of seasons, limits and shooting hours for migratory game birds under §§ 20.101 through 20.107 of Subpart K of 50 CFR Part 20. In that document, the Service indicated that a supplemental proposed rulemaking containing proposals and other considerations would be published. Consequently, this supplemental proposed rulemaking is the second in a series of proposed and final rulemaking documents for migratory bird hunting regulations effective during 1978-79. It deals specifically with a number of supplemental proposals and minor clarifications arising from comments received on the initial proposals, or from new information. These relate to zoning of waterfowl seasons in Connecticut, North Carolina, Alabama, Illinois Ohio, and Nevada; some goose seasons; falconry seasons; rail seasons in the Pacific Flyway portions of Colorado, Montana, New Mexico, and Wyoming; a change in the mourning dove hunting zone boundary in Mississippi; and additional measures for protection of the white-crowned pigeon in the Virgin Islands.

REVIEW OF PUBLIC COMMENTS AND THE SERVICE'S REPONSE

As of the close of May 16, 1978, the last day for receipt of comments to the Service's initial proposals, 42 letters had been received. These included letters from 4 waterfowl flyway councils, 18 State conservation agencies, 1 private conservation organization, and 16 individuals. Some flyway councils and States submitted more than one comment. In some instances, the letters did not specifically mention the comment period or regulatory proposals. However, because they were received during the comment period, they are treated as comments. Many recommendations addressed two or more topics, and in some cases, topics outside the scope of the regulations being proposed. Examples of the latter are comments on hunting season dates (which are actually selected by the State conservation agencies), and steel shot regulations (which are handled separately). Of 36 communications which were pertinent, 2 fully supported the Service's proposals, and the remaining suggested modifications of some regulations being proposed.

The Atlantic Flyway Council recommended that the Wednesday noon opening requirement for 5 additional days in the waterfowl season be removed. No rationale was provided. This recommendation basically relates to the number of hunting days which will be allowed in the Atlantic Flyway during the 1978-79 season. The numbers of hunting days, bag limits, and other harvest determinants for ducks will be proposed after breeding population and production data are available in late July and early August.

The Atlantic Flyway also proposed an option for allowing waterfowl seasons to be split into three segments as an alternative to zoning. Because no rationale or data supported the request, and the request would have nationwide implications, the Service proposes no action at this time pending further evaluation.

Extensive comments were received from Defenders of Wildlife (Defenders) on objectives of the migratory bird program and on a wide array of regulatory items including shooting hours and numerous species-specific issues. Included among the latter are recommendations to remove hunting pressure from the black duck, further restrict shooting hours for September teal seasons, afford full protection to mergansers, close hunting seasons on Atlantic Flyway snow geese, prohibit hunting of whistling swans, reduce proposed bag limits for coots and gallinules, and prohibit the September hunting of doves in areas where they are still nesting. No substantial new information or data accompanied Defenders' recommendations, which were generally similar to concerns expressed in the past. The Service has responded in detail to these recommendations by Defenders in numerous FEDERAL REGISTERS (40 FR 25241, June 13, 1975; 40 FR 34362, Aug. 15, 1975; 40 FR 41096, Sept. 5, 1975; 41 FR 27382, July 2, 1976; 41 FR 27987, July 8, 1976; 41 FR 43163, Sept. 30, 1976; 42 FR 13311, Mar. 10, 1977; 42 FR 34305, July 5, 1977; 42 FR 34342, July 5, 1977; 42 FR 36495, July 15, 1977; 42 FR 37552, July 22, 1977; 42 FR 40211, Aug. 9, 1977; 42 FR 41145, Aug. 15, 1977; 42 FR 45310, Sept. 9, 1977). Also, the Service has issued a number of environmental assessments which address some of Defenders' concerns about the status and management of certain species. Finally, some of the Service's following responses to other public comments address some of the regulatory issues of interest to Defenders. Nonetheless, the Service wishes to respond to several other points raised by Defenders.

Defenders offered specific comments on the experimental design of the field study being designed to evaluate waterfowl identification abilities of hunters. The recommendations offered by Defenders and others will be carefully considered in the planning of this study. Defenders' recommendation to prohibit black duck hunting during the course of the field studies presently underway on the species would prohibit the gathering of baseline data required for evaluating the results of future management activities, including possible regulatory changes. The Service notes that the population of Atlantic Flyway snow geese is not relatively low, as is alleged by Defenders. The population has generally increased over the years to record levels. As will be noted later, the Service desires to evaluate this year's production before considering any changes in the regulations which were in effect last year. With regard to mourning dove hunting in September, the Service notes that both intensive and extensive field studies of breeding mourning doves are now being initiated by the Service and cooperating State conservation agencies.

Substantive recommendations, generally from the flyway councils, State conservation agencies, and some individuals are addressed specifically under the numbered regulations categories listed on the initial proposals. Only those numbered items for which changes are proposed, or on which substantive comment was received, are listed.

SUPPLEMENTAL PROPOSALS AND MINOR CLARIFICATIONS

The following proposals and other modifications are numbered to correspond with the numbered items published in the FEDERAL REGISTER of February 14, 1978.

2. *Framework dates for ducks and geese in the continental United States.* The Service initially proposed that no change be made in the waterfowl hunting season frameworks, which were described in detail in the FEDERAL REGISTER dated February 14, 1978 (43 FR 6279). Comments from two State conservation agencies proposed changes in the frameworks for their

States. The first, from Iowa, proposed two options to allow increased harvests of blue-winged teal during September. Both options also provided for the taking of waterfowl other than teal. In effect, the request, if implemented, would allow the duck hunting season to begin in September. One option provided that the number of duck hunting days selected in September be deducted from the days permitted for the regular duck season. For either option, it would be necessary to change the opening framework in Iowa from October 1 to some unspecified date in September. The second recommendation, from Mississippi, proposed that the waterfowl season framework closing date in Mississippi be changed from January 20 to January 31. Delayed migration of waterfowl into Mississippi was cited as the reason for the request. The Mississippi request was endorsed by the Southern Group of States in the Mississippi Flyway Council.

Response: The Service proposes to take no action at this time on the suggested changes in regular duck hunting season framework dates. The Service is of the view that proposed changes in long established regular season framework dates cannot be dealt with on a State by State basis. Such proposals have broad management implications for all States and all flyways, and must be reviewed and considered on that basis.

4. *Wood ducks.* The Southern Group of the Mississippi Flyway Council recommended that 2 wood ducks, in addition to the basic daily bag limit of 4 teal, be allowed during the 9-day special September teal season in Alabama, Arkansas, Kentucky, Louisiana, Mississippi, and Tennessee. Justifications advanced in support of the proposal include:

a. Wood ducks breeding or produced in southern areas generally have differing abundance and distribution patterns and higher survival rates than those breeding in northern areas;

b. Additional hunting opportunity would be possible, especially in States having low populations of migrant teal;

c. Allowing both wood ducks and teal would facilitate hunter identification of permitted species; and

d. Increased harvest opportunity would encourage enhancement and preservation of local wood duck habitats.

Response: The Service is of the view that, pending more thorough and extensive review and consideration involving other States that participate in special September teal seasons, it is inadvisable at this time to expand such seasons to include species other than teal. An alternative approach to providing additional opportunity to harvest wood ducks produced in southern breeding areas is presently available. During the 1977-78 season, southern States in the Atlantic Flyway (Florida, North Carolina, South Carolina, and Virginia) and the Mississippi Flyway (Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, and Tennessee) were allowed to designate, experimentally, up to 9 days of their regular duck season between October 1 and October 15, during which no special bag limit restrictions were placed on wood ducks. It is anticipated that this option will be continued in the 1978-79 hunting season.

6. *September teal season.* No changes in the September teal season regulations were proposed in the FEDERAL REGISTER dated February 14, 1978 (43 FR 6280). That document acknowledged receipt of a proposal from the Iowa Conservation Commission to consider alternatives to the September teal season which would be applicable to Iowa.

Response: The Iowa proposal, and the Service's response, are given under item 2. *Framework dates for ducks and geese in the continental United States.*

8. *Special scaup season.* The Atlantic Flyway Council recommended changing the criteria for designating areas for special 16-day seasons on scaup only or scaup in combination with goldeneyes. For special scaup areas, the Council recommended that the species composition of birds available at time of hunting be at least 75 percent scaup and the minimum number of scaup available be at least 5,000 birds. For the combination special scaup-goldeneye areas, the Council recommended that 90 percent of the birds available at the time of hunting be of the two species, and the total number of birds available at time of hunting be at least 5,000 of the two species combined.

Response: The Service notes that the criteria for special seasons (September teal, special scaup, special scaup-goldeneye, and sea ducks) are presently under review in order to determine what changes, if any, may be needed. It appears desirable to defer action on specific changes now pending completion of this review, and an opportunity for comment by the public and by management agencies in States in the Atlantic, Mississippi, and Central Flyways where provisions are made for these special seasons. The recommendation from the Atlantic Flyway Council will be considered during the course of the reviews.

10. *Mergansers.* One individual expressed concern about merganser hunting regulations, stating that these birds are inedible, and where shot, are frequently not retrieved by hunters.

Response: In some localities, mergansers are readily eaten and the hooded merganser especially is considered to be desirable. The Service notes that the hooded merganser has been accorded special nationwide protection for many years. The harvest of other mergansers appears to be relatively small. It does not appear necessary, at this time, to propose further restrictions on the hunting of mergansers.

Canvasback and redhead ducks. The Atlantic Flyway Council recommended consideration of an experimental canvasback-redhead hunting season in a designated area in North Carolina which is now closed to the hunting of these species. The proposal features:

a. A season of 10-14 continuous days within the last part of the regular waterfowl season;

b. A daily bag limit of 3 canvasbacks or 3 redheads, singly or in the aggregate, and a possession limit double the daily bag limit; and

c. Possible restrictions on the number of females which would be permissible within the daily bag and possession limits.

The proposal is offered as a means of testing an alternative to harvest management rationales employed for canvasbacks and redheads. Supporting information notes that the sex ratios of canvasbacks and redheads in the mid-Atlantic Flyway are heavily unbalanced in favor of males. Proponents of the recommendation believe that population levels of the two species are sufficently high to allow a resumption of hunting of these species where they were once traditionally hunted. The proposal would direct harvests to the male population components.

Response: The Service is of the view that additional harvest opportunities for canvasbacks and redheads depend on further improvement in the status of their populations. Information on populations, production success, and harvest are obtained annually for these two species by the Service. It appears that harvests, under regulations in effect during the past several years, are already at levels adequate for the populations available. Production success during the past two breeding seasons has been below average. Additional harvest opportunities along the lines proposed by the Atlantic Flyway Council, do not appear to be appropriate at this time but could be considered in the future.

12. *Zoning.* Several State wildlife agencies requested approval to establish zones or modify existing zones for the purpose of establishing waterfowl hunting regulations separately in different portions of their States.

a. *Connecticut.* The State proposes to experimentally set waterfowl hunting regulations separately in a North and a South Zone, divided by Interstate Highway 95.

b. *North Carolina.* The State proposes to experimentally set waterfowl hunting regulations separately in an East Zone and a West Zone, divided by U.S. Highway 1.

c. *Alabama.* The State proposes to experimentally set waterfowl hunting regulations separately in a zone consisting of Baldwin and Mobile Counties and a second zone consisting of the remainder of the State.

Response: The Service proposes to implement the above zoning arrangements provided that established zoning criteria are met, as set forth in the FEDERAL REGISTER, dated February 14, 1978 (43 FR 6281), and the proposals are supported by the respective Flyway Councils.

d. *Illinois.* The State requested that the boundary separating the North and South Zones be changed to U.S. Highway 50, noting that the highway boundary would be less confusing to both hunters and field officers than the nearby county boundary used during 1977-78. The change would shift the boundary 10-12 miles northward, and should have little effect upon the harvest. Illinois also asked that it be permitted to establish zones for goose hunting while retaining the 4-county Southern Illinois Goose Quota Zone, where most of the State's goose harvest occurs. Illinois proposes that 4,000 additional geese be deducted from the statewide quota and allocated to Illinois outside the 4-county area to compensate for anticipated additional harvest at Rend Lake.

Response: The service is of the view that the change in zone boundary is appropriate for the reasons given and proposes to implement the change for the 1978-79 hunting season. The Service will consider the request to establish zones for goose hunting based on further evaluation. The geese involved are chiefly those of the Mississippi Valley Population. This population is under cooperative management involving several States and is subject to rigid harvest quotas. The proposal should be evaluated in the light of management objectives for this population.

e. *Ohio.* During the 1977-78 season, Ohio was permitted to experimentally establish two zones, a North Zone and a South Zone, divided by U.S. Highway 30, for 3 years. One condition was that the seasons selected in each zone would run continuously. Ohio now requests that it be allowed to select split seasons in each of the two zones.

Response: The Service notes that the conditions of the zoning experiment now under way in Ohio and several other States in the Mississippi Flyway were mutually established by agreement between the Service and the Council. They included the provision that the seasons selected within each zone be continuous. the Service is of the view that the change requested by Ohio represents a substantial modification which would best be deferred pending the collection of additional information from the zoning study regarding its need or desirability.

f. *Nevada.* Nevada, supported by the Pacific Flyway Council, requests the following changes in zones:

(1) Two existing zones would be maintained for the purpose of setting duck seasons; however, Lincoln County would be shifted from the South to the North Zone. In effect, the South Zone would consist of Churchill County, and the remainder of the State would comprise the North Zone.

(2) Three zones are proposed for establishing goose seasons. One zone would include Elko County and the Ruby Lake National Wildlife Refuge in White Pine County. The second zone would consist of Clark County, with the remainder of Nevada comprising the third zone. In the past, two goose zones have been in effect, one consisting of Clark and Lincoln Counties, and the remainder of the State making up the second zone.

(3) Nevada request that it be permitted to establish its own hunting season dates. In the past, Arizona selected the season dates for the South Zone of Nevada.

Response: The Service is of the view that the proposal, if adopted, would allow Nevada more flexibility in setting waterfowl hunting regulations to better fit regional conditions. Hunting pressures and harvests in Nevada are historically low and these changes should have little effect upon them. Accordingly, the Service proposes to implement the requested changes.

Copies of the various zoning proposals may be obtained from the Service or from the appropriate State conservation agencies.

13. *Goose and brant seasons.* a. *Atlantic Flyway.* New Jersey requests that the Statewide daily bag and possession limit on Canada geese be increased to 4 and 8, respectively, and season length be extended to 90 days. This would permit New Jersey to have the same regulations as were provided last year in the Delmarva area of Delaware, Maryland, and Virginia, and in an adjacent portion of Pennsylvania. Last year, New Jersey bag and possession limits on Canada geese were 3 and 6, and season length was 70 days—the same as other States in the upper part of the Atlantic Flyway except for the areas noted above. Many geese in the Delaware Bay area use habitats both in New Jersey and Delaware. Maine also requests that the season and bag limits be similarly increased for Canada geese there.

Response: Last year Canada goose hunting regulations were liberalized in the Delmarva area and an adjacent portion of Pennsylvania in an effort to increase the harvest. The wintering population of Canada geese in this area is judged to be undesirably large and increasing. The Service will consider the requests from New Jersey and Maine with a view to determining the extent to which similar liberalizations in other areas are appropriate to the best management of these birds.

The Atlantic Flyway Council recommended that:

a. The daily bag limit for snow geese in the flyway be increased from 2 to 4 birds, and the possession limit be increased from 4 to 8 birds;

b. The season be lengthened from 60 to 70 days; and

c. The season no longer need be set within other waterfowl seasons.

Response: The Service is of the view that changes in seasons and bag limits for these geese should be considered in the light of information on production success which will not be available until later in the year. These geese nest in high-Arctic areas where snow and ice conditions sometimes greatly limit annual production. Action on this request is deferred pending receipt of additional information on 1978 production.

North Carolina requested that consideration be given to increasing the Canada goose daily bag limit from 1 to 2, and the possession limit from 2 to 4 in the Back Bay and Mattamuskeet areas.

Response: Reduced bag limits and season lengths on Canada geese wintering in these areas have been in effect for a number of years in an effort to maintain or increase the populations. The Service is of the view that it is desirable to consider this request further in the light of management of objectives for the populations involved.

b. *Mississippi Flyway.* Based on an evaluation of winter inventory data and other information, the Mississippi Flyway Council has recommended the following harvest quotas for the Mississippi Valley Population of Canada geese: Illinois—50,000 birds statewide; Wisconsin—50,000 birds statewide; and Ballard County, Kentucky—15,000 birds. The Service concurs in these quotas and proposes to establish them for the 1978-79 hunting season.

c. *Central Flyway.* The Central Flyway Council recommended that the 1 bird daily bag limit on Ross' geese in the flyway be removed and that limits for white geese apply.

Response: The Service is of the view that the recommended change in bag limit should be deferred pending further information on the population status of this species which it is anticipated will be available in the near future.

d. *Pacific Flyway.* Proposals to zone Nevada for waterfowl, including geese, were discussed under item 12. *Zoning.*

14. *Whistling swans.* The Atlantic Flyway Council recommended that a hunting season be permitted in designated areas of the Atlantic Flyway. Major features of the proposal include:

a. A season not to exceed 30 days;

b. Daily bag and possession limits of 1 swan;

c. An optional requirement that the hunters be required to obtain special permits, the number to be limited to 5 percent of recent wintering populations.

In making its recommendation, the Council noted that whistling swans are generally increasing in the Atlantic Flyway and changing their feeding habits, resulting in losses to agricultural crops, and damage to some wetlands.

Response: Although there appear to be no biological reasons why some harvest could not be taken, the Service is of the view that a proposal for a limited harvest of whistling swans wintering in portions of the Atlantic Flyway should be deferred for now pending further evaluation of the agricultural and habitat problems cited, and other considerations relating to the management of swans in this Flyway.

16. *Migratory game bird seasons for falconers.* Last year Federal regulations permitted States that established special seasons for hunting game birds by means of falconry to select extended seasons for certain migratory game birds. The total number of hunting days could not exceed 107, the maximum number permissible under the migratory bird convention with Canada. Eight States chose extended seasons. The Service noted in the FEDERAL REGISTER, dated February 14, 1978 (43 FR 6282) that there was some confusion about the extended seasons, especially in regard to daily bag and possession limits. These varied depending upon whether the regular hunting season (during which falconry was permissible) was open or closed. The Service noted that it intended to clarify the falconry regulations after receiving and considering reports from the participating States, and other recommendations.

The reports have now been received and they indicate that the participating States were generally satisfied with the falconry seasons. However, several suggested that falconry hunting be allowed after regular migratory game bird hunting seasons terminated, chiefly to afford greater flexibility in determining the most desirable dates for special falconry hunting.

Response: The Service is of the view that migratory bird hunting activities by whatever method should be conducted within existing framework dates pending further demonstration of a need for a change. The proposed framework dates for migratory game birds generally are: Atlantic and Mississippi Flyways—September 1, 1978, through January 20, 1979; and Central and Pacific Flyways—September 1, 1978, through January 21, 1979.

The Service proposes the following general guidelines for regulating falconry hunting:

a. Under Federal regulations, falconry is a permitted means of hunting all migratory game birds on which seasons are established.

b. An additional falconry hunting period may be selected providing that the total number of days for hunting by all methods in that area for that species does not exceed 107 days. The extended season is to be within the general framework dates.

c. In order to alleviate confusion about the applicable daily bag and possession limits on any given hunting day, the Service proposes that falconers be permitted to take 3 migratory game birds per day, singly or in the aggregate of all species, and possess 6 during both regular and extended hunting seasons.

d. Participation in extended falconry hunting seasons for migratory game birds will be limited to those States meeting Federal falconry standards specified in 50 CFR 21.29(k).

The Service is of the view that these regulations will provide falconers a reasonable opportunity to practice falconry. According to the 1977–78 data, few falconers approach the daily bag limits being proposed. The proposd regulations would clarify the permissible bag and possession limits, and thus simplify regulations.

17. *Lesser sandhill (little brown) cranes.* Montana proposed that consideration be given to permitting crane hunting throughout the Central Flyway portion of Montana except in Sheridan County and in that area south and west of Interstate Highway 90.

Response: The Service is of the view that further expansion of sandhill crane hunting opportunity should be deferred for now pending better information and understanding of the various population segments involved and their population dynamics.

20. *Rails.* Colorado proposes that it be allowed to establish hunting seasons there concurrently with rail hunting seasons east of the Continental Divide. In effect, this would enable Colorado to establish statewide hunting seasons on these species. In recent years, no rail hunting has been allowed in the Pacific Flyway. The Pacific Flyway Council concurred with Colorado's recommendation and because similar situations prevail in the Pacific Flyway portions of Montana, Wyoming, and New Mexico, recommended that these States also be allowed to establish statewide seasons.

Response: The Service notes that hunting pressures in these areas would be very light because of low human populations and the likelihood that few hunters would travel to the newly opened areas. No endangered species of rails are found within the areas proposed for hunting. Therefore, the Service proposes to allow Montana, Wyoming, Colorado, and New Mexico to select statewide hunting seasons for sora and Virginia rails, under frameworks and limits to be established later.

24. *Mourning doves.* Mississippi requests a modification of the boundary separating the North and South Zones. The State proposes that U.S. Highway 84 be the new boundary rather than State Highways 12 and 14. The change would shift the boundary line approximately 70 miles southward.

Response: Zoning of Mississippi for mourning dove hunting was evaluated experimentally and it was found that little intrastate movement of hunters between the two zones occurred. Furthermore, there was no significant change in dove harvests which could be attributed to zoning. The Service proposes to implement the boundary change as requested.

27. *Migratory game birds in Puerto Rico and doves and pigeons in the Virgin Islands.* The Service initially proposed that no changes be made in these hunting regulations. Comments were subsequently received from the respective conservation agencies. Also, information relating to possible effects of the proposed regulations endangered and threatened species and their habitats is under consideration by the Service. As a result of these considerations, the following changes are proposed:

a. Puerto Rico. 1. The 1977–78 regulations incorrectly stated: "No open season is prescribed for pigeons on Puerto Rico and Mona Islands in order to give the reduced population of white-crowned pigeon (*Columba leucocephala*), known locally as Paloma cabeciblanca, a chance to recover." The same regulations were initially proposed this year. This unnecessarily affects the hunting of the scaly-naped pigeon in Puerto Rico. It is the Service's intention that only the hunting of the white-crowned pigeon and the endangered Puerto Rican pigeon be prohibited on Puerto Rico. Therefore, the Service proposes to modify the sentence quoted above to read, "No open season is prescribed for pigeons on Mona Island, and for the white-crowned pigeon on Puerto Rico, in order to give the reduced population of the white-crowned pigeon (*Columba leucocephala*), known locally as Paloma cabeciblanca, a chance to recover.

2. The Service notes that the scaly-naped pigeon (*Columba squamosa*) is also known by the common names of "red-necked pigeon," and "scaled pigeon." Consequently, these pseudonyms will be included in the 1978–79 regulations.

b. Virgin Islands. The Virgin Islands Department of Natural Resources and Cultural Affairs reported that the

white-crowned pigeon (*Columba leucocephala*) was recently classified as an endangered species under Territorial regulations. Although the proposed Federal regulations would not allow hunting of the species anywhere in the Virgin Islands, they would permit hunting of the scaly-naped pigeon on St. Thomas Island. Because of the possibility of confusion between the two species of pigeons, territorial officials requested that no hunting of the scaly-naped pigeon be allowed on St. Thomas Island.

Response: The Service concurs with the recommendation and proposes not to establish a hunting season for the scaly-naped pigeon on St. Thomas Island.

Public Hearings

The regulatory schedule published in the Federal Register dated February 14, 1978 (43 FR 6278), provided information on the two public hearings scheduled for reviewing the proposed 1978–79 hunting regulations and obtaining further public comments and recommendations. In order to further publicize these meetings, details on their date, location, and time are repeated.

Two public hearings pertaining to migratory bird hunting regulations being considered for the 1978–79 hunting seasons are scheduled. Both meetings will be conducted in accordance with 455 DM 1 of the Departmental Manual. On June 21 a public hearing for reviewing proposed hunting regulations for species for which early (opening prior to September 30) seasons are set will be held. It will begin at 9 a.m. in the Auditorium of the General Services Administration Building, F Street, between 18th and 19th Streets NW., Washington, D.C. this hearing is scheduled primarily for the purpose of reviewing the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, rails, gallinules, and common snipe and discussing proposed hunting regulations for these species plus regulations for sandhill (little brown) cranes in some States, migratory game birds in Alaska, Puerto Rico, and the Virgin Islands, mourning doves in Hawaii, September teal seasons, and special sea duck seasons in the Atlantic Flyway. On August 2 a public hearing for reviewing the status of other waterfowl and consideration of proposed regulations for those waterfowl and other migratory game birds for which regulations were not previously formulated will be held. It will be held at 9 a.m. in the Auditorium of the General Services Administration Building, F Street, between 18th and 19th Streets NW., Washington, D.C. These deliberations will pertain to hunting seasons commencing September 30 or later. The public is invited to participate in both hearings.

Persons wishing to participate in these hearings should write the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, or telephone 202-254-3207. Those wishing to have statements included in the record should file them in writing with the Director before or immediately after each hearing.

Public Comments Solicited

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. He therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, and private interests on these supplemental proposals.

Final promulgation of migratory bird hunting regulations for the continental United States, Puerto Rico, the Virgin Islands, and Hawaii for the 1978–79 season will take into consideration all comments received by the Director. Such comments, and any additional information received, including consideration of the Endangered Species Act of 1973, may lead the Director to adopt final regulations differing from these proposals. Interested persons may participate in this rulemaking by submitting written comments on these supplemental proposals to the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments received will be available for public inspection during normal business hours at the Service's office in Room 525A, Matomic Building, 1717 H Street NW., Washington, D.C.

The comment period for the Service's initial proposals for the 1978–79 hunting regulations was open for 90 days, and ended on May 16, 1978. The Service is of the view that the public should be given the greatest possible opportunity to comment upon proposed regulations; however, it is essential that certain deadlines be met if the annual regulations are to be finalized and cooperating agencies and the public be informed of them. State conservation agencies proclaim companion hunting regulations, within Federal frameworks, and often must conduct public hearings, provide notices of proposed regulations for public comment, and print and distribute their regulations. Satisfying these requirements necessitates shorter public comment periods for the Service's supplemental proposals, particularly those which must be finalized early because of seasons opening in September. Consequently, the Service finds that "goods cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, for shorter comment periods. Accordingly, the Service prescribes the following public comment periods for these proposed supplemental regulations.

All relevant comments received no later than June 21, 1978, for regulations proposed for Alaska, Puerto Rico, and the Virgin Islands will be considered. The comment period for early season proposed regulations will end on July 13, 1978, and that for late season proposals on August 21, 1978. The Service will attempt to acknowledge received comments, but substantive response to individual comments may not be provided.

NEPA Consideration

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75-54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the Federal Register on June 13, 1975 (40 FR 25241). In addition, several environmental assessments have been prepared on specific matters which serve to supplement the material in the Final Environmental Statement.

Endangered Species Act Consideration

Prior to finalization of the 1978–79 migratory game bird hunting regulations, consideration will be given to provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) to insure that hunting does not jeopardize the continued existance of any species designated as endangered or threatened or modify or destroy its critical habitat and is consistent with the conservation programs for those species. Consultation under section 7 of this act may cause changes to be made to proposals in this and future supplemental proposed rulemaking documents.

Steel Shot Regulations

On February 28, 1978, the Service published in the Federal Register (43 FR 1844) final regulations regarding areas in the Atlantic Mississippi, Central, and Pacific Flyways in which shotshells loaded with steel shot will be required for waterfowl hunting in seasons commencing in 1978. The intended effect of establishing these steel shot zones is to reduce the number of deaths of waterfowl caused by ingesting spent lead pellets. The regulations appear under § 20.108 of 50 CFR and will also be summarized in the Service's waterfowl regulations leaflets to be published late this summer.

Authorship

The primary author of this proposed rulemaking is Henry M. Reeves, Office of Migratory Bird Management, working under the direction of John P. Rogers, Chief.

ECONOMIC IMPACT STATEMENT

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

Dated: May 22, 1978.

LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service.

[FR Doc. 78-14673 Filed 5-24-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-07]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation No. A611]

KENTUCKY

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Breckinridge County, Kentucky, as a result of excessive rainfall August 15 through December 31, 1977, and heavy snows January 8 through March 10, 1978.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904 Subpart C, Exhibit D, Paragraph V B, including the recommendation of Gov. Julian M. Carroll that such designation be made.

Applications for emergency loans must be received by this Department no later than November 9, 1978, for physical losses and May 14, 1979, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 17th day of May 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-14615 Filed 5-24-78; 8:45 am]

[3410-02]

Federal Grain Inspection Service

GRAIN STANDARDS

Kansas Grain Inspection Point

Statement of considerations. On February 15, 1978, a notice was published in the FEDERAL REGISTER (43 FR 6641) announcing that the Kansas State Department of Agriculture, Topeka, Kans., an official inspection agency designated pursuant to the United States Grain Standards Act as amended (7 U.S.C. 71 et seq.) (Act), requested that the assignment of inspection points under its designation be amended to revoke Newton, Kans., as a designated inspection point. Notwithstanding the revocation of Newton, Kans., as a designated inspection point, the Kansas State Department of Agriculture will continue to provide official services there upon request.

No comments were received regarding the February 15, 1978, notice in the FEDERAL REGISTER. Accordingly, after due consideration of the request, the designation of the Kansas State Department of Agriculture is amended to revoke Newton, Kans., as a designated inspection point pursuant to section 26.99(b) of the regulations (7 CFR 26.99(b)).

As a point of clarification, it should be noted that the Act has been amended by Pub. L. 94-582, effective November 20, 1976, and by Pub. L. 95-113, effective October 1, 1977, to extensively modify the official inspection system. The amended Act provides that the Administrator of the Federal Grain Inspection Service (FGIS), after conducting investigations and other studies, will designate official agencies at the various interior points. In implementing these provisions, FGIS is currently in the process of reviewing the designations of all agencies or persons presently designated to provide official inspection services. The amended Act further provides that existing agencies may continue to operate without a designation under the new law until the Administrator either grants or denies such designation to them or sets a period of time for their termination, not to exceed November 20, 1978.

Accordingly, this amendment of assigned inspection points does not alter the existing designation of the Kansas State Department of Agriculture as an official inspection agency which continues until the Administrator of FGIS either grants or denies an official designation under the amended Act or sets a period of time for its termination.

(Sec. 8, Pub. L. 94-582, 90 Stat. 2870, (7 U.S.C. 79); sec. 27, Pub. L. 94-582, 90 Stat. 2889, (7 U.S.C. 74 note); 7 CFR 26.99(b))

Done in Washington, D.C. on: May 18, 1978.

L. E. MALONE,
Acting Administrator.

[FR Doc. 78-14667 Filed 5-24-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Dockets 27838 and 30818]

AEROVIAS QUISQUEYANA, C. POR A. JACOB BASNA, BASSAM BASNA, GHASSAM BASNA, GEORGE BASNA, BASNA AIR SERVICE, INC.

Hearing; Enforcement Proceeding

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on July 25, 1978, at 10 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned.

In order to facilitate the conduct of this hearing, parties are instructed to prepare all evidence, including the testimony of witnesses (except testimony from adverse witnesses), in written exhibit form, and to serve their evidence in advance of the hearing in accordance with the following schedule: direct exhibits and testimony—June 19, 1978; rebuttal exhibits and testimony—July 10, 1978. Copies of the ground rules which will govern the hearing will be served upon the parties by a separate order and will be placed in the dockets of this proceeding.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the complaints and amended complaints, to the answers thereto, and to other documents which are in the dockets of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated on Washington, D.C., May 19, 1978.

HENRY M. SWITKAY,
Administrative Law Judge.

[FR Doc. 78-14688 Filed 5-24-78; 8:45 am]

[6320-01]

[Docket 31790; Order 78-5-124]

AMERICAN AIR TRANSPORT, INC.

Application for an All-Cargo Air Service Certificate; Order on Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of May, 1978.

By Order 78-2-11, February 1, 1978, we issued, under section 418 of the

Act, an all-cargo service certificate to American Air Transport (AAT) over the objections of American Airlines. American agrued that the Board should, under its authority in Part 25 of its Economic Regulations, prevent any injury to American and eliminate the potential for public confusion by requiring AAT to change its name. American has filed a petition for reconsideration of Order 78-2-11. AAT filed a reply.

We have decided to deny American's petition. It has not established any error in our previous order or presented any other matters that would otherwise warrant grant of the relief sought. American raises three arguments not already considered in Order 78-2-11. First, it argues that the Board has departed from its policy under Part 215. In support of this argument, it cites language from the L.T.C. Air Cargo decision, Order 76-10-109, which we distinguished in Order 78-2-11. The policy quoted—regarding the prospective public confusion that Part 215 is intended to avert—is not inconsistent with our decision in Order 78-2-11. Under Part 215, the Board attempts to determine whether the public interest requires a company to change its name. A public interest determination involves a balancing of the possibility of public confusion against the burden on the carrier seeking to use a name. In the case of AAT's application, we found that the possibility of confusion was too remote—because of AAT's limited current operations, the uncertain scope of its proposed operations under section 418, if any, and the fact that its authority is limited to cargo—to justify the burden that a change of name would impose.[1] The result of our decision does not prejudice American in any way with regard to future actions under either section 411 of the Act or the Lanham Trademark Act. The prospective relief available under Part 215 complements rather than supersedes the statutory remedies available. If American believes that our result is incorrect, or if public confusion does result after AAT commences section 418 operations, it has other remedies to vindicate its rights.

The second argument, that no principle of trademark law would allow AAT to use the name American in its section 418 operations, is irrelevant. Whether or not American's analysis of the applicable case law is correct, we do not intend to use Part 215 as a means to substitutue ourselves for a federal court on issues of trademark law. We are guided solely by our assessment of the potential for public confusion based on our knowledge of the airline industry versus the burden that a change of name would impose.

American's final new contention is that we violated the Administrative Procedure Act by repealing a substantive rule of general applicability—Part 215—without rulemaking procedures. Citing the second footnote in Order 78-2-11, where we stated that we intend to examine the question of whether section 418 carriers should be subject to Part 215 as part of a future rulemaking procedure, American asserts that the rationale of Part 215—prophylactic and prior protection—was not applied in Order 78-2-11. Therefore, it concludes that we have, in effect, repealed Part 215. This is really just one more way of arguing that we have departed from our policy under Part 215 and, as such, it has been answered above. Our decision is in no way to be taken as a prejudgement of the issues in the prospective rulemaking.

Accordingly, it is ordered that: The petition of American Airlines for reconsideration be denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[2]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-14689 Filed 5-24-78; 8:45 am]

[1] American's suggestion that AAT operate under two names, divided according to its Part 298 and section 418 operations, is impractical. It would lead to public confusion about the corporate control of the two carriers, especially in cases in which the operations might overlap, and force AAT to have to promote two different names, have two sets of stationery, etc., which would increase its expenses and hamper its operations.

[2] All members concurred.

[6320-01]

[Docket 31574]

CALIFORNIA-NEVADA LOW-FARE ROUTE PROCEEDING

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on June 19, 1978, at 9:30 a.m. (local time) in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 19, 1978.

ARTHUR S. PRESENT,
Administrative Law Judge.

[FR Doc. 78-14683 Filed 5-24-78; 8:45 am]

[6320-01]

[Docket 32665]

CALIFORNIA/SOUTHWEST-WESTERN MEXICO ROUTE CASE

Prehearing Conference

I will hold a Prehearing Conference in this proceeding on June 30, 1978. The Bureau of International Aviation is to circulate its Prehearing Conference materials on or before June 2, 1978.[1] Other parties are to submit their Prehearing Conference materials and/or responses to the Bureau on or before June 19.

Any party who would like the Prehearing Conference to be held at a place other than Washington, D.C. should advise me of that no later than June 2, and should specify: (1) Where that party wants the Prehearing Conference held; and (2) Why it would be better to hold the Prehearing Conference there than in Washington.

Dated at Washington, D.C., May 19, 1978.

STEPHEN J. GROSS,
Administrative Law Judge.

[FR Doc. 78-14687 Filed 5-24-78; 8:45 am]

[6320-01]

[Docket 30679]

FLORIDA-ATLANTA COMPETITIVE NONSTOP SERVICE CASE

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on July 18, 1978, at 9:30 a.m. (local time), at the Quality Inn Reef, 935 South Atlantic Avenue, Daytona Beach, Fla., 32018, before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on February 21, 1978, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

[1] By "Prehearing Conference materials" I mean proposed statements of issues, proposed stipulations, requests for information and evidence, statements of position and proposed procedural dates.

Dated at Washington, D.C., May 19, 1978.

RICHARD V. BACKLEY,
Administrative Law Judge.

[FR Doc. 78-14685 Filed 5-24-78; 8:45 am]

[6320-01]

[Docket 31921]

HOUSTON-TAMPA/ORLANDO, NEW ORLEANS-ORLANDO INVESTIGATION

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on July 6, 1978, at 9:30 a.m. (local time) at the Leon Room, Host International Hotel, Tampa International Airport, Tampa, Fla. 33622, before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on March 21, 1978, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 19, 1978.

RICHARD V. BACKLEY,
Administrative Law Judge.

[FR Doc. 78-14686 Filed 5-24-78; 8:45 am]

[6320-01]

[Dockets 32486 and 32487]

KODIAK-WESTERN ALASKA AIRLINES, ACQUISITION PROCEEDING

Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter, now assigned to be held on May 23, 1978 (43 FR 20028, May 10, 1978), is postponed to May 30, 1978, and will be held in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., May 19, 1978.

THOMAS P. SHEEHAN,
Administrative Law Judge.

[FR Doc. 78-14684 Filed 5-24-78; 8:45 am]

[6335-01]

COMMISSION ON CIVIL RIGHTS

IDAHO 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 planning meeting of the Idaho Advisory Committee (SAC) of the Commission will convene at 10 a.m. and end at 5 p.m. on June 17, 1978, Rodeway Inn of Boise, 29 and Chinden Blvd., Boise, Idaho 83704.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northwestern Regional Office of the Commission, 915 Second Avenue, Room 2852, Seattle, Wash. 98174.

The purpose of this meeting is to review planning and progress for Idaho migrant study.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., May 22, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-14573 Filed 5-23-78; 8:45 am]

[6335-01]

VIRGINIA 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 planning meeting of the Virginia Advisory Committee (SAC) of the Commission will convene at 7 p.m. and will end at 9 p.m., on July 28, 1978, Holiday Inn South, Room 104, Fredericksburg, Va.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to discuss planning activities of the Virginia SAC until September 1978.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., May 19, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-14574 Filed 5-23-78; 8:45 am]

[3510-24]

DEPARTMENT OF COMMERCE

Economic Development Adminstration

TIME SAVER TACKLE, INC., LENOIR/HICKORY KNITTING MILLS, INC., AND TARA KNITTING MILLS, INC.

Petitions for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions were accepted for filing from three firms: (1) Time Saver Tackle, Inc., 13980 Northwest 20th Avenue, Opa Locka, Fla. 33054, a producer of leaders and rigs for sport fishing (accepted May 17, 1978; (2) Lenoir/Hickory Knitting Mills, Inc., 501 Realty Street, Lenoir, N.C. 28645, a producer of sweaters for men and women (accepted May 17, 1978); and (3) Tara Knitting Mills, Inc., 43 Hall St., Brooklyn, N.Y. 11205, a producer of suede coats and jackets for women (accepted May 18, 1978). The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the U.S. Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBORN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc. 78-14576 Filed 5-24-78; 8:45 am]

[3510-25]

Industry and Trade Administration

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Computer Systems Technical Advisory Committee will be held on Thursday, June 22, 1978, at 9 a.m. in room 3817, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of Trade Regulation, with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which may affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652. All Committee members have appropriate security clearances.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-4196.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on February 2, 1977 (42 FR 6374).

Dated: May 17, 1978.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 78-14680 Filed 5-24-78; 8:45 am]

[3510-25]

FOREIGN AVAILABILITY SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Open Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee will be held on Tuesday, June 21, 1978, at 9 a.m. in Room 3708, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. sec. 2404(c)(1) and the Federal Advisory Committee Act. The Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Foreign Availability Subcommittee was formed to ascertain if certain kinds of equipment are available in non-COCOM and Communist countries, and if such equipment is available, then to ascertain if it is technically the same or similar to that available elsewhere.

The Subcommittee meeting agenda has five parts:

(1) Opening remarks by the Subcommittee Chairman.
(2) Presentation of papers or comments by the public.
(3) Comments on RYAD II Report.
(4) Review of RYAD II Report Addendum.
(5) Review of 1978 Leipzig Spring Fair.

The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

Copies of the minutes of the meeting will be available upon written request addressed to the Freedom of Information Officer, Trade and Industry Administration, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Trade and Industry Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-4196.

Dated: May 22, 1978.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 78-14678 Filed 5-24-78; 8:45 am]

[3510-25]

Industry and Trade Administration

GEOLOGICAL SURVEY—RESTON

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00113. Applicant: U.S. Geological Survey Water Resources Division, National Center, Mail Stop 430, 12201 Sunrise Valley Drive, Reston, Va. 22092. Article: Water Level Gauge, model 750 and Accessories. Manufacturer: Applied Microsystems, Canada. Intended use of article: The article is intended to be used to measure and record in situ, precisely timed long-term sequences of water-level elevations in the shallow waters of lakes, waterways, estuaries, and coastal embayments. The data are to be used, in connection with other data collected from surface vessels and from the ERTS satellites. These data

will provide the input values used to initialize, calibrate, and otherwise verify large-scale, mathematical/numerical computer models. The field data together with the data produced by the computer simulation model are to be used to quantitatively and qualitatively assess the environmental impact of existing features, as well as, alternative proposed changes to be introduced into the waterbody under study.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides (1) high resolution and accuracy to better than 0.001 and 0.005 per cent, respectively, of the scale range, (2) transmission of data via underwater acoustics, (3) self-contained operation capable of recording digitally on magnetic tapes, (4) rapid machine processing a collected data, and (5) a long deployment interval (up to two years possible). The National Bureau of Standards advises in its memorandum dated May 10, 1978 that (1) all capabilities of the article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 78-14580 Filed 5-24-78; 8:45 am]

[3510-25]

HARDWARE SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Hardware Subcommittee of the Computer Systems Technical Advisory Committee will be held on Wednesday, June 20, 1978, at 1 p.m. in room 5611, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Hardware Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the Charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (a) Maintenance of the processor performance tables and further investigation of total systems performance; and (b) Investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed during the meeting should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Subcommittee during the meeting have been properly classified under Executive Order 11652. All Subcommittee members have appropriate security clearances.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington D.C. 20230, telephone 202-377-4196.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer Systems Technical Advisory Committee and of any Subcommittees thereof, was published in the FEDERAL REGISTER on February 2, 1977 (42 FR 6374).

Dated: May 17, 1978.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 78-14679 Filed 5-24-78; 8:45 am]

[3510-25]

NATIONAL RADIO ASTRONOMY OBSERVATORY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 78-00136. Applicant: National Radio Astronomy Observatory Associated Universities, Inc., 2010 N. Forbes Boulevard, Suite 100, Tucson, Ariz. 85705. Article: Klystron, model VRB2113A30 and accessories. Manufacturer: Varian Associates of Canada Ltd., Canada. Intended use of article: The article is intended to be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver. This receiver is used in conjunction with a microwave antenna to measure the intensity, polarization, frequency and direction of cosmic radiation.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equiva-

lent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a frequency in the range between 80-300 gigahertz. The National Bureau of Standards (NBS) advises in its memorandum dated May 8, 1978, that (1) the capability of the article described above is pertinent to the applicant's research purposes and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 78-14577 Filed 5-24-78; 8:45 am]

[3510-25]

RESEARCH FOUNDATION OF THE SUNY AT ALBANY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00125. Applicant: The Research Foundation of the State University of New York at Albany, Department of Physics, 1400 Washington Avenue, Albany, N.Y. 12222. Article: Ultra High Vacuum 3-Axis Goniometer. Manufacturer: Panmure Instruments Ltd., United Kingdom. Intended use of article: The article is intended to be used for research in solid state physics with emphasis on the application of Rutherford Backscattering of MeV ions to the study of the structure, reactions and properties of well characterized atomically clean surfaces. Students engaged in graduate studies in the Department of Physics will be conducting their research for Masters and Doctoral degrees using the article together with the associated ion acclerator, ultra high vacuum chamber and surface cleaning and characterization apparatus.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides 0.01° accuracy in angular orientation, ultra-high vacuum operation (10^{-10} torr), and operation in the temperature range (−190° to 1200 degrees centigrade). The National Bureau of Standards advises in its memorandum dated May 2, 1978, that (1) all the capabilities of the article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 78-14578 Filed 5-24-78; 8:45 am]

[3510-25]

SANDIA LABORATORIES

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 78-00095. Applicant: Sandia Laboratories, 1515 Eubank Boulevard SE., P.O. Box 5800, Albuquerque, N. Mex. 87115. Article: Cintheodolite System. Manufacturer: Contraves Ag., Switzerland. Intended use of article: The article is intended to be used for studies of aerodynamic characteristics of Weapon System Flight Vehicles. The phenomena to be investigated will be accelerations, velocities, and space position versus time. Experiments will be conducted to conform characteristics obtained from model studies, to determine the interface characteristics between vehicles and delivery system and to investigate effects of component retrofits on existing systems.

Comments: No comments have been recieved with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides precision measurement (within 5 seconds of an arc) of the location of an object in space as a function of time. The National Bureau of Standards advises in its memorandum dated May 5, 1978, that (1) the specification of the article described above is pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 78-14579 Filed 5-24-78; 8:45 am]

[3510-25]

UNIVERSITY OF CALIFORNIA—LOS ALAMOS

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Education, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00111. Applicant: University of California—Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, N. Mex. 87545. Article: Superconducting magnet, Polarized Target Cryostat and Accessories. Manufacturer: Cen-Saclay, France. Intended use of article: The article will be used for a series of important and fundamental

scattering experiments at the LAMPF medium-energy accelerator. In one experiment, a longitudinally polarized proton beam will be scattered from the longitudinally polarized protons from the target. In the second experiment, the polarization effect will be determined for the neutron-proton total sections at 25 MeV.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capabilities of operating at 4 degrees kelvin, producing a highly uniform field of 25,000 gauss in a volume of 90 cubic centimeters, and polarizing the spins of 1 gram or more of hydrogen. The National Bureau of Standards advises in its memorandum dated May 1, 1978, that (1) the capablities of the article described above are pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 78-14581 Filed 5-24-78; 8:45 am]

[3510-25]

WOODS HOLE OCEANOGRAPHIC INSTITUTION, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, on or before June 14, 1978.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room, 6886C of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00196. Applicant: Woods Hole Oceanographic Institution, Water Street, Woods Hole, Mass. 02543. Article: Structural Frame for Research Submersible "Alvin". Manufacturer: TiFab Titanium Ltd., Canada. Intended use of article: The article is intended to be used with the research submersible ALVIN for studies of physical, biological and geological properties of the ocean bottom. Density, salinity, temperature, sound propagation characteristics of seawater; density, hardness, shear strength and compressive strength of ocean bottom soil and rock samples; biological features of ocean bottom plant and animal life will be investigated. Application received by Commissioner of Customs: April 27, 1978.

Docket No. 78-00222. Applicant: Cell Research Institute, the University of Texas, Austin, Tex. 78712. Article: Electron Microscope, model JEM-100CS with eucentric side-entry goniometer stage and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study the structure of biological cells and tissues and macromolecular structures of biological origin using standard transmission electron microscopy techniques, dark field and scanning electron microscopy techniques and high resolution scanning electron microscopy of small samples. In addition, the article will be used in the course Botany 380 to introduce students to modern electron microscopical principles and techniques in order that they may apply these methods to their research projects. Application received by Commissioner of Customs: May 4, 1978.

Docket No. 78-00223. Applicant: University of Connecticut Health Center, Farmington Avenue, Farmington, Conn. 06032. Article: Electron Microscope, model JEM-100CX/SEG and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in conducting the following varied research: (1) Studies of the ultrastructure of the insulin secretory process in toadfish pancreatic islets, including morphological and X-ray spectral emission properties of intact islets and subcellular fractions, (2) ultrastructural studies of peripheral blood and bone marrow in sickle cell anemia; (3) ultrastructural and X-ray spectral emission studies of erythropoietic cells in human sideroblastic anemias; (4) ultrastructural studies of iron transport in developing red blood cells, (5) ultrastructural analysis amphibian spermatogenesis, and (6) ultrastructural observations of membrane junctions and membrane associations in the nervous system. Application received by Commissioner of Customs: May 4, 1978.

Docket No. 78-00224. Applicant: Yale University School of Medicine, Section of Cell Biology, 333 Cedar Street, New Haven, Conn. 06510. Article: PSC Neutral Particle Gun for Scanning Electron Microscope, model JFSM-30. Manufacturer: Zentrum Fur Elektronenmikroskopie, Austria. Intended use of article: The article is intended to be used in the field of Cell Biologi for atomic metal deposit on tissues, cells, subcellular components and blood vessels. The article will also be used in training graduate students in electron microscopic preparations. Application received by Commissioner of Customs: May 5, 1978.

Docket No. 78-00225. Applicant: The University of North Carolina, Marine Sciences Curriculum, 12-5 Venable Hall 045-A, Chapel Hill, N.C. 27514. Article: (5) Five Recording Current Meters, Model 4 (RCM-4). Manufacturer: Aanderaa Instruments, Norway. Intended use of article: The article is intended to be used in studies of Gulf Stream meanders and eddies along the North Carolina continental shelf and slope. Dominant periods and wavelengths of Gulf Stream Fluctuations, and their relation to satellite surface infrared and altimetric images of the stream. Application received by Commissioner of Customs: May 5, 1978.

Docket No. 78-00226. Applicant: San Diego State University Foundation, 5300 Campanile Drive, San Diego, CA 92182. Article: (Twelve Each) Relative Humidity Probe HM 13 Open Print. Manufacturer: Vaisala Oy, Finland. Intended use of article: The article is intended to be used in studies of water vapor from plants under various light and temperature regimens in conjunction with photosynthetic measurements. Calculations of transpiration and conductance will be made from the water flux measurements. Application received by Commissioner of Customs: May 5, 1978.

Docket No. 78-00227. Applicant: National Bureau of Standards, Washington, D.C. 20234. Article: Power and Energy Standard (Thermal Instrument). Manufacturer: Physikalisch-Technische Bundesanstalt, West Germany. Intended use of article: The article is intended to be used as a transfer standard for power and energy measurements a part of the national measurement system. Specifically, the article will be used to develop a more rapid and accurate calibration system for solid state devices. Application received by Commissioner of Customs: May 5, 1978.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 78-14582 Filed 5-24-78; 8:45 am]

[3910-01]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

MAY 15, 1978.

The USAF Scientific Advisory Board Interdiction Subgroup of the Joint Army/Air Force Summer Study on Battlefield Systems Integration will meet at the Pentagon, Washington, D.C. on June 15 and 16, 1978 from 8:30 a.m. to 5 p.m. each day.

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

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

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

[FR Doc. 78-14561 Filed 5-24-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

DOMESTIC CRUDE OIL ALLOCATION PROGRAM

Entitlement Notice for March 1978

In accordance with the provisions of 10 CFR 211.67 relating to the domestic crude oil allocation program of the Department of Energy (DOE), administered by the Economic Regulatory Administration (ERA) of the DOE, the monthly notice specified in § 211.67(i) is hereby published.

Based on reports for March 1978 submitted to the DOE by refiners and other firms as to crude oil receipts, crude oil runs to stills, eligible product imports and imported naphtha utilized as a petrochemical feedstock in Puerto Rico; application of the entitlement adjustment for residual fuel oil production for sale in the East Coast market provided in § 211.67(d)(4); application of the entitlement adjustments for California lower tier crude oil and for imported and Alaska North Slope crude oil included in the crude oil receipts of California refineries provided in § 211.67(a)(4); April 1978 deliveries of crude oil for storage in the Strategic Petroleum Reserve; and application of the entitlement adjustment for small refiners provided in § 211.67(e), the national domestic crude oil supply ratio for March 1978 is calculated to be .225151.

In accordance with § 211.67(b)(2), to calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for the month of March 1978, each barrel of old oil is equal to one barrel of deemed old oil and each barrel of upper tier crude oil is equal to .224368 of a barrel of deemed old oil.

The issuance of entitlements for the month March 1978 to refiners and other firms is set forth in the Appendix to this notice. The Appendix lists the name of each refiner or other firm to which entitlements have been issued, the number of barrels of deemed old oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR 211.67(i)(4), the price at which entitlements shall be sold and purchased for the month of March 1978 is hereby fixed at $8.47, which is the exact differential as reported for the month of March between the weighted average per barrel costs to refiners of old oil and of imported and exempt domestic crude oil, less the sum of 21 cents.

In accordance with 10 CFR 211.67(b), each refiner that has been issued fewer entitlements for the month of March 1978 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of March 1978 equal to the difference between the number of barrels of deemed old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of March 1978 in excess of the number of barrels of deemed old oil included in their adjusted crude oil receipts for that month and other firms issued entitlements shall sell such entitlements to refiners required to purchase entitlements. In addition, certain refiners are required to purchase or sell entitlements to effect corrections for reporting errors for the months September 1975 through February 1978 pursuant to 10 CFR 211.67(j)(1).

The listing of refiners' old oil receipts contained in the Appendix reflects any adjustments made by ERA pursuant to § 211.67(h).

The listing contained in the Appendix identifies in a separate column labeled "Exceptions and Appeals" additional entitlements issued to refiners pursuant to relief granted by the Office of Hearings and Appeals (prior to March 30, 1978, the Office of Administrative Review of the Economic Regulatory Administration). Also set forth in this column are adjustments for relief granted by the Office of Hearings and Appeals for 1975 and 1976, which adjustments are reflected in monthly installments. The number of installments is dependent on the magnitude of the adjustment to be made. For a full discussion of the issues involved, see Beacon Oil Co., et al., 4 FEA par. 87,024 (November 5, 1976).

The listing contained in the Appendix continues the "Consolidated Sales" entry initiated in the October 1977 entitlement notice. The "Consolidated Sales" entry is equal to the March 1978 entitlement purchase requirement of Arizona Fuels. The purpose of providing for the "Consolidated Sales" entry is to ensure that Arizona Fuels is not relieved of its March 1978 entitlement purchase requirement and that no one firm will be unable to sell its entitlements by reason of a default by Arizona Fuels. For a full discussion of the issues involved, See Entitlement Notice for October 1977) 42 FR 64401, December 23, 1977).

For purposes of § 211.67(d) (6) and (7), which provide for entitlement issuances to refiners or other firms for sales of imported crude oil to the United States Government for storage in the strategic Petroleum Reserve, the number of barrels sold to the Government totaled 2,763,987 barrels.

For purposes of the adjustments to refiners' crude run volumes under §211.67(d)(4), total production of residual fuel oil for sale in the East Coast market (in excess of the first 5,000 barrels per day thereof for each refiner reporting such production) was 14,034,548 barrels for March 1978. For that month, imports of residual fuel oil eligible for entitlement issuances totaled 44,636,012 barrels.

In accordance with § 211.67(a)(4), the number of entitlements issued to each refiner with respect to its refineries located in the State of California has been increased by a number of entitlements equal to the number of barrels of California lower tier crude oil included in its adjusted crude receipts multiplied by .205431 (the result of dividing $1.74 by the entitlement price for March 1978). The number of entitlements issued to each refiner with respect to its refineries located in the State of California has been decreased by a number of entitlements equal to the number of barrels of imported crude oil and Alaska North Slope

crude oil that are included in its adjusted crude oil receipts for the month of March 1978 multiplied by .071011 (the aggregate increase in entitlement issuances for California lower tier crude oil divided by the total number of barrels of imported crude oil and Alaska North Slope crude oil included in the adjusted crude oil receipts for March 1978 for all refiners with respect to refineries located in the State of California). Pursuant to § 211.67(a)(4), the number of barrels of California lower tier crude oil, imported crude oil and Alaska North Slope crude oil reported by refiners as to their adjusted crude oil receipts with respect to refiners located in the State of California were as follows:

California lower tier crude oil	7,800,646
Alaska North Slope crude oil	11,244,962
Imported crude oil	11,321,766

The total number of entitlements required to be purchased and sold under this notice is 22,757,493.

Based on reports submitted to the DOE by refiners as to their adjusted crude oil receipts for March 1978, the pricing composition and weighted average costs thereof are as follows:

Category	Volumes	Weighted average cost	Percent of total volumes [1]
Lower tier	99,414,855	$5.79	22.2
Upper tier	89,612,293	12.36	20.0
Exempt domestic:			
Alaskan	25,959,971	13.22	5.8
Stripper	35,865,907	14.45	8.0
Naval petroleum reserve	3,367,761	12.89	.8
Total domestic	254,220,787	10.18	56.7
Total imported	194,058,498	14.66	43.3
Total reported crude oil receipts	448,279,285	12.12	100.0

[1] Numbers may not add due rounding.

Payment for entitlements required to be purchased under 10 CFR § 211.67(b) for March 1978 must be made by May 31, 1978.

On or prior to June 10, 1978, each firm which is required to purchase or sell entitlements for the month of March 1978 shall file with the DOE the monthly transaction report specified in 10 CFR § 211.66(i) certifying its purchases and sales of entitlements for the month of March. The monthly transaction report forms for the month of March have been mailed to reporting firms. Firms that have been unable to locate other firms for required entitlement transactions by May 31, 1978, are requested to contact the ERA at 202-254-3336 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to May 31, 1978, the ERA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR § 211.67(k).

This notice is issued pursuant to subpart G, 10 CFR part 205. Any person aggrieved hereby may file an appeal with the Office of Hearings and Appeals in accordance with subpart H of 10 CFR part 205. Any such appeal shall be filed on or before June 26, 1978.

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

DAVID J. BARDIN,
Administrator, Economic Regulatory Administration.

[FR Doc. 78-14602 Filed 5-22-78; 8:45 am]

APPENDIX
ENTITLEMENTS FOR DOMESTIC CRUDE OIL
MARCH 1978

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	EXCEPTIONS AND APPEALS	ENTITLEMENT POSITION PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	REQUIRED TO BUY	********** REQUIRED TO SELL
*CONSOL'D-SALES	-148,749	0	0	0	0	0	148,749*
A-JOHNSON	0	153,301	0	19,145	0	0	153,301
ALLIED	46,205	83,452	0	0	0	0	37,247
AMER-PETROFINA	394,742	773,640	0	0	0	0	378,898
AMERADA-HESS	2,327,168	3,680,408	0	201,968	0	0	1,353,240
AMOCO	10,643,485	7,199,130	0	2,012	0	3,444,355	0
ANSCHUTZ	0	30,102	0	30,102	0	0	30,102
APCO	421,738	388,850	0	0	0	32,888	0
ARCO	4,617,368	4,798,746	0	0	0	0	181,378
ARIZONA	239,016	90,267	7,684	0	0	148,749	0
ASAMERA	167,009	168,489	0	0	0	0	1,480
ASHLAND	1,453,926	2,371,287	0	0	0	0	917,361
ASIATIC	0	281,841	0	281,841	0	0	281,841
BASIN	108,393	159,744	0	0	0	0	51,351
BAYOU	40,193	63,186	0	0	0	0	22,993
BEACON	192,818	238,496	92,710	0	0	0	45,678
BELCHER	0	40,762	0	40,762	0	0	40,762
BI-PETRO	6,398	155,484**	0	0	0	0	149,086
BP-TRADING	0	365,445	0	0	0	0	365,445
BRUIN	22,625	135,581	0	0	0	0	112,956
C&H	299	606	0	0	0	0	307
CALCASIEU	28,445	66,386	0	0	0	0	37,941
CALUMET	25,718	29,417	0	0	0	0	3,699
CANAL	89,953	86,093	0	0	0	3,860	0
CARIBOU	96,370	78,793	0	0	0	17,577	0
CASTLE	0	52,664	0	52,664	0	0	52,664
CENTRAL	0	3,440	0	3,440	0	0	3,440
CHAMPLIN	1,764,012	1,486,984	0	0	0	277,028	0
CHARTER	833,444	975,702	439,931	0	0	0	142,258
CHEVRON	6,063,395	6,502,272	0	6,756	0	0	438,877
CIRILLO	0	71,023	0	71,023	0	0	71,023
CITGO	2,499,556	1,770,255	0	0	0	729,301	0
CLAIBORNE	80,703	57,381	0	0	0	23,322	0
CLARK	280,945	906,289	0	0	0	0	625,344
COASTAL	358,905	1,289,102	0	13,231	0	0	930,197
COLONIAL	0	72,404	0	72,404	0	0	72,404
CONOCO	2,835,247	2,446,110	0	38,337	0	389,137	0
CORCO	0	785,672	115,903***	133,264	0	0	785,672
CRA-FARMLAND	307,417	420,402	0	0	0	0	112,985
CROSS	51,432	103,261	0	0	0	0	51,829
CROWN	328,682	577,457	0	0	0	0	248,775
CRYSTAL-OIL	148,048	188,955	0	0	0	0	40,907
CRYSTAL-REF	5,598	44,081	0	0	0	0	38,483
DELTA	224,194	336,981	0	0	0	0	112,787
DEMENNO	52,298	60,456	0	0	0	0	8,158
DERBY	0	77,795**	0	0	0	0	77,795
DIAMOND	583,344	425,387	0	0	0	157,957	0
DILLMAN	0	2,153	0	0	0	0	2,153
DORCHESTER	245,633	175,028	0	0	0	70,605	0
DOW	39,932	155,125	0	0	0	0	115,193
E-SEABOARD	0	61,980	0	61,980	0	0	61,980
ECO	45,031	75,748	0	0	0	0	30,717
EDDY	39,860	46,859	0	0	0	0	6,999
ENERGY-COOP	8,862	460,360	0	0	0	0	451,498
ERICKSON	23,508	211,991	0	0	0	0	188,483
EVANGELINE	34,623	40,153	0	0	0	0	5,530
EXXON	11,549,791	9,452,571	0	667,851	0	2,097,220	0
EZ-SERVE	15,881	48,490	0	0	0	0	32,609
FARMERS-UN	161,896	304,965	0	0	0	0	143,069
FLETCHER	76,161	180,321	0	0	0	0	104,160
FLINT	9,307	9,478	0	0	0	0	171
GARY	79,883	115,420	0	0	0	0	35,537
GETTY	976,411	1,611,960	0	0	0	0	635,549
GIANT	40,266	63,769	0	0	0	0	23,503
GLACIER-PARK	82,255	53,778	0	0	0	28,477	0
GLADIEUX	73,204	156,049	0	0	0	0	82,845
GLENROCK	687	1,145	0	0	0	0	458
GOLDEN-EAGLE	0	151,600	0	0	0	0	151,600
GOLDKING	82,458	102,822	0	0	0	0	20,364
GOOD-HOPE	79,988	303,427	0	0	0	0	223,439
GUAM	0	374,091	33,828	0	0	0	374,091
GULF	7,715,140	5,345,587	0	44,451	0	2,369,553	0
GULF-STS	82,787	140,542	0	0	0	0	57,755
HIRI	0	410,386	0	0	0	0	410,386
HOWARD	0	75,426	0	75,426	0	0	75,426
HOWELL	535,830	306,309	0	0	0	229,521	0
HUDSON-OIL	19,684	205,093	0	0	0	0	185,409

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND APPEALS	PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	REQUIRED TO BUY	********** REQUIRED TO SELL
HUNT	301,209	308,490	0	0	0	0	7,281
HUSKY	550,706	550,706	236,246	0	0	0	0****
INDEPENDENT-REF	49,953	121,928	0	0	0	0	71,975
INDIANA-FARM	36,927	219,803	0	0	0	0	182,876
IRVING	0	18,907	0	18,907	0	0	18,907
J&W	80,293	72,181	0	0	0	8,112	0
KENCO	18,289	30,890	0	0	0	0	12,601
KENTUCKY	16,829	20,966	0	0	0	0	4,137
KERN	419,440	377,223	161,266	0	0	42,217	0
KERR-MCGEE	1,285,442	986,805	0	0	0	298,637	0
KOCH	190,235	838,843	0	0	0	0	648,608
LAGLORIA	426,408	261,460	0	0	0	164,948	0
LAKESIDE	56,442	54,641	0	0	0	1,801	0
LAKETON	150,649	136,975	17,407	0	0	13,674	0
LITTLE-AMER	1,309,889	1,110,385	551,243	0	0	199,504	0
LOUISIANA-LAND	230,819	324,250	0	0	0	0	93,431
MACMILLAN	40,640	144,931	0	0	0	0	104,291
MARATHON	4,059,469	3,462,407	0	0	0	597,062	0
MARION	130,399	227,098	0	0	0	0	96,699
METROPOLITAN	0	157,451	0	157,451	0	0	157,451
MID-AMER	5,351	83,475	0	0	0	0	78,124
MID-TEX	1,730	13,357	0	0	0	0	11,627
MOBIL	6,602,126	5,659,030	0	10,267	0	943,096	0
MOBILE-BAY	0	165,537	0	0	0	0	165,537
MOHAWK	471,075	366,793	95,577	0	0	104,282	0
MONOCO	0	21,128	0	21,128	0	0	21,128
MONSANTO	329,769	334,885	0	0	0	0	5,116
MORRISON	15,799	10,298	0	0	0	5,501	0
MOUNTAINEER	8,972	9,331	0	0	0	0	359
MT-AIRY	53,324	140,625	0	0	0	0	87,301
MURPHY	985,340	765,740	0	0	0	219,600	0
N-AMER-PETRO	0	157,891	0	0	0	0	157,891
NATL-COOP	256,528	424,038	0	0	0	0	167,510
NAVAJO	342,213	375,506	72,494	0	0	0	33,293
NEVADA	5,320	11,342	0	0	0	0	6,022
NEW-EDGINGTON	516,470	556,792	216,020	0	0	0	40,322
NEW-ENGL-PETRO	0	1,286,878	780,639	506,239	0	0	1,286,878
NEW-ENGL-POWER	0	13,210	0	13,210	0	0	13,210
NEWHALL	218,309	233,375	47,317	0	0	0	15,066
NORTHEAST-PETRO	0	13,189	0	13,189	0	0	13,189
NORTHLAND	75,915	75,915	41,453	0	0	0	0
NORTHVILLE	0	42,377	0	42,377	0	0	42,377
OKC	176,474	249,998	0	0	0	0	73,524
OXNARD	2,576	836	0	0	0	1,740	0
PASCO	0	393,884	393,884	0	0	0	393,884
PENNZOIL	446,244	353,541	0	0	0	92,703	0
PESTER	226,310	236,748	0	0	0	0	10,438
PETRO-HEAT-CT	0	3,940	0	3,940	0	0	3,940
PHILLIPS	2,591,071	1,911,937	0	0	0	679,134	0
PHILLIPS-PR	0	214,011	0	214,011	0	0	214,011
PIONEER	41,270	59,760	0	0	0	0	18,490
PLACID	228,688	309,739	0	0	0	0	81,051
PLATEAU	181,666	155,090	0	0	0	26,576	0
POWERINE	110,340	397,377	0	0	0	0	287,037
PR-OLEFINS	0	1,523	0	1,523	0	0	1,523
PRIDE	133,041	169,654	0	0	0	0	36,613
PRINCETON	5,233	58,926	0	0	0	0	53,693
QUAKER-ST	37,176	220,946	0	0	0	0	183,770
RANCHO-REF	0	12,693	0	0	0	0	12,693
RAYMAL	0	13,316	0	0	0	0	13,316
RICHARDS	285	71,671	0	0	0	0	71,386
ROAD-OIL	0	638	0	0	0	0	638
ROCK-ISLAND	262,321	544,368	171,297	0	0	0	282,047
SABER-TEX	24,643	211,760	0	0	0	0	187,117
SABRE-CAL	3,440	43,760	0	0	0	0	40,320
SAGE-CREEK	1,869	3,624	0	0	0	0	1,755
SAN-JOAQUIN	254,294	290,079	82,275	0	0	0	35,785
SCANOIL	0	2,587	0	2,587	0	0	2,587
SEMINOLE	26,727	62,455	0	0	0	0	35,728
SENTRY	43,617	143,640	0	0	0	0	100,023
SHELL	9,557,403	6,635,403	0	0	0	2,922,000	0
SHEPHERD	36,582	46,540	0	0	0	0	9,958
SIGNOR	31,121	125,222	0	0	0	0	94,101
SO-HAMPTON	51,795	145,060	0	0	0	0	93,265
SOHIO	1,512,279	2,791,881	0	0	0	0	1,279,602
SOMERSET	26,412	55,841	0	0	0	0	29,429
SOUND	98,451	112,287	0	0	0	0	13,836
SOUTHERN-UNION	208,058	255,062	0	0	0	0	47,004
SOUTHLAND	354,627	284,356	100,078	0	0	70,271	0
SOUTHWESTERN	6,671	6,671	996	0	0	0	0

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	EXCEPTIONS AND APPEALS	ENTITLEMENT POSITION PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	REQUIRED TO BUY	********** REQUIRED TO SELL
SPRAGUE	0	58,826	0	58,826	0	0	58,826
STEUART	0	105,092	0	105,092	0	0	105,092
SUNLAND	4,627	140,698	0	0	0	0	136,071
SUNOCO	4,328,196	3,460,218	0	0	0	867,978	0
SWANN	0	30,377	0	30,377	0	0	30,377
TENNECO	440,660	482,689	0	0	0	0	42,029
TESORO	697,940	484,517	0	0	0	213,423	0
TEXACO	8,596,343	7,018,819	0	282,183	0	1,577,524	0
TEXAS-AMERICAN	39,252	114,665	0	0	0	0	75,413
TEXAS-ASPH	9,633	34,024	0	0	0	0	24,391*****
TEXAS-CITY	395,073	575,028	0	0	0	0	179,955
THAGARD	128,253	155,441	27,215	0	0	0	27,188
THRIFTWAY	43,656	50,740	0	0	0	0	7,084
THUNDERBIRD	92,139	116,997	0	0	0	0	24,858
TIPPERARY	-2,275	74,428	0	0	0	0	76,703
TONKAWA	40,883	73,651	0	0	0	0	32,768
TOSCO	1,977,155	1,129,606	0	0	0	847,549	0
TOTAL-PETROLEUM	418,564	307,135	0	0	0	111,429	0
UCC-CARIBE	0	203,757	0	203,757	0	0	203,757
UNION-OIL	3,895,168	2,783,547	0	0	0	1,111,621	0
UNION-PETRO	0	11,214	0	11,214	0	0	11,214
UNTD-IND	7,653	5,833	0	0	0	1,820	0
UNTD-REF	160,787	379,796	0	0	0	0	219,009
US&SO-AMER	0	179,075**	0	0	0	0	179,075
US-OIL	18,160	118,744	0	0	0	0	100,584
USA-PETROCHEM	43,482	215,035	0	0	0	0	171,553
VICKERS	138,529	209,045	0	0	0	0	70,516
VULCAN	15,997	210,939	0	0	0	0	194,942
WALLACE	0	11,036	0	11,036	0	0	11,036
WALLER	0	13,509	0	13,509	0	0	13,509
WARRIOR	60,618	47,370	14,544	0	0	13,248	0
WEST-COAST	21,912	110,670	0	0	0	0	88,758
WESTERN	79,892	97,927	0	0	0	0	18,035
WINSTON	98,236	152,612	0	0	0	0	54,376
WIREBACK	0	664	0	0	0	0	664
WITCO	40,017	124,128	0	0	0	0	84,111
WYATT	0	30,025	0	30,025	0	0	30,025
WYOMING	43,104	111,421	0	0	0	0	68,317
YETTER	0	607	0	0	0	0	607
YOUNG	52,720	68,769	26,816	0	0	0	16,049
TOTAL	117,018,755	117,018,755	3,726,823	3,567,505	0	22,757,493	22,757,493

* Equals March 1978 entitlement purchase requirement of Arizona Fuels. See discussion in Notice.

** Includes entitlements issued for sales of imported crude oil to the United States Government for storage in the Strategic Petroleum Reserve.

*** Authorization to sell these entitlements is subject to conditions set forth in a DOE Decision and Order issued to Commonwealth Oil and Refining Company on March 20, 1978.

**** This is consistent with the court's order prohibiting any further entitlement purchase requirements by this firm pursuant to the terms of the court's Judgment in Husky Oil Co. v. DOE, et al., Civ. Action No. C77-190-B (D.Wyo., filed March 14, 1978).

***** This does not include the purchase obligation stayed by court order in Texas Asphalt & Refinery Co. v. FEA Civ. Action No. 4-75-268 (N.D. Tex., filed October 31, 1975).

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CS74-87, *et al.*]

NRM PETROLEUM CORP. AND NATURAL RESOURCES MANAGEMENT CORP., ET AL.

Notice of Applications for "Small Producer" Certificates [1]

MAY 15, 1978.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications 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 22, 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 is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission in its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

Docket No., date filed, and applicant

CS74-87, Dec. 26, 1974, NRM Petroleum Corp. and [1] Natural Resources Management, Corp., 259 Mid-America Bldg., Midland, Tex. 79701.

CS78-426, May 1, 1978, Thetis Energy Corp., 1250 Denver Club Bldg., Denver, Colo. 80202.

CS78-427, May 1, 1978, Harold Kentta, Box 1346, Casper, Wyo. 82602.

CS78-428, May 1, 1978, Richard A. Pultorak, R.D. No. 2 Vischers Ferry Rd., Box 255, Rexford, N.Y. 12148.

CS78-429, May 1, 1978, Varibus Corp., P.O. Box 2237, Beaumont, Tex. 77704.

CS78-430, May 1, 1978, James R. Jack, Box 60, Suphur, Okla. 73086.

CS78-431, May 3, 1978, Canadian American Resources Fund, Inc.—1973-3 Partnership, 2500 Fort Worth Natl. Bank Bldg., Fort Worth, Tex. 76102.

CS78-432, May 4, 1978, Golden Spread Land Co., Inc., (Operator), 910 West Ave., Wellington, Tex.

CS78-433, May 4, 1978, Tower Oil and Gas Co., Inc., 1466 East First National Center, Oklahoma City, Okla. 73102.

CS78-434, May 5, 1978, James O. Morrison, 1823 McElroy St., Crane, Tex. 79731.

CS78-435, May 5, 1978, Bi-State Energy, Inc., 333 Eastwood, Prairie Grove, Ariz. 72753.

CS78-436, May 8, 1978, Whiteman Industries, Inc., P.O. Box 60649, Oklahoma City, Okla. 73146

CS78-437, May 8, 1978, Lou-Tex Trust Co., P.O. Box 61271, Houston, Tex. 77008.

CS78-438, May 8, 1978, John H. Healey, P.O. Box 1901, Midland, Tex. 79702.

CS78-439, May 8, 1978, Mrs. Margaret W. Elkins, 1007 First City Natl. Bank Bldg., Houston, Tex. 77002.

CS78-440, May 8, 1978, The Denholm Corp., 210 Fleetway, Houston, Tex. 77024.

CS78-441, May 8, 1978, Carl Wiley Jones, 1414 Mid South Towers, Shreveport, La. 71101.

CS78-442, May 8, 1978, Voyageur Exploration Co., 3600 South Yosemite St., No. 830, Denver, Colo. 80237.

CS78-443, May 9, 1978, Tom McGee d.b.a. TEMCO, P.O. Box 112, Darrouzett, Tex. 79024.

CS78-444, May 9, 1978, M. Carl Jones, 1414 Mid South Towers, Shreveport, La. 71101

[FR Doc. 78-14483 Filed 5-24-78; 8:45 am]

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[1] Being noticed to include Natural Resources Management Corporation.

[6740-02]

[Docket Nos. G-2935, et al.]

WINNIE PIPELINE CO., (SUCC. TO UNION TEXAS PETROLEUM, A DIVISION OF ALLIED CHEMICAL CORP.), ET AL.

Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

MAY 16, 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.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 9, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

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.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-2935, E, May 8, 1978	Winnie Pipeline Co. (successor to Union Texas Petroleum, a Division of Allied Chemical Corp.), 3900 One Shell Plaza, Houston, Tex. 77002.	Texas Gas Pipe Line Corp., Chambers and Jefferson Counties, Tex.	(1)	14.65
G-4547, C, May 8, 1978	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	El Paso Natural Gas Co., Marron No. 6-A well, Chacra formation, southeast quarter (SE/4) of sec. 24-27N-8W, San Juan County, N. Mex.	(2)	15.025
G-7670, C, May 2, 1978	Southern Union Gathering Co., 1800 First International Bldg., Dallas, Tex. 75270.	El Paso Natural Gas Co., Ka Gee Tah No. 1 well, Pictured Cliffs formation, NW/4, sec. 10, T25N, R10W, San Juan County, N. Mex.	(3)	15.025
G-8107, E, May 8, 1978	Winnie Pipeline Co., (successor to Union Texas Petroleum, a division of Allied Chemical Corp.).	Texas Eastern Transmission Corp., Jefferson County, Tex.	(1)	14.65
G-8108, E, May 8, 1978	.....do	.....do	(1)	14.65
G-8108, E, May 8, 1978	.....do	Sun Oil Co., Hardan County, Tex	(1)	14.65
G-11083, C, May 4, 1978	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	Texas Eastern Transmission Corp., Cabeza Creek Field, Goliad County, Tex.	(1)	14.73
CI73-322, E, May 8, 1978	Winnie Pipeline Co. (successor to Union Texas Petroleum, a division of Allied Chemical Corp.).	Natural Gas Pipeline Co. of America, Galveston County, Tex.	(4)	14.65
CI76-201, C, May 4, 1978	Chevron U.S.A. Inc., 1111 Tulane Ave., New Orleans, La. 70112.	Natural Gas Pipeline Co., "B" platform in block 281, East Cameron area, south addition, offshore, Louisiana.	(5)	15.025
CI76-671, C, May 4, 1978	.....do	.....do	(6)	15.025
CI78-720, B, Apr. 17, 1978	Americo Petroleum, Inc., 200 East 3d, Hutchinson, Kans. 67501.	Arkansas Louisiana Gas Co., North Half (N/2) of sec. 30, T25S, R4W, Reno County, Kans.—Soper No. 1 well.	Production has declined below economic limit.	.....
CI78-721, B, Apr. 17, 1978	.....do	Arkansas Louisiana Gas Co., South Half (S/2) of sec. 19, T25S, R4W, Reno County, Kans.—W. R. Blocker No. 1 well.	.....do	.....
CI78-723, A, Apr. 28, 1978	American Natural Gas Production Co., 5075 Westheimer, Suite 1100, Galleria Towers West, Houston, Tex. 77056.	Michigan Wisconsin Pipe Line Co., certain acreage located in Canadian County, Okla.	(16)	14.65
CI78-724 (G-13763), B, May 1, 1978.	Cabot Corp., P.O. Box 1473, Charleston, W. Va. 25325.	Consolidated Gas Supply Corp., Luthersburg Field, Clearfield County, Pa.	(7)	.....
CI78-725, A, May 1, 1978	Pan Eastern Exploration Co., P.O. Box 1642, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., High Island area, east addition, south extension, blocks A-369 and A-370, offshore, Texas.	(3)	14.65
CI78-726, B, May 2, 1978	Champlin Exploration, Inc., 700 First National Bank Bldg., P.O. Drawer 3488 Enid, Okla. 73701.	Aminoil USA, Inc., Aline Gas Processing Plant, Alfalfa County, Okla.	(8)	.....
CI78-727, A, May 2, 1978	Elf Aquitaine, Inc., 950 Threadneedle, Suite 200, Houston, Tex. 77079.	El Paso Natural Gas Co., certain acreage in the Nipp and Gallegos fields, San Juan County, N. Mex.	(3)	15.025
CI78-728, A, May 2, 1978	Cotton Petroleum Corp., 4200 One Williams Center, Tulsa, Okla. 74103.	United Gas Pipe Line Co., certain acreage in the Hansford field, Hansford County, Tex.	(3)	14.65
CI78-729 (G-6828), B, May 3, 1978.	Energy Reserves Group, Inc., P.O. Box 1201, 217 North Water St., Wichita, Kans. 67201.	Texas Eastern Transmission Corp., Meyersville field, DeWitt County, Tex.	Gas contract has expired, plugged and abandoned.	.....
CI78-731, A, May 3, 1978	Diamond Shamrock Corp., (successor to The Shamrock Oil & Gas Corp.), P.O. Box 631, Amarillo, Tex. 79173.	Transwestern Pipeline Co., sec. 531, block 43 H. & T.C., Lipscomb County, Tex.	(9)	14.65
CI78-732, A, May 3, 1978	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., block 899 of the Viosca Knoll area, offshore, Louisiana.	(3)	15.025
CI78-733, A, May 3, 1978	Tenneco Exploration II, Ltd., P.O. Box 2511, Houston, Tex. 77001.	Tenneco Oil Co., block 899 of the Viosca Knoll area, offshore, Louisiana.	(3)	15.025
CI78-734, (CI72-95), B, May 4, 1978.	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., South Marsh Island block 29 field, offshore, Louisiana.	(10)	.....
CI78-736, A, May 4, 1978	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	El Paso Natural Gas Co., certain wells located in the Corbin, South and the Lusk, north fields in Lea County, N. Mex.	(3)	14.73
CI78-737, A, May 4, 1978	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Northwest Pipeline Corp., certain acreage in La Plata County, Colo.	(3)	15.025
CI78-738, A, May 3, 1978	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	Cities Service Gas Co., certain acreage in the Wamsutter field, Carbon and Sweetwater Counties, Wyo.	(3)	15.025
CI78-739, A, May 5, 1978	Texas Pacific Oil Co., Inc., 1700 One Main Place, Dallas, Tex. 75250.	El Paso Natural Gas Co., Grayburg San Andres formation of the Britt A-1 well and the Britt B-2 well, Monument field, Lea County, N. Mex.	(3)	14.65
CI78-740, A, May 5, 1978	Gulf Oil Corp	Transwestern Pipeline Co., undesignated field, Eddy County, N. Mex.	(3)	14.65
CI78-741, A, May 5, 1978	Diamond Shamrock Corp. (successor to The Shamrock Oil & Gas Corp.), P.O. Box 631, Amarillo, Tex. 79173.	Panhandle Eastern Pipe Line Co., certain acreage in Reno County, Kans.	(11)	14.65
CI78-742 (G-17349), B, May 8, 1978.	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	United Gas Pipe Line Co., Garden City field, St. Mary Parish, La.	(12)	.....
CI78-743 (G-10769), B, May 8, 1978.	Highland Resources Inc., 800 San Jacinto Bldg., Houston, Tex. 77002.	Tennessee Gas Pipeline Co. Government wells field, Duval County, Tex.	Ceased production, plugged and abandoned.	.....
CI78-744, A, May 8, 1978	Diamond Shamrock Corp. (successor to The Shamrock Oil & Gas Corp.).	Trunkline Gas Co., blocks A-369 and A-370 High Island area, east addition—south extension, offshore, Texas.	(13)	14.65
CI78-745, A, May 8, 1978	Southland Royalty Co., 1000 Fort Worth Club Tower, Fort Worth, Tex. 76102.	El Paso Natural Gas Co., Morrow formation from the Dukes No. 1 well located in sec. 31, T14N, R25W, Reydon field, Roger Mills County, Okla.	(3)	14.73

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI78-746, B, May 8, 1978	Dan J. Harrison, Jr., 520 South Post Oak Road, Suite 600, Houston, Tex. 77027.	Texas Eastern Transmission Corp., Northeast Nada field, Colorado County, Tex.	Ceased production, lease expired, plugged and abandoned.	.....
CI78-747 (CI70-686), B, May 8, 1978.	King Resources Co.,[14] 201 South Cherokee, Box 9698, Denver, Colo. 80209.	Southern Natural Gas Co., Fish Island field, Iberia Parish La.	Depleted, leases released, plugged and abandoned.	.....

[1]Pursuant to purchase agreement dated Apr. 25, 1978, Winnie Pipeline acquired all of the assets, properties and contracts of the Winnie system from Union Texas. Applicant is requesting authority to continue the sales and services now being rendered by Union Texas.
[2]Applicant is willing to accept the applicable national rate pursuant to opinion No. 770, as amended.
[3]Applicant is filing under gas purchase agreement dated Sept. 1, 1953, amended by Letter Agreement dated Oct. 11, 1954, amended by supplemental agreements dated May 1, 1975 and Dec. 16, 1977.
[4]Applicant is filing under rollover contract dated Jan. 1, 1977, amended by amendment dated Dec. 15, 1977.
[5]Applicant is requesting authorization for an additional delivery point.
[6]Applicant and purchaser are affiliated.
[7]Pressure has decreased to point where it cannot enter purchaser's pipelines. All interstate use of applicant's gas has ceased. All wells are plugged and underlying leases have expired.
[8]Applicant proposes to sell gas directly to Panhandle Eastern Pipe Line Co. rather than to Aminoil USA, Inc., for resale by Aminoil to Panhandle under percentage contract.
[9]Applicant is filing under gas purchase contract dated Mar. 7, 1978.
[10]On Oct. 1, 1977, Tenneco Oil Co. assigned its operating rights to Shell Oil Co. with Tenneco Oil Co. retaining a .025000 pct overriding royalty interest in said lease.
[11]Applicant is filing under gas purchase contract dated Nov. 7, 1977.
[12]Contract will expire under its own terms on Sept. 15, 1979. Reserves remaining on that date are committed to Columbia Gas Transmission Corp. under the provisions of a June 28, 1963 contract.
[13]Applicant is filing under gas purchase contract dated Apr. 18, 1978.
[14]By corporate name change, now Phoenix Resources Co.

Filing code: A—Initial service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Succession. F—Partial succession.

[FR Doc. 78-14486 Filed 5-24-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 896-6]

RESOURCE CONSERVATION COMMITTEE

Public Meeting

The Resource Conservation Committee is the cabinet level interagency committee established by section 8002(j) of the Resource Conservation and Recovery Act of 1976. The Committee is responsible for studying and making recommendations to the President and the Congress on a broad range of resource conservation policies.

Public meetings will be held in order to assist the Committee in arriving at a balanced decision on the issues being reviewed. The purpose of these meetings is to include the public in the consideration of these issues at an early stage.

Those issues on which public comment will be sought include:

1. Existing Federal policies affecting use of virgin and secondary materials.
   a. Tax policies.
   b. Federal transportation policies.
2. Recycling and resource recovery subsidies.
3. Deposits/bounties for durable goods.
4. Local level user fees.
5. Litter taxes.
6. Severance taxes.
7. Product regulation.

Three public meetings are scheduled in June. The public meetings will be held at the following locations. Registration will open at 8:30 a.m. and the meeting will begin at 9 a.m.

June 23, 1978—Holiday Inn, Chicago City Centre, 300 East Ohio Street, Chicago, Ill. 60611.

June 26, 1978—General Services Administration, 18th and F Streets, NW., Washington, D.C. 20415, Main Auditorium.
June 30, 1978—U.S. Environmental Protection Agency, Region IX, 215 Freemont Street, San Francisco, Calif. 94105.

So that adequate preparation may be made for these meetings, those planning to attend should contact Susan Mann, Public Participation Liaison, Resource Conservation Committee, U.S. Environmental Protection Agency (WH-563), Washington, D.C. 20460, 202-755-9145. Written Comments are encouraged and will receive equal consideration by the Committee.

Dated: May 19, 1978.

BARBARA BLUM,
Deputy Administrator,
Environmental Protection Agency

[FR Doc. 78-14571 Filed 5-24-78; 8:45 am]

[6560-01]

[FRL 899-6; OPP-42015C]

STATE OF HAWAII

Approval of State Plan for Certification of Pesticide Applicators

Section 4 (a)(2) of the Federal Insecticide, Fungicide, and Rodeniticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.), and the implementing regulations of 40 CFR Part 171, require each State desiring to certify applicators to submit a plan for such purpose, subject to approval by the Environmental Protection Agency (EPA). On July 13, 1976, a Notice of Contingency Approval of the Hawaii State Plan was published in the FEDERAL REGISTER (41 FR 28841). Approval was contingent upon promulgation of necessary regulations implementing Hawaii pesticide legislation and was effective until July 13, 1977.

On September 15, 1977, a Notice of Extension of Contingency Approval of the Hawaii State Plan was published in the FEDERAL REGISTER (42 FR 46383) to allow Hawaii additional time to promulgate the regulations required for full approval. Subsequently, on December 10, 1977, the Hawaii Department of Agriculture promulgated final regulations necessary to implement Hawaii pesticide legislation.

Having reviewed the final Hawaii regulation and finding that all requisite legal authorities required by FIFRA and 40 CFR Part 171 are now enacted and promulgated, the Regional Administrator, EPA, Region IX, hereby gives notice that the Hawaii State Plan is now a fully approved State Plan.

Dated: April 27, 1978.

PAUL DE FALCO, Jr.,
Regional Administrator,
Region IX.

[FR Doc. 78-14670 Filed 5-24-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

COSTA ARMATORI S.P.A.

Order of Revocation

In the matter of certificate of financial responsibility for indemnification of passengers for nonperformance of Transportation No. P-14 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on Voyages No. C-1,013.

Whereas, Costa Armatori S.p.A. c/o Costa Line, Inc., 245 Park Avenue, New York, N.Y. 10017, has ceased to operate the passenger vessel FRANCA C;

It is ordered, That Certificate (Performance) No. P-14 and Certificate (Casualty) No. C-1,013 issued to Giacomo Costa Fu Andrea (Costa Line) (Linea "C") and reissued to Costa Armatori S.p.A. applying to the FRANCA C., be and are hereby revoked effective May 16, 1978.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on certificants.

By the Commission May 16, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-14681 Filed 5-24-78; 8:45 am]

[6730-01]

[Docket No. 78-16]

UNION CARBIDE CORPORATION V. JAPAN LINES (U.S.A.) LTD.

Filing of Complaint

Notice is hereby given that a complaint filed by Union Carbide Corp. against Japan Line, Ltd. was served May 18, 1978. Complainant alleges that it has been subjected to payment of a freight rate for transportation which is unjust and unreasonable and in violation of section 18(b)(3) of the Shipping Act, 1916.

Hearing in this matter, if any is held, shall commence on or before November 18, 1978. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statement, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-14682 Filed 5-24-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

[Docket No. R-0162]

FAIR HOUSING ADVERTISING AND POSTER REQUIREMENTS

Order

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Order.

SUMMARY: The Federal Reserve System is updating its fair housing advertising and poster requirements for State-chartered banks that are members of the System to reflect the current provisions of the Equal Credit Opportunity and Fair Housing Acts.

DATE: The Board's order is effective June 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert C. Plows, Section Chief, Division of Consumer Affairs, Washington, D.C. 20551, 202-452-3667.

SUPPLEMENTARY INFORMATION: In order to encourage compliance with, and to increase public awareness of, the discrimination prohibitions of the Fair Housing Act of 1968, the Board, along with the other Federal financial supervisory agencies and the Department of Housing and Urban Development, adopted in 1971 and 1972 advertising and poster requirements relating to residential real estate lending activities. Pursuant to those requirements, any State member bank that advertises residential real estate lending services must indicate in those advertisements that it makes such loans without regard to race, color, religion, and national origin. Written advertisements must contain a specified equal housing lender logotype. Similarly, a State member bank making residential real estate loans must display a specified equal housing lender poster in the public lobbies of its offices.

Parts of the advertising and poster requirements have become outdated because of the addition of sex as a prohibited basis of discrimination under the Fair Housing Act (42 U.S.C. 3601, et seq.) and because of the passage of the 1976 amendments to the Equal Credit Opportunity Act (15 U.S.C. 1691, et seq.).

As amended, section 805 of the Fair Housing Act prohibits discrimination in the financing of housing on the basis of race, color, religion, national origin, or sex. The Equal Credit Opportunity Act, as amended, prohibits discrimination against any applicant in any aspect of a credit transaction on the basis of sex, marital status, race, color, religion, national origin, or age; because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act.

In order to encourage compliance with, and to increase public awareness of, the anti-discrimination provisions of both acts, the Board, along with HUD and the other Federal financial supervisory agencies, has adopted new advertising and poster requirements. These new requirements further amend those first set out by the Board on December 29, 1971 (36 FR 25168) and amended on April 28, 1972 (37 FR 8578).

The Assistant Secretary for Equal Opportunity of the Department of Housing and Urban Development has granted a waiver to State member banks from the Fair Housing Poster Requirements described in Part 110 of that agency's regulation (24 CFR 110.25(b)) in view of the Board's poster requirements.

The Board is distributing copies of the new fair housing poster to each State member bank through the bank's appropriate Federal Reserve Bank.

Accordingly, the Board issues the following order:

Fair Housing Advertising and Poster Requirements

1. NONDISCRIMINATORY ADVERTISING

(a) Any State member bank that directly or through third parties engages in any form of advertising of loans for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling (as defined in section 3 of this order) shall prominently indicate in such advertisement, in a manner appropriate to the advertising medium and format utilized, that the bank makes such loans without regard to race, color, religion, sex, or national origin.

(1) With respect to a written or visual advertisment, this requirement may be satisfied by including in the advertisement a facsimile of the logotype with the equal housing lender legend contained in the Equal Housing Lender Poster prescribed in section 2 of this order.

(2) With respect to an oral advertisement, this requirement may be satisfied by a statement, in the spoken text of the advertisement, that the bank is an "equal housing lender."

(3) When an oral advertisement is used in conjunction with a written or visual advertisement, the use of either of the methods specified in subparagraphs (1) and (2) will satisfy the requirements of this paragraph (a).

(b) No advertisement shall contain any words, symbols, models, or other forms of communication that express, imply, or suggest a discriminatory preference or policy of exclusion in

violation of the provisions of the Fair Housing Act or the Equal Credit Opportunity Act.

2. EQUAL HOUSING LENDER POSTER

(a) Each State member bank engaged in extending loans for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling (as defined in section 3 of this order) shall conspicuously display an Equal Housing Lender Poster in any public lobby and area within the bank where deposits are received or where such loans are made in a manner clearly visible to the general public entering such areas.

(b) The Equal Housing Lender Poster shall be at least 11 by 14 inches in size and shall have the following text;

We Do Business in Accordance With the Federal Fair Housing Law

IT IS ILLEGAL, BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN, TO:

- ☐ Deny a loan for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling or
- ☐ Discriminate in fixing the amount, interest rate, duration, application procedures or other terms or conditions of such a loan

IF YOU BELIEVE YOU HAVE BEEN DISCRIMINATED AGAINST, YOU MAY SEND A COMPLAINT TO:

Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development, Washington, D.C. 20410

IT IS ILLEGAL UNDER THE EQUAL CREDIT OPPORTUNITY ACT TO DISCRIMINATE IN EXTENDING CREDIT:

- ☐ On the basis of race, color, religion, national origin, sex, or marital status, or age
- ☐ Because income is from public assistance
- ☐ Because a right was exercised under the Consumer Credit Protection Act.

IF YOU BELIEVE YOU HAVE BEEN DISCRIMINATED AGAINST, YOU MAY SEND A COMPLAINT TO:

Federal Reserve System, Division of Consumer Affairs, Washington, D.C. 20551

3. DEFINITION OF DWELLING

"Dwelling" means any building, structure (including a mobile home), or portion thereof that is occupied as, or designed or intended for occupancy as, a residence by one or more natural persons and any vacant land that is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

By order of the Board of Governors, May 15, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-14616 Filed 5-24-78; 8:45 am]

[6210-01]

PIONEER BANCORPORATION, INC.

Formation of Bank Holding Company

Pioneer Bancorporation, Inc., Denver, Colo., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 98.4 percent or more of the voting shares of Colfax National Bank of Denver, Denver, Colo. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve, Washington, D.C. 20551, to be received no later than June 15, 1978.

Board of Governors of the Federal Reserve System, May 17, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-14562 Filed 5-24-78; 8:45 am]

[6820-24]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-467]

SECRETARY OF DEFENSE

Delegation of Authority

1. Purpose. This regulation delegates authority to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government in a gas and electric rate increase proceeding.

2. Effective date. This regulation is effective immediately.

3. Delegation. a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Illinois Commerce Commission involving the application of the Iowa-Illinois Gas and Electric Co. for a general increase in rate charges for gas and electric service.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JAY SOLOMON,
Administrator of General Services.

MAY 17, 1978.

[FR Doc. 78-14563 Filed 5-24-78; 8:45 am]

[4110-35]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

PRIVACY ACT OF 1974

New Routine Use and Minor Technical Amendments to Notice of Systems of Records

AGENCY: Department of Health, Education, and Welfare, Health Care Financing Administration.

ACTION: Notification of new routine uses and minor technical amendments to the Notice of System of Records Carrier Medicare Claims Records, DHEW/HCFA. No. 09-70-0501.[1]

SUMMARY: The Department of Health, Education, and Welfare (DHEW), Health Care Financing Administration (HCFA), proposes to establish additional new routine uses and minor technical amendments to the system of records entitled Carrier Medicare Claims Records under the Privacy Act.

DATES: The new routine use and minor technical amendments shall become effective as proposed without further notice on June 24, 1978, unless comments are received on or before June 24, 1978, which would result in a contrary determination.

ADDRESS: Comments should be addressed to Privacy Officer, Office of Management and Budget, Health Care Financing Administration, 330 C Street, SW., Washington, D.C. 20201. Comments received will be available for inspection in Room 4200-B, Mary E. Switzer Building, at the above address.

FOR FURTHER INFORMATION CONTACT:

Mel Gangestad, Privacy Officer, Office of Management and Budget, Health Care Financing Administration, Room 4200-B, Mary E. Switzer Building, 300 C. Street, SW., Washington, D.C. 20201, or call 202-245-0621.

SUPPLEMENTARY INFORMATION: The Health Care Financing Administration, Department of Health, Education, and Welfare, proposes to add new routine uses and made minor technical amendments to Carrier Medicare Claims Records.

The purpose of one of the new disclosures is to reveal identifiable physician/provider or beneficiary data to a peer review group to permit a meaningful evaluation of the practice of a physician/provider. This constitutes an important ingredient in establishing abuse against the Medicare program. Unauthorized access to the system is precluded by denying unauthorized personnel access to the records. Disclosures of physicians' customary charge data are made to State audit agencies in order to ascertain the correctness of title XIX charges and payments.

The purpose of the other disclosure is to reveal pertinent beneficiary data and Medicare payment information to physicians and other suppliers of services who are attempting to verify individual items on which the amounts included in the annual Physician/Supplier Payment List are based.

The minor technical amendments will clarify the existing use of certain documents, properly identify storge of records, clarify existing language, and identify carriers and the Medicare Bureau Regional Offices as possible components to be contacted when records are requested. The amendment to expand an established routine use will allow the disclosure of pertinent information to State agencies charged with the administration of Medicaid. The purpose of this disclosure is to enable State agencies to process claims for medical reimbursement when both Medicaid and Medicare are involved.

Accordingly, the Health Care Financing Administration proposes to establish additional new routine uses and make minor technical amendments as indicated in the following systems of records notice.

DATED: May 22, 1978.

LEONARD SCHAEFFER,
Assistant Secretary for Management and Budget.

09-70-0501

System name:

Carrier Medicare Claims Records, HEW/HCFA/MAB.

Security classification:

None.

System location:

Carriers under contract to the Health Care Financing Administration and the Social Security Administration (see Appendix C, Section 4, FEDERAL REGISTER, September 20, 1976, page 41056).

Categories of individuals covered by the system:

Beneficiaries who have submitted claims for Supplementary Medical Insuranc Benefits (Medicare Part B).

Categories of records in the system:

Request for Payment; Provider billing for Patient Services by Physician; Prepayment Plan for Group Medicare Practices Dealing through a Carrier; Request for Claim Number Verification; Payment Record Transmittal; Statement of Person Regarding Medicare Payment for Medical Services Furnished Deceased Patient; Report of Prior Period of Entitlement; itemized bills and other similar documents from beneficiaries required to support payments to beneficiaries and to physicians and other suppliers of Part B Medicare services.

Authority for maintenance of the system:

Sections 1842 and 1874 of title XVIII of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(a) Claimants, other than the data subject, their authorized representatives or representative payees to the extent necessary to pursue claims made under title XVIII of the Social Security Act (Medicare).

(b) Third-party contacts by the Health Care Financing Administration and the Social Security Administration (without the consent of the individual to whom the information pertains) in situations where the party to be contacted has, or is expected to have information relating to the individual's capability to manage his affairs or his eligibility for or entitlement to benefits under the Medicare program when:

(1) The individual is unable to provide the information being sought (an individual is considered to be unable to

[1] Formerly 09-60-0024 new HCFA control number assigned due to internal DHEW reorganization.

provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual), or

(2) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under the Medicare program; the amount or reimbursement; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement of system activities.

(c) Third-party contacts by the Health Care Financing Administration and the Social Security Administration where necessary to establish or verify information provided by representative payees or payee applicants.

(d) The Treasury Department for investigating alleged theft, forgery, or unlawful negotiation of Medicare reimbursement checks.

(e) The U.S. Postal Service for investigating alleged forgery or theft of social security checks.

(f) The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, for representing the Secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

(g) The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.

(h) Professional Standards Review Organization for utilization review (PSRO).

(i) State Licensing Boards for review of unethical practices or nonprofessional conduct.

(j) Providers and suppliers of services directly or dealing through fiscal intermediaries or carriers for administration of provisions of the title XVIII.

(k) Contractors under contract to the Health Care Financing Administration and the Social Security Administration for the performance of research and statistical activities directly relating to the Social Security Act.

(l) State welfare departments pursuant to agreements with the Department of Health, Education, and Welfare for administration of State supplementation payments for determinations of eligibility for Medicaid, for enrollment of welfare recipients for medical insurance under section 1843 of the Social Security Act, for quality control studies, for determining eligibility of recipients of assistance under titles IV and XIX of the Social Security Act, and for the complete administration of the Medicaid program.

(m) A congressional office from the record of an individual in response to an inquiry from the congressional office at the request of that individual.

(n) State audit agencies in connection with the audit of Medicaid eligibility considerations.

(o) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

(p) Peer review groups, consisting of members of State, county, or local medical societies or medical care foundations (physicians), appointed by the medical society or foundation at the request of the carrier for resolution of questions of medical necessity, utilization of particular procedures or practices, or overutilization of services with respect to Medicare claims submitted to the carrier.

(q) Physicians and other suppliers of services who are attempting to validate individual items on which the amounts included in the annual Physician/Supplier Payment List are based.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage:

Records maintained on paper, tape, disc, and punchcards.

Retrievability:

System is indexed by health insurance claim number. The record is prepared by the beneficiary and is used by carriers to determine amount of an entitlement to Part B benefits. The bills are retained by the carriers. Disclosures of physician's customary charge data are made to State audit agencies in order to ascertain the correctness of title XIX charges and payments.

Safeguards:

Unauthorized personnel are denied access to the records area. Disclosure is limited.

Retention and disposal:

Records are closed out at the end of the calendar year in which paid, held two additional years, transferred to Federal Records Center and destroyed after another 2 years.

System manager(s) and address:

Director, Medicare Bureau, 6401 Security Boulevard, Baltimore, Md. 21235.

Notification procedure:

Inquiries and requests for system records should be addressed to the most convenient social security office, the appropriate carrier, the Medicare Bureau Regional Office, or to the Health Care Financing Administration, Medicare Bureau, Health Insurance Inquiries Branch, Baltimore, Md. 21235. The individual should furnish his or her health insurance claim number and the name as shown on social security records. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) FEDERAL REGISTER, October 8, 1975, page 47411.)

Record access procedures:

The individual can obtain information on the procedures for gaining access to and contesting records from the most convenient social security office, the appropriate carrier, or from the Health Care Financing Administration, Medicare Bureau, Health Insurance Inquiries Branch, Baltimore, Md. 21235.

Contesting record procedures:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) FEDERAL REGISTER, October 8, 1975, page 47411.)

Record source categories:

The data contained in these records is furnished by the individual. In most cases, the identifying information is provided to the physician by the individual. The physician then adds the medical information and submits the bill to the carrier for payment.

Systems exempted from certain provisions of the act:

None.

[FR Doc. 78-14655 Filed 5-22-78; 3:08 am]

[4110-35]

PRIVACY ACT OF 1974

Expanded Routine Use and Minor Technical Amendments to Notice of System of Records

AGENCY: Department of Health, Education and Welfare, Health Care Financing Administration.

ACTION: Notification of Expansion of Established Routine Use and Minor Technical Amendments to the Notice of System of Records Health Insurance Master Record, DHEW/HCFA No. 09-70-0502.[1]

SUMMARY: The Department of Health, Education, and Welfare (DHEW), Health Care Financing Administration (HCFA), proposes to expand an established routine use and make minor technical amendments to the system of records entitled Health Insurance Master Record under the Privacy Act.

DATES: The expanded routine use and minor technical amendments shall become effective as proposed without further notice on June 24, 1978 unless comments are received on or before June 24, 1978, which would result in a contrary determination.

ADDRESS: Comments should be addressed to Privacy Officer, Office of Management and Budget, Health Care Financing Administration, 330 C Street SW., Washington, D.C. 20201. Comments received will be available for inspection in Room 4200-B, Mary E. Switzer Building, at the above address.

FOR FURTHER INFORMATION CONTACT:

Mel Gangestad, Privacy Officer, Office of Management and Budget, Health Care Financing Administration, Room 4200-B, Mary E. Switzer Building, 330 C Street SW., Washington, D.C. 20201, or call 202-245-0621.

SUPPLEMENTARY INFORMATION: The Health Care Financing Administration, Department of Health, Education, and Welfare proposes to expand an established routine use and make minor technical amendments to Health Insurance Master Record. The expanded routine use will allow the disclosure of pertinent information to State agencies charged with the administration of Medicaid. The purpose of this disclosure is to enable State agencies to process claims for medical reimbursement when both Medicaid and Medicare are involved. The purpose of the minor technical amendments is to clarify existing language and identify carriers and intermediaries and the Medicare Bureau Regional Offices as possible components to be contacted when requesting records.

Accordingly, the Health Care Financing Administration proposes to expand an established routine use and make minor technical amendments as indicated in the following system of records notice.

Dated: May 22, 1978.

LEONARD SCHAEFFER,
Assistant Secretary for Management and Budget.

09-70-0502

System name:

Health Insurance Master Record, HEW/HCFA/MAB.

Security classification:

None

System location:

Social Security Administration, Bureau of Data Processing, 6401 Security Boulevard, Baltimore, Md. 21235.

Categories of individuals covered by the system:

Individuals age 65 or over who have been, or currently are, entitled to health insurance (Medicare) benefits under title XVIII of the Social Security Act; individuals under age 65 who have been, or currently are, entitled to such benefits on the basis of having been entitled for not less than 24 consecutive months to disability benefits under title II of the Act or under the Railroad Retirement Act; and individuals who have been, or currently are, entitled to such benefits because they have chronic renal disease.

Categories of records in the system:

The system contains information on enrollment, entitlement, Part A (Hospital) and B (Supplementary Medical) utilization, query and reply activity, health insurance bill and payment record processing, and Health Insurance Master Record maintenance.

Authority for maintenance of the system:

Section 1814 and 1833 of title XVIII of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(a) The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Act relating to railroad employment.

(b) State Welfare Departments pursuant to agreements with the Department of Health, Education, and Welfare for determination of eligibility for Medicaid, for quality control studies, for determining eligibility of recipients of assistance under titles IV and XIX of the Social Security Act, and for the complete administration of the Medicaid program.

(c) State audit agencies for auditing State Medicaid eligibility considerations.

(d) Providers and suppliers of services directly or dealing through fiscal intermediaries or carriers for administration of title XVIII.

(e) A congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(f) Contractors under contract to the Health Care Financing Administration and the Social Security Administration or under contract to another agency with funds provided by the Social Security Administration for the performance of research and statistical activities directly relating to the Social Security Act.

(g) In the event of litigation where one of the parties is: (a) The Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records maintained on paper listings, microfilm, magnetic tape, disc and punchcards.

Retrievability: System is indexed by health insurance claim number, and is used to carry out the tasks of enrollment, query/reply activity, and health insurance bill and payment record processing.

Safeguards:

Unauthorized personnel are denied access to the records area. Disclosure is limited to routine use. For computerized records, electronically transmitted between Central Office and field office locations (including Medicare contractors), systems securities are established in accordance with Departmental standards and National Bureau of Standards guidelines. Safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

[1] Formerly 09-60-0016. New HCFA control number assigned due to internal DHEW reorganization.

Retention and disposal:

Records are closed out at the end of the calendar year in which paid, held 2 additional years, transferred to the Federal Records Center, and destroyed after another 6 years.

System manager(s) and address:

Director, Medicare Bureau, 6401 Security Boulevard, Baltimore, Md. 21235.

Notification procedure:

Inquiries and requests for system records should be addressed to the most convenient social security office, the appropriate carrier or intermediary, the Medicare Bureau Regional Office, or to the Health Care Financing Administration, Medicare Bureau, Health Insurance Inquiries Branch, Baltimore, Md. 21235. The individual should furnish his or her health insurance claim number and name as shown on social security records.

Records access procedures:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) FEDERAL REGISTER, October 8, 1975, page 47410.)

Contesting record procedures:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) FEDERAL REGISTER, October 8, 1975, page 47411.)

Record source categories:

The data contained in these records is furnished by the individual. There are cases, however, in which the identifying information is provided to the physician by the individual; the physician then adds the medical information and submits the bill to the carrier for payment. Updating information is also obtained from the Master Beneficiary Record.

System exempted from certain provisions of the act:

None.

[FR Doc. 78-14656 Filed 5-22-78; 3:08 am]

[4110-35]

PRIVACY ACT OF 1974

New Routine Use and Minor Technical Amendments to Notice of System of Records

AGENCY: Department of Health, Education, and Welfare, Health Care Financing Administration.

ACTION: Notification of New Routine Use and Minor Technical Amendments to the Notice of System of Records Intermediary Medicare Claims Records, HEW, HCFA, NO. 09-70-0503.[1]

SUMMARY: The Department of Health, Education, and Welfare (DHEW), Health Care Financing Administration (HCFA), proposes to establish an additional new routine use and make minor technical amendments to the system of records entitled Intermediary Medicare Claims Records under the Privacy Act.

DATES: The new routine use and minor technical amendments shall become effective as proposed without further notice on June 24, 1978, unless comments are received on or before June 24, 1978 which would result in a contrary determination.

ADDRESS: Comments should be addressed to Privacy Officer, Office of Management and Budget, Health Care financing Administration, 330 C Street SW., Washington, D.C. 20201. Comments received will be available for inspection in Room 4200-B, Mary E. Switzer Building, at the above address.

FOR FURTHER INFORMATION CONTACT:

Mel Gangestad, Privacy Officer, Office of Management and Budget, Health Care financing Administration, Room 4200-B, Mary E. Switzer Building, 330 C Street SW., Washington, D.C. 20201, or call 202-245-0621.

SUPPLEMENTARY INFORMATION: The Health Care Financing Administration, Department of Health, Education, and Welfare proposes to add a new routine use and make minor technical amendments to Intermediary Medicare Claims Records. The purpose of this disclosure is to reveal pertinent beneficiary data and Medicare payment information to physicians and other suppliers of services who are attempting to verify individual items on which the amounts included in the annual Physician/Supplier Payment List are based. The purpose of the minor technical amendments is to clarify the existing use of certain documents and identify intermediaries and Medicare Bureau Regional Offices as possible components to be notified when records are requested. The amendment to expand an established routine use to disclose pertinent information to State agencies charged with the administration of Medicaid will enable State agencies to process claims for medical reimbursement when both Medicaid and Medicare are involved.

Accordingly, the Health Care Financing Administration proposes to establish an additional new routine use and make minor technical amendments as indicated in the following system of records notice.

Dated: May 22, 1978.

LEONARD SCHAEFFER,
Assistant Secretary for Management and Budget.

09-70-0503

System name:

Intermediary Medicare Claims Records, HEW/HCFA/MAB.

System location:

Intermediaries under contract to the Health Care Financing Administration and the Social Security Administration (See Appendix C, Section 3, FEDERAL REGISTER, September 30, 1976, page 41053.)

Categories of individuals covered by the system:

Beneficiaries on whose behalf claims for payment of hospital insurance benefits (Medicare Part A) have been submitted.

Categories of records in the system:

Inpatient hospital and extended care admission and other health services; inpatient admission and billing—Christian Science Sanatorium; home health agency report and billing and other documents used to support payments to beneficiaries and providers of service. These forms contain the beneficiary's name, sex, health insurance claim number, address, date of birth, provider name, physician's name, date of admission and discharge, other health insurance and a statement of services rendered.

Authority for maintenance of the system:

Section 1816 and 1874 of Title XVIII of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(a) Claimants, other than the data subject, their authorized representatives or representative payees to the extent necessary to pursue claims made under title XVIII of the Social Security Act (Medicare).

(b) Third-party contracts by the Health Care Financing Administration and the Social Security Administration without the consent of the individual to whom the information pertains in situations where the party to be contacted has, or is expected to have information relating to the individual's capability to manage his affairs or his eligibility for or entitlement to benefits under the Medicare program when:

(1) The individual is unable to provide the information being sought (an individual is considered to be unable to

[1] Formerly 09-60-0028. New HCFA control number assigned due to internal DHEW reorganization.

provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual) or

(2) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under the Medicare program; the amount of reimbursement; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement of systems activities.

(c) Third-party contacts by the Health Care Financing Administration and the Social Security Administration where necessary to establish or verify information provided by representative payees or payee applicants.

(d) The Treasury Department for investigating alleged theft, forgery, or unlawful negotiation of Medicare reimbursement checks.

(e) The U.S. Postal Service for investigating alleged forgery or theft of social security checks.

(f) The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, for representing the secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

(g) The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.

(h) Professional Standards Review Organization for utilization review (PSRO).

(i) State Licensing Boards for review of unethical practices or nonprofessional conduct.

(j) Providers and suppliers of services directly or dealing through fiscal intermediaries or carriers for administration of provisions of title XVIII.

(k) Contractors under contract to the Health Care Financing Administration and the Social Security Administration for the performance of research and statistical activities directly relating to the Social Security Act.

(l) State welfare departments pursuant to agreements with the Department of Health, Education, and Welfare for administration of State supplementation payments for determination of eligibility for Medicaid, for enrollment of welfare recipients for medical insurance under Section 1843 of the Social Security Act, for quality control studies, for determining eligibility of recipients of assistance under titles IV and XIX of the Social Security Act, and for the complete administration of the Medicaid program.

(m) A congressional office from the record of an individual in response to an inquiry from the congressional office at the request of that individual.

(n) State audit agencies in connection with the audit of Medicaid eligibility considerations. In the event of litigation where one of the parties is (a) the Department, any components of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purposes for which the records were collected.

(o) Physicians and other suppliers of services who are attempting to validate individual items on which the amounts included in the annual Physician/Supplier Payment List are based.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage:

Records maintained on paper forms, magnetic tape and microfilm.

Retrievability:

The system is indexed by health insurance claim number. The record is prepared by the hospital or other provider with identifying information received from the beneficiary to establish eligibility for Medicare and document and support payments to providers by the intermediaries. The paid bills are forwarded to the Social Security Administration, Bureau of Data Processing, Baltimore, Md., where they are microfilmed and used to assist in responding to individual inquiries.

Safeguards:

Disclosure of records is limited. The file area is closed to unauthorized personnel.

Retention and disposal:

Records are closed out at the end of the calendar year in which paid, held 2 more years, transferred to the Federal Records Center and destroyed after another 6 years.

System manager(s) and address:

Director, Medicare Bureau, 6401 Security Boulevard, Baltimore, Md. 21235.

Notification procedure:

Inquiries and requests for systems records should be addressed to the social security office nearest the requester's residence (see Appendix F, FEDERAL REGISTER, September 30, 1976, page 41062), the appropriate intermediary, the Medicare Bureau Regional Office, or to the Health Care Financing Administration, Medicare Bureau, Health Insurance Inquiries Branch, Baltimore, Md. 21235. The individual should furnish his or her health insurance number and name as shown on social security records. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, section 5b.6) FEDERAL REGISTER, October 8, 1975, page 47411.)

Record access procedures:

Same as notification procedures. Requesters should also reasonably specify the records contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, section 5b.5(a)(2)) FEDERAL REGISTER, October 8, 1975, page 47410).

Contesting record procedures:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, section 5b.7) FEDERAL REGISTER, October 8, 1975, page 47411.)

Record source categories:

The identifying information contained in these records is obtained by the provider from the individual; the medical information is entered by the provider of medical services.

Systems exempted from certain provisions of the Act:

None.

[FR Doc. 78-14657 Filed 5-22-78; 3:08 am]

[4110-02]

Office of Education

ACCREDITATION AND INSTITUTIONAL ELIGIBILITY ADVISORY COMMITTEE

Reestablishment

The Secretary of Health, Education, and Welfare has determined that the reestablishment of the Accreditation and Institutional Eligibility Advisory

Council, as identified hereinafter, is in the public interest, and necessary and appropriate to provide advice to the Secretary of Health, Education, and Welfare, the Assistant Secretary for Education, and the Commissioner of Education. The Committee is reestablished in accordance with and will be governed by the provisions of the Federal Advisory Committee Act, Pub. L. 92-463.

1. Designation—Accreditation and Institutional Eligibility Advisory Committee.

2. Reestablishment date and date of termination—The Committee was reestablished May 10, 1978, and will terminate two years from that date unless renewed by appropriate action prior to its expiration.

3. Purpose—To advise and counsel the Commissioner of Education in publishing a list of nationally recognized accrediting agencies or association and in determining institutional eligibility for participation of educational institutions in Federal assistance programs based on accreditation by any such agency.

4. Membership—The Committee shall consist of 15 members knowledgeable about secondary and postsecondary education, representatives of the student/youth population, of professional associations, of State Department of Education, and of the general public.

5. Meetings—Advance notice of meetings, to be held not less than two times each year, will be given to the public in accordance with the Federal Advisory Committee Act.

Signed at Washington, D.C., on May 17, 1978.

ANN V. BAILEY,
Committee Management Officer, Office of Education.

[FR Doc. 78-14601 Filed 5-24-78; 8:45 am]

[4110-02]

Office of Education

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on Friday, June 23 and on Saturday, June 24, 1978. The meeting on June 23 will consist of an Urban Education Seminar from 9 a.m. to 12:30 p.m., and Committee meetings will be conducted from 1:30 p.m. to 5 p.m., and on June 24, the regular Council meeting will be held from 9 a.m. to 12 noon. The two-day meeting will be held at 425 Thirteenth Street NW., Suite 1012, Washington, D.C. 20004.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the education attainment of disadvantaged children.

The main purposes for these sessions are to:

1. Develop and plan future activities for finalizing individual special and interim reports;
2. Obtain views and concerns of persons associated with improving educational achievement of children residing in urban areas;
3. Obtain an update of activities being conducted by OPB&E and hear reports from various committees.

The entire meeting is open to the public. Because of limited space, all persons wishing to attend should call for reservations by June 19, 1978, area code 202-724-0114 and speak with Mrs. Lisa Haywood.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street NW., Suite 1012, Washington, D.C. 20004.

Signed at Washington, D.C., on May 22, 1978.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc. 78-14671 Filed 5-24-78; 8:45 am]

[4110-12]

Office of the Secretary

BOARD OF ADVISORS TO THE FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the Board of Advisors to the Fund for the Improvement of Postsecondary Education will be held on June 21, 1978, at 5 p.m. through June 23, 1978, at 2 p.m. at the Kelley House, Kelley Street, Edgartown, Mass.

The Board of Advisors to the Fund was established to recommend to the Director of the Fund and the Assistant Secretary for Education priorities for funding and the approval or disapproval of grants and contracts of a given kind or over a designated amount under section 404 of the General Education Provisions Act.

The meeting will be open to the public. It will be for the sole purpose of reviewing and recommending possible program directions for fiscal year 1978-79.

A summary of the proceedings of the meeting and a roster of members may be obtained from the Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue SW., Room 3123, Washington, D.C. 20202, telephone 202-245-8091.

Signed at Washington, D.C. on May 18, 1978.

ERNEST BARTELL,
Director, Fund for the Improvement of Postsecondary Education.

[FR Doc. 78-14617 Filed 5-24-78; 8:45 am]

[4310-02]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

ABSENTEE SHAWNEE TRIBE OF INDIANS OF OKLAHOMA

Transfer of Federally Owned Lands

MAY 17, 1978.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 230-DM-2.

On July 28, 1977, pursuant to authority contained in the Federal Property and Administrative Services Act of 1949, as amended by Public Law 93-599 dated January 2, 1975 (88 Stat. 1954), the below-described property was transferred from the Fort Worth Regional Administrator of the General Services Administration to the Secretary of the Interior, without reimbursement, to be held in trust for the benefit and use of the Absentee Shawnee Tribe of Indians of Oklahoma:

TRACT AND LEGAL DESCRIPTION

Part of the NW¼ of Sec. 28, T. 9 N., R. 1 E., I. M. more particularly described as: A tract of land in the NW¼, Section 28, Township 9 North, Range 1 East, of the Indian Meridian, Cleveland County, Oklahoma, described as Beginning at a point on the south right-of-way line of Oklahoma State Highway No. 9, said point being N 89° 44' 15" E a distance of 1981.894 feet and S 00° 28' 20" E a distance of 195.872 feet from the northwest corner of said Section 28; thence S 00° 28' 20" E a distance of 1116.120 feet; thence S 89° 31' 40" W a distance of 696.80 feet; thence N 00° 28' 20" W a distance of 834.994 feet to a point on the south right-of-way line of Oklahoma State Highway No. 9; thence in a northeasterly direction along said south right-of-way line on a curvre to the right having a radius of 2754.79 feet, a distance of 753.722 feet to the Point of Beginning, containing 15.902 acres, more or less, SURFACE and SURFACE RIGHTS ONLY as distinguished from the oil, gas and other mineral rights.

These lands are to be treated as and receive the same benefits and protection as other trust lands held for the benefit and use of the Absentee Shawnee Tribe of Indians of Oklahoma. Appropriate notation will be made in the

land records of the Bureau of Indian Affairs.

FORREST J. GERARD,
Assistant Secretary,
Indian Affairs.

[FR Doc. 78-14622 Filed 5-24-78; 8:45 am]

[4310-02]

Bureau of Indian Affairs

LIPAN AND MESCALERO APACHE

Plan for the Use and Distribution of the Lipan and Mescalero Apache Judgment Funds Awarded in Docket 22-C Before the Indian Claims Commission

MAY 16, 1978.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 210 DM 1.2.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of September 30, 1976, 94 Stat. 438, in satisfaction of the award granted to the Lipan and Mescalero Apache of the Mescalero Reservation in Indian Claims Commission Docket 22-C. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated December 12, 1977, and was received (as recorded in the Congressional Record) by the House of Representatives on December 15, 1977, and by the Senate on December 15, 1977. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on April 9, 1978, as provided by Section 5 of the 1973 Act, supra.

The plan reads as follows:

The funds appropriated by the Act of September 30, 1976, 94 Stat. 438, in satisfaction of an award granted to the Apache Tribe of the Mescalero Reservation and the Lipon Apache Tribe of Indians as constitutuent groups of the Apache Tribe of the Mescalero Reservation in the State of New Mexico in Docket 22-C before the Indian Claims Commission, including all interest and investment income accruing thereto, less attorney fees and litigation expenses, shall be utilized as herein provided.

The Secretary of the Interior (hereinafter 'Secretary') shall make a per capita distribution of $1,000, to all eligible members on the Mescalero Apache membership roll as of the effective date of the Plan.

The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be handled pursuant to 25 CFR 104.5. The per capita shares of minors shall be handled pursuant to 25 CFR 60.10(a) and (b) (1) and 104.4, as amended November 5, 1976 (41 FR 48735, 48736). The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D.

As of June 21, 1977, in accordance with Mescalero Apache Tribe Resolutions 77-22 and 77-23, a payment of $1,000 was made to all enrolled members. The resolutions further provided that the funds used for this payment would be returned to their respective accounts from which the payment was paid from the proceeds of the Lipan Judgment Award in Docket 22-C. The amounts to be transferred to the following accounts of the Mescalero Apache Tribe in the United States Treasury are:

14 x 7373—Mescalero Claims, $1,179,176.51.
14 x 7873—Mescalero Claims, 990,081.75.
14 x 9556—Chiricahua Claims, 30,157.74.

The remaining funds and the accrued interest shall be utilized by the tribe for the purposes and in the amounts described below:

1. *New Ceremonial Grounds:* $600,000.

The Mescalero Apache Tribe annually uses its Tribal Ceremonial Grounds to observe its traditional Puberty Rites and Ceremonial Dances. Other activities involving games, bands, and rodeos have created pressure on parking facilities while a population growth and increased attendance has made it imperative to relocate and improve these Tribal Ceremonial Grounds.

2. *Apache Heritage Foundation:* $200,000

The Mescalero Apache Heritage Foundation is used to perpetuate many of the traditional and religious customs and practices of the Tribe. Income from this fund shall be used to defray the annual expenses necessary to promote the welfare and interests of the Tribe.

3. *Museum Improvement:* $10,000

The present Museum on the Mescalero Apache Reservation is in need of additional displays and improvements. This program mount will allow acquisition of additional display items and supplies to update and improve the Museum.

4. *Housing for Single Men and Women:* $600,000

The Mescalero Apache Tribe is making every effort to provide safe and adequate housing for tribal members. It has become apparent that a certain segment of the Tribe, primarily single men and women who cannot otherwise qualify for Federal housing, find themselves shifting from one family to another. It is proposed to construct housing for these members. It is understood that those members provided such rooms are considered interim occupants and at such time as they acquire a private permanent house shall not be eligible to occupy any rooms. Guidelines and rules of occupancy shall be developed by the Tribal Council.

5. *Tribal Identification Equipment:* $3,000

Purchase of a machine enabling the Tribe to provide an identification card to each tribal member 18 years of age and over. The identification cards shall be updated from time to time as the Tribal Council may direct.

6. *Investment Trust Fund:* $3,265,000

The balance of the judgment funds in this program shall be placed in a safe, nonspeculative portfolio and is to be maintained intact in perpetuity. The annual income from the Investment Fund may be appropriated from time to time by the Mescalero Apache Tribal Council in accordance with Article XI, and XIII, of the Revised Constitution of the Mescalero Apache Tribe, Mescalero Apache Reservation, New Mexico, approved March 25, 1936, as revised and approved January 12, 1965. It is hereby declared as a Statement of Policy that: This Investment Trust Fund shall remain intact to provide a legacy for the present and future of still unborn generations of Mescalero Apache people and this legacy shall provide the Apache people protection.

7. *Unobligated Plan Balances:*

Any amount remaining in this plan in any of the budgeted items, after the costs of the proposed project or program has been met, shall be transferred to and become part of the Investment Trust Fund. The rules governing the Investment Trust Fund shall apply to any amount so transferred.

FOREST J. GERARD,
Assistant Secretary,
Indian Affairs.

[FR Doc. 78-14564 Filed 5-24-78; 8:45 am]

[4310-02]

PHOENIX AND BILLINGS AREA DIRECTORS

Redelegation of Program Authority

MAY 17, 1978.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary of Indian Affairs by 230 DM 2.

The Assistant Secretary of Indian Affairs has revised the redelegation of program authority for Indian Affairs to the Phoenix and Billings Area Directors by removing the exception in section 3.3G of 10 BIAM to allow the Area Directors to approve power rates for the Colorado River, Flathead and San Carlos Irrigation Projects.

The revision was issued by Bureau of Indian Affairs Manual Release 10-37, dated April 13, 1978.

The revision affected the redelegation in 10 BIAM 3 which was published beginning at page 17046 of the April 16, 1975, FEDERAL REGISTER (40 FR 17046).

FORREST J. GERARD,
Assistant Secretary,
Indian Affairs.

[FR Doc. 78-14566 Filed 5-24-78; 8:45 am]

[4310-02]

TAOS PUEBLO

Plan for the Use and Distribution of Taos Pueblo Judgment Funds Awarded in Docket 357-A Before the Indian Claims Commission

MAY 16, 1978.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 210 DM 1.2.

The Act of October 19, 1973 Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment

of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of June 1, 1976, 90 Stat. 629, in satisfaction of the award granted to the Taos Pueblo in Indian Claims Commission Docket 357-A. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated December 27, 1977, and was received (as recorded in the Congressional Record) by the House of Representatives on January 19, 1978, and by the Senate on January 19, 1978. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on April 10 1978, as provided by section 5 of the 1973 Act, supra.

The plan reads as follows:

The funds appropriated by the Act of June 1, 1976, 90 Stat. 629, in satisfaction of an award granted to the Taos Pueblo in Docket 357-A before the Indian Claims Commission, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be utilized as herein provided.

PER CAPITA PAYMENT ASPECT

The Taos Pueblo tribal roll shall be prepared pursuant to the provisions of the Taos Enrollment Ordinance approved December 13, 1977, and brought current to include all eligible members born on or prior to and living on the effective date of this plan.

Subsequent to the preparation and approval of the tribal roll, the Secretary of the Interior (hereinafter "Secretary") shall make a per capita distribution of forty (40) percent of the funds, in a sum as equal as possible, to each Taos tribal enrollee. Should the secretary find it necessary, an appropriate amount shall be placed in escrow pending enrollment appeals.

The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be handled pursuant to 25 CFR 104.5. The per capita shares of minors shall be handled pursuant to 25 CFR 60.10 (a) and (b)(1) and 104.4, as amended November 5, 1976 (41 FR 48735, 48736). The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D.

PROGRAMING ASPECT

INVESTMENT PROGRAM

Forty (40) percent of the funds, plus any amount remaining after the per capita payment provided for above, shall be invested by the Secretary who shall make an annual report on the status of the investment to the Governor of the Pueblo. Such report shall be available for inspection by any Taos tribal member.

Ninety (90) percent of the interest and investment income accrued shall be distributed in the form of dividend payments to all Taos tribal members entitled to be enrolled on the dates such dividend payments are declared. Such dividend payments shall be made every three (3) years on July 1 with the first three-year period beginning on June 30 following the effective date of this plan.

Dividend payments shall be handled in the same manner as per capita payments as provided in this plan.

The balance, ten (10) percent, of the interest and investment income accrued shall be reinvested.

The total Investment Program shall be subject to review by the General Council every five (5) years, the first five-year period beginning on the effective date of this plan. Should the General Council determine that the Investment Program would best serve the Taos Pueblo by utilizing the interest and investment income accrued for social and economic development purposes, the following procedures shall be followed:

An appropriate proposal shall be formulated by the General Council or a committee consisting of no less than five (5) tribal members authorized by the General Council. Such proposal, in order to become valid, must be presented by the Governor or the committee chairman at a meeting with at least twenty-one (21) General Council members in attendance. The proposal shall require the approval of two-thirds (⅔) of the attending council members and the majority vote of the tribal members at a duly called and publicized general tribal meeting. If so approved, the proposal, in the form of a General Council resolution, shall be submitted to the Secretary with a request for disbursement of the funds. The principal of the Investment Program shall not, at any time, be available for per capita or dividend payments.

SOCIAL AND ECONOMIC PROGRAM

Twenty (20) percent of the funds shall be invested by the Secretary until portions of the principal and interest and investment income accrued are requested by resolution of the General Council, on an annual budgetary basis, in the percentages and for the general social and economic development programs described below.

The Governor and his staff shall appoint committees consisting of five (5) qualified and interested tribal members for the purposes of formulating specific programs which are subject to review and approval of the Governor and his staff. Such programs or projects shall be within the following general programing categories and within the percentages as specified. As a general guideline, emphasis is to be placed in all programs and projects on the concepts of supplementing or matching funding available from federal or other agencies.

1. Recreation—thirty (30) percent; to provide recreational facilities and programs for all age groups.

2. Improvement and Protection of Tribal Resources—forty (40) percent.

(a) To improve tribal lands, maintain irrigation ditches and other projects designed to generally improve tribal property in terms of developing agricultural and ranching incentives for tribal members.

(b) To enlarge the tribal land base through land acquisition.

(c) To maintain community facilities, such as water systems installed by the Indian Health Service, which cannot be supported by other funding.

(d) To protect tribal lands from trespassing, forest fires and other potential sources of damage by providing for increased patrolling, improvement of trails and the acquisition of material and equipment for these purposes.

3. Other Social and Economic Projects as may be determined to be needed for the general improvement of the pueblo and its membership—thirty (30) percent.

Should any funds in any of the above-cited general program categories not be needed or found in excess of programing goals in any given annual budget, such funds may be transferred by the Governor, with the approval of the General Council, to another of the categories.

GENERAL PROVISIONS

A full accounting of the per capita distribution and of all invested and programed funds shall be conducted by the Bureau of Indian Affairs as provided in 25 CFR 60.12. The Governor and his staff shall be responsible, on an annual budgetary basis, for an accounting of all invested and programed funds and for publishing audits and making such audits available for the inspection of any tribal member.

Only members of Taos Pueblo, enrolled pursuant to the provisions of the Taos Enrollment Ordinance approved December 13, 1977, shall benefit from the per capita payment aspect or any other aspect of this plan.

FORREST J. GERARD,
Assistant Secretary,
Indian Affairs.

[FR Doc. 78-14565 Filed 5-24-78; 8:45 am]

[4310-84]

Bureau of Land Management

[Serial No. A 10870]

ARIZONA

Airport Lease Application

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211-214), E. W. and Ora V. Senter, P.O. Box 308, Quartzsite, Ariz. 85346, have applied for an airport lease for the following land:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 4 N., R. 19 W.,
sec. 15, S½SW¼SW¼,
containing 20 acres.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of

use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Yuma District Office, Bureau of Land Management, P.O. Box 5680, Yuma, Ariz. 85364.

Dated: May 15, 1978.

MARIO L. LOPEZ,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-14623 Filed 5-24-78; 8:45 am]

[4310-84]

Bureau of Land Management

[CA 790]

CALIFORNIA

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

APRIL 24, 1978.

The U.S. Department of the Navy filed application Serial No. CA 790 on November 5, 1973, for a withdrawal in relation to the following described lands:

MOUNT DIABLO MERIDIAN, CALIF.

Public land:
T. 30 S., R. 22 E., Sec. 2, All.
T. 30 S., R. 23 E., Sec. 4, Lots 1 and 2 of NW¼ and S½.
Patented lands with all minerals reserved to the United States:
T. 30 S., R. 23 E., Sec. 6, All.
Patented lands with oil and gas reserved to the United States:
T. 30 S., R. 23 E., Sec. 4, Lots 1 and 2 of NE¼.

The areas described aggregate 1,917.95 acres in Kern County, Calif.

The applicant desires that the land be withdrawn for inclusion within Petroleum Reserve No. 1.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on January 17, 1974, FR Doc. 74-1378, page 2114.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing to the undersigned, Bureau of Land Management, E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825, on or before June 22, 1978. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before June 22, 1978.

The above described public lands or the reserved mineral interests in the lands are temporarily segregated from the operation of the public land laws, including the mining and mineral leasing laws, subject to prior valid existing rights to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposition or appropriation under such laws. Current administrative jurisdiction over the segregated lands or reserved mineral interests in said lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications in connection with the pending withdrawal application should be addressed to the undersigned.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Mineral Operations.

[FR Doc. 78-14735 Filed 5-24-78; 8:45 am]

[4310-84]

[NM 33441, 33442, 33443, 33444, 33445, 33446, 33447, 33449, 33450, 33452 and 33455]

NEW MEXICO

Applications

MAY 19, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for eleven 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 28 N., R. 6 W.,
Sec. 8, lot 1 and SE¼SE¼.
T. 29 N., R. 7 W.,
Sec. 9, NE¼SE¼.
T. 31 N., R. 9 W.,
Sec. 8, lots 5 and 6;
Sec. 17, lots 9 and 10;
Sec. 21, lots 3, 4 and 5.
T. 28 N., R. 10 W.,
Sec. 17, SE¼NW¼.
T. 30 N., R. 10 W.,
Sec. 4, lot 6.
T. 31 N., R. 10 W.,
Sec. 12, lots 5, 12 and 13;
Sec. 24, lots 4, 5, 8 and 9;
Sec. 33, lot 15;
Sec. 34, lots 1, 2, 3 and 4.

These pipelines will convey natural gas across 2,132 miles of public lands in Rio Arriba and San Juan Counties, New Mexico.

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.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-14626 Filed 5-24-78; 8:45 am]

[4310-84]

[NM 33361, 33362, 33366]

NEW MEXICO

Notice of Applications

MAY 16, 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 Company has applied for three 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 8 W.,
Sec. 12, lot 5.
T. 31 N., R. 9 W.,
Sec. 15, lots 9 and 10.
T. 31 N., R. 10 W.,
Sec. 28, lot 13;
Sec. 33, lots 3, 4 and 6.

These pipelines will convey natural gas across 0.405 mile of public lands in San Juan County, New Mexico.

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 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-14627 Filed 5-24-78; 8:45 am]

[4310-84]

[NM 33164]

NEW MEXICO

Designation of Aden Lava Flow Research Natural Area

MAY 18, 1978.

Pursuant to the authority in 43 CFR, Subpart 2070, and the authorization from the Director received January 26, 1978, I hereby designate the public lands in the following described area as the Aden Lava Flow Research Natural Area:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 25 S., R. 2W.,
Sec. 33, W½NE¼ and SE¼;
Secs. 34 and 35, All;
Sec. 36, S½.
T. 26 S., R. 2 W.,
Sec. 3, All;
Sec. 4, NE¼NW¼ and S½N½;
Sec. 5, S½NE¼ and SE¼;
Sec. 8, N½NE¼ and SE¼NE¼;
Sec. 9, N½;
Sec. 10, N½.

The area described aggregates about 4,080 acres of public lands.

The Aden Lava Flow Research Natural Area is a "Class IV—Outstanding Natural Area" under the Heritage Conservation and Recreation Services system of classification.

ARTHUR W. ZIMMERMAN,
State Director.

[FR Doc. 78-14628 Filed 5-24-78; 8:45 am]

[4310-84]

[Colorado 24402h]

NORTHWEST PIPELINE CORP.

R/W Application for Pipeline

MAY 19, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 USC 185), Northwest Pipeline Corp., 315 East 200 South, Salt Lake City, Utah 84111, has applied for a right-of-way for a 4½-inch o.d. natural gas pipeline for the East Douglas Creek Gathering System approximately 0.14 miles long, across the following Public Lands:

SIXTH PRINCIPAL MERIDIAN, RIO BLANCO COUNTY, COLO.

T. 3 S., R. 100 W.
Sec. 8: NW¼SW¼.

The above-named gathering system will enable the applicant to collect natural gas in the area through which the pipeline will pass and to convey it to the applicants' customers.

The purposes for this notice are: (1) to inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions, (2) to give all interested parties the opportunity to comment on the application, (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on Northwest Pipeline Corp.

Any comment, claim, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202, as promptly as possible after publication of this notice.

ANDREW W. HEARD, Jr.,
Leader, Craig Team,
Branch of Adjudication.

[FR Doc. 78-14624 Filed 5-24-78; 8:45 am]

[4310-84]

[Colorado 029008-E]

WESTERN SLOPE GAS CO.

Notice of Pipeline Application

MAY 17, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Western Slope Gas Co., P.O. Box 840, Denver, Colo. 80201, has applied for a right-of-way for a 4.5-inch o.d. natural gas pipeline, approximately 4.73 miles long, across the following public lands in Garfield County:

SIXTH PRINCIPAL MERIDIAN, COLO.

T. 7 S., R. 104 W.
Sec. 9, 15, 16, 17, 20, 22, 23.

The proposed pipeline will enable the applicant to convey natural gas in the Carbonera Natural Gas Field to the Grand Junction, Colo., market area.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application would be approved, and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy therof has been served on the applicant.

Any comment, claim, or objections must be filed with the Team Leader, Canon City-Grand Junction Team, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202, as promptly as possible after publication of this notice.

RODNEY A. ROBERTS,
Leader, Canon City-Grand Junction Team, Branch of Adjudication.

[FR Doc. 78-14625 Filed 5-24-78; 8:45 am]

[4310-84]

[W-62954]

WYOMING

Notice of Application

MAY 17, 1978.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Coastal States Gas Corp. of Houston, Tex., filed an application for a right-of-way to construct a 4½ inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 48 N., R. 98 W.,
Secs. 20, 21, 29, 30 and 31.
T. 47 N., R. 99 W.,
Secs. 2, 3, 4, 5 and 6.
T. 48 N., R. 99 W.,
Sec. 35.
T. 47 N., R. 100 W.,
Sec. 1.

The proposed pipeline will transport natural gas from the Sellers Draw Unit II, Well No. 1 located in the SW¼ of Section 21. T. 48 N., R. 98 W., to a point of connection with an existing pipeline located in the SW¼ of Section 1, T. 47 N., R. 100 W., all within Park and Hot Springs Counties, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1700 Robertson Avenue, P.O. Box 119, Worland, Wyo. 82401.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-14629 Filed 5-24-78; 8:45 am]

[4310-84]

[W-63255]

WYOMING

Notice of Application

MAY 15, 1978.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Marathon Pipe Line Co. of Casper, Wyo. filed an application for a right-of-way to construct an 8 inch pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 52 N., R. 94 W., 6th P.M.,
Secs. 3 and 4.
T. 53 N., R. 94 W.,
Secs. 17, 18, 20, 21, 28, 33 and 34.
T. 53 N., R. 95 W.,
Secs. 2, 3, 11, 12 and 13.
T. 54 N., R. 95 W.,
Secs. 7, 17, 18, 20, 21, 28, 33 and 34.
T. 54 N., R. 96 W.,
Secs. 1, 2 and 12.
T. 55 N., R. 96 W.,
Secs. 6, 7, 8, 17, 20, 21, 27, 28, 34 and 35.
T. 56 N., R. 96 W.,
Sec. 31.

The proposed pipeline will replace and re-route an existing pipeline and will begin at a point in Lot 42, Section 3, T. 52 N., R. 94 W., and will extend to a point in Lot 46, Section 22, T. 56 N., R. 97 W., all within Big Horn County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1700 Robertson Avenue, P.O. Box 119, Worland, Wyo. 82401.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-14630 Filed 5-24-78; 8:45 am]

4310-84]

[W-62953]

WYOMING

Notice of Application

MAY 17, 1978.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Coastal States Gas Corporation of Houston, Texas has filed an application for a right-of-way to construct a 6⅝ inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 51 N., R. 100W.,
Sec. 8, W½W½;
Sec. 17, W½W½;
Sec. 20, W½W½;
Sec. 29, W½NW¼;
Sec. 32, W½NW¼;

The proposed pipeline will transport natural gas from a point within sec. 8 in a southerly direction to a point of connection in the NW¼ of sec. 32, T. 51 N., R. 100 W., Park County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1700 Robertson Avenue, P.O. Box 119, Worland, Wyo. 82401.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

FR Doc. 78-14567 Filed 5-24-78; 8:45 am]

[4310-84]

[Tentative Sale No. 55]

GULF OF ALASKA, ALASKA OUTER CONTINENTAL SHELF

Call for Nominations of and Comments on Areas for Oil and Gas Leasing

Pursuant to the authority prescribed in 43 CFR 3301.3, nominations are hereby requested for areas in the Gulf of Alaska Outer Continental Shelf (OCS) for possible oil and gas leasing under the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343). Nominations will be considered for any or all of the following blocks which are generally bounded on the east by 138°15' West Longitude, and on the west by Montague and Hinchinbrook Islands, and seaward of Alaska's three-mile (State Territorial Waters) line:

1. NO 6-1: Blocks 132; 174-176; 217-220; 259-264; 302-308; 344-352; 387-396; 429-440; 472-484; 514-528; 569-572; 613-616; 657-660; 701-704; 745-748; 785-792, inclusive.
2. NO 6-2: Blocks 3-30; 34-35; 46-73; 76-79; 89-116; 119-123; 133-160; 163-168; 177-203; 206-212; 221-248; 250-256; 265-295; 309-339; 341; 353-388; 397-432; 441-476; 485-491; 493-520; 529-535; 538-564; 573-579; 582-602; 617-623; 625-640; 661-683; 705-726; 749-768; 793-811; 838-845; 847-853; 882-887; 892-896; 927-929; 937-939, inclusive.
3. NO 7-1: Blocks 1-7; 9-24; 26-28; 30-33; 54-59; 62-67; 70-71; 74-79; 97-103; 108-109; 112-116; 141-142; 146-148; 151-158; 160; 170; 185-186; 188-193; 195-96; 198; 200-204; 206-217; 229-239; 243-263; 274-282; 286-291; 293-308; 318-320; 323-326; 330-335; 338-352; 361; 363-364; 368-369; 371-372; 374-396; 405-410; 412; 415-440; 449-484; 493-528; 537-572; 589-616; 640-660; 689-704; 736-748; 784-792; 829-836; 874-880; 919-924, inclusive.
4. NO 7-2: Blocks 309-311; 353-361; 397-406; 441-452; 485-497; 529-543; 573-588; 617-634; 661-679; 705-726; 749-772; 793-818; 837-863; 881-908; 930-955; 974-1,001; 1,018-1,045, inclusive.
5. NO 7-4: Blocks 6-33; 54-78; 98-122; 142-166; 186-210; 230-254; 274-298; 318-340, inclusive.
6. NP 6-8: Blocks 675-678; 680; 716-724; 759-770; 802-819; 821-822; 846-869; 890-914; 934-958; 977-1,002, inclusive.

OCS OFFICIAL PROTRACTION DIAGRAMS

1. NO 6-1 Blying Sound
2. NO 6-2 Middleton Island
3. NO 7-1 Icy Bay
4. NO 7-2 Yakutat
5. NO 7-4 Alsek Valley
6. NP 6-8 Cordova

These diagrams may be purchased for $2 each from the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510. The street address is 800 A Street, Anchorage, Alaska.

All nominations must be described in accordance with the Outer Continental Shelf Official Protraction Diagrams prepared by the Bureau of Land Management (BLM), Department of the Interior. Only whole blocks or properly described subdivisions thereof, not less than one-quarter of a block, may be nominated. Although individual company nominations are considered to be privileged and confidential information, the names of persons or entities submitting nominations or comments will be of public record.

In addition to requesting nominations of blocks for possible oil and gas leasing within the specified areas, this notice also requests comments identifying particular blocks recommended to be either specifically excluded from oil and gas leasing or leased only under special conditions because of conflicting values of environmental concerns. Particular geological, environmental, biological, archaeological, socio-economic, or other information which might bear upon potential leasing and development of particular blocks is requested where available. Information on these subjects will be used in the preliminary selection of blocks which precedes any final selection by the Director pursuant to 43 CFR 3301.4. This information is requested from Federal, State, and local governments, industry, universities, research institutes, environmental organizations, and members of the general public. Comments may be submitted on blocks or subdivisions thereof, as

required for nominations, or on all areas or portions thereof as described above. They should be directed to specific factual matters which bear upon the Department's decision whether to make preliminary selections of particular blocks within these areas for further environmental analysis pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347) and possible leasing. Comments relating to general matters which would be applicable to oil and gas operations in any part of the OCS are not sought at this time.

Nominations and comments must be submitted not later than July 24, 1978, in envelopes labeled "Nominations of Blocks for Leasing in the Alaska Outer Continental Shelf—Gulf of Alaska," or "Comments on Leasing in the Outer Continental Shelf—Gulf of Alaska," as appropriate. They must be submitted to the Director, Attention 720, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240. Copies must be sent to the Assistant Conservation Manager, U.S. Geological Survey, P.O. Box 259, Anchorage, Alaska 99510, and to the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, at his address cited above.

This call for Nominations and Comments does not in any way commit the Department to leasing in the Gulf of Alaska outer continental shelf. It is an information-gathering component of the Department's leasing procedure.

Final selection of blocks for competitive bidding will be made only after compliance with established Departmental procedures and all requirements of the National Environmental Policy Act of 1969. Notice of any blocks finally selected for competitive bidding will be published in the FEDERAL REGISTER stating the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

FRANK GREGG,
Director,
Bureau of Land Management.

Approved: May 22, 1978.

HEATHER L. ROSS,
Deputy Assistant
Secretary of the Interior.

[FR Doc. 78-14690 Filed 5-24-78; 8:45 am]

[4310-84]

QUALIFIED JOINT BIDDERS

Outer Continental Shelf (OCS)

As a convenience to the public, and pursuant to his authority under 43 CFR 3300, the Director of Bureau of Land Management hereby publishes a list of all persons who have timely filed a sworn statement of production is accordance with 43 CFR 3302.3-2(a). These statements have qualified the filers to bid jointly at OCS oil and gas lease sales during the bidding period of May 1, 1978, through October 31, 1978. This publication is not required by law or regulations; it includes the names of all possible bidders whose statements have been received in this office by the date this notice was prepared.

The following persons or companies have filed sworn statements of production as required by 43 CFR 3302.3-2(a) attesting to average daily production not in excess of 1.6 million barrels of crude oil, natural gas and liquified petroleum products during the production period of July 1, 1977, through December 31, 1977.

A. G. Hill.
AGT Exploration Corp.
Al-Aquitaine Exploration, Ltd.
Alaskco U.S.A., Ltd.
Allied Chemical Corporation
Alminex U.S.A., Inc.
AMAX Petroleum Corporation
Amerada Hess Corporation
American Natural Gas Production Company
American Petrofina Company of Texas
American Petrofina Exploration Company
Aminoil USA, Inc.
Anadarko Production Company
Apache Corporation
Arrowhead Propane Corporation
Ashland Exploration, Inc.
Ashland Oil, Inc.
Atlantic Distributors Exploration Co.
Atlantic Richfield Company
Bay State Gas Company
Belco Petroleum Corporation
Bethlehem Steel Corporation
Brooklyn Union Gas Company (The)
Cabot Corporation
Cambridge Royalty Company
Canadian Occidental of California, Inc.
Canadian Superior Oil (U.S.) Ltd.
CanDel Oil (U.S.) Inc.
Caroline Hunt Schoellkopf
Caroline Hunt Trust Estate
Case-Pomeroy Oil Corporation
Central Hudson Gas & Electric Corporation
Challenger Minerals Inc.
Champlin Petroleum Company
Chanslor-Western Oil and Development Company
Cities Service Company
C & K Marine Production Company
C & K Offshore Company
C & K Petroleum, Inc.
CNG Producing Company
Columbia Gas Development Corporation
Columbia Gas of New York, Inc.
Consolidated Edision Company of New York, Inc.
Continental Group, Inc. (The)
Continental Oil Company
Corning Natural Gas Corporation
Cotton Petroleum Corporation
CRA Exploration Co.
Crown Central Petroleum Corporation
Davis Oil Company
Decalta International Corporation
DEPCO, Inc.
Diamond Shamrock Corporation
Donohue Anstey & Morrill
Dow Chemical Company (The)
Eason Oil Company
Ecee, Inc.
Elizabethtown Gas Company
El Paso Natural Gas Company
Energy Development Corporation
Energy Reserves Group, Inc.
Energy Resources Corporation
Enserch Exploration, Inc.
Equity Oil Company
Era North America, Inc.
Exchange Oil & Gas Corporation
Farmland Industries, Inc.
Farmland International Energy Company
Felmont Oil Corporation
Finadel, Incorporated
Florida Gas Exploration Company
Flying Diamond Oil Corp.
Forest Oil Corporation
Four M Properties, Ltd.
Freeport Oil Company
Freeport Petroleum Company
Fuel Resources Inc.
Furth Oil Co.
Gas Producing Enterprises, Inc.
General American Oil Company of Texas
General Crude Oil Company
Getty Oil Company
Golden Eagle Refining Company, Inc.
Great Basins Petroleum Co.
Greenbrier Operating Co.
Hamilton Brothers Exploration Company
Hamilton Brothers Oil and Gas Corporation
Hamilton Brothers Oil Company
Hassie Hunt Exploration Company
Hassie Hunt, Incorporated
Haverill Gas Company
Highland Resources, Inc.
Home Petroleum Corporation
Houston Oil and Minerals Corporation
Hudbay Exploration, Inc.
Hunt Energy Corporation
Hunt Industries
Hunt Investment Corporation
Hunt Oil Company
Hunt Petroleum Corporation
Husky Oil Company
H. W. Bass & Sons, Inc.
ICI Delaware Inc.
Idemitsu Alaska Oil Development Corporation
Inexco Oil Company
ISCO, Inc.
Jenney Oil Company, Incorporated
John R. Conolly
Kerr-McGee Corporation
Kevin C. Foster
Knob Hill Oil & Gas Company, Inc.
Koch Industries, Inc.
Ladd Petroleum Corporation
Lamar Hunt
Lamar Hunt Trust Estate
Long Island Lighting Company
Louisiana Land and Exploration Company (The)
Louisiana Land Offshore Exploration Company, Inc.
MAPCO Inc.
Marathon Oil Company
Margaret Hunt Trust Estate
Marline Oil Corporation
Maruzen Oil of Alaska, Inc.
McCulloch Oil and Gas Corporation
McMoran Exploration Co.
Merrimack Valley Exporation Corporation
Mesa Petroleum Co.
Mitchell Energy Offshore Corporation
Mono Power Company
Monsanto Company
Murphy Oil Corporation
National Exploration Company
National Fuel Gas Distribution Corporation
Natomas Offshore Exploration, Inc.
NATRESCO INCORPORATED
Natural Gas Corporation of California
Nelson B. Hunt
Nelson Bunker Hunt Trust Estate

Nepco Exploration Corporation
New England Energy Incorporated
Newmont Oil Company
New York State Electric & Gas Corporation
Niagra Mohawk Power Corporation
Nicor Exploration Company
Norse Petroleum (U.S.) Incorporated
Northern Natural Gas Company
Northern Michigan Exploration Company
North Oil Inc.
Northwestern Mutual Life Insurance Company (The)
Ocean Oil and Gas Company
Ocean Production Company
Offshore Company (The)
Ogle Petroleum Inc.
Oil Development Company of Texas
OKC Corp.
Orange and Rockland Utilities, Inc.
OXY Petroleum, Inc.
PanCandian Petroleum Company
Pan Eastern Exploration Company
Pavilion Natural Gas Company
PELTO Oil Company
Pennzoil Company
Pennzoil Louisiana and Texas Offshore, Inc.
Pennzoil Oil & Gas, Inc.
Pennzoil Producing Company
Phillips Petroleum Company
Pinto, Inc.
Pioneer Production Corporation
Placid Oil Company
Pogo Producing Company
Prosper Energy Corporation
Pursue Offshore, Inc.
Qedco Offshore
Quest Exploration & Development Co.
Quintana Offshore, Inc.
Reading & Bates Oil and Gas Co.
Reserve Oil, Inc.
Resource Production, Incorporated
Rhode Island Development and Exploration Company
Rochester Gas and Electric Corporation
Rosewood Corporation (The)
Rowan Petroleum, Inc.
Rutherford Oil Corporation
Sabine Production Company
Samedan Oil Corporation
Santa Fe Minerals Co.-U.S.
Sohio Natural Resources Company
SONAT Exploration Company
South Coast Corporation (The)
Southern Natural Gas Company
Southland Royalty Company
St. Joe Petroleum (U.S.) Corporation
St. Lawrence Gas Company, Inc.
Sun Oil Company (Delaware)
Superior Oil Company (The)
Syracuse Suburban Gas Company, Inc.
Tenneco Exploration, Ltd.
Tenneco Exploration II, Ltd.
Tenneco OCS Company, Inc.
Tenneco OCS Limited Partnership
Tenneco Offshore Company, Inc.
Tenneco Oil Company
Terra Resources, Inc.
Tesoro Petroleum Corporation
Texas Eastern Exploration Co.
Texas Gas Exploration Corporation
Texasgulf Inc.
Texas Pacific Oil Company, Inc.
Texas Production Company
Total Petroleum, Inc.
Transco Exploration Company
TransOcean Oil, Inc.
Union Oil Company of California
United Energy Resources, Inc.
United Gas Pipe Line Company
United States Steel Corporation
Vsea, Inc.
Weeks Petroleum Corporation
Wewoka Exploration Company
W. H. Hunt
William Herbert Hunt Trust Estate
Williams Exploration Company

In addition, statements of production have been received from nine companies which produced a daily average of 1.6 million barrels or more of crude oil, natural gas and liquified petroleum products during the previously mentioned production period, and therefore are restricted from bidding jointly with each other during the bidding period of May 1, 1978, through October 31, 1978. This list appeared in the FEDERAL REGISTERS of April 13, 1978, and April 18, 1978, cited as 43 FR 15500 and 43 FR 16427.

MAY 19, 1978.

Acting Director,
Bureau of Land Management.

[FR Doc. 78-14589 Filed 5-24-78; 8:45 am]

[4310-70]

National Park Service

[Order No. 1]

ADMINISTRATIVE CLERK; MOORES CREEK NATIONAL MILITARY PARK, N.C.

Delegation of Authority

Section 1. Administrative Clerk (typing). The administrative clerk may execute, approve, and administer contracts not in excess of $1,000 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: April 4, 1978.

JOHN W. STOCKERT,
Superintendent, Moores Creek National Military Park.

[FR Doc. 78-14643 Filed 5-25-78; 8:45 am]

[4310-70]

[Order No. 2]

ADMINISTRATIVE OFFICER, ET AL.; BIG THICKET NATIONAL PRESERVE

Delegation of Authority Regarding Purchasing Authority

Section 1. *Administrative Officer.* The administrative Officer may issue contracts not in excess of $25,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

Section 2. *Administrative Clerk.* The administrative clerk may issue purchase orders not in excess of $500 for equipment, supplies, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

Section 3. *Revocation.* This order supersedes Order No. 1, Big Thicket National Preserve, Dated July 18, 1975, and published November 26, 1975 (FR Doc 75-3213).

(National Park Service Order No. 77, 38 FR 7478, as amended. Southwest Region Order No. 5, 37 FR 7722, as amended.)

Dated: April 27, 1978.

THOMAS E. LUBBERT,
Superintendent.

[FR Doc. 78-14641 Filed 5-24-78; 8:45 am]

[4310-70]

[Order No. 1]

ADMINISTRATIVE SERVICES ASSISTANT; ABRAHAM LINCOLN BIRTHPLACE NATIONAL HISTORIC SITE, KY.

Delegation of Authority

Section 1. *Administrative Services Assistant.* The administrative services assistant may execute, approve, and administer contracts not in excess of $2,000 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: April 3, 1978.

NICHOLAS J. EASON,
Superintendent, Abraham Lincoln Birthplace NHS.

[FR Doc. 78-14642 Filed 5-24-78; 8:45 am]

[4310-70]

REDWOOD NATIONAL PARK

Public Workshops for the Development of a General Management Plan; Notice of Intent

Notice is hereby given that the National Park Service will hold a series of eleven public workshops in southern Oregon and California in June 1978, to provide for public involvement in the initial phase of developing a General Management Plan for Redwood National Park.

The workshops, each of which will begin at 7:30 p.m., will be held in the following locations:

June 6, 1978—Multipurpose Room, Del Norte County High School, 1301 Eldorado, Crescent City, Calif.
June 7, 1978—Brookings Harbor High School Auditorium, Pioneer Road, Brookings, Oreg.
June 8, 1978—Cafeteria, Hidden Valley High School, 651 Murphy Creek Road, Grants Pass, Oreg.

June 12, 1978—Cafeteria, Margaret Keating School, Minot Creek Road, Klamath, Calif.
June 13, 1978—Community Center, Orick, Calif.
June 14, 1978—Multipurpose Room, Arcata High School, 720 M St., Arcata, Calif.
June 15, 1978—Cafeteria, Eureka Senior High School, 1915 J St., Eureka, Calif.
June 19, 1978—Headquarters, Golden Gate National Recreational Area, Building 201, Fort Mason, San Francisco, Calif.
June 20, 1978—Cafeteria, Claremont Jr. High School, 5750 College Ave., Oakland, Calif.
June 21, 1978—Little Theater, Hiram Johnson's Senior High School, 6879 14th Ave., Sacramento, Calif.
June 22, 1978—Cafeteria, Anaheim High School, 811 West Lincoln Ave., Anaheim, Calif.

Concurrent with these public workshops the National Park Service will consult with appropriate Federal, State and local government officials, organizations and individuals about the planning projects.

The purpose of these workshops and consultations is to provide a broad-based public involvement program through which the National Park Service seeks citizen participation and assistance as it formulates a draft General Management Plan for the Park. A General Management Plan is the long-range document which guides the development and management of a unit of the National Park Service.

Anyone wishing additional information on these workshops, the National Park Service planning process, or wanting to submit comments for the development and management of Redwood National Park may do so by writing to the Superintendent, Redwood National Park, 1111 Second St., Drawer "N", Crescent City, Calif. 95531.

Dated: April 20, 1978.

JOHN H. DAVIS,
Acting Regional Director, Western Region, National Park Service.

[FR Doc. 78-14640 Filed 5-24-78; 8:45 am]

[4310-70]

APPALACHIAN NATIONAL SCENIC TRAIL ADVISORY COUNCIL

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Appalachian National Scenic Trail Advisory Council will be held at 10 a.m., e.d.t., on June 14, 1978, in Room 3121, Department of the Interior, 18th and C Streets NW., Washington, D.C.

The purpose of the meeting is to provide an opportunity for a steering committee of the full Council to advise representatives of the Secretary of the Interior on implementation of a recently-enacted Appalachian Trail bill. The steering committee will review plans to establish a new legislatively-mandated Advisory Council, to implement a two-year comprehensive planning requirement and to carry out a three year federal land acquisition program.

The meeting will be open to the public, although space will be limited. Persons will be accommodated on a first-come, first-serve basis. Any person may file with the Council a written statement concerning the matters to be discussed. Persons wishing further information concerning this meeting or who will wish to submit written statements may contact David A. Richie, Project Manager, Appalachian Trail Project Office, National Park Service, Harpers Ferry, W. Va., 25425; telephone 304-535-6371, extension 278.

Minutes will be available for public inspection four weeks after the meeting at the Appalachian Trail Project Office, 596 Fillmore Street, Harpers Ferry. Copies of the Minutes may also be obtained by writing to the Appalachian Trail Project Office, National Park Service, Harpers Ferry Center, Harpers Ferry, W. Va. 25425.

Dated: May 18, 1978.

DAVID A. RICHIE,
Project Manager, National Park Service.

[FR Doc. 78-14639 Filed 5-24-78; 8:45 am]

[4310-05]

Office of Surface Mining Reclamation and Enforcement

STATE OF TEXAS ET AL.

Petitions to Initiate Rulemaking

AGENCY: Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

ACTION: Notice seeking comments on petitions.

SUMMARY: In accordance with the rules and regulations of the Office of Surface Mining Reclamation and Enforcement, 30 CFR 700.12(c), notice is hereby given that this Office is now seeking comments from the public concerning petitions submitted by the State of Texas, the Dow Chemical Co., the National Coal Association/American Mining Congress Joint Committee on Surface Mining Regulations, the Monterey Coal Co., and the Carter Oil Co.

The State of Texas petitions for clarification, interpretation and reconsideration or, in the alternative, for amendment or repeal of the prime farmlands provisions of the interim regulations. The State of Texas has simultaneously filed with the Secretary of Agriculture a petition for clarification, interpretation and reconsideration of the Department of Agriculture's final rule on prime farmlands.

The Dow Chemical Co. seeks reconsideration or, in the alternative, amendment or repeal of 15 provisions of the interim regulations, objecting generally that these provisions are arbitrary and unreasonably inflexible.

The National Coal Association/American Mining Congress Joint Committee on Surface Mining Regulations (hereinafter "Joint Committee") seeks postponement of the effective date of the interim regulations, and requests that expedited rulemaking procedures be initiated to repeal or modify those provisions specifically challenged. The Joint Committee suggests that many of the provisions are unnecessary, unreasonable, or without a statutory basis.

The Monterey Coal Co. is a wholly-owned subsidiary of the Carter Oil Co., and the petitions of these companies contain verbatim objections to many of the same provisions, alleging generally that the requirements are unnecessary, burdensome, and environmentally unsound.

DATES: Comments must be received by June 26, 1978.

ADDRESSES: Interested persons should address their comments to the Director, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240, 202-343-4006. The petitions and all comments in response to this notice will be available for public inspection during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT:

John Beattie, 202-343-5207.

SUPPLEMENTARY INFORMATION: The State of Texas is concerned with the effect of the prime farmlands provisions on mining Texas lignite coal, and asserts that the classification scheme of these provisions misclassifies Texas near-surface lignite lands as prime farmlands, thereby triggering the soil horizon segregation requirements. Texas claims that this result is unreasonable because most Texas near-surface lignite lands are not farm but grazing lands.

Specifically, Texas claims that § 716.7(b) ignores the general criteria for designation of lands as prime farmlands, and suggests that this section be amended so as to allow waiver of the more technical criteria for prime farmlands where application of the general criteria imply that an area cannot reasonably be regarded as fit for intensive agricultural purposes. Texas suggests that § 716.7 (a)(2) and (d)(1) are ambiguous with respect to the meaning

of "cultivated crops," and requests clarification so as to exclude from the meaning of the phrase forage commonly grown without a cultivator. In addition § 716.7(d) is opposed on the grounds that the slope criterion is impracticable for Texas lignite lands.

Texas suggests that § 716.7(d)(4) should be interpreted to allow the regulatory authority discretion to make a negative determination in classifying prime farmlands where the area in question is too small for intensive agricultural purposes. Texas is concerned as well with the interpretations of § 716.7 (d) and (g) as these sections relate to soil and overburden removal, storage, and replacement, and requests clarification to allow these operations without soil segregation, where appropriate. In addition, Texas seeks clarification to the effect that § 716.7 (d) and (g), so interpreted, control § 716.17 (e)(3), (g)(2), (g)(4), and (g)(5), and incorporate into the latter sections the discretion to waive soil segregation requirements.

Finally, Texas requests that § 716.7 (e)(4) and (f)(1)(i) be clarified to provide that non-agricultural lands bordering on agricultural lands need not be restored to the latter's productivity levels merely because of physical proximity.

Dow Chemical objects first to § 715.14(h) (1), (3), and (4) and 715.15(a) on the grounds that (1) requiring spoil and waste to be transported will result in alteration of the approximate original contour, in contravention of specific prohibitions in the Act; and (2) the intended results can be achieved merely by backfilling and grading.

Next, Dow asserts that the rill and gully requirements of § 715.15(i) are arbitrary and capricious and exceed the authority of section 515(b)(2) of the Act, that § 715.16(a)(1) should be changed to allow the regulatory authority discretion to decide under what circumstances erosion control is necessary, and that § 715.16(a)(2) should be repealed entirely because it is arbitrary and capricious and beyond the scope of authority granted by section 515(b)(5) of the Act. Section 715.16 (a)(4)(iii) and (b)(1) are opposed because their requirements are allegedly not site specific and, as such, are arbitrary. Dow proposes allowing the regulatory authority discretion with respect to the mandates of these sections. Sections 715.17 (c) and (g) are said to be inconsistent with the terms of section 515(b)(10) of the Act, in that the latter only requires minimization but not prevention of adverse environmental effects.

Dow asserts that § 715.17(b)(2) contains arbitrary requirements for effluent limitations of runoff, and that the "5 years out of the 20 years preceding * * *" criterion for prime farmlands in §§ 716.7 (a)(1) and (d)(1) is not among the criteria promulgated by the Secretary of Agriculture pursuant to his authority to define "prime farmlands."

Finally, Dow suggests that § 722.14 is unreasonable in that it allows valid service of process on any person who appears to be in charge of a miming or reclamation operation, and requests that this section be changed to require expressly (1) that immediate actual notice be given to a responsible official of the operator where the operator or permittee or a designated agent is not served, and (2) that all notices conform to the requirements of section 521(a)(5) of the Act as regards their contents.

The Joint Committee asserts first that the definition of "regulatory authority" in § 700.5 is ambiguous in that it leaves unclear where the ultimate authority for aproval lies. Next, § 710.11(d) is said to be beyond the scope of authority of section 502(c) of the act and to impose requirements for pre-existing non-conforming structures to which it will be nearly impossible to conform because of conditions in the coal field. Sections 715.13 (a) and (b) which require that lands improperly managed prior to mining be restored to the condition of lands properly managed prior to mining, are claimed to exceed the mandates of the act. Sections 715.14 and 715.15(b) are opposed because they are allegedly not site specific, and hence unnecessary, arbitrary, and unreasonable. Section 715.15(a)(8) is said to exceed the scope of section 515(d)(1) of the act. The topsoil handling standards of § 715.16 are said to exceed the scope of sections 515(b) and 502(c) of the Act. The topsoil handling requirements as they apply to selected overburden, in § 715.16(a)(4)(iii), are said to be unnecessary and unjustified.

The Joint Committee questions §§ 715.17 (a) and (e) because the requirement that alkaline water be treated for manganese is said to be inconsistent with EPA's water pollution control rules, and it is further alleged that in any event such treatment is unnecessary because manganese concentrations normally found in mining operations discharges do not have adverse environmental effects. The Office intends to withdraw its rule in § 715.17(a) regarding the treatment of alkaline water for manganese and has so advised the Federal District Court in the Surface Mining Regulation Litigation. Thus, this part of the Joint Committee's petition is now moot.

The buffer zone requirement of § 717.17(d)(3) is said to be without statutory, scientific, or technical justification.

The Joint Committee next requests an extension of the compliance date for implementing programs under § 715.17(h), alleging the complexity of such programs as its reason. Section 750.17(j) is asserted to be overly restrictive in implementing section 510(b) of the act, and in any event as beyond the scope of authority of section 502(c) of the act. Section 715.17(b)(2) is also alleged to exceed the scope of authority of section 502(c) of the act, and § 715.18 is questioned because it conflicts with the MESA regulations for dams.

Regarding explosives, the Joint Committee questions the reasonableness of applying the regulations to blasts of the size covered by § 715.19, opposes the decibel level limitations as lower than necessary and as promulgated without opportunity for formal comment, and maintains that the particle velocity limitation is unjustified. The personnel requirements of § 715.19(a)(3) are said to overlap and partially conflict with MESA's rules, and thus stand in conflict with section 702(a) of the act. The distance specifications of §§ 715.19(e)(1)(vii) (A) and (B) are alleged to be inconsistent with section 522(e)(5) of the act.

It is suggested that § 715.20(a)(2) be amended to provide that vegetative cover must stabilize soil surface only in those areas where such cover existed naturally, and that § 715.20(d) be amended to provide that mulching is required only where it will assist revegetation.

The Joint Committee maintains that § 716.7 exceeds the scope of authority granted in section 502(c) of the act, and that § 716.7(a)(2) limits the scope of protection of grandfather rights provided by section 510(d)(2) of the act.

Part 717 is opposed in its entirety on the grounds that regulation of the effects of underground mining during the interim period is beyond the scope of authority of section 502(c) of the act. Sections 717.14, 717.15 and 717.17(g)(4) are opposed because they are not site specific. In addition, § 717.17(g)(4) is opposed because its requirements allegedly cannot be met within the prescribed time period.

In the enforcement area, the Joint Committee contends that the time requirements of § 722.12(d) constitute an arbitrary interpretation of the language of section 521(a)(3) of the act, and that § 722.16(d)(2) is unreasonable because it does not set forth standards for whether a violation warrants suspension or revocation of a permit.

Finally, regarding civil penalties the Joint Committee objects to § 723.12(d) on the grounds that its definition of negligence deviates from accepted legal definitions, and to § 723.18(c) because it allegedly binds the Office of Hearings and Appeals to a point system, thereby encroaching upon the judicial discretion of administrative law judges.

Sections of Monterey Coal Co's petition question for the same reasons the same regulations at issue in Carter Oil Co.'s petition; in many places the language of the contention is verbatum. Both petitioners object to §§ 715.17(d) and 717.17(d), claiming that it is unnecessary and unreasonable to require consultation with both State and Federal fish and wildlife management agencies regarding stream channel diversions. Both object to §§ 715.17(g)(5) and 717.17(g)(5) because these sections allegedly could be interpreted to require plugging all boreholes and wells, a result thought environmentally unnecessary and economically impracticable. They further object to § 715.17(h)(2) because the ground water requirements do not make clear when, if ever, selective backfilling may be required; to the definition of "significant, imminent harm to land, air, or water resources" in § 700.5, on the ground that, as it relates to § 722.11(b), the definition grants excessively broad authority to inspectors; to § 722.11(b), the definition grants excessively broad authority to inspectors; to § 721.15(b) on the ground that it appears to grant inspectors unlimited inspection and copying rights; and to § 722.12 because the time limit for abating nonimminent danger or harm is arbitrary and unnecessarily harsh. Finally, both companies oppose § 723.17 because it fails to require that notice of conferences be given to operators, and because it allows any person to attend the conference.

Individually, Monterey asserts that §§ 715.16 and 717.20 if read together with § 710.11(d), require modification of pre-existing structures in order to remove any underlying topsoil, a result thought to be environmentally and economically detrimental. Monetary suggests amendment of these sections to provide that removal of topsoil be required only from areas to be used for new structures or facilities.

Monetery opposes § 715.15 because it appears to be an absolute prohibition of waste disposal in valley or head of hollow fills. Section 717.17(g)(4) is said to contain unreasonably short-time requirements for waste burial. Monetrey objects to § 717.18(b)(2), stating that it is unnecessary to abandon existing dams which have not been approved by the regulatory authority by May 3, 1978. Sections 715.17(a) and 717.17 are said to contain unnecessary requirements for surface drainage. Monterey claims it is not always necessary to treat such drainage to meet the same effluent limitations as apply to drainage from active mines, nor is it necessary always to route such drainage through semimentation ponds. In that regard, Monterey opposes §§ 715.17(e) and 717.17(e) because the sediment control requirements will result in unnecessarily large sediment ponds, and will impose severe problems in steeply sloping areas.

Individually, Carter Oil objects to §§ 715.17(e)(6) and 717.17(e)(6), stating that in many instances the spillway construction requirements will not benefit the environment or the health and safety of the public.

The petitions are being considered under the authority of section 201(g) of the Act and 30 CFR 700.12 of the rules and regulations of the Office of Surface Mining Reclamation and Enforcement.

Comments should include relevant data for affected mines and should be addressed to the specific issues raised. At the close of the comment period, a determination will be made regarding the necessity of conducting a further investigation. However, it is anticipated that the comments will provide a sufficient basis for a final decision on these petitions, which will be made shortly after the close of the comment period.

Dated: May 15, 1978.

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

[FR Doc. 78-14659 Filed 5-24-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

IMPORTATION OF CONTROLLED SUBSTANCES

Application

Pursuant to section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with Section 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on April 28, 1978, Argon Research Corp., 336 West Liberty Street, Reno, Nev. 89501, made application to the Drug Enforcement Administration to be registered as an importer of the basic class of controlled substances listed below:

Drug:	*Schedule*
Imported raw opium	II
Opium plant form	II
Concentrate of poppy straw	II

As to the basic class of controlled substances listed above for which application for registration has been made, any other applicant therefor, and any existing bulk manufacturer registered therefor, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than June 26, 1978.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street NW., Washington, D.C. 20537.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in schedule I or II are and will continue to be required to demonstrate to the Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e), and (f) are satisfied.

Dated: May 18, 1978.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc. 78-14677 Filed 5-24-78; 8:45 am]

[4410-01]

MANUFACTURE OF CONTROLLED SUBSTANCES

Application

Pursuant to 21 U.S.C. 823(a)(1), and section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on April 28, 1978, Argon Research Corp., 336 West Liberty St., Reno, Nev. 89501, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic class of controlled substances listed below:

Drug:	*Schedule*
Opium extracts	II
Opium fluid extracts	II
Opium powders	II
Opium granulated	II
Opium tinctures	II
Codeine	II
Thebaine	II

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be ad-

dressed to the Administrator, Drug Enforcement Administration, U.S. Department of Justice, 1405 I Street NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than June 26, 1978.

Dated: May 18, 1978.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc. 78-14676 Filed 5-24-78; 8:45 am]

[4410-18]

Law Enforcement Assistance Administration

STUDY OF NONTERRORIST COLLECTIVE DISORDERS

Solicitation

The National Institute of Law Enforcement and Criminal Justice announces a competitive research grant to study nonterrorist collective disorders. The three-stage project will include: (1) An extensive review and analysis of the existing literature on collective disorders and violence; (2) nation-wide, big-city surveys of both participant groups and regulatory agencies to collect data on the descriptive, dynamic, causal, and strategic aspects of collective disorders and their control; and (3) design of a recommended research agenda for the Institute, based on literature and survey findings. Project activities should address two overall research goals: (a) To increase our knowledge and understanding of the descriptive, dynamic, causal, and strategic aspects of collective disorders and their control; and (b) to apply this knowledge to the improvement of the policies and operations of criminal justice and other agencies involved in collective disorder regulation. The grant would be awarded for 24 months, at a maximum funding level of $300,000.

The solicitation requests submission of full proposals and requires that submitting organizations have experience in and resource capabilities for designing and conducting research on social issues. Additional qualifications include experience in survey research methodology as well as in the substantive areas of collective disorders and violence. Finally, criminal justice expertise would also be desirable. However, please be advised that LEAA policy stipulates that profit-making organizations are not eligible for National Institute grants.

In order to be considered for funding, all proposals must be postmarked no later than June 23, 1978.

Copies of the solicitation and additional information can be obtained by sending a mailing label to: Collective Disorders Project, Community Crime Prevention Division, Office of Research Programs, National Institute of Law Enforcement and Criminal Justice, 633 Indiana Avenue NW., Washington, D.C. 20531.

Dated: May 1, 1978.

Approved:

BLAIR G. EWING,
Acting Director.

[FR Doc. 78-14631 Filed 5-24-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-409]

DAIRYLAND POWER COOPERATIVE

Proposed Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-45 issued to Dairyland Power Cooperative (the licensee) for operation of the La Crosse Boiling Water Reactor (LACBWR) located in Vernon County, Wis.

The amendment would change the license to allow more spent fuel to be stored at LACBWR by modifying the storage racks in the spent fuel pool. The proposed modifications would increase the storage capacity from 134 to 448 fuel assemblies by replacing the existing storage racks with those of a design capable of accommodating an increased number of assemblies in accordance with the licensee's application for amendment dated April 20, 1978.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By June 26, 1978, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject provisional operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR § 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, how the interest may be affected by the results of the proceeding, the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene, and, shall include the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend his petition, but such an amended petition must satisfy the specificity requirements described above. Not later than fifteen (15) days prior to a special prehearing conference held pursuant to 10 CFR § 2.751a, the petitioner shall file a supplement to his petition to intervene which must include a list of the contentions which he seeks to have litigated in the matter, and the bases for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. by the above date. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to O. S. Heistand, Jr., Esq., Morgan, Lewis and Bockius, 1800 M Street NW., Washington, D.C. 20036, attorney for the licensee.

A petition for leave to intervene which is not timely will not be granted unless the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition determines that the petitioner has made a substantial showing

of good cause for failure to file on time and after considering those factors specified in 10 CFR § 2.714(a)(1)-(4) and § 2.714(d).

For further details with respect to this action, see the application for amendment dated April 20, 1978, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the La Crosse Public Library, 800 Main Street, La Crosse, Wis. 54601.

Dated at Bethesda, Md., this 19th day of May 1978.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-14652 Filed 5-24-78; 8:45 am]

[7590-01]

[Docket No. 50-289]

METROPOLITAN EDISON CO., ET AL. (THREE MILE ISLAND NUCLEAR STATION UNIT NO. 1)

Modification of Conditions of Exemption

I.

Metropolitan Edison Co., Jersey Central Power & Light Co., and the Pennsylvania Electric Co. (the licensees), are the holders of Facility Operating License No. DPR-50 which authorizes the operation of the nuclear power reactor known as Three Mile Island Nuclear Station, Unit No. 1 (TMI-1 or the facility), at steady state power levels not in excess of 2535 megawatts thermal (rated power). The facility consists of a Babcock & Wilcox Co. (B&W) designed pressurized water reactor (PWR) located at the licensees' site in Dauphin County, Pa.

II.

On April 27, 1978, the Commission granted the licensees of TMI-1 an exemption from the requirement of 10 CFR 50.46(a) that Emergency Core Cooling System (ECCS) performance be calculated in accordance with an acceptable calculational model which conforms to the provisions in Appendix K. This exemption added license conditions requiring limitation of operating power level, adherence to certain operating procedures, and submission of additional analyses of ECCS performance.

The need for this exemption arose from the recent identification of certain errors in the ECCS performance calculations submitted by Metropolitan Edison Co. (Met Ed) in accordance with the requirements of the Commission's regulations, 10 CFR 50.46. Following discovery of these errors, Met Ed, by letter dated April 27, 1978, requested such an exemption to permit operation of TMI-1 at 100-percent of full power (2,535 MWt). In support of their request, Met Ed submitted calculations which addressed these errors assuming specified operator actions were completed within a defined period of time following the postulated accident.

In their submittal of April 27, 1978, Met Ed also stated that they had modified certain plant procedures to p rovide the necessary operator actions on a time scale consistent with that assumed in the analysis, and that they had conducted a drill to verify that the assumed operator response time was achievable. Met Ed committed to submit as soon as possible a request for amendment of the TMI-1 Technical Specifications as appropriate to reflect adoption of these procedures, and committed to submit a proposal for a permanent solution to this problem by July 24, 1978.

By letter dated May 3, 1978, Met Ed verified that the necessary modifications to plant procedures had been fully implemented. This submittal also described the tests that had been conducted.

Based on our review of the Met Ed submittal of April 27, 1978, we found that the calculations did not clearly support the conclusion that the most limiting break size had been identified. Accordingly, we could not conclude that operation of TMI-1 at 100 percent of full power (2,535 MWt) would be fully in conformance with 10 CFR 50.46. On the other hand, for operation at power levels up to 91 percent of full power (2,311 MWt), ECCS performance calculations for a range of small breaks indicated that the limiting break would not result in core uncovery, if appropriate operator action (equivalent to that assumed in the calculations) were properly taken, thus providing a very substantial margin on peak clad temperature below the limits of 10 CFR 50.46(b).

Therefore, on April 27, 1978, we granted TMI-1 an exemption from the provisions of 10 CFR 50.46 subject to the conditions that power would be limited to 91 percent of full power (2,311 MWt); that additional analyses, as specified by the NRC staff, would be submitted as soon as possible; and that the facility would be operated in accordance with the procedures described in the Met Ed letter of April 27, 1978.

By letter dated May 3, 1978, Met Ed verified that the modifications of plant procedures necessary to assure proper operator action in the event of a small break had been implemented on April 27, 1978. In this submittal Met Ed also described the tests that had been conducted to verify the acceptability of the procedures. Based on our review of this submittal, supplemented by discussions with Met Ed we have concluded that the procedures applicable to small breaks implemented by Met Ed are acceptable.

The Met Ed submittal of May 3, 1978, also presented the results of analyses performed by the reactor vendor (Babcock & Wilcox) for reactor coolant pump discharge line break sizes of 0.17, 0.15, 0.13, 0.1 and 0.04 ft.^{2} at a reactor power level of 2,568 MWt. This power level is representative of the full power rating of similar Babcock & Wilcox-designed reactors and encompasses the 2,535 MWt full power rating of TMI-1. Based on these results, B&W states that with operator action consistent with that modeled in the analysis, a 0.13 ft.^{2} discharge line break is the most limiting case. In this case, core uncovery occurs for about 350 seconds and the conservatively calculated peak clad temperature is approximately 1550° F. This temperature is well below the limit specified in 10 CFR 50.46(b).

Based on our review of these analyses, we find that the calculations support the conclusion that a 0.13 ft.^{2} discharge line break is the most limiting case. However, the analyses do not demonstrate that the assumptions employed in supplying heat inputs to the FOAM portion of the calculations were conservative. We are also reviewing whether use of simplified input in the FOAM calculations satisfies the requirement for calculation using an approved model. Accordingly, we cannot conclude at this time that operation of TMI-1 at 100 percent of licensed power would be fully in conformance with 10 CFR 50.46. On the other hand, for operation of this facility at power levels up to 100 percent of full power (2,535 MWt), ECCS performance calculations for the limiting small break indicate that this break has a very substantial margin on peak clad temperature below the limits of 10 CFR 50.46(b) if operator action consistent with that assumed in the analyses is properly taken. However, until the licensee provides additional analyses to justify that the submitted calculations are suitably conservative, the NRC staff cannot determine that operation of TMI-1 at full power under the conditions of the revised calculations applicable to this facility conforms fully to the requirements of 10 CFR 50.46. Nevertheless, because of the very substantial margin on peak clad temperature below the limits of 10 CFR 50.46(b), the NRC staff believes that operation of TMI-1 at power levels of up to 2,535 MWt in accordance with appropriate operating procedures identified herein will not endanger life or property or the common defense and security, and the conditions which were a part of the exemption of April 27, 1978, may be modified accordingly.

In the course of our review of this matter, two related issues arose: (1) the need to apply greater uncertainties to the measured values of neutron flux in each quadrant of the reactor core and (2) a discrepancy between measured and predicted power distributions which exceeded previously established acceptance criteria.

With respect to the first of these issues, B&W recently reported to Met Ed that on the basis of operational experience and a reevaluation of measurement error statistics and error propagation, greater uncertainties should be applied to the measured values of quadrant flux tilt. This greater uncertainty was necessary to assure that the actual flux tilt did not exceed the limiting value assumed in the evaluation of postulated accidents including a LOCA (including evaluation of ECCS performance for large break LOCAs). A description of the reevaluation and recommended reduced limits on allowable measured flux tilt were presented in a B&W report submitted to the staff on May 11, 1978. By letter dated May 10, 1978, Met Ed requested amendment of the TMI-1 Technical Specifications to reflect the more conservative limits. We have reviewed the B&W report and the Met Ed request relative to this matter and have concluded that the limits requested for TMI-1 are acceptable for full power operation. Use of these limits is authorized this date by Amendment No. 40 to the TMI-1 Operating License No. DPR-50 issued concurrently with this Modification of Conditions of Exemption.

With respect to the second issue, recent measurements of power distribution within the TMI-1 core indicated that the measured power peaking values exceeded the predicted values by more than the previously established acceptance criteria. Because Met Ed was unable to identify any errors in calculation or measurement that would account for this discrepancy, they have concluded that greater uncertainties are associated with their calculational methods than previously believed. Accordingly, Met Ed has evaluated the effect of this added uncertainty on plant operating limits and has reduced the allowable axial power imbalance and the allowable position limits for the Axial Power Shaping Rods (ASPRs) to account for the greater uncertainty. By applying an additional uncertainty of 6 percent, which is greater than the observed deviation above the acceptance criteria, Met Ed developed more restrictive limits on axial power imbalance and APSR position to account for the added uncertainty and, by letter of May 16, 1978, requested amendment of the TMI-1 Technical Specifications to reflect these proposed limits. The staff has reviewed the Met Ed submittal which requested these revised limits and concluded that they are acceptable provided Met Ed compares predicted and measured power distributions after about 25 EFPD of core exposure and reports the results to the NRC. Subject to this condition, use of these limits is being authorized this date by amendment No. 40 to the TMI-1 Operating License No. DPR-50.

Therefore, in the absence of any safety problem associated with operation of the facility during the period until revised calculations wholly in conformance with 10 CFR 50.46 are completed, there appears to be no public interest consideration favoring undue restriction of the operation of the captioned facility. Accordingly, the Commission has determined that continuation of the exemption of April 27, 1978, with modified conditions is appropriate. The exemption is limited to the period of time necessary to complete and review the revised calculations.

III.

Copies of the following documents are available for inspection at the Commission's Public Document Room at 1717 H Street, Washington, D.C. 20555, and are being placed in the Commission's local public document room at the State Library of Pennsylvania, Harrisburg, Pa.

(1) The application for exemption dated April 27, 1978,

(2) Exemption in the matter of Metropolitan Edison Co., Jersey Central Power & Light Co., and Pennsylvania Electric Co., Three Mile Island Nuclear Station, Unit No. 1, dated April 27, 1978,

(3) Supplementary information contained in letter from J. G. Herbein (Met Ed) to R. W. Reid (NRC), dated May 3, 1978, and

(4) This Modification of Conditions of Exemption in the matter of Metropolitan Edison Co., Jersey Central Power & Light Co., and Pennsylvania Electric Co., Three Mile Island Nuclear Station, Unit No. 1.

(5) Amendment No. 40, of this date, to Facility Operating License No. DPR-50, for Three Mile Island Nuclear Station, Unit No. 1, Docket No. 50-289.

IV.

Wherefore, in accordance with the Commission's regulations as set forth in 10 CFR Part 50, the conditions of the exemption from the requirements of 10 CFR 50.46(a) granted the licensees on April 27, 1978, are modified so that effective this date the exemption is conditioned as follows:

(1) As soon as possible, Metropolitan Edison Co., shall submit a reevaluation wholly in conformance with 10 CFR 50.46 of ECCS cooling performance calculated in accordance with the B&W Evaluation Model for operation with operating procedures described in its letters of April 27, 1978, and May 3, 1978.

(2) The power level shall not exceed 2535 MWt, and

(3) Until further authorization by the Commission, Metropolitan Edison Co. shall operate in accordance with the procedures described in its letter of April 27, 1978, supplemented by letter dated May 3, 1978.

Dated at Bethesda, Md., this 19th day of May 1978.

For the Nuclear Regulatory Commission.

VICTOR STELLO, Jr.,
Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

[FR Doc. 78-14654 Filed 5-24-78; 8:45 am]

[7590-01]

NUCLEAR FACILITIES OR MATERIALS

Applications for Export Licenses

Pursuant to 10 CFR 110.70, "Public Notice of Receipt of an Application", please take notice that the Nuclear Regulatory Commission has received the following applications for export licenses during the period of May 1 through May 12, 1978. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

For the Nuclear Regulatory Commission.

Dated this day May 18, 1978, at Bethesda, Md.

JAMES R. SHEA,
Director, Office of International Programs.

[25] 3084

Name of applicant, date of application, date received, and application number	Material in kilograms or reactor type and power level	Enrichment	End-use	Country of destination
Edlow International Co., Apr. 27, 1978, May 1, 1978, XSNM-891, amendment 01.	14,955 uranium	3.55	Reload—Oskarshamn II reactor.	Sweden.
Transnuclear Inc., Apr. 28, 1978, May 3, 1978, XSNM-1313.	14,151 uranium	3.35	Reload—Borssele reactor.	Netherlands.
Edlow International Co., Apr. 27, 1978, May 1, 1978, XSNM-1314.	52,688 uranium	3.55	Reload—Oskarshamn I reactor.	Sweden.
General Electric Co., May 2, 1978, May 3, 1978, XSNM-744, revised end-use.	2.48 plutonium, 61 normal uranium.		Fuel—Creys-Malville fast reactor.	France.
Mitsubishi International Corp., May 2, 1978, May 8, 1978, XSNM-1315.	9,679 uranium	3.15	Reload—Genkai I reactor.	Japan.

[FR Doc. 78-14503 Filed 5-24-78; 8:45 am]

[7590-01]

[Docket No. 50-338]

VIRGINIA ELECTRIC & POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 5 to the Facility Operating License No. NPF-4, issued to Virginia Electric & Power Co., which changes certain conditions contained in Facility Operating License NPF-4 amendment No. 3. The amendment is effective as of its date of issuance.

The amendment implements the final design modification related to the NPSH problem for the recirculation spray system, raises the heat flux hot channel factor (F_Q) limit in accordance with the revised Appendix A Technical Specifications attached to the amendment, and makes appropriate editorial changes to Appendix A to the Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the amendment does not authorize a change in effluent types or total amounts nor an increase in power level and will not result in any significant environmental impact. Having made this determination, it has further been concluded that the amendment involves an action which is insignificant from the standpoint of environmental impact and, pursuant to 10 CFR 51.5(d)(4), that an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) Virginia Electric & Power Co. letters, dated April 14, 1978, and May 5, 1978, (2) amendment No. 5 to License No. NPF-4 with Appendix A Technical Specification page changes, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Board of Supervisor's Office, Louisa County Courthouse, Louisa, Va. 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Va. 22901. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Md., this 19th day of May 1978.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc. 78-14653 Filed 5-24-78; 8:45 am]

[7590-01]

[Docket Nos. 50-502 and 50-503]

WISCONSIN ELECTRIC POWER CO., ET AL. (HAVEN NUCLEAR PLANT, UNITS 1 AND 2)

Prehearing Conference

Take notice that the Atomic Safety and Licensing Board will hold a prehearing conference in this proceeding on Friday, June 9, 1978, at 9 a.m., at the Council Chambers, Sheboygan City Hall, 828 Center Avenue, Sheboygan, Wis.

All parties and petitioners for intervention shall attend this conference and be prepared to fully discuss each of the pending petitions to intervene.

Interested members of the public are also invited to attend this prehearing conference, as well as the evidentiary hearing which will be held at a later time to be fixed by the Board. Persons who have requested an opportunity to make oral or written statements by way of limited appearances will be permitted to do so at the prehearing conference.

So ordered.

Dated at Bethesda, Md., this 17th day of May 1978.

THE ATOMIC SAFETY AND LICENSING BOARD,
EDWARD LUTION,
Chairman.

[FR Doc. 78-14588 Filed 5-24-78; 8:45 am]

[4910-58]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 78-21]

SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Aviation Safety Recommendations A-78-37 through 41.—The National Transportation Safety Board has issued five recommendations to the Federal Aviation Administration (FAA) as a result of investigation into the crash of an Alaska Aeronautical Industries DHC-6-200 into Mount Iliamna after the aircraft strayed off course last September 6 en route from Iliamna, Alaska, to Anchorage. The 11 passengers and 2 crewmembers died in the accident.

The Board's investigation revealed poor operational practices, poor maintenance practices, and inadequate training practices by the operator, and inadequate surveillance of the operator by FAA. Alaska Aeronautical Industries is the 12th largest commuter airline in the nation and transports more than 150,000 passengers each year. As such, the Safety Board believes that the company's operating procedures must provide a high level of safety to the public and that FAA's surveillance must insure that adequate standards are maintained.

Accordingly, the Safety Board on May 17 recommended that the FAA—

Revise the surveillance requirements of commuter airlines by FAA inspectors to provide more stringent monitoring. (A-78-37)

Identify FAA offices responsible for the surveillance of large numbers of air taxi/commuter operators and insure that an adequate number of inspectors are assigned to monitor properly each operator. (A-78-38)

Review the flight operations and training manuals of all commmuter airlines to insure that the requirements of 14 CFR 135 are met and practiced. (A-78-39)

Amend 14 CFR 135.27 to require that flight operations manuals specify: (1) The duties and responsibilities of key management personnel, and (2) positive means to insure the control of flights by company management as well as by the pilots. (A-78-40)

Review the maintenance procedures of air taxi and commuter airlines operators to evaluate the effectiveness of those procedures and to insure adequate company control. (A-78-41)

Each of the above recommendations is designated "Class II—Priority Action."

Highway Safety Recommendations H-789-33 and 34; H-78-35 through

39.—Last September 24, an Usher Transport, Inc., cargo tank-semitrailer transporting 8,200 gallons of gasoline was traveling south on Kentucky Route 11 in Beattyville, Kentucky. As the truck descended a 12.6 percent grade and rounded a sharp curve, railroad flashers activated; the truck crossed the L&N railroad tracks immediately in front of a train and struck a nearby building. The tank overturned onto a vehicle, slid to its final resting position, and the gasoline ignite. Seven persons died and six person were injured as a result of the crash; six buildings were burned beyond repair, and 17 vehicles and 11 other buildings were damaged.

The Board's investigation of this accident is continuing and the probable cause will be determined upon its completion. The Board notes that the area at the bottom of the hill did not provide a sufficient recovery zone for the out-of-control truck. The first building struck was only about 8 feet from the low reveal curb; the other buildings were only about 4½ feet from the curb. Parking was permitted in front of these buildings.

In view of these highway-related problems, the Board on May 17 issued the following safety recommendations:

To the city of Beattyville, working jointly with the State of Kentucky—

Ban all parking on the west side of KY 11 from the L&N Railroad tracks to Main Street. (H-78-33)

Coordinate with the citizens of Beattyville actions necessary to assure the prompt completion of the realignment of KY 11. (H-78-34)

To the State of Kentucky—

Place an activated advance railroad warning sign, extend the 25 m.p.h. zone, determine through application of current technology the safest traversable speed for the curve, and then post a turn sign and an advisory speed plate, before the crest of the 12.6 percent grade on KY 11. (H-78-35)

Improve the surface of the rail/highway grade crossing, the skid resistance properties of the hill, and simultaneously, the superelevation of the curve. (H—78—36)

Develop a policy to prohibit parking adjacent to roads where restrictive geometric conditions exist. (H-78-37)

Review similar downgrades to assure that the most restrictive features on or adjacent to steep downgrades are indicated before the descent begins. (H-78-38)

Work jointly with Beatyville to ban all parking on the west side of KY 11 from the L&N railroad tracks to Main Street and to expedite acquisition of land in the area of the demolished buildings if the new alignment is to pass through this area. (H-78-39)

Recommendations H-78-33 and 34, H-78-35, and H-78-3 are designated "Class 1, Urgent Action." H-78-36 is a "Class II, Priority Action" recommendation, and H-78-37 and 38 are "Class III, Longer-Term Action" recommendations.

Highway Safety Recommendations H-78-40 through 44.—On May 12, 1977, a partially loaded Ford Construction Company flatbed truck towing a flatbed utility semitrailer fully loaded with a loader-backhoe tractor accelerated out of control while descending a curved, steep, long grade on U.S. 221 near Marion, North Carolina. The tractor broke free of the semitrailer and collided with an oncoming van when the truck-semitrailer skidded out of control while attempting to negotiate a curve. Five occupants of the van were killed and three persons were injured.

Board investigation indicated that the capability to maintain control of truck-semitrailer speed while descending the grade was seriously degraded by inoperative semitrailer brakes—the result of inept maintenance performed by the construction crew. Inadequate company policies and procedures provided no significant methods to prevent or correct this type of maintenance. A Bureau of Motor Carrier Safety survey of the company's vehicle maintenance program revealed a serious lack of compliance with the letter or intent of Federal Motor Carrier Safety Regulations.

The Safety Board has previously issued a number of recommendations to the U.S. Department of Transportation and to the Federal Highway Administration that are applicable to preventing unsafe vehicles of this type from operating on an interstate basis. As the result of investigating this accident, the Board on May 16 recommended that the Federal Highway Administration:

Establish a procedure that will serve to identify all carriers, vehicles, and drivers under FHWA jurisdiction. (H-78-40)

Establish a procedure that will serve to inform all carriers and drivers under FHWA jurisdiction of their responsibilities in regard to the Federal Motor Carrier Safety Regulations. (H-78-41)

Maintain strict surveillance of the Ford Construction Company's compliance with the provisions of the Federal Motor Carrier Safety Regulations. (H-78-42)

Investigate and report to the Safety Board on the feasibility of specially funded Federal programs to provide escape routes for out-of-control vehicles along already constructed grades where there is a potential for out-of-control accidents but where escape routes are not justified in strict cost-benefit terms. (H-78-43)

Expedite action to establish a design policy that would prevent further construction of long and/or steep highway grades that have the potential for generating runaway vehicles without providing escape routes. (H-78-44)

Also, the Safety Board reiterated the recommendation that it made in Highway Accident Report NTS B-HAR-78-1 (Tractor-Semitrailer/Schoolbus Collision and Overturn, Rustburg, Va., March 8, 1977):

Revise the enforcement policy which now precludes the filing of charges against drivers and carriers in violation of the Federal Motor Carrier Safety Regulations unless they have previously been served with a copy of the safety regulations to permit the filing of charges for violations under severe circumstances such as preventable, fatal highway accidents. (H-78-12)

The Board requested urgent action on recommendations H-78-42 and H-78-44, above, as it did on reiterated recommendation H-78-12. Priority action is indicated in implementing the other three recommendations issued to FHWA in connection with the Marion, N.C., accident.

RESPONSES TO SAFETY RECOMMENDATIONS

Aviation

A-74-35.—Federal Aviation Administration's letter of April 5 responds to the Board's recommendation to issue an Advisory Circular augmenting the information in FAA's Advisory Circular No. 20-43B, "Aircraft Fuel Control," to (a) alert general aviation pilots of the primary difficulties causing fuel starvation; and (b) warn certificated flight instructors of the danger associated with simulation of emergency engine failure by positioning the fuel selector valve to "off" or the mixture control to "idle cutoff."

FAA reports that Part 61, Certification Bulletin No. 75-3 in Appendix 2 of FAA Order 8420.8, Certification: Pilots and Flight Instructors, was issued on April 16, 1975. This bulletin directs inspectors to ensure that the subject of simulated engine failure in single-engine airplanes is given special emphasis in contacts with pilot schools and flight instructors. A copy of this bulletin is attached to FAA's response.

A-74-110.—FAA's letter of April 4 responds to the Board's inquiry of March 7 regarding notification of any change in FAA's position concerning this recommendation—one of ten evolving from the Safety Board special study, "Safety Aspects of Evacuation from Air Carrier Aircraft." The recommendation asked FAA to require air carriers to designate the flight attendant(s) who will be responsible for use of the megaphone(s) during an evacuation, and relocate the megaphone(s) so they are within easy reach of that flight attendant(s)' seat, and to consider installing new, light, and compact megaphones to facilitate stowage and use.

FAA reports that the A-74-110 recommendations were included in the Operations Review as Proposal 427; a portion of the recommendations is included in Proposal 428 in a slightly modified form. Proposals 427 and 428 will be disposed of in a future notice of proposed rulemaking, according to FAA.

A-74-124.—FAA on April 5 reported completed action with respect to this recommendation which asked amendment of 14 CFR 135.138 to require

adequate testing of knowledge of hydroplaning phenomena and associated operating techniques for use when hydroplaning conditions are encountered unexpectedly. FAA reports that Part 135, Operations Bulletin 75-1 in Appendix 2 of the FAA Order 8430.1A, Commuter and V/STOL Air Carrier Handbook, was issued on March 3, 1975. This bulletin (copy attached to FAA's letter) directs principal operations inspectors to emphasize hydroplaning phenomena to their assigned air carriers and ensure that the problem is covered in the carrier's pilot training program.

A-76-8 through 14.—FAA's April 14 letter supplements its June 16, 1976, response to these recommendations which were issued following Board investigation of the fire which erupted in an Overseas National Airways DC-10-30 on Takeoff from John F. Kennedy International Airport (JFK), Jamaica, New York, on November 12, 1975. The fire erupted in the area of the right engine after the aircraft encountered a flock of sea gulls which had been on the runway.

With reference to A-76-8, FAA reports on actions to disperse birds at New York and New Jersey Port Authority airports. Patrols are in constant operation and dispatched to disperse birds from the airports by means of noise devices, distress calls, crackershells, and, under extreme conditions, live ammunition when the birds fail to react to the nonlethal stimuli. FAA also reports that the Chapel Pond at JFK was drained and monitored for bird activity for 3 months. Afterwards, the pond was filled and also monitored for bird activity, and after 3 months it was determined that the pond did attract a substantial number of birds. The pond was drained again and has remained so.

Regarding A-76-9, FAA states that the findings and recommendations in a study by JFK's Bird Hazard Patrol were incorporated in FAA Order 5200.6, Guidelines for the National Plan on Bird Hazard Detection and Control, dated November 15, 1976 (a copy is attached to FAA's letter), which is being implemented by all regions.

In answer to A-76-10, FAA established a special program to review the airport operations manuals on a semiannual basis to ensure that they were being maintained up-to-date and to assure the adequacy of their bird reduction programs. FAA's certification staff continued this program through several cycles, and FAA finds that the operations manuals and the bird hazard reduction programs therein are adequate and current.

FAA states that Order 5200.6, particularly paragraph 6.c.(2), provides for appropriate action in response to recommendation A-76-11, which called for FAA's requiring that a specially trained, staffed, and equiped bird-dispersal organization be established at each controlled certificated airport with a recognized bird-hazard problem.

FAA notes that recommendation A-76-12, calling for amendment of 14 CFR 139.67 to require that an ecological study be conducted to determine the measures necessary for an effective bird-hazard reduction program, was closed by Safety Board action June 16, 1977, based on "Acceptable Alternate Action."

With reference to A-76-13, FAA states that expansion of FAA Form 5280.3, Airport Certification Safety Inspection, to include more detailed criteria for use by airport certification specialists in evaluating the bird hazard potential at an airport should be completed within the next 60 days.

Regarding A-76-14, FAA reports working closely with the Port Authority of New York and New Jersey to improve control of ecological problems within their jurisdiction. Implementation of Order 5200.7 provides a basis for consideration of all items listed in the recommendation, FAA said.

A-76-136 and 137.—FAA's letter of April 10 is in response to Board inquiry of February 28. Once again, FAA takes exception to the recommendation of instituting regulatory action at this time on a runway coefficient of friction measuring program. FAA's objection to the recommendation is directed toward the economic and technological aspects of such action.

As to the economic aspect, FAA states that a universal requirement by rule for runway surface friction measurements would encumber some 500 airport operators and produce minimal or inadequate results. The purchase cost of the equipment alone to the individual airport operators would be around $17.5 million; an additional responsibility for operations and maintenance costs would also be placed on each operator. Most of the potentially affected airports have a very limited employee force and therefore would be severely impacted, FAA stated.

As to the technology aspect, FAA said that a number of precision techniques must be observed in the performance of these measurements and accuracy and reliability of results requires a uniform approach. There is also a need to collect and analyze data on a national basis to determine trends and to validate the criteria set forth in the advisory circular.

FAA states that to achieve immediate action on a much needed program, FAA has begun the preparation phase of a limited agency-staffed runway surface friction measurement program, beginning with several measurements annually on those types of airports where the problem of hydroplaning is potentially greatest. FAA believes that immediate attention should be given to certificated airports serving scheduled turbojet aircraft and which are ILS equipped.

A-78-1.—FAA's response of April 17 to this recommendation, which asked FAA to research the attenuating effects of various levels of precipitation and icing on airborne radomes of x- and c-band radar and disseminate to the aviation community data concerning the limitations of airborne radar in precipitation, FAA states that comments at the Aeronautical Radio Incorporated Weather Radar Meeting on March 7 indicated that a large portion of the data needed is already available. FAA has requested the assistance of the Air Transport Association in gathering these data, and compilation is expected to be completed within 90 days.

Highway

H-74-25.—Letter of April 14 from the National Highway Traffic Safety Administration (NHTSA) responds to the Safety Board's inquiry of February 23 concerning seat back latch location and operation. NHTSA attaches a copy of its December 29, 1975, response to this recommendation and adds that since that time a number of manufacturers are using automatic-locking seat back latches (the newly developed inertial system) in lieu of the more conventional design. NHTSA states that is Rulemaking Office will provide the Safety Board with estimates of the extent to which these inertial systems will be available on 1978 cars.

NHTSA states that its basic conclusion that there was an insufficient indication of a problem to warrant rulemaking remains valid. NHTSA's recent draft rulemaking plan does not anticipate any amendment to Federal Motor Vehicle Safety Standard No. 207, Seating Systems, with respect to seat latches; a copy of the draft rulemaking plan is attached to NHTSA's letter.

H-77-20 and H-77-22.—Two separate letters from the Federal Highway Administration (FHWA) are in response to these recommendations which sought elimination of guardrail hazards on Colorado's interstate highway system. The recommendations followed Board investigation of a station wagon accident near Byers, Colorado, on October 16, 1976.

FHWA, in its letter of April 13 responding to recommendation H-77-20, notes that the FHWA Colorado Division Office works closely with the Colorado State Department of Highways in analyzing the State's safety needs and developing the State's highway work program. Since January 1976, the Division has assigned a full-time traffic operations and safety en-

gineer to monitor, manage, coordinate, and evaluate highway safety activities for FHWA in Colorado. Some of the more pertinent activities of Colorado include: a roadside obstacle inventory on the Federal-aid system which includes a rating factor for obstacles; a photolog of the Federal-aid system completed in July 1977; an accident and accident rate book for the Federal-aid system; and special studies of particular safety problems. These systems provide information on high accident locations, existing roadway conditions, and potentially hazardous locations and/or appurtenances. Because of the high ranking factor assigned to guardrails at twin bridge structures, these installations become high priority items, NHTSA stated.

In its April 12 response to H-77-22, FHWA reports that the States are continually advised through FHWA regulations, the Federal-Aid Highway Program Manual, notices, and other elements of the FHWA directives system of the various Federal-aid programs available for all types of highway improvements.

FHWA states that upgrading guardrail installations and other highway appurtenances which do not conform to the latest safety criteria must compete with other needed safety improvements for available funds. FHWA continues to promote methods for accomplishing these activities quicker and more effectively, using statewide contracts, force account methods, or State maintenance forces to replace damaged highway hardware.

Railroad

R-75-13.—Conrail on January 25 replied to Board inquiry of November 3 concerning a through freight train/drawbridge accident occurring on the Penn Central Transportation Company at Cleveland, Ohio, May 8, 1974. Conrail reports that, in addition to measures reported taken in the initial response to this recommendation, dated July 28, 1975, the adequacy of Conrail's rules, instructions, training, and compliance has been under continuing review. The following has been accomplished on Conrail: (1) Applicable rules and regulations and instructions have been permanently posted in each bridge operator's control station; (2) operators have received training by Division Rules Examiners; (3) block operators and train dispatchers having jurisdiction over the operation of a bridge have received similar instructions and training; (4) additional radio communication has been installed in problem areas; (5) Conrail Rules Department and operating officers have met with Coast Guard representatives in Washington, D.C., and Cleveland, Ohio, and communicated by telephone and letter; and (6) supervisors have made frequent field inspections to monitor compliance with rules and regulations, and invoked disciplinary procedures where variations have existed.

NOTE: The above notice summarizes Safety Board recommendation letters recently released and recommendation response letters received. The 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 $4.00 for service and 10¢ per page for reproduction.

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 22, 1978.

[FR Doc. 78-14666 Filed 5-24-78; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

FEDERAL TELECOMMUNICATIONS PROCUREMENT AND MANAGEMENT POLICY

Request for Public Comment

Effective March 26, 1978, the President issued Executive Order No. 12046 entitled "Relating to the Transfer of Telecommunications Functions." This Executive Order delegates to the Office of Management and Budget the responsibility for serving as the President's principal adviser on procurement and management of Federal telecommunications systems and the responsibility for developing and establishing policies for procurement and management of such systems. Consistent with these responsibilities, OMB is now preparing an agenda of policy issues related to Federal telecommunications systems which will be addressed during the coming year. Interested persons and organizations are invited to submit comments and suggestions on high priority issues involving Federal telecommunications systems which OMB should consider for inclusion in this agenda. Comments should be sent to the Office of Management and Budget. For further information contact Phillip Balazs, Information Systems Policy Division, Office of Management and Budget, Washington, D.C. 20503, 202-395-3785. For maximum consideration, comments should be received within thirty days of the date of publication of this request.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc. 78-14644 Filed 5-24-78; 8:45 am]

[3110-01]

PRIVACY ACT OF 1974

Inquiries and Request for Public Comment

The purpose of this notice is to list reports on new systems filed with the Office of Management and Budget to give members of the public the opportunity to make inquiries about them and to comment on them.

The Privacy Act of 1974 requires the agencies to give advance notice to the Congress and the Office of Management and Budget of their intent to establish or modify systems of records subject to the Act (5 U.S.C. 552a(o)). During the period May 1, 1978, through May 12, 1978, the Office of Management and Budget received the following reports on new (or revised) systems of records.

RAILROAD RETIREMENT BOARD

System Names:

(1) Master File of Railroad Employees' Creditable Compensation.

(2) Social Security Administration Summary Earnings File.

(3) Railroad Retirement, Survivor, and Pensioner Benefit System.

Report Date:

May 1, 1978.

Point-of-Contact:

Mr. W. V. Radesk, Railroad Retirement Board, 844 Rush Street, Chicago, Ill. 60611.

Summary:

RRB proposes to change these three systems of records from a batch-magnetic tape configuration to disk storage and on-line accessibility.

DEPARTMENT OF ENERGY

System Name:

Medical History System—ERDA and Contractor Employees.

Report Date:

May 2, 1978.

Point-of-Contact:

Mr. Phillip M. Kannan, Department of Energy, Oak Ridge Operations Office, P.O. Box E, Oak Ridge, Tenn. 37830.

Summary:

DOE proposes to change this system of records by storing it in a minicomputer.

DEPARTMENT OF COMMERCE

Systems Names:

(1) Attorneys and Agents Registered to Practice Before the Office.
(2) Employee Production Records.
(3) Patent Application Files.
(4) Patent Assignment Records.
(5) Patent Deposit Accounts.
(6) Petitioners for License to File for Foreign Patents.

Report Date:

May 8, 1978.

Point-of-Contact:

Mr. Joseph O. Smiroldo, Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

Summary:

These systems will be altered by the expansion of the ADP/telecommunications capability of the Patent and Trademark Office.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc. 78-14632 Filed 5-24-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Securities Exchange Act Release No. 14784; File No. 4-280]

BUNKER RAMO CORP., ET AL.

Order; Hearing

MAY 19, 1978.

In the matter of Bunker Ramo Corp., GTE Information Systems Incorporated, and Options Price Reporting Authority, File No. 4-280; Order extending the duration of a temporary stay for a period of 120 days and initiating review of whether an exclusive processor may charge an access fee; notice of oral hearing.

On March 24, 1978, the Commission, pursuant to section 11A(b)(5) of the Securities Exchange Act of 1934 (the "Act"), issued an order (the "March Order") granting a temporary stay, for a period of 45 days, of action by the Options Price Reporting Authority ("OPRA") to discontinue a service by which OPRA retransmits last sale reports of options transactions to the vendors which subscribe to receive initial transmission of such last sales reports.[1] The Commission granted the status quo between OPRA and two vendors, Bunker Ramo Corp. ("Bunker Ramo") and GTE Information Systems Inc. ("GTE"), until the Commission had the opportunity to consider the views of all interested parties as to (i) whether OPRA would be acting unfairly or unreasonably if it denied Bunker Ramo and GTE access to its retransmission service and (ii) whether such conduct would be consistent with the standards of section 11A(b) of the Act which govern the operation of registered securities information processors.[2]

The Commission, for the purpose of assisting it in determining whether OPRA's prohibition or limitation of access by Bunker Ramo and GTE to the retransmission service was consistent with the Act, also invited comment on whether the retransmission service[3] offered by OPRA is inherent in, or necessary to, the accurate, reliable and efficient operation of a high speed communications system; whether OPRA may charge a separate fee for the retransmission service, and whether the Commission should expedite its review of the vendor's initial request for a stay of the termination of OPRA's 1975 Vendors Agreement. In response to its March Order, the Commission received submissions from OPRA, Bunker Ramo and GTE.[4]

In its submission, OPRA states that the "best evidence that retransmission service is not necessary or inherent in a communications system is that until its recent changeover to the new consolidated service, OPRA never offered retransmission service."[5] Further, OPRA states it "does not now intend, and never has intended to separately offer or charge for retransmission services" and maintains OPRA's position has been misunderstood by the Commission.[6] OPRA asserts that it has legal authority to charge a reasonable and non-discriminatory access fee, is not obligated to provide any service to persons that refuse to pay such charges, and that a discontinuance of all or part of those services for failure to pay is not subject to the Commission's power to stay under section 11A(b)(5) of the Act.[7] Thus, OPRA maintains that it is entitled to discontinue retransmission, since Bunker Ramo and GTE have refused to pay for the initial transmission service and retransmission is a service associated with, but not necessary to, initial transmission and is included within the fee charged for initial transmission.

Bunker Ramo maintains that it is common practice to incorporate a retransmission service in the design of modern generic high-speed data communication systems and that in such systems, the retransmission feature is built into the automated system and is thus structurally inherent.[8] Further, Bunker Ramo states that "a correction service has no value to anyone except in connection with the basic information which is being corrected and, indeed, the basic information has no value unless it is corrected as necessary to make it accurate and reliable."[9] Bunker Ramo also states that "corrections by retransmission are needed approximately once each day, even when all equipment functions properly."[10] GTE, which assert a position very similar to Bunker Ramo's,[11]

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[1] Securities Exchange Act Release No. 14606. The Commission, at the request of Bunker Ramo, extended the period within which interested persons could file submissions. In addition, the Commission extended the duration of the stay for an additional seven days. (Securities Exchange Act Release No. 14658, (April 13, 1978)).

[2] A description of the parties, the services which OPRA provides to Bunker Ramo and GTE, OPRA's selection of a central processor for provisions of last sale options reports and the procedures which these vendors have followed to contest OPRA's termination of the agreements by which it previously supplied options last sale reports is set forth in the March Order at 1-4, and is incorporated herein by reference.

[3] The retransmission feature enables a vendor which receives information via a high speed line to identify and recapture messages which had not been sent properly as a result of a malfunction in the central processor's computer or transmission facilities or which, while transmitted by the central processor, have (1) been lost or garbled through interference on the communications circuit, or (2) not been received properly as a result of a breakdown in the vendor's equipment.

Thus, when a vendor's own software detects that messages have been lost, the vendor telephones or teletypes the central processor and requests retransmission of the lost data. The central processor then retrieves that data, identifies it as a retransmission, and retransmits the message not only to the requesting vendor but to all vendors.

[4] Statements were received from OPRA, dated April 10, 1978 ("OPRA submission"); Bunker Ramo, dated April 12, 1978 ("Bunker Ramo submission"); and GTE, dated April 7, 1978 ("GTE submission").

[5] See OPRA submission at 10.

[6] OPRA submission at 5. Yet, OPRA, in its letter to Bunker Ramo and GTE notifying them that after March 24, 1978, OPRA would discontinue providing the retransmission service, stated:

OPRA will continue to furnish you options last sale reports on an interim basis while we continue to negotiate concerning the revised vendor agreement. In the event these negotiations result in your executing the revised agreement, any retroactive payments pursuant to our interim understanding will be adjusted to reflect the period of time during which you were not furnished with the retransmission capability.

Letters, dated March 10, 1978, to Mr. Murray Sumner, Bunker Ramo and Mr. George W. Hernan, GTE, from Mr. Joseph Corrigan, OPRA Administrator.

[7] OPRA submission at 5-6.

[8] See Bunker Ramo submission at 6.

[9] Id. at 8. Bunker Ramo also has specifically requested that OPRA disclose, either voluntarily or in a Commission proceeding, cost data upon which OPRA's access fee is calculated. Id. at 9.

[10] Id. at 5-6.

[11] Both Bunker Ramo and GTE also refer to a breakdown of the high-speed options

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adds that, since other vendors (which have signed new vendor agreements) are automatically receiving the retransmission service along with the initial transmission, it is not a service which can be segregated from the initial transmission.[12]

COMMISSION AUTHORITY

Section 11A(b)(5)(A) of the Act[13] provides the Commission with authority on its own motion, or upon application by an aggrieved person, to review any prohibition or limitation of access to services provided by a registered securities information processor. The Commission also may summarily, or after notice and opportunity for hearing, stay a prohibition or limitation with respect to access to services offered by a registered securities information processor. While Section 11A(b)(5)(A) does not set forth any guidelines as to when a stay may be appropriate, one purpose of such a stay would be to preserve the status quo between the parties to a dispute, during which time the Commission may have the opportunity to decide the merits of the dispute pursuant to Section 11A(b)(5)(B).

Section 11A(b)(5)(B) of the Act[14] provides that if the Commission finds, after notice and opportunity for hearing, that a prohibition or limitation of access to the services of a registered securities information processor is consistent with the provisions of the Act and the rules and regulations thereunder and that the person alleging the prohibition or limitation has not been discriminated against unfairly, the Commission, by order, shall dismiss the proceeding.[15] Section 11A(b)(5) thus provides the Commission with the substantive power to review prohibitions or limitations of access by registered securities information processors and the power to delay the effectiveness of alleged prohibitions or limitations upon access until such time as the Commission may conduct its substantive review in an orderly manner. In the instant matter, the Commission is not making any determinations with respect to whether OPRA's proposed termination of it retransmission service is consistent with the provisions of the Act,[16] but rather is addressing, pursuant to Section 11A(b)(5)(A) of the Act, the need to extend the stay of the proposed termination while the substantive review, pursuant to Section 11A(b)(5)(B) of the Act, is conducted.

COMMISSION DETERMINATIONS

On the basis of the views and information contained in submissions received by the Commission in response to its March Order, and its understanding of the operation of high-speed communications systems, the Commission has determined that the issues which must be resolved to determine whether OPRA may terminate provision of the retransmission service to Bunker Ramo and GTE cannot be segregated from the issues underlying OPRA's provision of the options last sale report service.

At this time, it appears that the retransmission feature is necessary for the accurate, reliable and efficient operation of a high-speed communications system in that without such a feature, vendors which receive last sale information would be unable to request OPRA's central processor to retransmit those messages which had been "lost" or "garbled" during initial transmission or receipt. Without the ability to obtain retransmission of lost data, vendors would be unable to maintain an accurate data base and would thereby effectively be denied the ability to utilize the initial transmission of options last sale reports.[17] Thus, the Commission believes that it might best address the issue of whether OPRA may charge vendors an access fee for receipt of options last sale reports if it extends the temporary stay of OPRA's proposed termination of the retransmission service.

The Commission recognizes, however, that negotiations between OPRA and Bunker Ramo and GTE concerning the termination of OPRA's 1975 Vendors Agreement and proposed charge of an access fee appear to be at an impasse and that there is now little or no likelihood that the parties will resolve their differences as to whether OPRA is authorized to terminate the 1975 Vendor Agreement and, in its place, substitute an agreement which provides that subscribing vendors pay a monthly access fee for the receipt of options last sale reports.[18] Thus, resolution of the differences between these parties will not occur until the Commission conducts a review of the issues of whether OPRA, as an exclusive securities information processor, is entitled to charge vendors an access fee and whether OPRA may terminate the 1975 Vendors Agreement.

In light of the parties' inability to resolve their differences without further Commission involvement, the Commission hereby announces that it is initiating a review, pursuant to Section 11A(b)(5)(B) of the Act, to consider the issues presented to it and, in conjunction with that review, will provide an opportunity for oral presentation of views by the parties and other interested persons.

Accordingly, the Commission has determined, pursuant to its authority under Section 11A(b)(5)(A) of the Act, that it is appropriate to extend, for a period of 120 days, the temporary stay of OPRA's proposed termination of its retransmission service.[19] The Commis-

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Footnotes continued from last page

system on March 21, 1978, when over 21,000 messages were not submitted during a 1½ hour period (Bunker Ramo submission at 3 and GTE submission at 4-5). Bunker Ramo states that without the "retransmission service to correct the errors, data disseminated to the public would have been seriously deficient." (Bunker Ramo submission at 4-5). The retransmission service, however, is only the right to request retransmission of data. Thus, in the event of a breakdown in the facilities of OPRA's central processor as on March 21, 1978, Bunker Ramo and GTE would have received the retransmission automatically, since a general breakdown by the central processor would result in no original transmission and retransmission would be initiated by the cental processor itself or requested by other vendors, in which case all vendors would receive the retransmission (OPRA submission at 10).

[12] GTE submission at 3.

[13] 15 U.S.C. 78k-1(b)(5)(A).

[14] 15 U.S.C. 78k-1(b)(5)(B).

[15] Section 11A(b)(5)(B) also provides that "[i]f the Commission does not make any such finding or if it finds that such prohibition or limitation imposes any burden on competition not necessary or appropriate in furtherance of the purposes of this title, the Commission, by order, shall set aside the prohibition or limitation and require the registered securities information processor to permit such person access to services offered by the registered securities information processor."

[16] Among the provisions of the Act which would be relevant to this determination is Section 11A(b)(3), which sets forth the standards which the Commission must consider in determining whether to grant the registration of a securities information processor. Upon its registration as an exclusive securities information processor with respect to options last sale reports, OPRA undertook a continuing obligation to comply with the requirements of Section 11A(b)(3) and other provisions of the Act and rules thereunder.

[17] The Commission also notes that, before OPRA commenced providing last sale options reports through a central processor and via a high-speed line, these reports were transmitted by the individual exchanges and, in so doing, each exchange was able to provide vendors with options last sale information which may have been lost during initial transmission. This service was provided by the exchanges at no charge to vendors. Thus, it appears that OPRA, through its participant exchanges, was providing that service before utilization of a central processor and accordingly, Bunker Ramo and GTE reasonably might expect that service to continue when OPRA voluntarily agreed to continue providing its initial transmission service pending negotiations on the access fee.

[18] GTE also contends that termination of the 1975 Vendors Agreement would unlawfully impose upon it a requirement to pay for the communications lines by which it receives options last sale reports. The Commission, in its March Order, refused to grant GTE's request that the Commission stay OPRA from terminating its provision of those communications lines.

[19] As noted in the March Order, the Commission has broad discretion to grant or deny a stay under the express language of

Footnotes continued on next page

sion believes that this extension of the temporary stay will permit it to review, in an orderly manner, the issues discussed herein concerning OPRA's authority to terminate both the initial transmission service and the related retransmission service. The Commission anticipates that this review will be completed within the 120 day period during which this extension of the temporary stay is in effect.[20]

The Commission also notes that it may, in the near future, solicit public comment for the purpose of rulemaking on the general question of the propriety of allowing self-regulatory organizations to impose charges on vendors and subscribers to their services with respect to market information required to be disclosed by Commission rules. The Commission anticipates that commentary received in response to that general proceeding may be relevant in part to the review inititated herein. Accordingly, the Commission may consider any pertinent commentary received in connection with that proceeding in making final determinations with respect to the issues presented by its review of this matter.

Matters To Be Examined During the Hearing

The Commission will receive, in a public forum, data, views and arguments on the issues of (1) whether OPRA, as an exclusive securities information processor registered pursuant to Section 11A(b)(3) of the Act, may charge vendors an access fee for receipt of options last sale transaction reports; (2) whether OPRA, irrespective of whether it may charge such an access fee may terminate the 1975 Vendors Agreement; and (3) whether OPRA may discontinue providing vendors the communications circuit which links the vendors to OPRA's central processor and enables them to receive the options last sale transaction reports.

Information Pertaining to Public Hearings

Public hearings on the foregoing matters, pursuant to the provisions of Section 11A(b)(5) of the Act, will commence at June 20, 1978, in Room 776 at the Headquarters Office of the Commission, 500 North Capitol Street, Washington, DC 20549 and continue thereafter at such times and places as the officer named herein may determine. Persons appearing at the hearings will be permitted to give a brief oral presentation addressing the issues. The Commission and its staff intends to question persons appearing at the hearings concerning the abovementioned issues, and, in order to allow sufficient time for the Commission's inquiries, initial oral presentations may not exceed fifteen minutes. Participants in the hearing, however, may submit more extensive written statements at least four days before the appearance. All oral statements from witnesses will be taken under oath or affirmation.

For the purpose of these hearings, it is ordered that Sheldon Rappaport, Deputy Director of the Division of Market Regulation, be, and hereby is, designated hearing officer to preside over such hearings, to administer oaths and affirmations, to subpoena witnesses, to compel their attendance, to take evidence, to require the production of any books, papers and other records deemed relevant or material to the inquiry and to perform such other duties in connection therewith as prescribed by law.

Any interested person who wishes to appear at the hearings should notify Theodore W. Urban, Chief, Branch of Exchange Regulation, at 202-755-1378 or in writing at 500 North Capitol Street, Washington, DC 20549. Persons who plan to make a prepared statement should submit 25 copies of their statement not later than four business days in advance of their scheduled date of appearance.

Prior to or during the hearings, any person may submit written questions to be directed to a particular witness or group of witnesses; but the presiding hearing officer will determine in his sole discretion whether or to what extent to direct those questions to any witness.

A list of witnesses, setting forth in the time of their scheduled appearances, will be published in the SEC News Digest.

Request for Comments

Interested persons are invited to submit written comments or supplement submission which previously have been filed in this matter by June 23, 1978. Six copies of each comment letter should be submitted, addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549. Reference should be made to File No. 4-280. All such communications will be placed in the file and will be available for public inspection.

By the Commission.

George A. Fitzsimmons,
Secretary.

[FR Doc. 78-14553 Filed 5-24-78; 8:45 am]

Footnotes continued from last page

Section 11A(b)(5)(A). In this instance, however, the Commission has also determined, for the reasons set forth in the March Order, that the criteria traditionally applied by the courts in determining whether to grant stays in the exercise of their equity powers (See the March Order at 7-11) continue to be met by Bunker Ramo and GTE.

[20] The Commission has deferred commencing a review of these issues to this date since it expected that OPRA and the vendors might successfully negotiate a new access agreement, and since OPRA had agreed, pending those negotiations, to continue providing options last sale reports to Bunker Ramo and GTE under the terms of the 1975 Vendors Agreement. While our extension today of the temporary stay of termination of the retransmission service does not stay OPRA from ceasing to provide the initial transmission service, the Commission expresses its hope that OPRA will continue voluntarily to provide that service while the Commission completes its review.

[8010-01]

[Release No. 34-14777; File No. SR-CBOE-1978-14]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 5, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change

Rule 6.7. Use of Facilities of Exchange—

The Exchange shall not be liable to its members and member organizations and successors or representative thereof or any persons associated therewith for any claims arising out of the use or enjoyment by such member, member organization, successor, representative or associated person of the facilities afforded by the Exchange, including, without limitation, data processing systems such as the Order Support System, to such members, member organizations, successors, representatives or associated persons for the conduct of their businesses, and no assets of the Exchange shall be applied or shall be subject to any such liability.

Exchange's Statement of Basis and Purpose

The purpose of the proposed rule change is to limit the liability of the Exchange should any of its members incur losses as a result of their use of Exchange facilities. This rule seems particularly necessary at this time in view of the imminent initiation of, among other things, an Automated Order Support system. The rule as drafted is virtually identical to provisions in effect at other registered national securities exchanges. See, for example, NYSE Constitution Article IX, Section 9, and PHLX By-Laws, section 12-11.

The basis under the Act for the proposed rule change is section 6(b)(5) in that the Exchange cannot proceed with innovative systems and procedures for the execution, clearance and settlement of Exchange transactions, such as its proposed Order Support

System,[1] unless it is protected against losses which might be incurred by members as a result of their use of such systems.

Comments were not solicited or received respecting this proposed rule change.

The Exchange does not believe this proposed rule change will place any burden on competition. To the extent it enables the Exchange to proceed with innovative systems, competition should be enhanced.

On or before June 19, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submission will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 15, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 17, 1978.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14552 Filed 5-24-78; 8:45 am]

[8010-01]

[Release No. 34-14778; File No. SR-CBOE-1978-13]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 5, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Rule 6.44. Bids and Offers in Relation to Units of Trading

. . . Interpretations and Policies:

.01—.03 (no change)

.04 Fill-or-kill orders and bids or offers made on a fill-or-kill basis shall be deemed to be all-or-none for purposes of Rule 6.44.

Rule 6.53. Certain Types of Orders Defined

(a)—(h) (no change)

(i) *Fill-or-Kill Order. A fill-or-kill order is an order which is to be executed in its entirety as soon as it is represented in the trading crowd, and such order, if not so executed, is to be treated as cancelled.*

(*j*) [(i)] Same.

(*k*) [(j)]

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed rules changes is to incorporate into Exchange Rules the industry-wide shorthand of "fill-or-kill" ("FOK") for immediate all-or-none orders.

The basis under the Act for the proposed rule change is Section 6(b)(5) which requires that the rules of an exchange be designed to foster cooperation and coordination with persons engaged in processing information with respect to, and facilitating transactions in securities.

Comments were not solicited or received regarding this proposed rule change.

The Exchange does not believe this proposed rule change will place any burden on competition.

On or before June 19, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submission will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 15, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 17, 1978.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14554 Filed 5-24-78; 8:45 am]

[8010-01]

[File No. 1-6175]

STANDARD-PACIFIC CORP.

Application to Withdraw from Listing and Registration

MAY 19, 1978.

Standard-Pacific Corp., common stock, par value $.25 per share, has filed an application with the Securities and Exchange Commission, pursuant to Section 12(d) of the Securities and Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The common stock of Standard-Pacific Corp. (the "Company") has been listed for trading on the Amex since December 10, 1969. On July 26, 1977, the stock was also listed for trading on the New York Stock Exchange, Inc. ("NYSE") and concurrently therewith, such stock was suspended from trading on the Amex. In making the decision to withdraw its common stock from listing on the Amex, the Company considered the direct and indirect costs and expenses attendant on maintaining the dual listing on both exchanges. The Company has decided that it would be preferrable for its stock to be traded in only one central market place on the East Coast.

The application relates solely to the withdrawal from listing and registration on the Amex and shall have no effect upon the continued listing of such common stock on the NYSE and Pacific Stock Exchange, Inc. The Amex has posed no objection in this matter.

Any interested person may, on or before June 16, 1978 submit by letter to the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission will, on the basis of the application and any other information submitted to it, issue an order granting the application after the date

[1] See SR-CBOE-1978-9 for a fuller discussion of Order Support System.

mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14555 Filed 5-24-78; 8:45 am]

[8010-01]

[File No. 500-1]

UNIVERSAL CONTAINER CORP.

Suspension of Trading

MAY 18, 1978.

It appearing to the Securities and Exchange commission that the summary suspension of trading in the securities of Universal Container Corp. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 10 a.m. on May 18, 1978 through May 27, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14556 Filed 5-24-78; 8:45 am]

[8010-01]

[Rel. No. 10244; 811-1741]

WESTFIELD GROWTH FUND, INC.

Filing of Application

MAY 17, 1978.

Notice is hereby given that Westfield Growth Fund, Inc. ("Applicant"), One Park Circle, Westfield Center, Ohio 44251, an open-end diversified management investment company registered under the Investment Company Act of 1940 (the "Act"), has filed an application on April 3, 1978, pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant cease to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below.

Applicant states that it was incorporated under the laws of the State of Ohio on September 6, 1968, and registered with the Commission under the Act on October 1, 1968. Applicant states that on October 14, 1977, its shareholders approved, by affirmative vote of the holders of more than two-thirds of Applicant's outstanding common shares, an Agreement and Plan of Reorganization (the "Agreement") dated July 20, 1977, which provided for the sale by Applicant of substantially all of its assets to The Investment Company of America ("ICA"). On February 21, 1978, pursuant to the Agreement, ICA transferred 429,304.337 common shares of ICA to Applicant, in exchange for assets totalling $5,413,527.69. Applicant represents that such shares were distributed pro rata to the shareholders of Applicant.

As of the closing date of the merger, February 21, 1978, Applicant retained $2,098.11 in cash to provide for the payment of final operating expenses and the expenses of Applicant's liquidation and dissolution. Applicant further represents that it has no liabilities, no security holders, and no activities other than those incident to the winding up of its affairs and its dissolution.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 12, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc 78-14557 Filed 5-24-78; 8:45 am]

[8010-01]

[Rel. No. 10245; 811-1965]

WESTFIELD INVESTMENT FUND, INC.

Notice of Filing of Application

MAY 17, 1978.

Notice is hereby given, That Westfield Investment Fund, Inc. ("Applicant"), One Park Circle, Westfield Center, Ohio 44251 an open-end diversified management investment company registered under the Investment Company Act of 1940 (the "Act"), has filed an application on April 3, 1978 pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below.

Applicant states that it was incorporated under the laws of the State of Ohio on October 20, 1969, and registered with the Commission under the Act on October 30, 1969. Applicant states that on October 14, 1977, its shareholders approved, by affirmative vote of the holders of more than two-thirds of Applicant's outstanding common shares, an Agreement and Plan of Reorganization (the "Agreement") dated July 25, 1977 which provides for the sale by Applicant of substantially all of its assets to American Mutual Fund, Inc. ("AMF"). On February 21, 1978, pursuant to the Agreement, AMF transferred 203,679.280 common shares of AMF to Applicant, in exchange for assets totalling $1,811,708.80. Applicant represents that such shares were distributed pro rata to the shareholders of Applicant.

As of the closing date of the merger, February 21, 1978, Applicant retained $941.81 in cash to provide for the payment of final operating expenses and the expenses of Applicant's liquidation and dissolution. Applicant further represents that it has no liabilities, no security holders, and no activities other than those incident to the winding up of its affairs and its dissolution.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given, That any interested person may, not later than June 12, 1978 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14558 Filed 5-24-78; 8:45 am]

[4710-01]

DEPARTMENT OF STATE

[Public Notice CM-8/59]

SECRETARY OF STATE'S ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW

Study Group on Estate Matters

A meeting of the Study Group on Estate Matters, a subgroup of the Secretary of State's Advisory Committee on Private International Law, will be held on Thursday, June 22, 1978, in room 5519 of the Department of State. Members of the general public may attend up to the limits of the capacity of the meeting room and participate in the discussion subject to instructions of the Chairman.

The meeting will consider the next steps to be taken in connection with submission to the Senate for advice and consent to ratification of the Washington Convention on the Form of an International Will and the content of the necessary implementing legislation.

Entrance to the Department of State building is controlled, and members of the general public should use the C Street entrance. Entry will be facilitated if arrangements are made in advance, and it is requested that members of the general public who plan to attend the meeting inform their name, affiliation, and address to Ms. Dorothy Fagan, Office of the Legal Adviser, Department of State, prior to June 22, 1978. The telephone number is 202-632-8134.

Dated: May 11, 1978.

RICHARD D. KEARNEY,
Chairman.

[FR Doc. 78-14633 Filed 5-24-78; 8:45 am]

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 78-054]

LORAN-A TERMINATION SCHEDULE

This document changes the termination schedule of U.S./operated loran-A stations. A schedule was issued originally in the July 19, 1974 issue of the FEDERAL REGISTER (39 FR 26468) and was published most recently in the Department of Transportation's National Plan for Navigation, November 1977, available from the National Technical Information Service, Springfield, VA 22161.

The July 19, 1974, notice announced the selection of loran-C as the Government-provided radionavigation system for the U.S. Coastal Confluence Zone. Also, it provided notification that domestic loran-A service would be terminated on July 1, 1979, in the Pacific area and on July 1, 1980 on the U.S. East Coast, Gulf of Mexico, and Caribbean (West Indies) areas.

In October 1977, Oregon State University completed a Coast Guard-sponsored study which analyzed problems associated with the planned termination of loran-A service and expansion of loran-C service in U.S. coastal waters. The study, publication number ORESU-T-77-008, pointed out that the scheduled dates for terminating loran-A fall in the middle of the operating seasons of most commercial fishermen and other users of loran-A. Postponing the termination of loran-A for 6 months would give these users the benefit of an additional full season of use and cause the least disruption to their operations, thus easing the transition to loran-C, at minimal additional cost to the Government.

Coast Guard consultations with Sea Grant Marine Extension agents throughout the coastal areas have indicated that the mid-winter is the period of lowest marine activity throughout the contiguous 48 States and most of Alaska. However, no evidence was found that any extension of loran-A in the Aleutian and Hawaiian Islands beyond July 1, 1979 would provide significant benefit. In view of these findings the Coast Guard has recommended and the Secretary of Transportation has approved an adjustment to the original phaseout schedule. Accordingly, the schedule for termination of U.S. loran-A service is as follows:

Aleutian and Hawaiian Islands, July 1, 1979 (no change).
Other Alaskan and West Coast stations, December 31, 1979.
U.S. East Coast, Gulf of Mexico and Caribbean (West Indies) stations, December 31, 1980.

This schedule supersedes the schedule published in the National Plan for Navigation, issued November 1977.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

MAY 17, 1978.

[FR Doc. 78-14675 Filed 5-24-78; 8:45 am]

[4910-06]

Federal Railroad Administration

[FRA Emergency Order No. 9]

CONSOLIDATED RAIL CORP.

Emergency Order Restricting Movement of Hazardous Materials

The Federal Railroad Administration (FRA) of the Department of Transportation has determined that reasons of public safety compel the issuance of this emergency order prohibiting the transportation of hazardous materials on certain Consolidated Rail Corp. (ConRail) track known as the Raritan Branch.

Located between Raritan Junction, N.J., at approximately milepost 19.7, and Edison, N.J., at approximately milepost 26.5, the Raritan Branch leads into a large industrial complex. Two 15-car trains operate daily over this track, serving the various industries along the right-of-way. In the course of such operations, large amounts of hazardous materials are transported over the line, including hydrochloric acid, the poisonous gases chlorine and anhydrous ammonia, the flammable gases methyl chloride and liquified petroleum gas, and the flammable liquid ethyl benzene. For example, the Linde Division of Union Carbide, located at milepost 20.5 of the Raritan Branch, receives one car of liquified petroleum gas and one car of methyl chloride each month as well as one car of hydrochloric acid every six weeks. Tennaco, also located at milepost 20.5, gets monthly shipments of 17 tank cars loaded with chlorine and 2 tank cars loaded with anhydrous ammonia. Finally, Stauffer Chemical at milepost 26.3 receives four cars of chlorine and one car of ethyl benzene per month.

On May 3, 1978, an FRA inspector, accompanied by ConRail's track in-

spector, conducted a routine riding and walking inspection of the track. Sixteen areas were walked, and conditions were found to be representative of other areas inspected by riding. The May 3 inspection revealed numerous track defects including extremely poor tie conditions and serious rail defects. The FRA inspector noted 121 locations where tie conditions were far below FRA's minimal standards for Class I track. FRA Track Safety Standards prescribe that the maximum allowable distance between nondefective ties for Class I track is 100 inches. Although the typical violation involved distances of 120 to 140 inches, single violations were noted involving distances of 384, 504, 516, 624, 984, and 1,680 inches—from 32 to 140 feet, respectively. A total of 113 violations of this particular standard were found. Appendix A to this emergency order details the precise locations and distances measured by FRA. Investigation by FRA later disclosed that the most recent major tie removal was accomplished in 1941.

In addition to numerous areas of noncompliance with crosstie regulations, there was a serious weakening of the subgrade between milepost 25.3 and milepost 25.4 due to poor drainage. (See Appendix A.) The proper spacing of nondefective crossties, in connection with effective ballast, provides lateral and vertical support to the rail, which is necessary to prevent trains from derailing. If the lateral support is not present, because ties are defective, the likelihood of wide gage [1] occurring while the track is under load also increases greatly. During FRA's inspection of the Raritan Branch, three such areas were discovered, including one location of 4 feet 10½-inch gage, which is 2 inches wider than the standard gage and ¾ inch wider than the maximum permitted by the Track Safety Standards for any movement of trains. In addition, three broken rails were found, which also pose a danger of derailment. Because of these rail, gage, and subgrade defects and the enormous numbers of crosstie violations, the possibilities of derailments on the line are very great.

On May 6, three days after the inspection, FRA served ConRail with a Notice of Track Conditions pursuant to 49 CFR Part 216 informing the carrier that FRA was considering the possibility of issuing an emergency order removing the Raritan Branch from service. After presenting the Notice, the FRA inspector researched the track inspection records for the Raritan Branch and found that no inspection has been made of it since August 17, 1977, a period of over 8 months. The Track Safety Standards require inspections weekly.

In a letter dated May 9, Conrail indicated that a nine-man Extra Gang was working on the Branch installing ties by hand and that labor clearance had been secured to move additional tie repair gangs to this Branch to begin work on Thursday, May 11. These employees normally work a four-day week which ends Thursday. Since Conrail refused to pay the extra costs for weekend labor, the gangs were idle May 12 through May 14. On Monday, May 15, even though the equipment was on site and half the ties had been distributed, work was again delayed because of weather conditions. Work finally recommenced on Tuesday, May 16, and continued through Thursday, May 18. According to Conrail, a tie and surfacing unit made up of 55 employees had installed 734 ties in fourtenths of a mile of track by the morning of May 22. This work leaves over six miles of the 6.8-mile line unrepaired.

Thus, most of the Raritan Branch remains in poor condition. During a reinspection on May 17 of track beyond the repair area, the FRA inspector found 18 additional locations where the distance between nondefective ties exceeded 100 inches. Distances ranged between 204 and 612 inches—from 17 to 51 feet, respectively. Substandard gage and poor subgrade conditions were also found. (See Appendix B.)

In the meantime, despite the violation notices and the possibility of an emergency order, Conrail has continued business as usual on the Raritan Branch. There have been no restrictions of any kind on the movement of hazardous materials. For example, the FRA inspector noticed during the reinspection that Stauffer Chemical at milepost 26.3 had just been shipped four tank cars of deadly chlorine gas. The derailment of a car containing hazardous material would pose a threat not only to train crews, but also to the numerous persons who work in factories or attend classes along the line. Stretching between milepost 22 and milepost 24, the Raritan industrial Park employs 5,000 workers in 200 factories and warehouses. Heller Industrial Park at milepost 24.5 is the site of ten warehouses with 1,000 employees, of whom 500 employees work in a factory immediately adjacent to the track. Also adjoining the track is Middlesex Community College, with an enrollment of 12,000 students. Far too many persons work or study in the area to allow the continued transportation of hazardous materials over the Raritan Branch in its present deteriorated condition.

In light of the high risk both to employees and to the public that derailments will result in death or injury because of the release of hazardous materials, I have determined that the track defects on the Raritan Branch operated by the consolidated Rail Corporation between Raritan Junction, New Jersey, and Edison, New Jersey, constitute an unsafe condition and create an emergency situation involving a hazard of death or injury to persons affected by the use of this line.

Therefore, pursuant to the authority of section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432) delegated to me by the Secretary of Transportation (49 CFR 1.49(n)), it is ordered:

1. That all transportation of railroad cars containing a material which is required to be placarded in accordance with Department of Transportation regulations, 49 CFR Parts 170–189 ("placarded hazardous materials"), over the Consolidated Rail Corporation's Raritan Branch, between Raritan Junction, New Jersey, at approximately milepost 19.7 and Edison, New Jersey, at approximately milepost 26.5, shall cease not later than 12:01 a.m., May 24, 1978. However, any cars in transit over such track at that time may continue to their final terminal.

2. This order shall remain in effect until such track has been restored to compliance with Federal Railroad Administration standards for at least Class I track (49 CFR Part 213). This order does not authorize the Consolidated Rail Corporation to transport cars which do not contain placarded hazardous materials, over track which is not in compliance with the Track Safety Standards. Any such operation may subject Conrail to the imposition of penalties prescribed by the Federal Railroad Safety Act of 1970 (45 U.S.C. 438).

3. Transportation over such track of any car containing any hazardous material required to be placarded shall be and is prohibited by this order until the authorized designated official of the Consolidated Rail Corporation has certified that required repairs have been made and the track has been inspected by a representative of the Federal Railroad Administration. Subject to these procedures, service over the line may be restored incrementally.

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

Opportunity for formal review of this Emergency Order will be provided in accordance with section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432) and section 554 of Title

[1] Track gage is defined as the distance between the inside faces of the rail heads, measured at a point ⅝ inch below the top of the rail head. Standard gage is 4 feet 8½ inches. The Track Safety Standards permit gage to widen to 4 feet 9¾ inches before a defect is considered to exist. Gage wider than 4 feet 9¾ inches usually indicates a lack of sufficient lateral support for the rail, and greatly increases the possibility of a derailment due to car or locomotive wheels dropping between the rails.

5 of the United States Code. Petition for such review must be submitted in writing to the Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590 in accordance with 49 CFR 216.25.

Issued in Washington, D.C., on May 23, 1978.

JOHN M. SULLIVAN,
Administrator.

APPENDIX A

CONSOLIDATED RAIL CORPORATION MAY 3,1978, INSPECTION OF RARITAN BRANCH

Track inspected between mileposts	49 CFR 213
21.3 to 22.3	24 crosstie defects (0.109)—maximum distance between nondefective ties—1,680 in.
22.7 to 23.6	58 crosstie defects (0.109)—maximum distance between nondefective ties—384 in.
23.8 to 24.2	31 crosstie defects (0.109)—maximum distance between nondefective ties—984 in.
25.2 to 25.6	3 rail defects—(0.113). 3 gage defects—(0.53). 8 crosstie defects (0.109)—maximum distance between nondefective ties—120 in. 2 subgrade defects (0.33).

APPENDIX B

CONSOLIDATED RAIL CORPORATION, MAY 17, 1978, INSPECTION OF RARITAN BRANCH

Track inspected between mileposts	49 CFR 213
21.1 to 22.1	4 crosstie defects (0.109)—maximum distance between nondefective ties—360 in. 1 gage defect (0.53).
22.2 to 23.1	4 crosstie defects (0.109)—maximum 492 in.
23.8 to 24.4	5 crostie defects (0.109)—maximum distance between nondefective ties—612 in.
25.2 to 26.1	5 crosstie defects (0.109)—maximum distance between nondefective ties—348 in. 1 subgrade defect (0.33).

[FR Doc. 78-14791 Filed 5-23-78; 4:00 pm]

[4910-59]

National Highway Traffic Safety Administration

NAT BOSTWICK AND HENRY PIERCE

Denial of Petitions to Commence Defect Proceedings

This notice sets forth the reasons for denial of two petitions to commence a proceeding to determine whether a defect related to motor vehicle safety exists in a vehicle. This notice is published in accordance with Section 124 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq) which provides that the National Highway Traffic Safety Administration must grant or deny such petition within 120 days of receipt, and "If the Secretary denies such petition he shall publish in the FEDERAL REGISTER his reasons for such denial" (§ 124(d)).

Nat Bostwick. On November 15, 1977, Mr. Nat Bostwick of Denver, Colo., petitioned the agency to investigate whether 1972 Volvo passenger cars equipped with fuel injectors contain leaks and create a fire hazard.

NHTSA informed Mr. Bostwick that it had previously investigated alleged fuel injector leaks on 1970-73 Volvos (File C4-58) and concluded that no safety related defect existed. Volvo had informed the agency that it nevertheless intended to replace all fuel injector units with improved ones. As part of this campaign Mr. Bostwick's vehicle was provided with a new fuel injector. For these reasons the petition was denied.

Henry C. Pierce. On December 15, 1977, Mr. Henry C. Pierce of Dana Point, Calif., petitioned NHTSA to open an investigation into crankshaft pulley bolt failures on 1976-77 Dodge Aspen passenger cars with 318 CID engines. The effect of the failure is to disable the power steering system.

In its investigation NHTSA discovered that Chrysler Corp. had used the same design and bolt specifications since 1967. Of approximately 2.7 million vehicles built to these specifications in 1976 and 1977 the agency discovered only six complaints of crankshaft pulley bolt failure, none of which led to accidents or injury and only two of which involved another Aspen or Plymouth Volare equipped with a 318 CID engine. The agency also conducted a metallurgical analysis on Mr. Pierce's parts and noted no significant defects. Improper torquing of the bolt emerged as a possible cause of the failures. For these reasons the petition was denied.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 318 (15 U.S.C. 1342, 1407), Sec. 106, Pub. L. 93-492, 88 Stat. 1482 (15 U.S.C. 1410), delegations of authority at 49 CFR 1.50 and 501.8.)

Issued on May 19, 1978.

LYNN BRADFORD,
Acting Associate Administrator for Enforcement.

[FR Doc. 78-14455 Filed 5-24-78; 8:45 am]

[1505-01]

[Docket No. IP78-4, Notice 1]

VOLVO OF AMERICA

Receipt of Petition for Determination of Inconsequential Noncompliance

Correction

In FR Doc. 78-12616, appearing at page 20292 in the issue of Thursday, May 11, 1978, the comment closing date, which should have appeared in the line immediately following the last complete paragraph of the document, should have read, "June 26, 1978".

[4910-60]

Research and Special Programs Administration

Office of Hazardous Materials Operations

HAZARDOUS MATERIALS REGULATIONS

Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of Grants and Denials of Applications for Exemptions

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B,), notice is hereby given of the exemptions granted April 1978. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo-vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
		Renewals		
2582-P	DOT-E 2582	Matheson Gas Products, Lyndhurst, N.J.	49 CFR 173.304(a)(2)	To become a party to exemption 2582. (See application No. 2582-X). (Modes 1 and 2.)
3563-P	DOT-E 3563	U.S. Department of Commerce, Washington, D.C.	49 CFR 172.101, 173.302(a), 173.359(a).	To become a party to exemption 3563. (See application No. 3563-X.) (Modes 1, 2, 4, and 5.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
		Renewals—Continued		
7928-N	DOT-E 7928	The State of Alaska, Juneau, Alaska.	49 CFR 172.101	To stow certain hazardous materials "on deck" and "under deck" on cargo vessels and "on deck" on passenger vessels. (Mode 3.)
3569-X	DOT-E 3569	NL McCullough/NL Industries, Inc., Houston, Tex.	49 CFR 173.246	To ship bromine trifluoride in a non-DOT specification nonrefillable cylinder. (Modes 1, 2, and 4.)
3744-P	DOT-E 3744	Burris Chemical, Inc., Charleston, S.C.	49 CFR 173.266(b)(7)	To become a party to exemption 3744. (See application No. 3744-X.) (Modes 1 and 2.)
3822-X	DOT-E 3822	Dow Chemical Co., Midland, Mich.	49 CFR 173.252(a)(4)	To ship bromine in DOT specification MC-310 or MC-312 tank motor vehicles. (Mode 1.)
3992-X	DOT-E 3992	Dow Chemical Co., Plaquemine, La.	49 CFR 173.314	To ship a nonflammable gas in DOT specification 105A600W tank cars. (Mode 2.)
4108-X	DOT-E 4108	Capitol Corp., Jackson, Miss.; Purity Cylinders Gases, Inc., Grand Rapids, Mich.	49 CFR 173.315(a)	To ship certain nonflammable gases in non-DOT specification cargo tanks designed in accordance with sec. VIII of the ASME code.
5248-P	DOT-E 5248	The Boeing Co., Seattle, Wash.	49 CFR 173.389(g), 175.3	To become a party to exemption 5248. (See application No. 5248-X.) (Modes 1, 2, 4, and 5.)
5668-X	DOT-E 5668	Atlantic Container Line, Ltd., New York, N.Y.	49 CFR 173.119(b); 46 CFR 90.05-3.	To ship flammable and combustible liquids in portable tanks complying with DOT specification MC-307 with certain exceptions. (Modes 1, 2, and 3.)
5861-X	DOT-E 5861	HTL Industries, Inc., Monrovia, Calif.	49 CFR 173.304(a)(1), 175.3, 178.47.	To ship a nonflammable compressed gas in welded stainless steel pressure vessels complying with DOT specification 4DS with certain exceptions. (Modes 1, 2, 4, and 5.)
5951-X	DOT-E 5951	Ashland Chemical Co., Birmingham, Ala.	49 CFR 173.314(c)	To ship liquefied nonflammable compressed gases in tanks complying with DOT specification 106A500 with certain exceptions. (Modes 1 and 2.)
5951-P	DOT-E 5951	S. E. C. Division, Ugite Gas Inc., El Paso, Tex.	49 CFR 173.314(c)	To become a party to exemption 5951. (See application No. 5951-X.) (Modes 1 and 2.)
6173-P	DOT-E 6173	Publicker Industries Inc., Philadelphia, Pa.; Allied Chemical Corp., Morristown, N.J.	49 CFR 172.101, 173.315(a)(1).	To ship a flammable compressed gas in a non-DOT specification insulated cargo tank designed and constructed in accordance with sec. VIII of the ASME code. (Mode 1.)
6205-X	DOT-E 6205	American LNG Co., Oak Brook, Ill.	49 CFR 173.315(a)(1), 172.101.	To ship certain flammable gases in a non-DOT specification vacuum insulated cargo tank designed and fabricated in accordance with sec. VIII of the ASME code. (Mode 1.)
6614-X	DOT-E 6614	GPS Industries, City of Industries, Calif.; Continental Chemical Co., Sacramento, Calif.; All Pure Chemical Co., Tracy, Calif.; Georgia-Pacific Corp., Los Angeles, Calif.; Chem Lab Products Inc., Anaheim, Calif.; Hasa Chemical Inc., Saugus, Calif.	49 CFR 173.263(a)(28), 173.277(a)(6).	To ship certain corrosive liquids in non-DOT specification polyethylene bottles, packed inside a high density polyethylene box. (Mode 1.)
6614-P	DOT-E 6614	Sun Cleaner Co., Livonia, Mich.	49 CFR 173.263(a)(28), 173.277(a)(6).	To become a party to exemption 6614. (See application No. 6614-X.) (Mode 1.)
6622-P	DOT-E 6622	Griffith Laboratories, Alsip, Ill.	49 CFR 173.234(a)(2)	To become a party to exemption 6622. (See application No. 6622-X.) (Modes 1 and 2.)
6749-X	DOT-E 6749	GPS Industries, City of Industries, Calif.	49 CFR 173.217(b)	To ship certain oxidizing materials in non-DOT specification single-trip drums overpacked in a single-wall corrugated fiberboard box. (Modes 1, 2, and 3.)
6820-P	DOT-E 6820	Hill Bros. Chemical Co., Phoenix, Ariz.; Chem Lab Products Inc., Anaheim, Calif.	49 CFR 173.217(a)	To become a party to exemption 6820. (See application No. 6820.)
6824—P	DOT-E 6824	Chem Lab Products Inc., Anaheim, Calif.	49 CFR 173.217(a)	To become a party to exemption 6824. (See application No. 6824-X.) (Modes 1, 2, and 3.)
6825-X	DOT-E 6825	Lox Equipment Co., Livermore, Calif.	49 CFR 172.101, 173.314(c)	To manufacture, mark and sell non-DOT specification vaccum-insualated tank car tank for shipment of a liquefied flammable compressed gas. (Mode 2.)
6926-X	DOT-E 6926	Union Carbide Corp., Bound Brook, N.J.	49 CFR 173.365(a)(6), 178.238-3.	To ship a class B poisonous solid in a DOT specification 44D extensible kraft paper bag. (Modes 1, 2, and 3.)
6974-P	DOT-E 6974	The Boeing Co., Seattle, Wash.	49 CFR 173.302(a)(1), 178.42	To become a party to exemption 6974. (See application No. 6974-X.) (Modes 1, 2, and 4.)
6985-X	DOT-E 6985	U.S. Department of Energy, Washington, D.C.	49 CFR 173.86(a), 173.154(a)(7).	To ship a class B explosive reclassified as a flammable solid overpacked in a DOT specification wooden box. (Mode 1.)
7005-P	DOT-E 7005	Compagnie des Containers Reservoirs, Neuilly-sur-Seine Cedex, France.	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630; 46 CFR 90.05-35.	To become a party to exemption 7005. (See application No. 7005-X.) (Modes 1 and 3.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
		Renewals—Continued		
7052-X	DOT-E 7052	Power Conversion, Inc., Mount Vernon, N.Y.	49 CFR 173.206(e)(1), 175.3	To ship lithium batteries subject to certain qualifications and specialized packaging. (Modes 1, 2, 3, and 4.)
7060-P	DOT-E 7060	Express Airways, Inc., Mojave, Calif.	49 CFR 175.75(a)(3), 175.700(a).	To become a party to exemption 7060 (see application No. 7060-X). (Mode 4.)
7227-X	DOT-E 7227	Air Products & Chemicals, Inc., Allentown, Pa.; Airco Industrial Gases, Houston, Tex.	49 CFR 172.101, 173.315	To ship a nonflammable gas in non-DOT specification portable tanks. (Mode 3.)
7277-X	DOT-E 7277	Structural Composities Industries, Inc., Azusa, Calif.	49 CFR 173.302(a)(1), 175.3	To manufacture, mark and sell non-DOT specification filament-wound reinforced plastice aluminum lined cylinder for shipment of a certain nonflammable compressed gas. (Modes 1, 2, 3, 4, and 5.)
7548-X	DOT-E 7548	U.S. Department of Defense, Washington, D.C.	49 CFR 146.29-100	To stow class XC military explosive on deck of vessel, over the square of the hatch. (Mode 3.)
7558-X	DOT-E 7558	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.315(a)	To ship certain nonflammable gases in a non-DOT specification vacuum insulated portable tank, designed and constructed in accordance with sec. VIII of the ASME Code. (Modes 1 and 3.)
7584-X	DOT-E 7584	Orval-Manutention, Paris, France.	49 CFR 173.266	To ship hydrogen peroxide solution in a non-DOT specification stainless steel portable tank. (Modes 1, 2, and 3.)
7584-P	DOT-E 7584	Intsel Corp., New York, N.Y.; L'Air Liquide, Paris, France.	49 CFR 173.266	To become a party to exemption 7584 (see application No. 7584-X). (Modes 1, 2, and 3.)
7597-P	DOT-E 7597	Thompson-Hayward Chemical Co., Chicago, Ill.; Valley Co-op Oil Mill, Marlingen, Tex.; Staple Cotton Services Association, Greenwood, Miss.; Valley Chemical Co., Greenville, Miss.; Mallard Chemical Co., Inc., Pine Bluff, Ark.; Triangle Chemical Co., Macon, Ga.; Seedkem South, Inc., Olive Branch, Miss.; MFC Services (AAL), Clarksdale, Miss.	49 CFR 173.358, 173.359	To become a party to exemption 7597 (see application No. 7597-X). (Mode 1.)
7601-X	DOT-E 7601	Atlantic Research Corp., Gainesville, Va.	49 CFR 173.53(e), 173.62	To ship a class A explosives in non-DOT specification containers. (Mode 1.)
7651-X	DOT-E 7651	Austin Powder Co., Cleveland, Ohio.	49 CFR 173.93(e), 177.834(L)(1).	To ship a class B liquid propellant explosive in a "Sealdtank" (rubber container). (Mode 1.)
7695-P	DOT-E 7695	LOWACO S.A., Geneva, Switzerland.	46 CFR 90.05-35; 49 CFR 173.119, 173.245(a), 173.249, 173.295(a), 173.346(a), 173.620.	To become a party to exemption 7695 (see application No. 7695-N). (Modes 1 and 3.)
7701-P	DOT-E 7701	LOWACO, S.A., Geneva, Switzerland.	49 CFR 173.119(b), 173.125	To become a party to exemption 7701 (see application No. 7701-N (Modes 1, 2, and 3.)
7772-X	DOT-E 7772	Ugine Kauhlmann, Paris, France.	49 CFR pt 173, subpart D	To ship certain flammable liquids in a steel portable tank built in accordance with sec. VIII of the ASME code. (Modes 1 and 3.)
7777-P	DOT-E 7777	Brewer Cote Asphalt Products, Miami, Fla.	49 CFR 173.248	To become a party to exemption 7777 (see application No. 7777-N). (Modes 1, 2, and 3.)
7820-P	DOT-E 7820	LOWACO, S.A., Geneva, Switzerland.	46 CFR 90.05-35; 49 CFR 173.119, 173.125, 173.131(a), 173.132(a), 173.145(a), 173.346(a).	To become a party to exemption 7820 (see application No. 7820-N). (Modes 1, 2, and 3.)
		New Exemptions		
7832-N	DOT-E 7832	U.S. Department of Energy, Washington, D.C.	49 CFR 172.101, 173.315(a)(1).	To ship certain compressed gases in a vacuum insulated non-DOT specification cargo tank, designed and constructed in accordance with sec. VIII of the ASME Code. (Mode 1.)
7896-N	DOT-E 7896	Monsanto Co., St. Louis, Mo	49 CFR 173.245, 173.374	To ship certain hazardous materials in a non-DOT specification portable tank. (Modes 1 and 3.)
7897-N	DOT-E 7897	Hugonnett, S.A., Paris, France.	46 CFR 90.05-35, 49 CFR Part 173.	To ship certain hazardous materials in a non-DOT specification IMCO type 2 insulated portable tank. (Modes 1, 2, and 3.)
7897-P	DOT-E 7897	Permal International, Inc., New York, N.Y.	46 CFR 90.05-35, 49 CFR Part 173.	To become a party to exemption 7897 (see application No. 7897-N). (Modes 1, 2, and 3.)
7915-N	DOT-E 7915	Olin Corp., East Alton, Ill	49 CFR 173.93(b)	To ship certain propellant explosives in water in DOT specification MC-307 or MC-312 cargo tanks. (Mode 1.)
7917-N	DOT-E 7917	Airco Industrial Gases, Houston, Tex.	49 CFR 172.101, 173.315	To ship a nonflammable gas in non-DOT specification portable tanks. (Mode 3.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
New Exemptions—Continued				
7025-X	DOT-E 7025	Airco Cryoplants Corp., Murray Hill, N.J.; Air Products and Chemicals, Inc., Allentown, Pa.	49 CFR 172.101, 173.315(a)(1).	To ship a flammable gas and a nonflammable gas in a non-DOT specification cargo tank. (Mode 1.)
7042-X	DOT-E 7042	Walter Kidde & Co., Inc., Belleville, N.J.	49 CFR 173.302(a)(1), 173.304(a), 175.3.	To ship certain compressed gases in non-DOT specification seamless cylinders. (Modes 1, 2, 4, and 5.)
7942-N	DOT-E 7942	Chevron U.S.A., Inc., San Francisco, Calif.	49 CFR 173.28(m)	To ship a flammable liquid in reused DOT specification 17E drums requalified in accordance with § 173.28(m) with certain exceptions. (Mode 3.)
7945-N	DOT-E 7945	HTL Industires, Inc., Monrovia, Calif.	49 CFR 173.304(a)(1), 175.3, 178.47.	To ship a nonflammable compressed gas in a non-DOT specification welded steel cylinder in compliance with DOT specification 4DS with certain exceptions. (Modes 1, 2, 4, and 5.)
Emergency exemptions—Applications received and granted				
EE7724-P	DOT-E 7724	Weather Modification Association, Fresno, Calif.	49 CFR Chapter I, subch. C.	To become a party to exemption 7724 (see application No. 7724-X). (Mode 4.)
EE7932-P	49 CFR 7932	Go Wireline Services, Fort Worth, Tex; Welex Division of Halliburton Services, Inc., Houston, Tex.; CRC Western Wireline Services, Lafayette, La.; Schlumberger Well Services, Houston, Tex.	49 CFR 173.110(b)	To become a party to exemption 7932 (see application No. 7932-N). (Mode 3.)
EE7966	DOT-E 7966	The Enterprise Companies, Wheeling, Ill.	49 CFR 173.245(a)(12)	To ship a corrosive material in DOT-12B fiberboard boxes having inside steel containers. (Modes 1 and 2.)
EE7977-N	DOT-E 7977	Western Iowa Gas Co., Atlantic, Iowa.	49 CFR 173.315(a)(1)	To ship anhydrous ammonia in DOT specification MC-330 cargo tanks having design pressure of 250 lb/in²g. (Mode 1.)

DENIALS

4371—P Request by Tank Container International, Schaumburg, Ill.—To become a party to DOT-E 4371 to ship metallic sodium in non-DOT specification containers, denied April 14, 1978.

6145-X Request by Kerr McGee Chemical Corp., Oklahoma City, Okla.—To ship sodium and magnesium perchlorate solutions in DOT Specifi-MC-303, MC-304, MC-306, MC-307, MC-311 and MC-312 cargo tanks, denied April 7, 1978. (HM-139 obviates the need)

6756-X Request by Stauffer Chemical Co., Westport, Conn.—To ship certain hazardous materials in foreign-made packagings which are comparable to the DOT 17E drums, denied April 15, 1978 as being unnecessary.

6959-X Request by Stauffer Chemical Co., Westport, Conn.—To ship flammable liquids in a non-DOT specification 55 gallon steel drum, denied April 20, 1978 as being unnecessary.

7691-N Request Contrans, Hamburg, West Germany—To ship sulfuryl chloride in non-DOT specification portable tanks, denied April 24, 1978.

EE7884-N Request by Surburban Airservice, Inc., Laurel, Md.—For an emergency exemption to carry radioactive materials aboard cargo-only aircraft, denied April 5, 1978.

7948-N Request by Clark Tank and Manufacturing Co., Inc., Long Beach, Calif.—To transport corrosive and flammable materials in a non-DOT specification cargo tank, denied April 26, 1978.

EE7968-N Request by SCM Corp., Cleveland, Ohio—For an emergency exemption to ship pinane hydroperoxide in DOT Specification MC-310, MC-311 and MC-312 tank motor vehicles, denied April 14, 1978.

EE7975-N Request by Royalvac Inc., Fort Lauderdale, Fla.—For an emergency exemption to manufacture non-DOT specification cargo tanks for use in transporting certain hazardous materials, denied April 24, 1978.

J. R. GROTHE,
Chief, Exemptions Branch Office of Hazardous Materials Operations.

[FR Doc. 78-14200 Filed 5-24-78; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Customs Service

AMPICILLIN TRIHYDRATE FROM SPAIN

Receipt of Countervailing Duty Petition and Initiation of Investigation

AGENCY: United States Customs Service, Treasury Department.

ACTION: Initiation of Investigation.

SUMMARY: This notice is to advise the public that a petition has been received and as a result an investigation is being started for the purpose of determining whether or not benefits are granted by the Government of Spain to manufacturers or exporters which constitute a bounty or grant. A preliminary determination will be made not later than September 23, 1978, and a final determination not later than March 23, 1979.

EFFECTIVE DATE: May 25, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael E. Crawford, Operations Officer, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: A petition was received in satisfatory form on March 23, 1978, alleging that payments or bestowals, conferred by the Government of Spain upon the exportation of ampicillin trihydrate from Spain constitute the payment or

bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303). Imports covered by this investigation are classifiable under item 407.8511, Tariff Schedules of the United States Annotated (TSUSA). The alleged bounties or grants arise from the rebate of the Spanish turnover tax under the "Desgravacion Fiscal" system. In past investigations of rebates paid under the system, the Department has found rebates in excess of the taxes actually borne by the product in question and, accordingly, that bounties or grants were being paid or bestowed.

Pursuant to section 303(a)(4) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Department of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of statute within 6 months of the receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant and a final decision within 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made not later than September 23, 1978, as to whether or not alleged payments or bestowals conferred by the Government of Spain upon the manufacture, production, or exportation of the above described merchandise constitutes a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended. A final determination will be issued no later than March 23, 1979.

This notice is published pursuant to section 303(a)(3), Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190, Revision 15, March 16, 1978, provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and § 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), insofar as they pertain to the initiation of a countervailing duty investigation by the Commissioner of Customs, are hereby waived.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

MAY 19, 1978.

[FR Doc. 78-14645 Filed 5-24-78; 8:45 am]

[4810-22]

Office of the Secretary

NYLON YARN FROM JAPAN

Termination of Antidumping Investigation

AGENCY: Treasury Department.

ACTION: Termination of Antidumping Investigation.

SUMMARY: This notice is to advise the public that the antidumping investigation of nylon yarn from Japan is being terminated. The termination is based on the withdrawal of the original antidumping petition, as detailed in the body of this notice and appendices hereto.

EFFECTIVE DATE: May 25, 1978.

FOR FURTHER INFORMATION CONTACT:

James C. Davenport, Assistant to the Director, Office of Tariff Affairs, U.S. Treasury Department, 15th and Pennsylvania Avenue Washington, D.C. 20220, 202-566-2951.

SUPPLEMENTARY INFORMATION: On February 3, 1978, information was received in proper form pursuant to sections 153.26 and 153.27, Customs Regulations (19 CFR 153.26 and 153.27), from E. I. du Pont de Nemours and Co., alleging that nylon yarn from Japan is being, or is likely to be sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). This information was the subject of an Antidumping Proceeding Notice published in the FEDERAL REGISTER of March 10, 1978 (43 FR 9913).

On March 29, 1978, counsel on behalf of the Japanese manufacturers subject to this investigation, Toray Industries, Inc. and Kanebo Textiles, Ltd., submitted a letter to the Treasury Department in which the two manufacturers offered to revise their selling prices to the United States. On May 12, 1978, the Treasury received from du Pont a letter stating that because, in its opinion the revised prices proposed by Toray and Kanebo would substantially reduce the dumping margins alleged in the petition, it was withdrawing its petition. These letters, as well as the Treasury reply to du Pont, are reproduced as appendices to this notice.

Based upon the withdrawal of the antidumping petition, on the bases expressed in the letters appended hereto, I conclude that it is appropriate to terminate this investigation. This termination is without prejudice to the filing of a subsequent antidumping petition concerning the same product at any time in the future.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

MAY 19, 1978.

DANIELS, HOULIHAN & PALMETER,
March 29, 1978.

Mr. PETER D. EHRENHAFT,
Deputy Assistant Secretary for Tariff Affairs,
Main Treasury, Washington, D.C.

Re Nylon Yarn from Japan.

DEAR MR. EHRENHAFT: The purpose of this letter is to transmit to you, on behalf of our client, Toray Industries Inc. (hereinafter referred to as "Toray"), a proposal to settle the above-styled matter. Toray is prepared to undertake to sell the subject yarns at prices calculated to be above prices which could be found to be LTFV prices, and above cost of production in the case of 70 denier yarns.

These prices are also substantially above the equivalent prices (based on our best information) of the petitioners for similar, and possibly competitive yarns, obviating any possibility of injury.

This offer is conditioned upon withdrawal of the petition or some other expeditious method of terminating this case.

We have recently been retained by Kanebo Textiles Ltd. (hereinafter referred to as "Kanebo"), the other major exporter of the subject yarns, and although there has been insufficient time to fully consult with them, we believe, subject to formal confirmation, that they are prepared to make a similar or identical offer on 40 denier yarns (Kanebo is not a factor in 70 denier yarns).

Attached hereto are tables showing Toray's home market prices for 40 and 70 denier yarns and Toray's calculated cost of production for 70 denier yarns. This data is submitted as confidential business data.

You will appreciate that given the limited amount of time available to us we were not able to engage in as extensive a response as would occur in a formal investigation. Because of these time strictures we have adopted what we believe to be a conservative approach. Uncertainties were resolved in a manner that would increase rather than decrease the price level of home market sales in the case of both deniers and the cost of production in the case of 70 denier yarns.

Also because of the time problem the data was computed for periods not exactly identical with that which we understand has been adopted as the relevant period in this investigation, but are nevertheless representative of the relevant period.

We would also call to your attention the fact that 40 and 70 denier yarns to which this offer is confined represent approximately 97.7 percent of exports from Japan of all nylon yarns and that for 40 and 70 denier yarns Toray and Kanebo accounted for 87.6 percent of total exports from Japan in 1977 (see table).

Specifically the Toray proposal is to sell 40 denier yarns on a duty paid delivered (DPD) basis at a price not less than $1.47 per pound and not less than $1.33 per pound for 70 denier yarns. The attached business confidential summary sheet shows the equivalent ex-factory prices calculated from these DPD prices. This undertaking would commence with August 1978 entries.

This table also shows that the prices are at or above home market price for 40 and 70 denier and above cost of production for 70 denier yarn.

We have also attached a table (not business confidential) comparing Toray's proposed prices, DPD, with the petitioners current prices. These comparisons indicate, after proper adjustment, that the proposed prices are substantially above those currently being offered by Petitioner.

We trust that these proposed prices and the underlying calculations on home market price and cost of production will be received as an offer of settlement and without prejudice to submissions in a formal investigation should this proposal be rejected.

We look forward to conferring with you on this matter at our meeting scheduled for Wednesday, March 29th.

Respectfully submitted,

MICHAEL P. DANIELS.

Comparison of proposed Toray prices and current prices of petitioners

40 Denier: Toray:		
Proposed price DPD	$1.47	$1.47
Adjustment: Beaming	.15	.18
Total	1.62	1.65
Petitioners: On beam		1.30

70 Denier: Toray:	*Warp*	*Weft*
Proposed price (DPD)	1.33	1.33
Adjustment:		
Sizing	.05	
Beaming	.15	
Nylon 6 and 66 differential	.12	.12
Total	1.65	1.45
Petitioners: Warp beamed, sized, and rebeamed	1.45	1.27

MAY 9, 1978.

Mr. PETER D. EHRENHAFT,
Deputy Assistant Secretary for Tariff Affairs, U.S. Department of the Treasury, Washington, D.C.

ANTIDUMPING COMPLAINT, NYLON YARN FROM JAPAN

DEAR MR. EHRENHAFT: By letter of March 29, 1978, to your office, counsel for Toray Industries, Inc., and Kanebo Textiles Ltd. stated that his clients were willing to sell the subject nylon yarns at or above certain price levels to effect withdrawal of the above-captioned antidumping proceeding. The specific U.S. selling prices stated by Toray and Kanebo are not less than $1.47 duty paid delivered for 40 denier nylon yarn on tubes and not less than $1.33 duty paid delivered for 70 denier nylon yarn on tubes.

Pursuant to your request for Du Pont's response to the Toray and Kanebo proposal, we can state that the revised prices proposed by Tory and Kanebo would substantially reduce the dumping margins alleged in our petition and, if promptly implemented, should avoid the need for continuing these proceedings. Accordingly, Du Pont hereby requests withdrawal of its antidumping petition dated February 3, 1978.

Du Pont's position is taken with the expectation that Toray and Kanebo will export subject products in accordance with U.S. antidumping laws. However, Du Pont reserves the right to seek relief in the future under the Antidumping Act should Du Pont conclude that sales at the foregoing prices or at any other prices established by Toray and Kanebo are at less than fair value and in violation of the U.S. antidumping laws. We would ask that the Treasury Department process any such future petition as expeditiously as possible.

According to their counsel's letter, Toray and Kanebo propose to implement the foregoing prices on August 1. There appears to be no good reason for delaying the price adjustment for such a long period. In view of the Japanese firms' express intention to comply with our antidumping laws, we would expect to see the proposed price increases effected at the earliest possible date and not later than June 1, 1978. Moreover, it is recognized that the Treasury Department has no responsibility to monitor the price of such nylon imports.

Respectfully submitted,

THEODORE F. KILLHEFFER.

MAY 16, 1978.

THEODORE E. KILLHEFFER, Esquire,
Legal Department, E. I. du Pont de Nemours & Co., Wilmington, Del.

Dear Mr. Killheffer: This is to acknowledge receipt of your letter of May 9, 1978 in which, on behalf of the du Pont Company, you unconditionally withdrew the antidumping petition filed February 3, 1978 relative to nylon yarn from Japan.

In response to your letter, I wish to indicate to you that the antidumping investigation begun on March 10, 1978, as a result of your petition, will be terminated immediately, subject to the approval of Treasury's General Counsel.

At the same time, the Treasury Department recognizes that your withdrawal of the petition is without prejudice to the filing of a new complaint at any time in the future. However, I should also state, as you recognize in the concluding sentence of your letter, that Treasury has no future responsibility to monitor the prices at which the Japanese manufacturers sell nylon yarn to the United States.

Sincerely yours,

PETER D. EHRENHAFT,
Deputy Assistant Secretary and Special Counsel.

[FR Doc. 78-14646 Filed 5-24-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 667]

Assignment of Hearings

MAY 22, 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 110420 (Sub-778F), Quality Carriers, Inc., is now assigned for hearing June 26, 1978 (1 day) in Courtroom 3, Fifth Floor, U.S. Court and Customs House, 1114 Market Street, St. Louis, MO.

MC 130468, Summer Sites, Inc., is assigned for hearing June 12, 1978 at New York, NY and will be held at Room F-2224 Federal Building, 26 Federal Plaza.

MC 130457, W. J. Condren, Inc., is assigned for hearing June 14, 1978 at New York, NY and will be held at Room F-2224 Federal Building, 26 Federal Plaza.

AB 57 (Sub-7), Soo Line Railroad Co. Abandonment in Baraga and Houghton Counties, MI now being assigned June 26, 1978 for continued hearing at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 143553 (Sub-2), WY Trucking, Inc. now assigned June 8, 1978 at Boston, MA is cancelled and transferred to Modified procedure.

MC 43867 (Sub-35), A. Leander McAlister Trucking Co., MC 59150 (Sub-109), Ploof Truck Lines, Inc., MC 60014 (Sub-59), Aero Trucking, Inc., MC 61592 (Sub-407), Jenkins Truck Lines, Inc., MC 73165 (Sub-413), Eagle Motor Lines, Inc., MC 95876 (Sub-226), Anderson Trucking Service, Inc., MC 103993 (Sub-901), Morgan Drive-Away, Inc., MC 106398 (Sub-777), National Trailer Convoy, Inc., MC 107678 (Sub-65), Hill & Hill Truck Line, Inc., MC 108341 (Sub-72), Moss Trucking Co. MC 109397 (Sub-373), Tri-State Motor Transit Co., MC 114211 (Sub-340), Warren Transport, Inc., MC 114552 (Sub-141), Senn Trucking Co., MC 115311 (Sub-258), J & M Transportation Co., Inc., MC 115496 (Sub-70), Lumber Transport, Inc., MC 116915 (Sub-39), Eck Miller Transportation Corp., MC 119522 (Sub-35), McLain Trucking, Inc., MC 119656 (Sub-35), North Express, Inc., MC 123407 (Sub-400), Sawyer Transport, Inc., MC 124511 (Sub-41), John F. Oliver, MC 124692 (Sub-188), Sammons Trucking, MC 124947 (Sub-63), Machinery Transports, Inc., MC 138155 (Sub-25), Fred Olson Co., Inc., MC 138741 (Sub-42), American Central Transport, Inc., MC 139615 (Sub-9), D.R.S. Transport, Inc., and MC 142059 (Sub-15), Cardinal Transport, Inc. now being assigned May 31, 1978 for further prehearing conference at the Offices of the Interstate Commerce Commission in Washington, DC.

I & S M-29772, General Increase, S.M.C.R.C., April 1978, now assigned June 26, 1978 at Washington, DC is postponed to July 10, 1978 at the offices of the Interstate Commerce Commission, Washington, DC.

No. MC 8973 (Sub-No. 46), Metropolitan Trucking, Inc., now assigned May 25, 1978, at Washington, DC is canceled.

MC 78400 (Sub-53), Beaufort Transfer Co. now being assigned June 6, 1978 (1 day) at Jefferson City, MO and will be held at the House Lounge, State Capitol Building.

No. MC 113651 (Sub-No. 263), Indiana Refrigerator Lines, Inc., application dismissed.

No. MC 115904 (Sub-No. 94), Taggart Trucking Co., application dismissed.

MC 99581 (Sub-4), Vaca Valley Bus Lines, Inc., now assigned June 19, 1978 at San Francisco, CA, will be held in Room 510, Fifth Floor, 211 Main Street.

H. G. HOMME, Jr.
Acting Secretary.

[FR Doc. 78-14694 Filed 5-24-78; 8:45 am]

[7035-01]

[Exemption No. 137-A]

EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES ORDERED IN EX PARTE NO. 241

To: *all Railroads*, Upon further consideration of Exemption No. 137 issued April 7, 1977.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 137 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, vacated and set aside.

This amendment shall become effective 11:59 p.m., May 16, 1978.

Issued at Washington, D.C., May 16, 1978.

INTERSTATE COMMERCE COMMISSION,
ROBERT S. TURKINGTON,
Agent.

[FR Doc. 78-14696 Filed 5-24-78; 8:45 am]

[7035-01]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 22, 1978.

These applications for long-and-short-haul relief have been filed with the ICC.

Protests are due at the ICC within 15 days from the date of publication of this notice.

FSA No. 43546, North Pacific Coast Freight Bureau, Agent, No. 78-2, rates on barley, oats, wheat, wheat flour and mill feed, from MT points to Spokane, WA, and related points, to be published in its tariff 13-J, ICC 1342, to become effective June 17, 1978. Grounds for relief—motor and motor-water competition.

FSA No. 43547, Sea-Land Service, Inc., No. 99, intermodal rates on general commodities, between rail carrier's terminals at Portland, OR, and Seattle, WA, on the one hand, and ports in PR and VI by way of Houston, TX, to be published in its tariffs 289 and 290, ICC 122 and 123, respectively, to become effective June 15, 1978. Grounds for relief—water competition.

By the Commission.

H. G. HOMME, Jr.
Acting Secretary.

[FR Doc. 78-14695 Filed 5-24-78; 8:45 am]

[7035-01]

[Notice No. 80]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 19, 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 Secertary, Interstate Commerce Commission, Washington, DC, and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30844 (Sub-No. 605TA), filed April 21, 1978. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, P.O. Box 5000, Waterloo, IA 50702. Applicant's representative: John P. Rhodes (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture, furniture parts and materials, equipment and supplies* used in the manufacture of furniture, from Archbold and Stryker, OH, to points in AL, AR, CO, CT, DE, GA, IA, KS, KY, LA, ME, MD, MA, MS, MO, NE, NH, NJ, NY, NC, OK, PA, RI, SC, TN, VT, VA, WV, and Washington, DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Sauder Woodworking Co., P.O. Box 156, Archbold, OH 43502. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 52861 (Sub-No. 43TA), filed April 24, 1978. Applicant: WILLS TRUCKING, INC., 5755 Granger Road, Suite 615, Cleveland, OH 44131. Applicant's representative: Paul F. Beery, Beery & Spurlock Co., 275 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke* (in bulk, in dump vehicles), from the plantsite of Erie Coke & Chemical at Fairport Harbor, OH, to Hastings, MI; Huntington, Wabash and LaPorte, IN, for 180 days. Supporting shipper(s): Erie Coke & Chemical, P.O. Box 1039, Birmingham, MI 48011. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 73165 (Sub-No. 446TA), filed April 20, 1978. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, P.O. Box 11086, Birmingham, AL 35202. Applicant's representative: R. Cameron Rolins, 830 North 33rd Street, Birmingham, AL 35202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum articles: viz., sheet, plate, blanks, foil or lineal shapes*, from the facilities of Kaiser Aluminum & Chemical Corp., at or near Ravenswood, WV, to points in AL, AR, CT, FL, GA, IL, IN, MA, MI, MS, MO, NJ, NC, PA, SC, TN, VA and Farnhurst, DE; Louisville & Richmond, KY; New Orleans & Lafayette, LA; Westbrook, MA; Baltimore, MD; Minneapolis, St. Paul, MN; Houston, Grand Prairie & Tyler, TX; and Washington, DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kaiser Aluminum & Chemical Corp., P.O. Box 98, Ravenswood, WV 26164. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

No. MC 78947 (Sub-No. 15TA), filed April 24, 1978. Applicant: ELLIOTT BROS., TRUCK LINE, INC., 801 Highway 21, Dysart, IA 52224. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Putnam County, IL, to Kansas City, KS; Kansas City, MO, and points in NE, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Jones & Laughlin Steel Corp., Hennepin, IL 61327. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 110525 (Sub-No. 1238TA), filed April 14, 1978. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, P.O. Box 200, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil and hydraulic systems fluid*, (in bulk, in tank vehicles), from Carrollton, GA, to points in NC, SC, VA and TN, for 180 days. Supporting shipper(s): E. F. Houghton & Co., 421 Garrett Street, Carrollton, GA 30117. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

No. MC 114273 (Sub-No. 364TA), filed April 24, 1978. Applicant: CRST, INC., P.O. Box 68, 3930 16th Avenue, Cedar Rapids, IA 52406. Applicant's representative: Kenneth L. Core (same

address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Green salted hides*, from Denver, CO, to Milwaukee, WI, for 180 days. Supporting shipper(s): Pfister & Vogel Tanning Co., P.O. Box 745, Milwaukee, WI 53200. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 119422 (Sub-No. 61TA), filed April 25, 1978. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln Streets, East St. Louis, IL 62204. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pellets*, (in bulk, in tank vehicles), from the facilities of East St. Louis Terminal & Storage Co., at East St. Louis, IL, to points in MO, IN, IA, KS, OH, WI, KY, NE, MI, TN and AR, restricted to traffic having an immediate prior movement by rail, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) David Weiser, Rate-Analyst, Allied Chemical Corp., P.O. Box 1087-R, Morristown, NJ 07960. (2) Charles B. Ganter, Jr., District Manager, Soltex Polymer Corp., 3333 Richmond Avenue, Houston, TX 77098. P.O. Box 27328, Houston, TX 77027. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

No. MC 119493 (Sub-No. 195TA), filed April 25, 1978. Applicant: MONKEM CO., INC., Box 1196, West 20th Street Road, 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: *Roofing, prepared shingles, roofing cement, asphaltum, roofing paper, building materials, and supplies* used in the manufacture and installation thereof, between Joplin, MO, and points in the United States, (except AK, AR, IA, IL, IN, KS, KY, MN, MI, MS, NE, ND, OK, SD, TN, and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Tamko Asphalt Products, Inc., 601 North High, Joplin, MO. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 128801 (Sub-No. 6TA), filed April 25, 1978. Applicant: RONALD SHREINER, R.D. No. 1, Lebanon, PA 17042. Applicant's representative: Ronald Shreiner, R.D. No. 1, Lebanon, PA 17042. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum plate or sheet, aluminum blanks*, from the plant site and storage facilities of Howmet Aluminum Corp., at or near Lancaster, PA, to points in the States of IL, WI, MN, IA, NE, MO, KS, KY, and GA, under a continuing contract, or contracts, with Howmet Aluminum Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Howmet Aluminum Corp., Box 3167, Lancaster PA 17604. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869, Federal Square Station, Harrisburg, PA 17108.

No. MC 133689 (Sub-No. 196TA), filed April 21, 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: *Margarine, lard, and shortening*, from Albert Lea, MN, to points in OH, KY, TN, NC, SC, and GA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Miami Margarine Co., Albert Lea, MN 56007. 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 135874 (Sub-No. 125TA), filed April 14, 1978. Applicant: LTL PERISHABLES, INC., 550 East 5th Street South, South St. Paul, MN 55075. Applicant's representative: K. O. Petrick, 550 East 5th Street South, South St. Paul, MN 55075. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal foods* (except commodities in bulk), from Delavan, WI, to points in NJ, NY and PA, for 180 days. Supporting shipper(s): Landon Co., Inc., Route No. 3, Box 457, Delavan, WI, 53115. 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 135874 (Sub-No. 126TA), filed April 20, 1978. Applicant: LTL PERISHABLES, INC., 550 East 5th Street South, South St. Paul, MN 55075. Applicant's representative: K. O. Petrick, 550 East 5th Street South, South St. Paul, MN 55075. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foodstuffs*, (except commodities in bulk), from Deerfield, IL, and commercial zone, to points in MA, NY, MD, VA, DE and PA, for 180 days. Supporting shipper(s): The Kitchens of Sara Lee, 500 Waukegan Road, Deerfield, IL 60015. 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 136343 (Sub-No. 136TA), filed April 20, 1978. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, R.D. No. 1, Milton, PA 17847. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water and mineral solutions*, (except commodities in bulk), from Delran and Cinnaminson, NJ, to Atlanta, GA; Dallas and Houston, TX; Miami and Tampa, FL; New Orleans, LA; and Toledo, OH, restricted to the transportation of traffic originating at or destined to the facilities utilized by Erika, Inc., for 180 days. Supporting shipper(s): Erika, Inc., 1 Erika Plaza, Rockleigh, NJ 07647. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869, Federal Square Station, Harrisburg, PA 17108.

No. MC 138505 (Sub-No. 6TA), filed May 1, 1978. Applicant: METROPOLITAN CONTRACT SERVICES, INC., 710 North Post Oak Road, Suite 100, Houston, TX. 77024. Applicant's representative: John W. McWhirter, Jr., 600 North Florida Avenue, Suite 1776, Tampa, FL 33602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General retail commodities* sold by Montgomery Ward & Co., Inc., between Montgomery Ward's warehouse-Tampa, FL, & Montgomery Ward Stores in Tampa, Pinellas Park, St. Petersburg, Clearwater, Lakeland, Plant City, FL; and Pasco County, FL, under a continuing contract, or contracts, with Montgomery Ward & Co., Inc., for 180 days. Supporting shipper(s): Montgomery Ward & Co., Inc., 7001 Lake Ellenor Drive, Orlando, FL 32809. Send protests to: John F. Mensing, District Supervisor, 8610 Federal Building, 515 Rusk Avenue, Houston, TX 77002.

No. MC 140615 (Sub-No. 26TA), filed April 24, 1978. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Applicant's representative: Dennis C. Brown, P.O. Box 116, Wisconsin Rapids, WI 54494. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Byproducts of cheese unfit for human consumption*, from Hainesport, NJ, to Denver, CO., and Delavan, WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Brooke Bond Foods, Inc., P.O. Box 274, Hainesport, NJ 08036. Send protests to: Ronald A. Morken, District Supervisor, Interstate Commerce Commission, 139 West Wilson Street, Room 202, Madison, WI 53703.

No. MC 142698 (Sub-No. 3TA), filed April 24, 1978. Applicant: B. A. STRICKLAND, 620 Old Highway 99 N., Burlington, WA 98233. 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: *Such commodities* as are dealt in or used in the operation of retail department stores, from the facilities of Nordstrom, Inc., at Tukwila, WA, to the facilities of Nordstrom, Inc., of Seattle, WA, under a continuing contract, or contracts, with Nordstrom, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Nordstrom, Inc., 1201 Andover Park East, Seattle, WA 98188. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174.

No. MC 142703 (Sub-No. 5TA), filed April 25, 1978. Applicant: INTERMODAL TRANSPORTATION SERVICES, INC., 750 West Third Street, P.O. Box 14072, Cincinnati, OH 45214. Applicant's representative: Michael Spurlock, Beery & Spurlock Co., 275 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (with the usual exceptions), between Cincinnati, OH, on the one hand, and, on the other, points in IN, restricted to transportation of shipments having a prior or subsequent rail or water movement, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (14) 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: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 143540 (Sub-No. 3TA), filed April 27, 1978. Applicant: MARINE TRANSPORT CO., 1901 Carolina Branch Road, Wilmington, NC 28401. Applicant's representative: Robert McGeorge, 1054 31st Street NW., Washington, DC 20007. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles, including wood pulp, fibreboard and pulpboard*, between the facilities of Weyerhauser Co. in New Bern and Greenville, NC, on the one hand, and, on the other, port facilities at Charleston, SC; Norfolk and Newport News, VA; Wilmington and Morehead City, NC, and between the facilities of Weyerhauser Co. in Greenville and New Bern, NC, under a continuing contract, or contracts, with Weyerhauser Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Weyerhauser Co., Box 787, Plymouth, NC 27962. 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 144052 (Sub-No. 1TA), filed May 5, 1978. Applicant: R. W. PORTER TRANSPORT LTD., 2904 196th Street, R. R. No. 1, Langley, BC, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, heavy equipment, and related accessory parts*, between points on the International Boundary between the United States and Canada located at Blaine, Lynden and Sumas, WA, and points located in Whatcom, Skagit, Snohomish and King Counties, WA, under a continuing contract, or contracts, with Cambridge Equipment Ltd., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Cambridge Equipment Ltd., 482 Allen Drive, Delta, BC, Canada. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174.

No. MC 144501 (Sub-No. 1TA), filed April 24, 1978. Applicant: GREG LaVELLE CO., 9024 48th Avenue East, Tacoma, WA 98446. Applicant's representative: Greg LaVelle, 9024 48th Avenue East, Tacoma, WA 98446. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Green veneer*, from Ronald, WA, to points in OR west of the Cascades as follows: Albany, Beaverton, Clackamas, Corvallis, Culp Creek, Dillard, Eugene, Foster, Grants Pass, Griggs, Junction City, Lebanon, Milwaukee, Portland, Riddle, Roseburg, Springfield, Sweet Home, Tillamook, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Alpine Veneers, Inc., 1210 Yeon Building, Portland, OR 97204. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174.

No. MC 144588 (Sub-No. 1TA), filed April 24, 1978. Applicant: CHARLES A. FROELICH, 19102 Cane Circle, Greenacres, WA 99016. Applicant's representative: Donald A. Ericson, 708 Old National Bank Bldg., Spokane, WA 99201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods and empty bakery containers*, between Spokane, WA, on the one hand, and, on the other Coeur d'Alene and Kellogg, ID, under a continuing contract, or contracts, with Einarsen Bakeries, Inc., d.b.a. Boge Bros., Baking Co., for 180 days. Supporting shipper(s): Einarsen Bakeries, Inc., d.b.a. Boge Bros., Baking Co., W. 1701 College Avenue, Spokane, WA 99201. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174.

No. MC 144609 (Sub-No. 1TA), filed April 24, 1978. Applicant: ADAN J. DOMINGUEZ, d.b.a. DOMINGUES BROS. PRODUCE CO., 1500 S. Zarzamora, San Antonio, TX 78207. Applicant's representative: Adan J. Dominguez (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from San Antonio, TX, to points in Southern CA on and south of Interstate Highway 10, including the Los Angeles, CA, commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pearl Brewing Company, P.O. Box 1661, San Antonio, TX 78296. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Room B-400 Federal Building, 727 E. Durango, San Antonio, TX 78206.

No. MC 144612 (Sub-No. 1TA), filed April 25, 1978. Applicant: THOMAS GARY WEBB, d.b.a. T. G. WEBB CO., P.O. Box 414, Wingate, NC 28174. Applicant's representative: Griffin, Caldwell & Helder, 314 North Hayne Street, Monroe, NC 28110. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal* (in bulk, in dump vehicles), from Hartsville and Kershaw, SC, to Monroe, NC, under a continuing contract, or contracts, with Producers Cooperative Feed Mill, Inc., and Hartsville Oil Mill,

for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Producers Cooperative Feed Mill, Inc., P.O. Box 663, Monroe, NC 28110. (2) Hartsville Oil Mill, Box 490, Hartsville, SC 29550. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

No. MC 144614 (Sub-No. 1TA), filed April 17, 1978. Applicant: CHARLES L. WOHLERT, d.b.a. LATAH TRANSPORTATION, P.O. Box 8897, route 3, Box 211, Moscow, ID 83843. Applicant's representative: Michael D. Duppenthaler, 607 3rd Avenue, 515 Lyon Building, Seattle, WA 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and wine* (except in bulk, in tank vehicles), from points in CA and WA, to Moscow ID, Pullman and Clarkston, WA, under a continuing contract, or contracts, with Housel Distributors, Latah Distributors, Inc., and Silvestri Distributing Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Housel Distributors, P.O. Box 362, Pullman, WA 99163. (2) Latah Distributors, Inc., 220 West Morton, Moscow, ID. (3) Silvestri Distributing Co., P.O. Box 6, Clarkston, WA. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174.

No. MC 144633 (Sub-No. 1TA), filed April 21, 1978. Applicant: TOM MYERS, d.b.a. MYERS, Box 246, Gateway, CO 81523. Applicant's representative: Tom Myers (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Insulation*, from Fibreboard Corp. plant near Fruita, CO, (Mesa County), to points in WY, MT, WA, OR, ID, CA, NV and UT, under a continuing contract, or contracts, with Fibreboard Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Fibreboard Corp., 55 Francisco Street, San Francisco, CA 94133. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202.

No. MC 144656 (Sub-No. 1TA), filed April 14, 1978. Applicant: A.D.L. CARTAGE, INC., d.b.a. WASHINGTON CARTAGE, 5311 46th Avenue, Hyattsville, MD 20781. Applicant's representative: William P. King, Sage and King, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical supplies, equipment, fittings, and accessories* moving in trailers, and empty trailers, for the account of Crouse-Hinds, Inc., Arrow-Hart Division, between the plantsite of Crouse-Hinds, Inc., Arrow-Hart Division, at or near Earlysville, VA, on the one hand, and, on the other, the facilities of ABC Transnational Transport, Inc., at Baltimore, MD, and Washington, DC, restricted to the transportation of traffic having a prior or subsequent movement in freight forwarder service, under a continuing contract, or contracts, with Crouse-Hinds, Inc., and Arrow-Hart Division, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Crouse-Hinds, Inc., Arrow-Hart Division, 16 Eastern Park Road, East Hartford, CT 06108 Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th and Constitution Avenue NW., Room 1413, Washington, DC 20423.

No. MC 144670TA, filed April 12, 1978. Applicant: R. THEODORE, INC., 52 Elm Street, Manchester, NH 03101. Applicant's representative: Philip R. Theodore (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages*, in bottles, from the facilities of Spruce Industries, Inc., at Portsmouth, NH, to points in ME, MA, NH and VT, under a continuing contract, or contracts, with Spruce Industries, Inc., for 180 days. Supporting shipper(s): Spruce Industries, Inc., 848 Islington Street, Portsmouth, NH 03101. (Ralph E. Struzziero, President). Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3, 6 Louden Road, Concord, NH 03301.

No. MC 144674TA, filed April 24, 1978. Applicant: MJL LEASING, INC., 623 Main Street, Santa Paula, CA 93060. Applicant's representative: William J. Monheim, 13710 East Whittier Boulevard, Suite 203, P.O. Box 1756, Whittier, CA 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* dealt in by distributors of food service supplies (except foodstuffs), between Long Island City, NY, and points in Los Angeles County, CA, under a continuing contract, or contracts, with Seneca-Delco Corp., for 180 days. Supporting shipper(s): Seneca-Delco Corp., 33-16 Woodside Avenue, Long Island City, NY 11101. Send protests to: Irene Carlos Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 144716TA, filed May 4, 1978. Applicant: M. D. NELSON, d.b.a. NELSON TRANSPORTATION CO., Newman Grove, NE 68758. Applicant's representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Norfolk Iron & Metal Co., located at or near Norfolk, NE, to points in CO, IL, IN, IA, KS, MI, MN, MO, MT, ND, OK, SD, UT, WI and WY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper(s): Dan D. Coulter, Traffic Manager, Norfolk Iron & Metal Co., 300 Braasch Avenue, Norfolk, NE 68701. Send protests to: Carroll Russell District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 144723TA, filed May 4, 1978. Applicant: RICKEY JUSTICE, d.b.a. JUSTICE TRUCKING, 311 South Broadway, Centralia, IL 62801. Applicant's representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical supplies and equipment*, between St. Louis, MO, on the one hand, and, on the other, points in Madison, Bond, Fayette, Effingham, Clinton, Marion, Jefferson, Washington, Franklin, Williamson, Perry, Monroe, Randolph, and Jackson Counties, IL, on the other, under a continuing contract, or contracts, with Glasco Electric Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kenneth A. Cohen, Operations Manager, Glasco Electric Co., 706 North Jefferson Street, St. Louis, MO 63103. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary

[FR Doc. 78-14693 Filed 5-24-78; 8:45 am]

[7035-01]

[Notice No. 82]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 22, 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 107515 (Sub-No. 1143TA), filed April 27, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, 3901 Jonesboro Road, Forest Park, GA 30050. Applicant's representative: Alan E. Serby, Serby & Mitchell, 5th Floor Lenox Towers, South 3390 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the facilities of Welch Foods, Inc., at or near Lawton, MI, to points in AK, KS, LA, MS, MO, NM, OK, TN and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Welch Foods, Inc., 2 South Portage Street, Westfield, NY 14787. Send protests to: E. A. Bryant District Supervisor, Interstate Commerce Commission, Room 300, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 113198 (Sub-No. 5TA), filed April 14, 1978. Applicant: UTER-MOEHLEN TRUCKING, INC., P.O. Drawer N, Arma, KS 66712. Applicant's representative: William B. Barker, 641 Harrison, Topeka, KS 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, (1) From Vernon County, MO, to points in KS, under a continuing contract, or contracts, with Midwest Mining and Reclamation, Inc., Ft. Scott, KS; and (2) from Crawford County, KS, to points in MO, under a continuing contract, or contracts, with Alternate Fuels, Inc., Pittsburg, KS, for 180 days. Supporting shipper(s): (1) Midwest Mining and Reclamation, Inc., Ft. Scott, KS 66701. (2) Alternate Fuels, Inc., 4097 Mt. Carmel Road, Pittsburg, KS 66762. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, KS 67202.

No. MC 114457 (Sub-No. 382TA), filed April 14, 1978. Applicant: DART TRANSIT CO., 2102 University Avenue, St. Paul, MN 55114. Applicant's representative: James H. Wills, 2102 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing and bathroom products and fixtures, component parts, accessories and equipment*, from Shelby, OH, and its commercial zone to points in the states of IL, IN, IA, KS, KY, MI, MN, MO, NE and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Wickes Lumber, 515 North Washington Avenue, Saginaw, MI 48607. 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 116763 (Sub-No. 415TA), filed April 17, 1978. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials and supplies* used in the manufacturing, distribution and sale of foodstuffs; and foodstuffs, from points in IL on and north of Hwy I-74 to the plantsites of Oconomowoc Canning Co. located at Sun Prairie, Poynette, Waunakee, DeForest, Cobb, Merrill, and Oconomowoc, WI, for 180 days. Supporting shipper(s): Oconomowoc Canning Co., Patrick F. Muller, Distribution Manager, P.O. Box 248, Oconomowoc, WI 53066. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 117119 (Sub-No. 683TA), filed April 13, 1978. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Applicant's representative: L. M. McLean, P.O. Box 188, Elm Springs, AR 72728. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail, discount, department, and variety stores, (except commodities in bulk and foodstuffs), from Calhoun, GA, to the facilities of Wal-Mart Stores, Inc., at Bentonville and Searcy, AR, for 180 days. Supporting shipper(s): Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, AR 72712. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 117639 (Sub-No. 15TA), filed April 14, 1978. Applicant: PICK'S PACK HAULER, INC. d.b.a. PACK HAULER, 1214 East South Street, Hastings, NE 68901. Applicant's representative: Gailyn L. Larsen, 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 Sioux City Brick and Tile, at or near Sergeant bluff, IA, to points in NE, under a continuing contract, or contracts, with Sioux City Brick and Tile, and Yankee Hill Brick Manufacturing Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Orren Silliman, Sioux City Brick and Tile, 222 Commerce Bldg., Sioux City, IA 51102. (2) E. Dean Everitt, Sr., Vice President Sales, Yankee Hill Brick Manufacturing Co., 3705 South Coddington, Lincoln, NE 68505. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Court House, 100 Centennial Mall North, Lincoln, NE 68508.

No. MC 123075 (Sub-No. 27TA), filed April 14, 1978. Applicant: SHUPE & YOST, INC., North U.S. 85 Bypass. P.O. Box 1123, Greeley, CO 80631. Applicant's representative: Stuart L. Poelman, 700 Continental Bank Bldg., Salt Lake City, UT 84101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from the facilities of the American Salt Co. in Tooele County, UT and the facilities of Great Salt Lake Mineral and Chemical Corp. at Little Mountain, UT, to points in CO, WY, KS, NE, ND, and SD, under a continuing contract, or contracts, with Hardy Salt Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Hardy Salt Co., P.O. Drawer 449, St. Louis, MO 63166. Send protests to: Roger L. Buchanan, District Supervisor, Inter-

state Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

No. MC 124062 (Sub-No. 13TA), filed April 14, 1978. Applicant: FRICK TRANSPORT, INC., Wawaka, IN 46794. 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: *Liquid fertilizer solution* (in bulk, in tank vehicles), from Burns Harbor, IN, to points in MI, IN, IL, and OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Agrico Chemical Co., P.O. Box 3166, Tulsa, OK 74101. 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 124078 (Sub-No. 798TA), filed April 24, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Cowan, TN, to points in MS, for 180 days. Supporting shipper(s): Marquette Co., 2200 First American Center, Nashville, TN 37238. (Steven W. Cardin.) 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 124078 (Sub-No. 799TA), filed April 13, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (in bulk, in tank vehicles), from Macon, GA, to Grand Island, NE, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Proctor and Gamble Co., P.O. Box 599, Cincinnati, OH 45201. (Wm. J. Payne.) 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 124078 (Sub-No. 800TA), filed April 13, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude peanut oil* (in bulk, in tank vehicles), from Hershey, PA, to Graceville, FL, for 180 days. Supporting shipper(s): Gold Kist, Inc., P.O. Box 2210, Atlanta, GA 30301. (James E. Sanders.) 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 124113 (Sub-No. 183TA), filed April 14, 1978. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, P.O. Box 166, Eagle Grove, IA 50533. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dicalcium phosphate*, from the facilities of Beker Industries, Corp., located at or near Marseilles, IL, to points in IN, IA, MO, MI and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Beker Industries, Corp., 124 West Putnam Avenue, Greenwich, CT 06830. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 124170 (Sub-No. 91TA), filed April 13, 1978. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Road, Detroit, MI 48207. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* (exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, from points in NY and NJ within the commercial zone of New York, NY, and from Philadelphia, PA, to points in MI and points in the commercial zone of Pittsburgh and McKeesport, PA, for 180 days. Restriction: The above authority is restricted to the movement of traffic originating at the above-named origin territory and destined to the above-named territory). Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (8) 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: Timothy S. Quinn, District Supervisor, Interstate Commerce Commission, 604 Federal Building and U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, MI 48226.

No. MC 124692 (Sub-No. 210TA), filed April 24, 1978. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59801. Applicant's representative: D. W. Smith, 9000 Keystone Crossing, Suite 945, Indianapolis, IN 46240. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tanks, tank parts and materials, equipment, tools and supplies* used in the erection of tanks, from the facilities of Brown Minneapolis Tank & Mfg. Co., at Eagan, MN, to San Onofre, CA, and Winnemucca, NV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): James T. Hartman, Traffic Manager, Brown Minneapolis Tank & Mfg. Co., 2875 Hwy 55, Eagan MN. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

No. MC 125894 (Sub-No. 7TA), filed April 26, 1978. Applicant: J AND R SCHUGEL TRUCKING, INC., 301 N. Water Street, New Ulm, MN 56073. Applicant's representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, from Wilmar, MN, to points in ND and SD, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Martrex, Inc., P.O. Box 159, Chanhassen, MN 55317. 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 128460 (Sub-No. 3TA), filed April 5, 1978. Applicant: JOHN J. CONAHAN, d.b.a. CENTRAL AIR FREIGHT SERVICE, 26 West Green Street, Hazleton, PA 18201.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: *General commodities*, (except those of unusual value, dangerous explosives, commodities in bulk, commodities requiring special equipment, household goods, and those injurious or contaminating to other lading), restricted to shipments having a prior or subsequent movement by air, between the Philadelphia International Airport, Philadelphia, PA, on the one hand,

and, on the other, points in Schuylkill, Luzerne, and Lackawanna Counties, PA, for 150 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (32) 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: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Bldg., Scranton, PA 18503.

No. MC 128527 (Sub-No. 111TA), filed April 14, 1978. Applicant: MAY TRUCKING CO., P.O. Box 398, Payette, ID 83661. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel articles*, (2) *Pipe and pipe fittings*, (1) from points in California to points in Malheur County, Oreg., and points in Ada, Canyon, Gem, Payette, and Washington Counties, Idaho, and (2) from points in Calif., to points in Idaho south of the southern boundary of Idaho County, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Beal Pipe & Tank Corp., 10 N. Hartman, Boise, ID 83704. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Suite 110, 1471 Shoreline Drive, Boise, ID 83706.

No. MC 128746 (Sub-No. 38TA), filed April 27, 1978. Applicant: D'AGATA NATIONAL TRUCKING CO., 3224-44 South 61st Street, Philadelphia, PA 19153. Applicant's representative: Edward J. Kiley, Suite 501, 1730 M. Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages in containers*, from Columbus, OH, to Deptford, NJ, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Konrad Beer Distributor, Inc., 191 North Hurffville Road, Deptford, NJ 08096. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia PA 19106.

No. MC 134755 (Sub-No. 145TA), filed April 21, 1978. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, 1959 E. Turner Street, Springfield, MO 65804. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except in bulk), from the facilities of General Foods Corp., at or near Dover, DE, to points in MO and CO, for 180 days. Supporting shipper(s): General Foods Corp., 250 North Street, White Plains, NY 10625. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, Kansas City, MO 64106.

No. MC 135797 (Sub-No. 112TA), filed April 13, 1978. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, U.S. Highway 71, Lowell, AR 72745. Applicant's representative: Paul R. Bergant, 10 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonalcoholic beverages*, (except in bulk and frozen), from facilities utilized by Texsun Corp., at Corpus Christi, TX, to points in AL, AR, IL, KS, MN, MS, MO, NM, OH, OK, TN, TX, and WI, for 180 days. Supporting shipper(s): Texsun Corp., 800 West Hwy 83, Weslaco, TX 78596. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 138438 (Sub-No. 23TA), filed April 13, 1978. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Williamsport, MD 21740. Applicant's representative: Edward N. Button, P.O. Box 1417, Hagerstown, MD 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum dump and platform trailers*, from Elizabeth, WV, and its commercial zone, to Everett and Philadelphia, PA, Richmond, VA, and their respective commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Ravens Metal Products, Inc., Box 97, Elizabeth, WV. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th and Constitution Avenue NW., Room 1413, Washington, DC 20423.

No. MC 138686 (Sub-No. 1TA), filed May 1, 1978. Applicant: L.C.W. TRUCKING, INC., P.O. Box 718, Edinburg, TX 78539. Applicant's representative: L. C. Waller, P.O. Box 718, Edingburg, TX 78539. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from San Antonio, TX, to points in CA on and south of Interstate Hwy 10, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pearl Brewing Co., P.O. Box 1661, San Antonio, TX 78296. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Room B-400 Federal Building, 727 E. Durango, San Antonio, TX 78206.

No. MC 138875 (Sub-No. 87TA), filed April 26, 1978. Applicant: SHOEMAKER TRUCKING CO., 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: *Fire retardants and fire fighting equipment and supplies*, from Ontario, CA, and Boise, ID, to points in CA, WA, OR, ID, NV, UT and CO, for 180 days. Applicant does not intend to tack or interline authority. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO 63166. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Suite 110, 1471 Shoreline Drive, Boise, ID 83706.

No. MC 139923 (Sub-No. 44TA), filed April 3, 1978. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer D, Stroud, OK 74079. 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: *Paper, paper articles and polyethylene articles* (except commodities in bulk), from the facilities of Jemco Packaging Products, Inc., at or near Jackson, TN, to points in AR, MO, KS, OR, TX and CO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Jemco Packaging Products, Inc., Benwood Industrial Park, Jackson, TN 38301. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Court House Building, 215 Northwest 3rd, Oklahoma City, OK 73102.

No. MC 140061 (Sub-No. 6TA), filed April 14, 1978. Applicant: DONALD MULDER, d.b.a. DON MULDER TRUCKING, 1735 North 50th Street, Lincoln, NE 68504. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, wood chips, lighter fluid, and sawdust, and wax impregnated fireplace logs* (except in bulk), from the facilities of the Kingsford Co., at or near Belle, MO, to points in the States of MN, NE, ND and SD, under a continuing contract, or contracts, with the Kingsford Co., of Louisville, KY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): David L. Dean, Assistant Traffic Manager,

The Kingsford Co., P.O. Box 1033, Louisville, KY 40201. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Court House, 100 Centennial Mall North, Lincoln, NE 68508.

No. MC 140454 (Sub-No. 1TA), filed April 14, 1978. Applicant: PERMA TRUCKING CO., INC., 214 North Williamson Road, Blossburg, PA 16912. Applicant's representative: David A. Sutherland, Suite 400, 1150 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal* (in bulk, in dump vehicles), from points in Tioga County, PA, to points in Yates County, NY, under a continuing contract, or contracts, with P & M Mining Co., for 180 days. Supporting shipper(s): P & M Mining Co., 248 Main Street, Blossburg, PA 16912. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

No. MC 143152 (Sub-No. 8TA), filed May 1, 1978. Applicant: BILLY R. HODGE, d.b.a., HODGE TRUCKING CO., Box 386, Hoxie, AR 72433. Applicant's representative: Thomas B. Staley, 1550 Tower Building, Little Rock, AR 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bags and in bulk (except in tank vehicles), from the plantsites of Frit Industries, in Walnut Ridge, AR, to points and places in the States of IN, WI, MI, NM and CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Frit Industries, Inc., P.O. Box 149, Industrial Park, Walnut Ridge, AR 72476. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 143552 (Sub-No. 2TA), 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 vehicle, over irregular routes, transporting: *Bakery goods*, from the facilities of Nabisco, Inc., Fairlawn, NJ, and Philadelphia, PA, to points in the States of CA, OR, WA LA, TX and IL, under a continuing contract, or contracts, with Nabisco, Inc., East Hanover, NJ, for 180 days. Supporting shipper(s): Nabisco, Inc., East Hanover, NJ 07936. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, NJ 07102.

No. MC 143754 (Sub-No. 3TA), filed April 26, 1978. Applicant: MACZUK INDUSTRIES, INC., R.R. 2, New Haven, MO 63068. Applicant's representative: James C. Swearengen, Hawkins, Brydon & Swearengen, P.O. Box 456, Jefferson City, MO 65102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer ingredients* (in bulk, in tank vehicles), from the facilities of Quad State Terminals, Inc., Holt County, MO, to points in KS, NE, IA, and MO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Quad State Terminals, Inc., P.O. Box 128, Mound City, MO 64470. Send protests to: P. E. Binder, Acting District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 144455 (Sub-No. 1TA), filed April 12, 1978. Applicant: GAYLORD HAUSSERMAN, d.b.a. HAUSSERMAN TRUCKING CO., 23 Lovell Court, Ionia, MI 48846. Applicant's representative: Gaylord Hausserman, 33 Lovell Court, Ionia, MI 48846. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, from plant sites of Mid-America Potato Co., at or near Grand Rapids, Lake Odessa, and Martin, MI, on the one hand, and, to points in the States of NY, CT, MA, WV, PA, NJ, MD, and VA, on the other hand, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mid-America Potato Co., P.O. Box 1064, Grand Rapids, MI 49501. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, MI 48933.

No. MC 144456 (Sub-No. 1TA), filed April 12, 1978. Applicant: JOHN VAN ZYLL, d.b.a. JOHN VAN ZYLL TRUCKING, 2303 Edson Drive, Hudsonville, MI 49426. Applicant's representative: John Van Zyll, 2303 Edson Drive, Hudsonville, MI 49426. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, from plantsites of Mid-America Potato Co., at or near Grand Rapids, Lake Odessa, and Martin, MI, on the one hand, to points in the States of FL, VA, WV, TN, KY, MD, NC, GA, and AL, on the other hand, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mid-America Potato Co., P.O. Box 1064, Grand Rapids, MI 49501. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, MI 48933.

No. MC 144554 (Sub-No. 1TA), filed April 17, 1978. Applicant: BILL IHM TRUCKING, INC., 200 Southern Avenue, Dubuque, IA 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from points in IL, MN, and WI, to the facilities of The Celotex Corp., Dubuque, IA, for 180 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: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 144644TA, filed April 13, 1978. Applicant: THOMAS GOOLSBY, d.b.a. THOMAS GOOLSBY TRUCKING, P.O. Box 889, Washington, DC 30673. Applicant's representative: Archie B. Culbreth, 2200 Century Parkway, Suite 202, Atlanta, GA 30345. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, wood shavings and sawdust*, in bulk, in carrier or shipper owned trailers, from the facilities of The Continental Group, Inc., in Saluda and Greenwood Counties, SC, to points in GA, under a continuing contract, or contracts, with The Continental Group, Inc., or Continental Forest Industries, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Continental Group, Inc., Contenental Forest Industries, P.O. Box 8969, Savannah, GA 31402. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW, Room 300, Atlanta, GA 30309.

By the Commission.

H. G. Homme Jr.,
Acting Secretary.

[FR Doc. 78-14698 Filed 5-24-78; 8:45 am]

[7035-01]

[Ex Parte No. 305-RE; Docket No. 36872]

OKLAHOMA INTRASTATE FREIGHT RATES AND CHARGES—1978

By joint petition filed March 13, 1978, petitioners, 14 common carriers by railroad[1] subject to Part I of the

[1] Arkansas Western Railway Co.; Atchison, Topeka & Santa Fe Railway Co.; Beaver, Meade & Englewood Railroad Co.; Chicago, Rock Island & Pacific Railroad Co.; Forth Smith & Van Buren Railway Co.; Hollis & Eastern Railroad Co.; Kansas City Southern

Footnotes continued on next page

Interstate Commerce Act (Act) and also operating in intrastate commerce in Oklahoma, request that this Commission institute an investigation of their Oklahoma intrastate freight rates and charges, under section 13 and 15a of the Act. They seek an order authorizing them to increase such rates and charges in the same amounts approved for interstate application by this Commission in Ex Parte No. 305-RE and in Ex Parte No. 343. Additionally, the St. Louis-San Francisco Railway Co. seeks an order authorizing it to increase intrastate switching charges to the level of interstate charges.

Petitioners filed a tariff on November 7, 1975, to become effective December 12, 1975, which sought to make increases authorized by Ex Parte No. 305-RE applicable to Oklahoma intrastate traffic. This was suspended by the Corporation Commission of the State of Oklahoma (Oklahoma Commission), by order dated December 8, 1975, and finally denied by order dated April 8, 1976.

Petitioners filed a tariff on October 19, 1977, to become effective November 30, 1977, which sought to make increases authorized by Ex Parte No. 343 applicable to intrastate traffic in Oklahoma. The Oklahoma Commission suspended the tariff on November 23, 1977, insofar as applicable to silica sand, glass sand, pulverized limestone, cement, crushed stone, sand, gravel, scrap metals, and anhydrous ammonia; and later denied increases on all commodities except cement and anhydrous ammonia by report dated February 23, 1978.

Petitioner St. Louis-San Francisco Railway Company (Frisco), filed a tariff on February 24, 1977, to become effective April 5, 1977, to increase switching charges for itself in Oklahoma to the level of interstate switching charges. This was suspended by the Oklahoma Commission by order dated March 31, 1977, and finally denied by order dated September 13, 1977.

Petitioners contend that the rates applicable to interstate traffic under Ex Parte No. 305-RE, Ex Parte No. 343, and as filed with the Commission concerning interstate switching charges are just and reasonable and comply with the provisions of the Act; that the cost of intrastate operations within Oklahoma is as great as the cost of interstate operations to, from, or through Oklahoma; that transportation conditions surrounding Oklahoma intrastate movements are no more favorable than those surrounding the movement of interstate traffic; that the lower intrastate rates result in substantial revenue loss to petitioners; that there is undue and unreasonable advantage as between persons and localities in intrastate commerce and persons and localities in interstate commerce; and that the failure of Oklahoma intrastate rates and charges to bear the same increases as authorized by the ICC in Ex Parte No. 343, and the same level as switching charges filed with the ICC on interstate traffic causes undue, unreasonable, unjust discrimination against, or undue burden on interstate and foreign commerce.

Therefore, petitioners seek to invoke the power of this Commission under sections 13 and 15(a) of the Act to require intrastate increases corresponding to those authorized for interstate traffic by this Commission in Ex Parte No. 305-RE, and Ex Parte No. 343; and as filed with this Commission for interstate switching charges.

Under section 13 of the Interstate Commerce Act, this Commission may institute an investigation into the lawfulness of intrastate rail freight rates and charges for the purpose of adjusting such rates and charges to those charged on similar traffic moving in interstate or foreign commerce. This Commission may act notwithstanding the laws or constitution of any State.

It is ordered:

The petition is granted. An investigation, under sections 13 and 15a of the Act, is instituted to determine whether the Oklahoma state rail freight rates in any respect cause any unjust discrimination against or any undue burden on interstate or foreign commerce, or cause undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce and persons or localities in interstate or foreign commerce, or are otherwise unlawful, by reason of the failure of such rates and charges to include the full increases authorized for interstate application by this Commission in Ex Parte No. 305-RE, In Ex Parte No. 343, and by reason that the levels of intrastate switching charges for the Frisco are less than interstate switching charges. The investigation shall also determine if any rates or charges, or maximum or minimum charges, or both, shall be prescribed to remove any unlawful advantage, preference, discrimination, undue burden, or other violation of law, found to exist.

All common carriers by railroad operating in Oklahoma subject to the jurisdiction of the Commission are made respondents in this proceeding.

All persons who wish to participate in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423, on or before 15 days from the Federal Register publication date. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. This Commission desires participation of only those who intend to take an active part in this proceeding.

As soon as practicable after the last day for indicating a desire to participate in the proceeding, this Commission will serve a list of names and addresses on all persons upon whom service of all pleadings must be made. Thereafter, this proceeding will be assigned for oral hearing or handling under modified procedure.

A copy of this order shall be served upon each of the petitioners and respondents herein. Oklahoma shall be notified of the proceeding by sending copies of this order by certified mail to the Governor of Oklahoma, and the Corporate Commission of the State of Oklahoma. Further notice of this proceeding shall be given to the public by depositing a copy of this order in the Office of the Secretary of the Interstate Commerce Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

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

By the Commission, Robert J. Brooks, Director, Office of Proceedings.

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

[FR Doc. 78-14697 Filed 5-24-78; 8:45 am]

[1505-01]

[Volume No. 80]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

Correction

In FR Doc. 78-9763 appearing at page 15522 in the issue for Thursday, April 13, 1978 on page 15527 the first line of the first full motor carrier application in the first column should read, "No. MC 87231 (Sub-No. 24F)."

Footnotes continued from last page

Railway Co.; Missouri-Kansas-Texas Railroad Co.; Missouri Pacific Railroad Co.; St. Louis-San Francisco Railway Co.; Sand Springs Railway Co.; Texas, Oklahoma & Eastern Railroad Co.; Texas & Pacific Railway Co.; and Tulsa-Sapulpa Union Railway Co.

[7035-01]

Decisions Volume No. 3]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the FEDERAL REGISTER. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, order, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

We find preliminarily that, with the exception of those applications involving duly noted problems to authorization, each applicant has demonstrated, that its proposed service should be authorized. This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

It is ordered: In the absence of legally sufficient protests, filed on or before June 26, 1978 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant upon compliance with certain requirements which will be set forth in a notification of effectiveness of this order-notice. Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplicating authority shall be construed as a single operating right. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Dated: May 17, 1978.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

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

No. MC 531 (Sub-No. 358F), filed April 6, 1978. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, TX 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum products,* in bulk, in tank vehicles, from Gretna, LA, to points in IL. (Hearing site: New Orleans, LA, or Houston, TX.)

No. MC 1846 (Sub-No. 11F), filed April 28, 1978. Applicant: W. D. KIBLER TRUCKING CO., a corporation, 60 South State Street, Indianapolis, IN 46201. Applicant's representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. Authority granted to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses; and (2) *equipment, materials, and supplies* used in the conduct of such business, (a) between points in IL, IN, MO, OH, WI, those points in MI on and south of U.S. Hwy 10, those points in KS on and east of U.S. Hwy 81, and those points in KY on and north of U.S. Hwy 64, and (b) between the points named in (a) above, on the one hand, and, on the other, East Hartford, CT, Baltimore and Landover, MD, Springfield, MA, Edison and Florence, NJ, Horseheads, NY, Altoona and Philadelphia, PA, and Richmond, VA. Restricted to service to be performed under a continuing contract, or contracts, with the Great Atlantic & Pacific Tea Co., Inc. (Hearing site: Indianapolis, IN, or Washington, DC.)

No. MC 5623 (Sub-No. 38F), filed April 28, 1978. Applicant: ARROW TRUCKING CO., a corporation, P.O. Box 7280, Tulsa, OK 74105. Applicant's representative: J. G. Dail, Jr., P.O. Box 567, McLean, VA 22101. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Steel tanks, sheets, plates, angles, and structural articles,* between the facilities of Peabody Tec Tank, at Parsons, KS, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of shipments originating at or destined to the above-named facilities. (Hearing site: Tulsa, OK.)

No. MC 11207 (Sub-No. 430F), filed May 1, 1978. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Garment hangers,* from Brenham, TX, Jacksonville, FL, and Gadsden, AL, to points in AL, AR, FL, GA, LA, MS, OK, TN, and TX; and (2) *materials and supplies* used in the manufacture of garment hangers (except commodities in bulk, and those which because of size or weight require the use of special equipment), from points in the States named in (1) above to Brenham, TX, Jacksonville, FL, and Gadsden, AL. (Hearing site: Birmingham, AL.)

No. MC 11207 (Sub-No. 431F), filed April 28, 1978. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel billets, reinforcement bars, and rods in coils,* from the facilities of Georgetown Texas Steel Corp., at or near Beaumont, TX, to points in AL, AR, FL, GA, KY, LA, MS, SC, and TN. (Hearing site: Houston, TX, or Birmingham, AL.)

No. MC 29079 (Sub-No. 94F), filed May 1, 1978. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, Kokomo, IN 46901. Applicant's representative: Chandler L. van Orman, 1729 H Street NW., Washington, DC 20006. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual

value, classes A and B explosives, household goods as defined by the Commission, commodities requiring the use of special equipment or special handling, and liquid commodities in bulk), between the facilities of Dow Chemical, U.S.A., at or near Midland, MI, on the one hand, and, on the other, points in IN (except Kokomo and points within 50 miles thereof), OH, and Kenosha, Racine, Milwaukee and Waukesha, WI. (Hearing site: Detroit, MI Chicago, IL.)

No. MC 95540 (Sub-No. 1020F), filed April 27, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Applicant's representative: Benjy W. Fincher (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate, chocolate coating, confectionery, beverage preparations, milk and milk chocolate and cocoa compounds* (except in bulk, in tank vehicles), from Burlington, WI, to Dallas and Houston, TX, Jacksonville, FL, Memphis, TN, and Charlotte, NC. (Hearing site: New York, NY or Washington, DC.)

No. MC 95540 (Sub-No. 1021F), filed April 27, 1978. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, 1144 West Griffin Road, Lakeland, FL 33802. Applicant's representative: Benjy W. Fincher (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat-packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Nebraska City, NE, to points in AL, FL, GA, LA, MS, NC, SC, and TN. (Hearing site Kansas City, KS or Washington, DC.)

No. MC 103926 (Sub-No. 69F), filed April 25, 1978. Applicant: W. T. MAYFIELD SONS TRUCKING CO., a corporation, P.O. Box 947, Mableton, GA 30059. Representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Concrete batch plant machinery and equipment, paving machinery and equipment, soil and landfill stabilization and compaction equipment, pollution control machinery and equipment, and commodities, which by reason of size or weight require the use of special equipment or handling*, from the facilities of Rexnord, Construction Machinery Division, in Jefferson County, IN, to points in AL, AR, GA, FL, LA, KY, MD, MS, NC, OK, SC, TN, TX, VA, WV, and DC; and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above, from points in AL, AR, GA, FL, LA, KY, MD, MS, NC, OK, SC, TN, TX, VA, WV, and DC, to the facilities of Rexnord, Construction Machinery Division, in Jefferson County, IN. (hearing site: Louisville, KY or Atlanta, GA.)

No. MC 105375 (Sub-No. 76F), filed May 1, 1978. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, MN 55055. Applicant's representative: Joseph A. Eschenbacher, Jr. (same address as applicant). Authority granted as a *common carrier*, over irregular routes, transporting (1) *Petroleum products* (except commodities in bulk), from the facilities of Mobil Oil Corp. and Metalcote Grease and Oil Co., at St. Paul, MN, to points in IL, IA, MN, MT, ND, SD, WI, and the Upper Peninsula of MI, and (2) *Materials, equipment, and supplies* used in the manufacture and distribution of petroleum products (except in bulk), from points in IL, IA, MN, MT, ND, SD, WI, and the Upper Peninsula of MI, to St. Paul, MN. (Hearing site: St. Paul, MN, or Dallas, TX.)

No. MC 108207 (Sub-No. 479F), filed May 2, 1978. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, TX 75222. Applicant's representative: M. W. Smith (same address as applicant). Authority granted 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), in vehicles equippped with mechanical refrigeration, from Nebraska City, NE, to points in AZ, CA, KS, MO, MN, IL, IN, IA, OH, MN, WI, and SD. (Hearing site: Wichita, KS, or Dallas, TX.)

No. MC 112617 (Sub-No. 390F), filed April 19, 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, D.C. 20036. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *plastic granules*, in bulk, in tank vehicles, from Terre Haute, IN, to points in IA. (Hearing site: Louisville, KY or Washington, DC.)

No. MC 112617 (Sub-No. 392F), filed April 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, D.C. 20036. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *liquid calcium chloride*, in bulk, in tank vehicles, from Rockport, IN, to Owensboro and Panther, KY. (Hearing site: Louisville, KY or Washington, DC.)

No. MC 113434 (Sub-No. 102F), filed April 21, 1978. Applicant: GRA-BELL TRUCK LINE, INC., P.O. Box 511, Holland, MI 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *glass containers* and *accesssories*, from the facilities of Kerr Glass Manufacturing Corp. at or near Huntington, WV, to points in OH. (Hearing site: Washington, DC, or Chicago, IL.)

No. MC 113908 (Sub-No. 434F), filed April 14, 1978. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale St., P.O. Box 3180 G.S., Springfield, MO 65804. Applicant's representative: B. B. Whitehead (same address as Applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vinegar stock and vinegar stock concentrates*, in bulk, from Woodruff, SC, to New York, NY; and (2) *vinegar and vinegar stock*, in bulk, from Scottville, MI, to Indianapolis, IN, and Minneapolis, MN. (Hearing site: Kansas City, MO.)

No. MC 114273 (Sub-No. 363F), filed April 24, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Applicant's representative: Kenneth L. Core, (Same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Green salted hides*, from Denver, CO, to Milwaukee, WI. (Hearing site: Chicago, IL or Washington, DC.)

No. MC 114890 (Sub-No. 80F), filed April 27, 1978. Applicant: COMMERCIAL CARTAGE CO., a Missouri corporation, 343 Axminster Drive, Fenton, MO 63026. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, OK 73112. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *dry fertilizers*, in bulk, from the facilities of Agrico Chemical Co., at Melbourne, KY, to points in IL, IN, MI, OH, VA, and WY, restricted to the transportation of shipments originating at the named origin. (Hearing site: Oklahoma City, OK; St. Louis, MO.)

No. MC 115826 (Sub-No. 308F), filed April 25, 1978. Applicant: W. J. DIGBY, INC., 1960-31st Street, Denver, CO 80217. Applicant's representative: Howard Gore, 1960-31st Street, Denver, CO 80217. Authority

granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *canned goods,* from points in CA to points in CO. (Hearing site: Denver, CO.)

No. MC 117303 (Sub-No. 15F), filed April 21, 1978. Applicant: HUDSON VALLEY CEMENT LINES, INC., P.O. Box 203, Route 23B, Claverack, NY 12513. Applicant's representative: Martin Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, in the transportation of: *cement,* from Kingston, NY, to points in ME, CT, MA, NH, VT, RI, NY, NJ, and PA. (Hearing site: New York, NY.)

No. MC 117765 (Sub-No. 239F), filed April 28, 1978. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Applicant's representative: R. E. Hagan, (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Adhesives, wood fillers, and materials and supplies* used in manufacture, installation and distribution of adhesives and wood filler products, from points in IL, IN, GA, KY and OH, to Hutchinson, KS (Hearing site: Oklahoma City, OK.)

No. MC 118142 (Sub-No. 170F), filed April 24, 1978. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles* distributed by meatpacking 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 the facilities of MBPXL, Nebraska City, NE, to points in AZ, CA, ID, NM, NV, OR, WA, UT, and CO. (Hearing site: Wichita, KS or Kansas City, MO.)

No. MC 118142 (Sub-No. 171F), filed April 25, 1978. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Confectionaries,* in vehicles equipped with mechanical refrigeration (except in bulk); (1) From the facilities of E. J. Brach & Sons Division, American Home Products Corp., Chicago and Sullivan, IL, to the facilities of E. J. Brach & Sons, Reno, NV; (2) From the facilities of E. J. Brach & Sons, Reno, NV, to points in AZ, CA, OR and WA, restricted to shipments having a prior movement from E. J. Brach & Sons facilities, Chicago and Sullivan, IL, and (3) From the facilities of E. J. Brach & Sons, Chicago and Sullivan, IL, to points in KS, LA, MO, MS, OK and TX. (Hearing site: Wichita, KS or Kansas City, MO.)

NO. MC 118202 (Sub-No. 91F), filed April 20, 1978. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. Applicant's representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, MN 55402. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New furniture, furniture parts, and materials, equipment and supplies* used in the manufacture of new furniture, between Archbold and Stryker, OH on the one hand and, on the other, points in the United States (except AK, HI, and OH). (Hearing site: Toledo or Cleveland, OH.)

No. MC 118959 (Sub-No. 169F), filed April 28, 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 granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lawn mower parts and accessories,* from Beaufort, SC, to Brookhaven, MS. (Hearing site: St. Louis, MO.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 125664.

No. MC 119493 (Sub-No. 196F), filed April 25, 1978. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Applicant's representative: Lawrence F. Kloeppel, P.O. Box 1196, Joplin, MO 64801. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Feed and feed ingredients,* from the facilities of Doane Products, at Manassas, VA, to points in the U.S., in and east of LA, AR, MO, IA, and MN; and (2) *materials and supplies used in the manufacture and distribution of feed and feed ingredients,* from points in the U.S., in and east of LA, AR, MO, IA, and MN, to the facilities of Doane Products, at Manassas, VA. (Hearing site: Joplin, or Kansas, MO.)

No. MC 119789 (Sub-No. 460F), filed May 1, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic film,* from Griffin, GA, to points in AZ, CO, CT, DE, ID, IL, IN, IA, ME, MD, MA, MN, MT, NV, NH, NJ, NM, NY, NC, ND, PA, SC, SD, UT, VT, WV, WI, and WY. (Hearing site: Boston, MA.)

No. MC 120978 (Sub-No. 22F), filed May 1, 1978. Applicant: REINHART MAYER d.b.a. Mayer Truck Line, 1203 South Riverside Drive, Jamestown, ND 584. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry fertilizer,* and *animal and poultry feed ingredients,* from the facilities of Martrex, Inc., at or near Willmar, MN, to points in ND. (Hearing site: Minneapolis or St. Paul, MN.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 128217.

No. MC 121060 (Sub-No. 62F), filed April 25, 1978. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority granted to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Iron and steel pipe,* from the facilities of Unarco-Leavitt, Division of Unarco Industries, Inc., at Chicago, IL, to points in AL, AR, FL, GA, LA, KY, MS, NC, SC, and TN. (Hearing site: Chicago, IL, or Washington, DC.).

No. 123054 (Sub-No. 18F), filed April 28, 1978. Applicant: R & H CORP., 295 Grand Avenue, Box 469, Clarion, PA 16214. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. Authority granted to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: (1) *Glass containers and closures therefor* and *fiberboard boxes,* from the facilities of Glass Containers Corp., at points in Clarion, Forest, and Armstrong Counties, PA, to points in NJ; and (2) *returned shipments* of the commodities named in (1) above, from the destination points named in (1) above, to the origin points named in (1) above. RESTRICTION: The service granted in (1) and (2) is restricted to the transportation of shipments originating at the named origin points and destined to the named destination points. (Hearing site: Pittsburgh, PA, or Washington, DC.)

No. MC 123255 (Sub-No. 162F), filed May 2, 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 granted to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Animal feed, feed ingredients and additives,* and *materials and supplies* used in the manufacture and distribution of animal feeds (except commodities in bulk), between the facilities of Kal Kan Foods, Inc., at or near Mattoon, IL, on the one hand, and, on the other, points in the United States (except AK and HI). Restricted to the transportation of shipments originating at or destined to the facilities of Kal Kan Foods, Inc. at or near Mattoon, IL. (Hearing site: Columbus, OH.)

No. MC 124813 (Sub-No. 184F), filed April 20, 1978. Applicant: UMTHUM TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, IA 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Authority granted to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Iron and steel articles,* from Sterling and Rock Falls, IL, to points in CO, ID, IA, KS, MN, MO, MT, NE, ND, OR, SD, WA, WI, and WY. (Hearing site: Chicago, IL.)

NOTE:—The carrier must satisfy the Commission that its operation will not result in objectionable dual operations because of its authority in MC-118468 and various subs.

No. MC 124813 (Sub-No. 185F), filed April 28, 1978. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, IA 50533. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Feed ingredients,* from Battle Creek, MI, to points in CO, IL, IA, KS, MO, NE, and WI. (Hearing site: Chicago, IL.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority MC-118468 and various subs.

No. MC 127042 (Sub-No. 218F), filed April 21, 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 granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles* distributed by meat packinghouses (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 shipments originating at the above named origins and destined to the named destinations. (Hearing site: Dallas, TX, or Kansas City, MO.)

No. MC 127840 (Sub-No. 69F), filed May 1, 1978. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, P.O. Box 382, Lansing, IL 60438. Applicant's representative: William H. Towle, 180 North La Salle Street, Suite 3520, Chicago, IL 60601. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fruit and citrus juices and concentrates thereof,* in bulk, in tank vehicles, from Frostproof, FL, to Louisville, KY. (Hearing site: Chicago, IL.)

No. MC 128343 (Sub-No. 39F), filed April 17, 1978. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, RI 02814. Applicant's representative: Ronald N. Cobert, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority granted to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Insulated wire,* from Gardena, CA, to points in CO, FL, GA, IL, IN, MD, MO, NJ, TN, TX, and VA; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of insulated wire (except in bulk), from points in the destination territory named in (1) above, to Gardena, CA, under a continuing contract, or contracts, with Collyer Insulated Wire Co. Condition: The carrier must be more explicit in order to satisfy the Commission that its operations will not result in objectionable dual operations because of its authorities in No. MC 138861 and sub-numbers thereunder. (Hearing site: Providence, RI, or Boston, MA.)

No. MC 129886 (Sub-No. 12F), filed April 19, 1978. Applicant: C. SUMMERS, INC., 112 Spruce Street, Elizabethville, PA 17023. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Authority granted to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* in vehicles equipped with mechanical refrigeration, from the facilities of Greatest Foods Corp., at Pittston, PA, and Shenandoah, PA, and from the facilities of C. Summers, Inc., at Elizabethville, PA, to points in OH, IL, IN, MI, and WI, under a continuing contract, or contracts, with Greatest Foods Corp., of Pittston, PA. (Hearing site: Harrisburg, Pa.)

No. MC 133689 (Sub-No. 197F), filed April 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 granted to operate as a *common carrier,* over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Waconia and Shakopee, MN, to, Atlanta, GA. (Hearing site: St. Paul, MN.)

No. MC 134329 (Sub-No. 5F), filed April 6, 1978. Applicant: FISCUS MOTOR FREIGHT, INC., Route 1, Box 201, Yakima, WA 98901. Applicant's representative: Philip G. Skofstad, P.O. Box 594, Gresham, OR 97030. Authority granted to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Asphalt composition roofing, asphalt shakes, asphalt roll roofing, and asphaltum* (except in bulk, in tank vehicles), from points in Los Angeles and Orange Counties, CA, and Martinez, Pittsburg, Richmond, and Santa Clara, CA, to points in WA, under a continuing contract, or contracts, with Celotex Corp., of Tampa, FL, and Hugh McNiven Co. of Seattle, WA; (2) *insulation,* from Santa Clara, CA, to points in WA, under a continuing contract, or contracts, with Hugh McNiven Co. of Santa Clara, CA; and (3) *hardwood lumber,* from Arlington, Centralia, Wapato, South Bend, and Aberdeen, WA, to points in CA, under a continuing contract, or contracts, with Northwest Hardwood Co. of Portland, OR, Nizich Hardwoods, Inc. of Portland, OR, and Hampton Hardwoods of South Bend, WA. (Hearing site: Portland, OR.)

No. MC 139193 (Sub-No. 78F), filed April 26, 1978. Applicant: ROBERTS & OAKE, INC., P.O. Box 1356, Sioux Falls, SD 57101. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority granted to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts,* as described in section A of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of Royal Packing Co. at National Stockyards, IL, and St. Louis, MO, to points in TN, FL, AL, and GA, under a continuing contract, or contracts, with Royal Packing Co. (Hearing site: Chicago, IL.)

No. MC 140768 (Sub-No. 16F), filed April 11, 1978. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Applicant's representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority granted to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: (1) *Farm, dairy, and water treatment equipment, materials and supplies, and cleaning products, paint, and pesticides,* from the facilities of Babson Bros. Co., at or near Oak Brook, IL, and facilities of Pfansteihl Detergent Chemicals, Inc., at or near

Romeoville, IL, to points in the United States (except AK and HI); and (2) *cleaning products, paint, pesticides, and materials, equipment, and supplies* used in the manufacture, sale, or distribution of the commodities named in (1) above, from points in the United States (except AK and HI) to the above specified origins. Restricted in (1) and (2) above against transportation in bulk, and commodities which because of size or weight require the use of special equipment. (Hearing site: New York, NY.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 134404.

No. MC 141363 (Sub-No. 7F), filed April 12, 1978. Applicant: J. M. MARC TRANSPORTATION, INC., 7 Ladik Street, Piermont, NY 10968. Applicant's representative: Bruce J. Robbins, 118 21 Queens Boulevard, Forest Hills, NY 11375. Authority granted to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Paper and paper products, materials, equipment, and supplies,* used in the manufacture and distribution of paper and paper products (except commodities in bulk), between Castleton-on-Hudson, NY, Holyoke, MA, and Edgely, PA on the one hand and, on the other, points in CT, MD, MA, NJ, NY, PA, RI, and DE, under a continuing contract or contracts with Brown Co. (Hearing Site: New York, NY.)

No. MC 141776 (Sub-No. 25F), filed April 26, 1978. Applicant: FOOD-TRAIN, INC., Spring and South Streets, Ringtown, PA 17967. Representative: Pauline E. Myers, 407 15th Street NW., Washington, DC 20005. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Margarine, salad dressings, and shortening* (except in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from St. Bernard, OH, to points in CT, DE, DC, IL, IN, ME, MD, MI, MA, NH, NJ, NY, PA, RI, VT, and WI. (Hearing site: Indianapolis, IN or Washington, DC.)

No. MC 142999 (Sub-No. 3F), filed April 20, 1978. Applicant: TRANSPORT MANAGEMENT SERVICE CORP., Route 332 and Terry Drive, Newtown, PA 18940. Applicant's representative: Ronald N. Cobert, 1730 M St. NW., Suite 501, Washington, DC 20036. Authority granted to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: (1) *Starch and chemicals, and materials, equipment, and supplies,* used in the manufacture and distribution of starch and chemicals, between the facilities of National Starch and Chemical Corp., at or near Bloomfield, Finderne, and Plainfield, NJ on the one hand and, on the other, the facilities of National Starch and Chemical Corp., at or near Chicago and Meredosia, IL, and Indianapolis, IN; (2) *starch and chemicals,* from the facilities of National Starch and Chemical Corp., at or near Bloomfield, Finderne, and Plainfield, NJ, to points in IL; and (3) *materials, equipment, and supplies* used in the manufacture and distribution of starch and chemicals, from points in IL, to the facilities of National Starch and Chemical Corp., at or near Bloomfield, Finderne, and Plainfield, NJ, restricted in (1), (2), and (3) above, against the transportation of commodities in bulk. The operations authorized herein are limited to a transportation service performed under a continuing contract or contracts with National Starch and Chemical Corp., of Bridgewater, NJ. (Hearing site: Washington, DC.)

No. MC 143563 (Sub-No. 5F), filed April 27, 1978. Applicant: R. C. MOORE, INC., Box 346, Waldoboro, Maine 04572. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, D.C. 20005. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic laminated sheets and impregnated paper,* from Auburn, ME to points in CA, FL, TX, OH, IL, TN, and IA. (Hearing site: Portland, ME.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its contract authority in No. MC 140572.

No. MC 143621 (Sub-No. 2F), filed April 17, 1978. Applicant: TENNESSEE STEEL HAULERS, INC., 403 Maplewood Ave., Nashville, TN 37210. Applicant's representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville TN 37219. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fireplace grates, screens, accessories, and parts thereof* (except commodities in bulk), (1) between the facilities used by Cumberland Valley Metals, Inc., at Nashville, TN, Decatur, AL, and Bloomington, IL, (2) between the facilities used by Cumberland Valley Metals, Inc., at Nashville, TN, Decatur, AL, Bloomington, IL on the one hand and, on the other hand, points in the United States (except AK and HI). (Hearing site: Nashville, TN.)

No. MC 144226 (Sub-No. 1F), filed April 19, 1978. Applicant: DAVID DE MASTER, Route 1, Cedar Grove, WI 53013. Applicant's representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wet, spent brewer's grains,* (1) from the facilities of Pabst Brewing Co. at Milwaukee, WI to points in IL, and (2) from the facilities of G. Heileman Brewing Co. at La Crosse, WI to points in MN, IA, and IL. (Hearing site: Madison or Milwaukee, WI.)

No. MC 144363 (Sub-No. 2F), filed May 1, 1978. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Boulevard, P.O. Box 417, Sioux City, IA 51102. Applicant's representative: George L. Hirschblach P.O. Box 417 Sioux City, IA 51102 Authority granted to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by mail order houses, and (2) *materials and supplies* used in conducting such business, between the facilities of the Fingerhut Corp. at St. Cloud, MN on the one hand and on the other, points in AL, AR, FL, GA, KY, LA, NC, SC, and TN, under a continuing contract or contracts with Fingerhut Corp., of St. Cloud, MN. (Hearing site: Minneapolis, MN or Washington, DC.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 117686 and various subs.

No. MC 144566 (Sub-No. 1F), filed April 20, 1978. Applicant: BROCIOUS TRUCKING, INC., P.O. Box 261, Brockway, PA 15824. Applicant's Representative: William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Containers and container accessories, components, end caps, lids, and closures,* from the facilities of Brockway Glass Co., in Clearfield and Jefferson Counties, PA, to points in MD, and points in Cayuga, Onondaga, and Oswego Counties, NY. (Hearing site: Pittsburgh, PA.)

No. MC 144643 (Sub-No. 1F), filed April 24, 1978. Applicant: VINGI BROTHERS TRUCKING CO., INC., 28 Oakdale Avenue, Johnston, RI 02919. Applicant's representative: William P. Poole, 41 Bea Street, North Kingstown, RI 02852. Authority granted to operate as a *contract carrier,* by motor vehicle,over irregular routes, to transport: *Plastic and paper goods, equipment, parts, and related accessory items* used in the manufacture and distribution thereof, from the facility of Nyman Manufacturing Co. at East Providence, RI, to Atlanta, GA, Jacksonville, Orlando, Tampa, Riviera Beach, and Miami, FL, Chicago, IL, Minneapolis, MN, Phoenix, AZ, Dallas, Forth Worth, Houston, and Port Arthur, TX, and points in CA, under a continuing contract or contracts, with Nyman Manufacturing Co. (Hearing site: Providence, RI or Boston, MA.)

No. MC 144675 F, filed April 27, 1978. Applicant: LINCOLN FREIGHT

FORWARDING CORP., 537 N. Long Beach Road, Rockville Centre, NY 11570. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority granted to operate as a *common carrier*, by motor vehicle,over irregular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between Chicago, IL and Detroit, MI on the one hand and, on the other, Laredo, TX, restricted to traffic moving on freight forwarder bills of lading. (Hearing site: New York, NY.)

No. MC 144695 F, filed May 1, 1978. Applicant: N. & S. TRUCKING, INC., Route 1, Francisco, IN 47649. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Building, Indianapolis, IN 46204. Authority granted to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Chemicals* (except in bulk), from points in CT, DE, FL, IL, KY, MD, MI, MS, NY, OH, and TN, to (1) the facilities of Ulrich Chemical, Inc.,at or near Evansville, IN, and (2) the facilities of Mead Johnson & Co., at or near Mount Vernon, IN, under a continuing contract or contracts with Ulrich Chemicals, Inc., of Evansville, IN. (Hearing site: Louisville, KY.)

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[7035-01]

[Volume No. 92]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

MAY 15, 1978.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with 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 interests in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protest not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(e)(4) of the special rules, and shall include the certification required 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 the 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 14125 (Sub-No. 9F), filed March 29, 1978. Applicant: PIQUA TRANSFER & STORAGE CO., a corporation, 524 Young Street, Piquâ, OH 45356. Applicant's representative: Boyd B. Ferris, 150 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container parts, and equipment, materials, and supplies* incidental to the manufacturer or distribution of containers and container parts between Piqua, OH, on the one hand, and, on the other, Detroit, MI, and Lockport, NY. (Hearing site: Columbus, OH.)

No. MC 29643 (Sub-No. 10F), filed March 28, 1978. Applicant: WALSH TRUCKING SERVICE, INC., 50 Burney Avenue, Massena, NY 13662. 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: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Albany, NY, on the one hand, and, on the other, points in Clinton County, NY. Restricted against traffic moving from or to points in Canada. (Hearing site: Albany, NY.)

NOTE.—The purpose of this application is to eliminate the gateway of Massena, NY.

No. MC 41406 (Sub-No 71F), filed March 29, 1978. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, IN 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., No. 805, Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile body glass*, cut to shape, and *flat glass*, from Dearborn and Wixom, MI to points in NY, WI, WV, IL, NJ, PA, MO, OH, IA, IN, and MD. (Hearing site: Detroit, MI.)

No. MC 55896 (Sub-No. 70F), filed March 29, 1978. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, in dump equipment, from Toledo, OH to points in IL, IN, MI, and WI. (Hearing site: Detroit, MI; Chicago, IL; or Toledo, OH.)

NOTE.—Common control may be involved.

No. MC 61592 (Sub-No. 418F), filed April 2, 1978. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, 101 First Avenue, P.O. Box 737, Moline, IL 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, conduit, valves, fittings, and accessories therefor*, from points in Geneva County, AL to points in the United States (except AK and HI); and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk), from points in the United States (except AK and HI) to Geneva County, AL. (Hearing site: Washington, DC. or Atlanta, GA. Applicant further requests a consolidated hearing with applications of similar authority.)

NOTE.—Common control may be involved.

No. MC 76032 (Sub-No. 335F), filed March 28, 1978. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South

Platte River Drive, Denver, CO 80223. Representative: Eldon E. Bresee, 1205 South Platte River Drive, Denver, CO 80223. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (A) between Omaha, NE and Des Moines, IA, serving no intermediate points; from Omaha over Interstate Hwy 80 to Des Moines and return over the same route and (B) between Kansas City, MO and Des Moines, IA, serving no intermediate points; from Kansas City over Interstate Hwy 35 to junction Interstate Hwy 235, then over Interstate Hwy 235 to Des Moines and return over the same route, serving Des Moines for purposes of joinder only. RESTRICTION: Restricted to the transportation of traffic moving from or to points west of ND, SD, NE, KS, OK, and TN. (Hearing site: Denver, CO.)

NOTE.—The purpose of the application under part (A) is to remove the gateway of Davenport, IA and under part (B) to remove the gateway of Chicago. Common control may be involved.

No. MC 82492 (Sub-No. 192F), filed March 27, 1978. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalmazoo, MI 49003. Representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum products,* in containers, from New Kensington, PA, to points in IL, IN and MI. (Hearing site: Washington, DC.)

No. MC 83539 (Sub-No. 490F), filed March 31, 1978. Applicant: C & H TRANSPORTATION CO., INC., 9757 Military Parkway, P.O. Box 270535, Dallas, TX 75227. Representative: Mr. Thomas E. James (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 102560 (Sub-No. 15F), filed March 27, 1978. Applicant: FREILER TRUCK LINES, INC., P.O. Box 636, Amite, LA 70422. Representtive: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, LA 70130. Authority is sought to operate as a *common carrier,* over irregular routes, transporting: (1) *Lumber, particleboard, and wood paneling,* from the facilities of Georgia-Pacific Corp., at points in AR and LA, to points in AR, LA, TX, OK, KS, NM, CO, and those points in MO located on and South of Interstate Hwy 70; and (2) *Materials, equipment, and supplies* used in the manufacture of lumber, particleboard, and wood paneling, from points in the destination states in (1) above, to the facilities of Georgia-Pacific Corp., at points in AR and LA. (Hearing site: Dallas, TX.)

No. MC 103051 (Sub-No. 426F), filed March 29, 1978. Applicant: FLEET TRANSPORT CO., INC., 934 44th Avenue, North, Nashville, TN 37209. Representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. Permanent authority sought to operate as a *common carrier,* by motor vehicle, 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 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 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 ND, SD, NE, KS, OK and TX. (Hearing site: Washington, DC.)

No. MC 106401 (Sub-No. 46F), filed April 10, 1978. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, NC 28234. Representative: Thomas G. Sloan, P.O. Box 10877, Charlotte, NC 28234. Authority sought to operate as a *Common Carrier,* by motor vehicle, over regular-routes, transporting: *Glass containers,* serving the facilities of Midland Glass Co., Inc. located at or near Martinsville, VA as an off-route point in connection with applicant's existing regular-route authority between Greensboro, NC and South Hill, VA. (Hearing site: Charlotte, NC.)

NOTE.—Common control may be involved.

No. MC 108119 (Sub-No. 82F), filed March 29, 1978. Applicant: E. L. MURPHY TRUCKING CO., a corporation, P.O. Box 43010, St. Paul, MN 55164. 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: *Water and/or sewage treatment equipment and parts,* from the facilities of Neptune Microfloc, Inc., at Corvallis, OR to points in the United States (except AK and HI). (Hearing site: Portland, OR or Seattle, WA.)

NOTE.—Common control may be involved.

No. MC 108119 (Sub-No. 83F), filed March 29, 1978. Applicant: E. L. MURPHY TRUCKING CO., a corporation, P.O. Box 43010, St. Paul, MN 55164. 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: *Stainless steel tanks and accessories,* from New Lisbon and Elroy, WI to points in and east of ND, SD, NE, CO, and NM, (except points in the states of ME, VT, NH, MA, CT, RI, NY, PA, NJ, DE, MD and WV.) (Hearing site: Madison or Milwaukee, WI.)

NOTE.—Common control may be involved.

No. MC 109397 (Sub-No. 424F), filed April 2, 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: *Bentonite clay* (except in bulk, in tank vehicles) and *lignite coal,* treated or untreated, from the facilities of American Colloid Co. located at points in Crook, Big Horn, and Weston Counties, WY; Butte County, SD; Phillips County, MT; and Bowman County, ND; to points in the United States (except AK and HI). (Hearing site: Salt Lake City, UT, or Denver, CO.)

NOTE.—Common control may be involved.

No. MC 114457 (Sub-No. 369F), filed March 29, 1978. Applicant: DART TRANSIT CO., a corporation, 2102 University Avenue, Saint Paul, MN 55114. Applicant's representative: James H. Wills, 2102 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Barrel staves* from St. Paul, MN, to Chicago, IL, Kansas City, MO, and Cleveland, OH. (Hearing site: St. Paul, MN, or Madison, WI.)

No. MC 114457 (Sub-No. 373F), filed March 30, 1978. Applicant: DART TRANSIT CO., a corporation, 2102 University Avenue, St. Paul, MN 55114. Applicant's representative: James H. Wills, 2102 University Avenue, Saint Paul, MN 55114. Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: (1) *Pulpboard pots, nested,* from Germantown, WI, to points in AR, CO, IL, IN, IA, KS, KY, MD, MI, MN, MO, NE, NC, OH, OK, PA, TN, TX, VA, and WV, and (2) *Materials, equipment, and supplies* used in the manufacture, sale and distribution of the commodity listed above, from points in the destination States of part (1) above, to Germantown, WI. (Hearing site: St. Paul, MN, or Milwaukee, WI.)

No. MC 114569 (Sub-No. 222F), filed: April 3, 1978. Applicant: SHAFFER

TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Applicant's representative: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail, wholesale, chain, and grocery business houses*, from the facilities of Fostoria distribution Services Co. at or near Fostoria, OH, to points in PA, NY, IN, KY, and WV. (Hearing site: Columbus, OH.)

NOTE.—Common control may be involved.

No. MC 114829 (Sub-No. 13F), filed March 29, 1978. Applicant: GENERAL CARTAGE CO., INC., West Route 30, Rock Falls, IL 61071. Applicant's representative: Daniel C. Sullivan, 10 South La Salle Street, Suite 1600, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Sterling, IL, to points in KS, MN, MO, NE, ND, SD, those points in IA, on and south of U.S. Hwy 34 and on and west of Interstate Hwy 35, and those points in WI on and north of U.S. Hwy 10; and (2) *equipment, materials, and supplies* (except commodities in bulk in tank vehicles), from the destination points named in (1) above, to Sterling, IL, under a continuing contract, or contracts, with Northwestern Steel & Wire Co. in (1) and (2) above. (Hearing site: Chicago, IL.)

No. MC 115654 (Sub-No. 85F), filed March 29, 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: *Newspaper supplements*, which are otherwise exempt from economic regulation under section 203(b) of the Interstate Commerce Act, when moving in mixed loads with regulated commodities, from applicant's facilities at Nashville, TN, Cincinnati, OH, Memphis, TN, and Birmingham, AL, to points in TN, KY, MO, AL, MS, AR, GA. (Hearing site: Nashville, TN, or Washington, DC.)

No. MC 115841 (Sub-No. 62F), filed March 29, 1978. Applicant: COLONIAL REFREGERATED TRANSPORTATION, INC., P.O. Box 168, Concord, TN 37720. Representative: E. Stephen Heisley, 666 Eleventh Street NW., No. 805, Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from points in FL to points in AL, CT, DE, IL, IN, KY, ME, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, TN, VT, VA, WV, and DC. (Hearing site: Orlando or Tampa, FL.)

NOTE.—Common control may be involved.

No. MC 17786 (Sub-No. 12F), filed March 29, 1978. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85009. 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: *Hickory chips*, from Crossville, TN, and Lincoln, MO, to points in AZ, CA, CO, NM, NV, OR, UT, and WA. (Hearing site: Louisville, KY.)

No. MC 117786 (Sub-No. 14F), filed March 29, 1978. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85009. 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: *Wine*, in bottles from Chicago, IL to points in AZ, CA CO, ID, LA, MT, NV, NM, OR, TX, UT, WA, and WY. (Hearing site: Chicago, IL.)

No. MC 117786 (Sub-No. 15F), filed March 29, 1978. Applicant RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ. 85009. 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: *Door and door sections, garage, electrical, and parts and accessories* used or useful in the installation thereof; *steel tubing; and electrical machinery*, from Covington, OH, and Detroit, MI to points in AZ, CA, CO, ID, MT, NY, NM, OR, TX, UT, WA, and WY. (Hearing site: Cincinnatti, Ohio.)

No. MC 118130 (Sub-No. 85F), filed March 29, 1978. Applicant: SOUTH EASTERN XPRESS, INC., P.O. Box 6985, Fort Worth, TX 76115. Representative: Billy R. Reid, P.O. Box 9093, Fort Worth, TX 76107. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Mowers, trimmers and edgers, and related hardware and accessories*, from Fort Worth, TX, to points in AL, AR, AZ, CA, CO, FL, GA, ID, KS, LA, MN, MS, MT, NE, NV, NM, ND, OK, OR, SD, UT, WA and WY; and (2) *materials, equipment and supplies*, from points in AL, AR, AZ, CA, CO, FL, GA, ID, KS, LA, MN, MS, MT, NE, NV, NM, ND, OK, OR, SD, UT, WA and WY, to Forth Worth, TX. (Hearing site: Dallas, TX.)

No. MC 118202 (Sub-No. 88F), filed March 29, 1978. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. 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: *Magazines and periodicals*, from Pewaukee, WI to Bethany, CT; Baltimore and Cottage City, MD; Boston, MA; Hoboken, North Bergen and Bayonne, NJ; Troy and Carle Place, NY; Columbus, OH; McKeesrocks and Harrisburg, PA and DC. (Hearing site: Minneapolis, MN.)

No. MC 119019 (Sub-No. 3F), filed April 3, 1978. Applicant: B.N.M. FERTILIZER TRANSPORT, INC., 6414 E. Houston Road, Houston, TX 77028. Representative: Joe G. Fender, 711 Louisiana, Suite 1150, South Tower, Houston, TX 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds and feed ingredients and supplements*, (1) from points in Harris County, TX, to points in AR, LA, and MS; and (2) from points in AR, LA, and MS, to points in TX. (Hearing site: Houston or Dallas, TX.)

NOTE.—Applicant holds contract carrier authority in MC 134455 and (sub 2) thereunder, therefore dual operations may be involved.

No. MC 119493 (Sub-No. 189F), filed March 20, 1978. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Lawrence F. Kloeppel (same address as applicant). Authority sought to operate as a *Common Carrier* by motor vehicle, over irregular routes, transporting: *Roofing, prepared shingles, roofing cement, asphaltum, roofing paper, building materials and supplies used in the manufacture and installation thereof*, between Joplin, MO, and points in AL, IN, MI, and WI, in nonradial movement. (Hearing site: Joplin or Kansas City, MO.)

No. MC 119670 (Sub-No. 33F), filed April 14, 1978. Applicant: THE VICTOR TRANSIT CORP., 5250 Este Avenue, Cincinnati, OH 45232. Representative: Robert H. Kinker, 314 W. Main Street, P.O. Box 464, Frankfort, KY 40602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap paper, waste paper, and rags*, (except in tank vehicles), between points in AL, DE, GA, IL, IN, KY, MD, MI, MS, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV, WI, and DC. (Hearing site: Cincinnati, OH.)

No. MC 119716 (Sub-No. 120F), filed March 29, 1978. Applicant: N.A.B. TRUCKING CO., INC., 1644 West Edgewood Avenue, Indianapolis, IN 46217. Representative: James L. Beattey, 130 East Washington Street, Suite

One Thousand, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Glass containers and Accessories therefor, (1) from the facilities of Anchor Hocking Corp., Jacksonville, FL, to Pabst, GA; and (2) from the facilities of Anchor Hocking Corp., Houston, TX, to Greenville, MS. (Hearing site: Indianapolis, IN, or Columbus, OH.

No. MC 123813 (Sub-No. 1F), filed March 2, 1978. Applicant: LESTER T. SHEELY, d.b.a., H & S Towing Service, 5028 East Trindle Road, Mechanicsburg, PA 17055. Representative: John W. Frame, P.O. Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17055. Authority sought, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, disabled, repossessed motor vehicles*, and *replacement vehicles* for *wrecked, damaged* or *disabled vehicles*, in truckaway service, by use of wrecker equipment only, between points in Dauphin, Cumberland, York and Lancaster Counties, PA, on the one hand, and, on the other, points in CT, DE, IL, IN, ME, MD, MA, NH, NJ, NY, OH, PA, RI, TN, VT, VA, Washington, DC, and WV. (Hearing site: Harrisburg, PA.)

No. MC 123819 (Sub-No. 56F), filed March 29, 1978. Applicant: ACE FREIGHT LINE, INC., P.O. Box 16589, Memphis, TN 38116. Representative: Bill R. Davis, Suite 101—Emerson Center, 2814 New Spring Road, Atlanta, GA 30339. Authority sought, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent phosphoric acid*, in bulk, in tank vehicles, from Blytheville, AK; Cleveland and Pontotoc, MS; and Union City, TN to points in LA and MS. (Hearing site: New Orleans, LA.)

No. MC 124117 (Sub-No. 29F), filed March 30, 1978. Applicant: EARL FREEMAN AND MARIE FREEMAN, d.b.a. MID-TENN EXPRESS, P.O. Box 101, Eagleville, TN 37060. Applicant representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *glass containers* between the facilities utilized by Midland Gas Co., Inc. at or near Warner Robbins, GA on the one hand and, on the other, points in Alamance, Caswell, Chatham, Davidson, Davie, Durham, Forsyth, Guilford, Orange, Person, Randolph, Rockingham, Stokes, Surry, and Yadkin, Counties, N.C., and Bedford, Campbell, Carroll, Floyd, Franklin, Halifax, Henry, Montgomery, Patrick, Pittsylvania, Pulaski, and Roanoke Counties, VA. (Hearing site: Atlanta, GA or Nashville, TN.)

No. MC 124341 (Sub-No. 6F), filed March 29, 1978. Applicant: LAWRENCE LAWYER, 757 North Indiana Street, Mooresville, IN 46158. Applicant representative: Robert W. Loser II, 1009 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Expanded shale*, in bulk, from Brooklyn, IN, to points in IL, KY, MI, MO, OH, and WI. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Hydraulic Press Brick Company of Brooklyn, IN. (Hearing site: Indianapolis, IN, or Louisville, KY.)

No. MC 124624 (Sub-No. 3F), filed March 29, 1978. Applicant: EXPRESSWAY, INC., 1105 St. Louis Avenue, Louisville, KY 40210. Applicant representative: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics and toilet preparations, articles and sundries; and premiums, equipment and supplies used in connection with the sale of said cosmetics and toilet preparations, articles and sundries;* (except commodities in bulk); (1) from the facilities of Avon Products, Inc. at Springdale, OH, to points in KY; and (2) from Louisville, KY, to points in KY, restricted to traffic originated at the facilities of Avon Products, Inc. at Springdale, OH and received from connecting carriers at Lousiville, KY. (Hearing site: Lousiville, KY.)

No. MC 126118 (Sub-No. 71F), filed March 28, 1978. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, NE 68501. Applicant representative: Duane W. Acklie, P.O. Box 81228, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh, brine, salted, and processed seafood and seafood products*, and *seafood products* in mixed loads with exempt commodities, from points in OR and WA, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NC, NH, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, DC. (Hearing site: Seattle, WA.)

NOTE.—Common control and dual operations may be involved.

No. MC 127042 (Sub-No. 217F), filed April 1, 1978. Applicant: HAGEN INC. P.O. Box 98-Leeds Station, Sioux City, IA 51108. Applicant 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: *Plastic and wooden articles, materials and supplies* used in the manufacture and distribution of said commodities, except in bulk, Between Ford County, IL on the one hand and, on the other, points in the United States, (except AK and HI). (Hearing site: Chicago, IL.)

No. MC 129455 (Sub-No. 31F), filed March 29, 1978. Applicant: CARRETTA TRUCKING, INC., S 160, Route 17 North, Paramus, NJ 07652. Applicant representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, and toilet preparations* (except in bulk) from St. Louis, MO to points in NJ, NY, and PA under a continuing contract or contracts with Bristol-Myers Products located at Hillside, NJ. (Hearing site: New York, NY.)

No. MC 133566 (Sub-No. 106F), filed March 29, 1078. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN, 46947. Applicant's representative: Charles W. Beinhauer, Suite 4959, One World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and agricultural commodities* otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act from Albany, NY, the Port of New York, NY and NJ, and Baltimore, MD to points in IL, IN, IA, KY, MN, MO, OH, WI. (Hearing: Boston, MA or New York, NY.)

No. MC 133689 (Sub-No. 175F), 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: *Macaroni, noodles, spaghetti, vermicelli, with or without cheese, meat, vegetables, and other ingredients* used or useful in the sale of the above described commodities: (1) From Minneapolis, MN, to points in IL, IN, MI, and KY. (2) From Carnegie, PA, to Minneapolis, MN. Restriction: Restricted in part (1) to shipments originating at the facilities of the Creamette Co. and destined to the indicated destinations. Restricted in part (2) to shipments destined to the facilities of the Creamette Co. at the indicated destinations. (Hearing site: St. Paul, MN.)

No. MC 133689 (Sub-No. 179F), 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 ve-

hicle, over irregular routes, transporting: *Plastic articles* (except commodities in bulk), (1) from Fitchburg, MA, to points in KY and TN; (2) from Worcester, MA, to points in ND, SD, NE, KS, MN, IA, MO, WI, IL, MI, IN, OH, VA, NC, SC, GA, KY, and TN. (Hearing site: St. Paul, MN.)

No. MC 134145 (Sub-No. 67F), filed March 29, 1978. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Hwy 1 and 59 West, Thief River Falls, MN 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Computing machine parts;* from Cherry Hill, NJ, to Minneapolis, MN; under continuing contract or contracts with Control Data Corp. (Hearing site: St. Paul, MN.)

NOTE.—Applicant holds common carrier authority in MC 135231 and other subs, therefore dual operations may be involved.

No. MC 134145 (Sub-No. 68F), filed March 29, 1978. Applicant: NORTH STAR TRANSPORT, INC., Route 1 Hwy 1 and 59 West, Thief River Falls, MN 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Computing machine parts*, from Erie, PA to Rochester, MI, under continuing contract or contracts with Computer Peripherals, Inc. (Hearing site: Minneapolis, MN.)

NOTE.—Applicant holds common carrier authority in MC 135231 and other subs, therefore dual operations may be involved.

No. MC 135283 (Sub-No. 34F), filed March 29, 1978. GRAND ISLAND MOVING & STORAGE CO., INC., P.O. Box 2122, 432 South Stuhr Road, Grand Island, NE 68801. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Internal combustion engines*, from Milwaukee, WI, to the facilities of Ag Tronic, Inc., at or near Kearney, NE; (2) *power shafts*, from Clinton, IA, to the facilities of Ag Tronics, Inc., at or near Kearney, NE; (3) *wheels and semi-pneumatic tires*, from Chicago Ridge, IL, to the facilities of Ag Tronic, Inc., at or near Kearney, NE; (4) *cardboard cartons*, from Butler, IN, to the facilities of Ag Tronic, Inc., at or near Kearney, NE; (5) *gears*, from Dubuque, IA, to the facilities of Ag Tronic, Inc., at or near Kearney, NE; and (6) *generator parts*, from Chicago, IL, to the facilities of Ag Tronic, Inc., at or near Kearney, NE. (Hearing site: Lincoln or Grand Island, NE.)

No. MC 135616 (Sub-No. 13F), filed: March 29, 1978. Applicant: PERRYSBURG TRUCKING CO., INC., 24982 Thompson Road, Perrysburg, OH 43551. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated flat glass*, from the facilities of PPG Industries, Inc., at or near Mt. Holly Springs, PA, to points in the United States (except AK and HI), restricted to the transportation of traffic moving under a continuing contract, or contracts, with PPG Industries, Inc. (Hearing site: Pittsburgh, PA.)

No. MC 135616 (Sub-No. 14F), filed: March 29, 1978. Applicant: PERRYSBURG TRUCKING CO., INC., 24982 Thompson Road, Perrysburg, OH 43551. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated flat glass*, from the facilities of PPG Industries, Inc., at or near Wichita Falls, TX, to points in the United States (except AK and HI), restricted to the transportation of traffic moving under a continuing contract, or contracts, with PPG Industries, Inc. (Hearing site: Pittsburgh, PA.)

No. MC 135616 (Sub-No. 15F), filed: March 29, 1978. Applicant: PERRYSBURG TRUCKING CO., INC., 24982 Thompson Road, Perrysburg, OH 43551. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated flat glass*, from the facilities of PPG Industries, Inc., located at or near Cumberland, MD, to points in the United States (except AK and HI), restricted to the transportation of traffic moving under a continuing contract, or contracts, with PPG Industries, Inc. (Hearing site: Pittsburgh, PA.)

No. MC 135861 (Sub-No. 31F), filed March 29, 1978. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Applicant's representative: Billy R. Reid, P.O. Box 9093, Fort Worth, TX 76107. Authority sought to operate as a *contract carrier* by motor vehicle over irregular routes, transporting: *Medicines and drugs*, and related *advertising materials and display racks*, (1) from New Brunswick, Somerset, and South Plainfield, NJ to Michigan City, IN; (2) from Michigan City, IN to La Mirada, CA; and (3) from New Brunswick, Somerset, and South Plainfield, NJ to Sharonville, OH; under a continuing contract or contracts, in (1), (2), and (3) above, with E. R. Squibb & Sons, Inc., New Brunswick, NJ. (Hearing site: Dallas, TX).

No. MC 135874 (Sub-No. 110F), filed March 29, 1978. Applicant: LTL PERISHABLES, INC., 550 E. 5th Street So., South St. Paul, MN 55075. Applicant's representative: K. O. Petrick, 550 E. 5th Street So., South St. Paul, MN 55075. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products* (except in bulk), from the facilities of International Co-op at or near Grand Forks, ND to points in CO, CT, DE, DC, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, NC, OH, PA, RI, SC, SD, TN, VT, VA, WV, and WI. (Hearing site: Minneapolis St. Paul, MN.)

NOTE.—Common control may be involved.

No. MC 136786 (Sub-No. 136F), filed March 30, 1978. Applicant: ROBCO TRANSPORTATION, INC., 4333 Park Avenue, Des Moines, IA 50321. Applicant's representative: Stanley C. Olsen, Jr., 7525 Mitchell Road, Eden Prairie, MN 55344. 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 packing houses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209, 766 (except hides and commodities in bulk), from the facilities of Iowa Beef Processor's Inc. at or near Denison and Ft. Dodge, IA, West Point and Dakota City, NE, and Luverne, MN, to points in NC and SC. (Hearing site: Omaha, NE or Kansas City, MO.)

No. MC 138469 (Sub-No. 60F), filed March 8, 1978. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Mr. 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: *Frozen fruit, frozen vegetables, frozen potatoes, and frozen prepared foodstuffs* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the facilities of Merchants Refrigerating Co., at Denver, CO, to Little Rock, AR, Oklahoma City, OK, and Ft. Worth, Dallas, Lubbock, and Amarillo, TX, restricted to the transportation of shipments originating at the named origin and destined to the named destinations. (Hearing site: Denver, CO or Oklahoma City, OK.)

NOTE.—Dual operations may be involved.

No. MC 138469 (Sub-No. 65F), filed March 29, 1978. Applicant: DONCO CARRIERS, INC., P.O. Box 75354,

Oklahoma City, OK 73107. Applicant's representative: Mr. 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: *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 M.C.C. 209 and 766, from the facilities of Wilson Foods Corp. at Oklahoma City, OK to points in CA, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing sites: Dallas, TX; Kansas City, MO.)

No. MC 139206 (Sub-No. 27F), filed March 29, 1978. Applicant: F.M.S. TRANSPORTATION, INC., Box 1597, 2564 Harley Drive, Maryland Heights, MO 64043. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum, aluminum articles and aluminum products; aluminum shapes, anodizing; doors; aluminum extensions; frames; structural shapes; storefronts; window units; panels; and building materials and supplies* (except in bulk), *and parts and accessories* therefor, and (2) *materials, equipment*, and *supplies* used in the manufacture, assembly, sale, production, processing, distribution, packing, repair, installation, and transportation of the commodities in (1) above (except commodities in bulk), between Atlanta, GA on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic moving under a continuing contract or contracts with Chromalloy American Corp.

NOTE.—(1) Applicant states that it is a commonly controlled contract carrier for Chromalloy American Corp. and the purpose of this application is to allow the shipper to substitute the contract carrier services of applicant for its private carriage activities. Applicant further states that it already holds authority to provide similar service for this contracting shipper between thirteen (13) other cities on the one hand and, on the other, points in the United States (except AK and HI). (2) Applicant also states that common control and dual operations may be involved. Common control and dual operations were approved in Docket No. MC-F-12514. (Hearing site: St. Louis, MO.)

No. MC 139206 (Sub-No. 28F), filed March 29, 1978. Applicant: F.M.S. TRANSPORTATION, INC., Box 1597, 2564 Harley Drive, Maryland Heights, MO 64043. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum, aluminum articles* and *aluminum products; aluminum shapes, anodizing; doors; aluminum extensions; frames; structural shapes; storefronts; window units; panels;* and *building materials* and *supplies* (except in bulk), and *parts* and *accessories* therefor, and (2) *materials, equipment* and *supplies* used in the manufacture, assembly, sale, production, processing, distribution, packing, repair, installation, and transportation of the commodities in (1) above (except commodities in bulk), between Camden, NJ on the one hand and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic moving under a continuing contract, or contracts, with Chromalloy American Corp. (Hearing site: St. Louis, MO.)

NOTE.—(1) Applicant states that it is a commonly controlled contract carrier for Chromalloy American Corp. and the purpose of this application is to allow the shipper to substitute the contract carrier services of applicant for its private carriage activities. Applicant further states that it already holds authority to provide similar service for this contracting shipper between thirteen (13) other cities on the one hand and on the other, points in the United States (except AK and HI). (2) Applicant also states that common control and dual operations may be involved. Common control and dual operations were approved in Docket No. MC-F-12514.

No. MC 139206 (Sub-No. 29F), filed March 29, 1978. Applicant: F.M.S. TRANSPORTATION, INC., Box 1597, 2564 Harley Drive, Maryland Heights, MO 64043. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Houses* and *buildings, knocked down*, and *sections, shelving* and *aluminum products* and *parts* and *accessories* therefor; and (2) *materials, equipment* and *supplies* used in the assembly, manufacture, sale, distribution, maintenance, repair, finishing, coating, packing and transportation between Pompton Plains, NJ on the one hand and, on the other, points in the United States (except AK and HI, restricted to the transportation of traffic moving under a continuing contract, or contracts, with Arrow Group Industries, Inc., a subsidiary of Chromalloy American Corp. (Hearing site: St. Louis, MO.)

NOTE.—(1) Applicant states that it is a commonly controlled contract carrier for Chromalloy American Corp., and that Arrow Group Industries, Inc., is a subsidiary of said company, and that the purpose of this application is to expand the contract carrier services of applicant so as to enable it to serve this subsidiary of Chromalloy American Corp. Applicant further states that it holds authority to allow it to provide similar service for Chromalloy American between thirteen (13) other points, on the one hand and on the other, points in the United States (except AK and HI). (2) Applicant also states that common control and dual operations may be involved. Dual operations and common control have been approved in MC-F-12514.

No. MC 139206 (Sub-No. 30F), filed March 30, 1978. Applicant: F.M.S. TRANSPORTATION, INC., Box 1597, 2564 Harley Drive, Maryland Heights, MO 64043. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought by applicant to operate as a *contract carrier* by motor vehicle over irregular routes, transporting: (1) *Glass, glass articles, glass products, doors, panels, cutters, glass cutting boards, mirror brackets, architectural panels, glass annealers, sealers, cabinets, glass pipe balls, glass blanks, acid buckets, pipe coolers, glass cylinders, door closures, aluminum extrusion, mirror boxes, aluminum, and aluminum articles, plastic circles and cases, plastic articles, pipe, tubing, gaskets, valves, piping, valve controls, and operators, tape, sinks, faucets, actuators, columns, diaphragms, fiberglass products, solvent recovery systems, store fixtures, circular dividers, glass insulation, and glass drills*, and *parts* and *accessories therefore*, and (2) *materials, equipment and supplies* used in the manufacture, processing, sale, distribution, polishing, assembly, repair, installation, packing and transportation of the commodities in (1) above (except commodities in bulk), between King of Prussia, PA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic moving under a continuing contract, or contracts, with Chromalloy American Corporation of St. Louis, MO. (Hearing site: St. Louis, MO.)

NOTE.—Applicant states that it is a commonly controlled contract carrier for Chormalloy American Corp. and the purpose of this application is to allow the shipper to substitute the contract carrier services of applicant for its private carriage activities. Applicant further states that it already holds authority to provide similar service for this contracting shipper between thirteen (13) other cities on the one hand, and, on the other, points in the United States (except AK and HI). Common control and dual operations may be involved.

No. MC 139206 (Sub-No. 31F), filed March 30, 1978. Applicant: F.M.S. TRANSPORTATION, INC., Box 1597, 2564 Harley Drive, Maryland Heights, MO 64043. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought by applicant to operate as a *contract carrier*

by motor vehicle over irregular routes, transporting: (1) *Glass, glass articles, glass products, doors, panels, cutters, glass cutting boards, mirror brackets, architectural panels, glass annealers, sealers, cabinets, glass pipe balls, glass blanks, acid buckets, pipe coolers, glass cylinders, door closures, aluminum extrusion, mirror boxes, aluminum, and aluminum articles, plastic circles and cases, plastic articles, pipe, tubing, gaskets, valves, piping, valve controls, and operators, tape, sinks, faucets, actuators, columns, diaphragms, fiberglass products, solvent recovery systems, store fixtures, circular dividers, glass insulation, and glass drills, and parts and accessories therefor,* and (2) *materials, equipment and supplies* used in the manufacture, processing, sale, distribution, polishing, assembly, repair, installation, packing and transportation of the commodities in (1) above (except commodities in bulk), between New York, NY, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic moving under a continuing contract, or contracts, with Chromalloy American Corporation of St. Louis, MO. (Hearing site: St. Louis, MO.)

NOTE.—Applicant states that it is a commonly controlled contract carrier for Chormalloy American Corp. and the purpose of this application is to allow the shipper to substitute the contract carrier services of applicant for its private carriage activities. Applicant further states that it already holds authority to provide similar service for this contracting shipper between thirteen (13) other cities on the one hand, and, on the other, points in the United States (except AK and HI). Common control and dual operations may be involved.

No. MC-139206 (Sub-No. 46F), filed March 30, 1978. Applicant: F.M.S. Transportation, Inc., Box 1597, 2564 Harley Drive, Maryland Heights, MO 64043. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street, NW., Washington, DC 20001. Authority sought by applicant to operate as a *contract carrier* by motor vehicle over irregular routes, transporting: (1) *Glass, glass articles, glass products, doors, panels, cutters, glass cutting boards, mirror brackets, architectural panels, glass annealers, sealers, cabinets, glass pipe balls, glass blanks, acid buckets, pipe coolers, glass cylinders, door closures, aluminum extrusion, mirror boxes, aluminum, and aluminum articles, plastic circles and cases, plastic articles, pipe, tubing, gaskets, valves, piping, valve controls, and operators, tape, sinks, faucets, actuators, columns, diaphragms, fiberglass products, solvent recover systems, store fixtures, circular dividers, glass insulation, and glass drills,* and *parts* and *accessories* therefore, and (2) *materials, equipment* and *supplies* used in the manufacture, processing, sale, distribution, polishing, assembly, repair, installation, packing and transportation of the commodities in (1) above (except commodities in bulk), between Akron, OH, Butler, PA, Pittsburgh, PA, and Sunbury, PA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic moving under a continuing contract, or contracts, with Chromalloy American Corp. (Hearing site: St. Louis, MO.)

NOTE.—Applicant states that common control and dual operations may be involved.

No. MC-139206 (Sub-No. 47F), filed March 30, 1978. Applicant: F.M.S. Transportation, Inc., Box 1597, 2564 Harley Drive, Maryland Heights, MO 64043. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street, NW., Washington, DC 20001. Authority sought by applicant to operate as a *contract carrier* by motor vehicle over irregular routes, transporting: (1) *Glass, glass articles, glass products, doors, panels, cutters, glass cutting boards, mirror brackets, architectural panels, glass annealers, sealers, cabinets, glass pipe balls, glass blanks, acid buckets, pipe coolers, glass cylinders, door closures, aluminum extrusion, mirror boxes, aluminum, and aluminum articles, plastic circles and cases, plastic articles, pipe, tubing, gaskets, valves, piping, valve controls, and operators, tape, sinks, faucets, actuators, columns, diaphragms, fiberglass products, solvent recover systems, store fixtures, circular dividers, glass insulation, and glass drills,* and *parts* and *accessories* therefore, and (2) *materials, equipment* and *supplies* used in the manufacture, processing, sale, distribution, polishing, assembly, repair, installation, packing and transportation of the commodities in (1) above (except commodities in bulk), between Buffalo, NY, Schenectady, NY, and Warren, OH, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic moving under a continuing contract, or contracts, with Chromalloy American Corp. (Hearing site: St. Louis, MO.)

NOTE.—Applicant states that common control and dual operations may be involved.

No. MC-139923 (Sub-No. 41F), filed March 30, 1978. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer D, Stroud, OK 74079. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought by applicant to operate as a *common carrier* by motor vehicle over irregular routes, transporting: *Paper, paper articles, and polyethylene articles* (except commodities in bulk), from the facilities of Jemco Packaging Products, Inc., at or near Jackson, TN, to points in AR, MO, KS, OK, TX and CO, restricted to the transportation of shipments originating at the named origins and destined to the named destinations. (Hearing site: Memphis, Nashville, TN).

NOTE.—Applicant holds motor contract carrier authority in MC-139926 (Sub-Nos. 2 and 4), therefore, dual operations may be involved.

No. MC 140241 (Sub-No. 11F), filed March 30, 1978. Applicant: DALKL TRANSPORT, INC., P.O. Box 7, Moundridge, KS 67107. Representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *agricultural and industrial trailers* from Moundridge, KS to points in the United States (except AK and HI); (2) *wood burning stoves,* From Moundridge, KS to points in the United States (except AK and HI); (3) *grain dryers, lawn mowers and springtooth harrows,* from Moundridge, KS to points in the United States (except AK and HI); (4) *materials and supplies* used in the manufacture of (1), (2), and (3) above from points in the United States (except AK and HI) to Moundridge, KS. Restriction: Parts (1), (2), (3), and (4) restricted to traffic originating at points of origin and destined to points of destination. (Hearing site: Kansas City, MO.)

No. MC 141110 (Sub-No. 1F), filed March 6, 1978. Applicant: Wayne Buzzell, 3727 North Elmwood, Davenport, IA 52806. Representative: Arthur L. Buzzell, 306 Citizens Federal Building, Davenport, IA 52801. Authority sought to operate as a *contract carrier* by motor vehicle over irregular routes, transporting: *beer, wine, whiskey and advertising material* (1) from Detroit, MI to Rock Island, IL; (2) from Rock Island IL, to Des Moines, Iowa; and (3) from Chicago, IL to Rock Island, IL under a continuing contract with Baker Liquor.

NOTE.—If a hearing is deemed necessary the Applicant requests that it be held at either Chicago, IL; Springfield, IL or Des Moines, IA.

No. MC 142083 (Sub 1F), filed, March 10, 1978. Applicant: Specialty Carrier, Inc., 589 Christman Street, P.O. Box 11229, Atlanta, GA 30310. Representative: William J. Meuser, 86 Cherry Street, P.O. Box 507, Milford, CT 06460. Authority sought to operate as a *Contract carrier,* by motor vehicle, over irregular routes, transporting: Bakery goods; fillings, icings, toppings, and acticles used in the packaging, sale, manufacture and distribution thereof, (except in bulk, in tank vehicles), (1) between Grand Rapids, MI, and Los Angeles, CA, on the one hand, and, on the other, points in MO, IA, UT, KS, NE, AZ, NM, NV, CA, WI, WA, OR, CO, OK, ID, WY, TX, AR, GA, (2) between Houston, TX, on the

one hand, and, on the other, points in LA; and (3) between Atlanta, GA, on the one hand, and, on the other, points in AR, MI; under a contract or contracts in (1), (2), and (3) above, with Readi-Bake, Inc., of Grand Rapids, MI, Borck Country Home Bakery, Inc., of Atlanta, GA, and Jessie Lord, Inc., Los Angeles, CA. (Hearing site: Washington, DC, or New York, NY.)

No. MC 142220 (Sub-1F), filed March 30, 1978. Applicant: BAKER TRUCKING CORP., INC., 4600 Brazil Street, Los Angeles, Calif., 90029. 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: *Pet supplies* (except pet foods) and *insect killing sprays in containers* from Miami Springs, Florida to Atlanta, GA, Birmingham, AL, Memphis, TN, Harahan and New Orleans, LA, Houston, TX and Kansas City, KS under a continuing contract or contracts with Pet Chemicals, Inc. (Hearing site: Miami, FL.)

No. MC 142455 (Sub-No. 5F), filed March 29, 1978. Applicant: RED LINE TRANSPORT CORP., 1303 Pulaski Highway Edgewood, MD 21041. Representative: Jeremy Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Bananas and agricultural commodities* otherwise exempt from economic regulation under Section 203(b) of the Interstate Commerce Act, when moving with bananas (1) from Wilmington, DE to points in DE, MI, IN, IL, and KY; (2) from Baltimore, MD to points in NJ (except Camden and Bridgeton), CT, MA, NH, NC, OH, RI, TN, VT, WV, MI, IN, IL, and KY; (3) from points in the New York, NY Commercial Zone as defined by the Commission, to points in PA, (except Easton and Philadelphia), NJ (except Trenton, Camden, and Bridgeton), NY (except Rochester, Jamestown, and Buffalo), CT, MA, NH, NC, OH, RI, TN, VT, WV, MI, IN, IL, KY, MD, VA, and DC; and (4) from Philadelphia, PA, to points in PA, MD, NJ, NY, VA, WV, NC, KY, TN, OH, IN, IL, MI, CT, MA, NH, RI, VT, and DC. (Hearing site: New York, NY.)

No. MC 142715 (Sub-No. 11F), filed March 29, 1978. Applicant: LENERTZ, INC., 411 Northwestern National Bank, South St. Paul, MN 55101. Representative: Andrew R. Clark, 1000 first National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier* over irregular routes, by motor vehicle, transporting: (1) *Meats, 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 skins and commodities in bulk), from the facilities of John Morrell & Co. at Sioux Falls, SD, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC, and; (2) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and skins and commodities in bulk), from the facilities of John Morrell & Co. at Esterville, IA to points in CT, ME, MD, MA, NH, NJ, NY, PA, RI, and VA. Restriction: Restricted to traffic originating at the above named facilities in parts (1) and (2). (Hearing Site: Chicago, IL., or Minneapolis, MN.)

No. MC 142998 (Sub-No. 1F), filed April 3, 1978. Applicant: LAUGHLIN LINES, INC., P.O. Box 11886, Reno, NV 89510. Representative: Harley E. Laughlin, Suite 264, Airport Plaza, 1755 East Plumb Lane, Reno, NV 89502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from the facilities of and/or used by Ore-Ida Foods, Inc. and Terminal Ice and Cold Storage Co., at or near Plover, WI, to points in the United States, including AK (except HI, VT, NH, ME, WI, MI, IL, and IN), and returned, refused, and rejected merchandise in the reverse direction. Restricted to traffic originating at the named origin points and destined to the named destination States. (Hearing site: Plover, WI.)

No. MC 143576 (Sub-No. 2F), filed March 10, 1978. Applicant: DONALD ORR & SONS, Route 37 South, West Frankfort, IL 62896. Representative: D. Michael Riva, 115 East Main Street, West Frankfort, IL 62896. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *coal*, from West Frankfort, IL, to Cape Girardeau, Sikeston, and New Madrid, MO. (Hearing site: Springfield, IL, or Jefferson City, MO.)

No. MC 144117 (Sub-No. 8F), filed March 30, 1978. Applicant: TLC LINES, INC., 1666 Fabick Drive, P.O. Box 1090, Fenton, MO 63026. Representative: Daniel C. Sullivan, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper articles*, and (2) *adhesives and advertising materials* when transported in mixed loads with the commoditites named in (1) above; from Hamilton, Middletown and West Carrollton, OH, to points in the United States in and west of MT, WY, CO, NM, and TX (except AK and HI). Restriction: Restricted to the transportation of traffic originating at the facilities of Crystal Tissue Co., located at or near the above-named origins. (Hearing site: Chicago, IL or St. Louis, MO.)

No. MC 144140 (Sub-No. 9F), filed March 29, 1978. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 374, Eustis, FL 32726. Representative: John L. Dickerson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Central heating and air-conditioning units*, from the facilities of Heil-Quaker Distribution Center, Nashville, TN, to points in FL and GA. (Hearing site: Nashville, TN or Washington, DC.)

NOTE.—Applicant holds motor contract carrier authority in MC 104589 (Sub-No. 3) and other subs; therefore, dual operations may be involved.

No. MC 144175 (Sub-No. 1), filed January 3, 1978. Applicant: BEAUVAIS LTEE, 27 St. Louis Street, Lemoyne City, Chambly County, PQ, Canada. Representative: Adrien R. Paquette, 200 St. Jacques St. West, 9th floor, Montreal; PQ, H2Y1M1. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting, *Frozen pork rinds* (except in bulk, or in tank vehicles), in refrigerated units, from ports of entry on the international boundary line between the United States and Canada, at or near Trout River and Champlain, NY; New York, NY, and Highgate Springs and Derbyline, VT, to Boston, MA, Easton, PA, and Lima, OH, restricted to the transportation of traffic moving in foreign commerce from PQ, Canada, in single-Line movements. (Hearing site: Albany, NY, or Montpelier, VT.)

No. MC 144472 (Sub-No. 1F.), filed March 29, 1978. Applicant: TEXAS INTERMOUNTAIN TRANSPORTATION, INC., 6161 29th Place, Wheat Ridge, CO 80214. Representative: Edward C. Hastings, 666 Sherman Street, Denver, CO 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes in the transportation of *Paint*, from Houston, TX and Denver, CO, to points in CO, WY, and MT, under a continuing contract with PPG Industries, Inc., at Pittsburgh, PA. (Hearing site: Washington, DC.)

No. MC 144532F, filed March 29, 1978. Applicant: ANDERSON POTATO CO., INC., 2179 Route 112, Medford, NY 11763. Representative: John L. 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, under a continuing contract, or contracts, with Entenmann's Bakery, Inc., at Bay Shore, NY. (Hearing site: New York, NY.)

No. MC 144681 (Sub-No. 4F), filed March 29, 1978. Applicant: WINTZ MOTOR FREIGHT, INC., 656 Pelham Boulevard, St. Paul, MN 55114. 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 *such merchandise* as is dealt in by wholesale and retail general mercantile establishments, and materials and supplies used in the conduct of such business (except commodities in bulk), between St. Paul, MN, on the one hand, and on the other, points in Barron, Dunn, Pierce, Polk and St. Croix Counties, WI, under a continuing contract or contracts with Montgomery Ward & Co., Inc. (Hearing site: Minneapolis or St. Paul, MN.)

NOTE.—Common control may be involved.

No. MC 144681 (Sub-No. 5F), filed March 29, 1978. Applicant: WINTZ MOTOR FREIGHT, INC., 656 Pelham Boulevard, St. Paul, MN 55114. 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: *Corrugated boxes,* knocked down flat, from Minneapolis, MN, to points in IA, ND, SD, and WI under a continuing contract or contracts with Longview Fibre Co. of Fridley, MN. (Hearing site: Minneapolis or St. Paul, MN.)

NOTE.—Common control may be involved. Applicant holds motor common carrier authority in MC-129757, therefore, dual operations may be involved.

No. MC 144697F, filed March 20, 1978. Applicant: GIBCO MOTOR EXPRESS, INC., 3405 North 33rd Street, Terre Haute, IN 47805. 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: *Coal, limestone,* and *lime,* between points in IL, IN and KY, in nonradial movement. (Hearing site: Indianapolis, IN, or Chicago, IL.)

NOTE.—Dual operations may be involved.

By the Commission.

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

[FR Doc. 78-14535 Filed 5-24-78; 8:45 am]

[7035-01]

[Volume No. 93]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS.

MAY 19, 1978.

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

All pleadings and documents must clearly specify the suffix (e.g. M1F, M2F) numbers where the docket is so identified in this notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before June 26, 1978. 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 127681 (Sub-No. 1) (Amendment) (Notice of filing of petition to modify permit), filed May 26, 1977, published June 3, 1977 in the FEDERAL REGISTER, and republished as amended, this issue. Petitioner: JOE JONES, JR., d.b.a., JOE JONES, TRUCKING CO., 557 Lynn Valley Road, Atlanta, GA 30311. Petitioner's representative: C. Jack Pearce, 1000 Connecticut Avenue NW., Washington, DC. Petitioner holds a motor *contract carrier* Permit, issued August 17, 1967, authorizing transportation over irregular routes, of (1) *Dry chemicals,* packaged in paper bags and drums, between the facilities of Mayo Chemical Co., located in Smyrna and Dalton, GA and Chattanooga, TN; (2) *dry chemicals,* packaged in paper bags and drums, from the facilities of Mayo Chemical Co. in Smyrna and Dalton, GA and Chattanooga, TN, to customers of Mayo Chemical Co., located at points in the United States (excluding points in AK and HI): (3) *defective, rejected or repossessed chemical products* manufactured by Mayo Chemical Co., from customers of Mayo Chemical Co., located at points in the United States (excluding points in AK and HI) to the facilities of the Mayo Chemical Co. located in Smyrna and Dalton, GA, and Chattanooga, TN; and (4) *dry chemicals,* manufactured, packaged in paper bags and drums, from suppliers of Mayo Chemical Co., located at points in OH, MI, PA, MA, CT, NJ, NY, DE, MD, WV, and TX, to the facilities of Mayo Chemical Co. located in Smyrna and Dalton, GA, and Chattanooga, TN, and to customers of Mayo Chemical Co., located at points in the United States (excluding AK and HI), under a continuing contract or contracts with Mayo Chemical Co. By the instant petition, petitioner seeks to make the following modifications in the authority above: (I) Delete "Mayo Chemical Co. wherever it appears, and substitute therefor the *"Time Chemical, Inc."* (II) After the word "chemicals" and before the words "packaged in paper bags and drums" wherever they appear, add the words "and clay products." (III) Delete wherever they appear "Smyrna and Dalton, GA, and Chattanooga, TN" and substitute therefor "at or near Wrens, GA".

NOTE.—The purpose of this republication is to further amend the above authority by eliminating "Georgia-Tennessee Mining Co., a subsidiary of the Hartz Mountain Corp." as previously substituted for the "Mayo Chemical Co." as the proposed shipper.

No. MC 139495 (Sub-Nos. 6 and 193) (M1) (Notice of filing of a petition to modify certificates by adding two origin points), filed January 20, 1978. Petitioner: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Petitioner's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Petitoioner holds motor *common carrier* certificates in No. MC 139495 (Sub-Nos. 6 and 193), issued September 23, 1975, and April 12, 1978, respectively, authorizing transportation, over irregular routes, as follows: In No. MC 139495 (Sub-No. 6), of *Lawn and garden products,* (except in bulk), from the facilities utilized by O. M. Scott & Sons Co., Inc., located at or near Marysville, OH, to points in MO, (except St. Louis), NE, KS, OK, TX, CO, NM, MT, WY, ID, UT, AZ, WA, OR, CA, and NV; and in No. MC 139495 (Sub-No. 193) of *Lawn and garden products* (except in bulk), from the facilities of O. M. Scott & Sons located at or near Marysville, OH, to points in ME, NH, VT, MA, CT, RI, NY, PA, NJ, DE, MD, DC, VA, WV, SC, GA, FL, MS, LA, AR, IA, and MN (except points in the Minneapolis-St. Paul Commercial Zone). By the instant petition, petitioner seeks to modify the above certificates by adding Columbus and Vermillion, OH as origin points.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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 on or before June 26, 1978. All pleadings and documents must clearly specify the "F" suffix where the docket is so indentified in this notice. Such pleading shall comply with Special Rule 247(e) of the Commisssion'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 in named.

No. MC 73165 (Sub-No. 420) (Republication), filed October 24, 1977, published in the FEDERAL REGISTER issue of December 22, 1977, and republished this issue. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, Birmingham, AL 35202. Applicant's representative: John W. Cooper, Suite 200, Woodward Building, 1927 1st Avenue, North, Birmingham, AL 35203. An Order of the Commission, Review Board No. 1, decided April 26, 1978, and served May 8, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier* over irregular routes, in the transportation of *Composition board and materials and supplies* used in the installation of composition board, from the facilities of the United States Gypsum Co., located at or near Greenville, MS, to points in TX, and those points in the United States in and east of MN, IA, MO, AR and LA, 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 broaden the commodity description.

No. MC 113678 (Sub-No. 667) (Republication), filed June 27, 1977, published in the FEDERAL REGISTER issue of August 18, 1977, and republished this issue. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Roger M. Shaner, (Same address as applicant). An Order of the Commission, Review Board No. 3, decided April 7, 1978, and served April 26, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier* over irregular routes, in the transportation of *Coffee, coffee products and beverage preparations* (except commodities in bulk, in tank vehicles), from Edgewater, NJ, to points in AZ, CA, IA, MT, NV, OR, UT, WA and WY, restricted to the transportation of shipments originating at the facilities of Hills Bros., Coffee, Inc., 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 broaden the commodity description, modify the territorial description, and add a restriction.

No. MC 114569 (Sub-No. 175) (republication), filed April 1, 1977, published in the FEDERAL REGISTER issue of May 26, 1977, and republished this issue. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Applicant's representative: N. L. Cummins (same address as applicant). An Order of the Commission, by the initial decision, served March 13, 1978, effective April 27, 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: *Foodstuffs* (except in bulk), in vehicles, equipped with mechanical refrigeration, from Kansas City, MO, to points in CT, MD, MA, NJ, NY, OH, PA, VT, VA, and WV, restricted to traffic originating at the named origin and destined to points in the destination states; 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 description and add a restriction.

No. MC 139420 (Sub-No. 21) (republication), filed August 26, 1977, published in the FEDERAL REGISTER issue of October 6, 1977, and republished this issue. Applicant: ART GREENBERG, d.b.a. GLACIER TRANSPORT, an individual, P.O. Box 428, Grand Forks, ND 58201. Applicant's representative: James B. Hovland, P.O. Box 1637, 414 Gate City Building, Fargo, ND 58102. An Order of the Commission, Review Board No. 1, decided April 21, 1978, and served April 26, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier* over irregular routes, in the transportation of: (1) *Agricultural commodity processing equipment, and agricultural commodity processing machinery;* and (2) *unrelated parts and accessories* used with the commodities described in (1), from Thief River Falls, MN, to points in CA, that applicant is fit, willing, and able to 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 broaden the commodity description.

No. MC 142560 (Sub-No. 2) (republication), filed April 8, 1977, published in the FEDERAL REGISTER issue of June 23, 1977, and republished this issue. Applicant: WALTER G. HAAS AND MERRILL ERVIN, a partnership, d.b.a. B. &. W. CHARTER SREVICE, P.O. Box 94, Reddick, IL 60961. Applicant's representative: Walter G. Haas (same address as applicant). An Order of the Commission, Review Board No. 1, decided January 31, 1978, and served February 15, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, over irregular routes, in the transportation of: *Passengers and their baggage*, in charter operations, beginning and ending at points in Kankakee, Livingston, La Salle, and McLean Counties, IL, and extending to points in IL, IN, IA, KY, MI, MO, and WI, 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 broaden the commodity and territorial description.

No. MC 143441 (Sub-No. 2) (republication), filed August 29, 1977, published in the FEDERAL REGISTER issue of October 14, 1977, and republished this issue. Applicant: AARDEMA CARTAGE, INC., P.O. Box 576, Midlothian, IL 60445. Applicant's representative: Philip A. Lee, 120 West Madison, Chicago, IL 60602. An Order of the Commission, Review Board No. 2, decided April 17, 1978, and served May 3, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier* over irregular routes, in the transportation of: (1) *Scrap raw stock leather*, from Chicago, IL, to Milwaukee, WI; and (2) *raw stock leather*, from Fond du Lac, Milwaukee, and Sheboygan, WI, and Redwing, MI, to Chicago, IL, 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 regu-

lations. The purpose of this republication is to modify the commodity description.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably 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 no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(e)(4) of the special rules, and shall include the certification required 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 4687 (Sub-No. 18F), filed March 30, 1978. Applicant: BURGESS & COOK, INC., P.O. Box 458, (21 North 2nd Street), Fernandina Beach, FL 32034. 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) *Plastic articles and materials* (except in bulk); and (2) *equipment and supplies* used in the manufacture and distribution of commodities named in (1) above, between the facilities of Mobil Chemical Co., Plastics Division in Newton, Fulton, DeKalb and Rockdale Counties, GA, and points in AL, FL, KY, LA, MS, NC, SC, TN, VA and WV, in a non-radial movement. (Hearing site: Atlanta, GA.)

No. MC 37248 (Sub-No. 24F), filed March 30, 1978. Applicant: VIRGINIA-CAROLINA FREIGHT LINES, INC., V-C Drive, P.O. Box 4988, Martinsville, VA 24112. Representative: Terrell C. Clark, P.O. Box 4988, Martinsville, VA 24112. Authority sought to operate as a *common carrier* over irregular routes, transporting: *Synthetic fiber, yarn, woodpulp, empty cones, spools, racks and beams,* between Front Royal, VA, Radford, VA, and Nitro, WV, on the one hand, and, on the other, points in GA, SC, and Shelbyville, TN. (Hearing site: Washington, D.C.)

NOTE.—Common control may be involved.

No. MC 41406 (Sub-No. 69F), filed March 30, 1978. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Representative: E. Stephen Heisley, 666 11th Street NW., No. 805, Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Industrial ventilating systems* from Batavia, OH, to points in MN, WI, IA, MO, KY, DC, IL, IN, MI, WV, VA, MD, PA, NY, and DE; and (2) *materials, equipment, and supplies* used in the manufacture, installation, distribution or sale of industrial ventilating systems (except in bulk) from points in (1) above to Batavia, OH. (Hearing site: Pittsburgh, PA.)

No. MC 55896 (Sub-No. 68F), filed March 30, 1978. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Representative: George E. Batty (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Castings* from East Jordan, MI, and Fort Atkinson, WI., to Siloam Springs, AR; and (2) *castings; wheels; wheel assemblies and accessories; and material, equipment and supplies* used in the manufacture of castings; wheels; and wheel assemblies and accessories between Lebanon, IN, on the one hand, and, on the other, Siloam Springs, AR, and Fort Atkinson, WI. (Hearing site: Indianapolis, IN.)

NOTE.—Common control may be involved.

No. MC 55896 (Sub-No. 69F), filed March 30, 1978. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Representative: George E. Batty (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum castings and automotive parts*, from Bedford, IN, to points in MI and OH; and (2) *scrap metals and materials and supplies* used in the production and transportation of aluminum casings and automotive parts, from points in MI, and OH, to Bedford, Needmore and Wabash, IN. Restricted in (1) and (2) above to traffic originating at or destined to the facilities of General Motors Corp. at the named origins and the named destinations. (Hearing site: Detroit, MI.)

NOTE.—Common control may be involved.

No. MC 61403 (Sub-No. 253F), filed March 30, 1978. Applicant: THE MASON & DIXON TANK LINES, INC., Highway 11-W, P.O. Box 969, Kingsport, TN 37662. Representative: W. C. Mitchell, Suite 1201, 370 Lexington Avenue, New York, NY 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from the facilities of Jefferson Chemical Co., Inc., located at or near Port Neches, TX, Youens, Montgomery County, TX, and Austin, TX, to points in the United States (except AK and HI). Restricted to shipments originating at the designated facilities of Jefferson Chemical Co., Inc. (Hearing site: Houston, TX or New Orleans, LA.)

NOTE.—Common control may be involved.

No. MC 66746 (Sub-No. 21F), filed March 27, 1978. Applicant: SHIPPERS EXPRESS, INC., 1651 Kerr Drive, Jackson, MS 39204. Representative: Harold D. Miller, Jr., P.O. Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment and household goods as defined by the Commission), (1) between the MS-TN State line and the MS-LA State line, from the MS-TN State line over U.S. Hwy 61 to the MS-LA State line and return over the same route. (2) Between New Orleans, LA and the MS-TN State line, from New Orleans

over U.S. Hwy 61 (also over Interstate Hwy 10) to the junction of U.S. Hwy 51 (also Interstate Hwy 55) at or near Laplace, LA then over U.S. Hwy 51 (also Interstate Hwy 55) to the MS-TN State line and return over the same route. (3) Between the MS-TN State line and the MS-AL State line, from the MS-TN State line over U.S. Hwy 45 (also alt. U.S. Hwy 45) to the MS-AL State line and return over the same route. (4) Between the MS-AR State line and the MS-AL State line, from the MS-AR State line over U.S. Hwy 82 to the MS-AL State line and return over the same route. (5) Between Tupelo MS and the MS-TN State line, from Tupelo over U.S. Hwy 78 to the MS-TN State line and return over the same route. (6) Between Clarksdale and Tupelo, MS, from Clarksdale over MS hwy 6 to Tupelo and return over the same route. (7) Between the MS-LA State line and the MS-AL State line, from the MS-LA State line over U.S. Hwy 80 (also Interstate Hwy 20) to the MS-AL State line and return over the same route. (8) Between Clarksdale and Gulfport, MS, from Clarksdale over U.S. Hwy 49 (also U.S. Hwy 49E and U.S. Hwy 49W) to Gulfport, and return over the same route. (9) Between Tchula and Okolona, MS, from Tchula over MS Hwy 12 to Ackerman, then over MS Hwy 15 to the intersection of MS Hwy 32, then over MS Hwy 32 to Okolona, and return over the same route. (10) Between Lexington, MS and the intersection of MS Hwy 17 with U.S. Hwy 51 (also Interstate Hwy 55), from Lexington over MS Hwy 17 to the intersection of U.S. Hwy 51 (also Interstate Hwy 55) and return over the same route. (11) Between Canton and Philadelphia, MS, from Canton over MS Hwy 16 to Philadelphia, and return over the same route. (12) Between the MS-AL State line and New Orleans, LA, from the MS-AL State line over U.S. Hwy 11 (also Interstate Hwy 59 and Interstate Hwy 10) to New Orleans, and return over the same route. (13) Between Magee and Laurel, MS, from Magee over MS Hwy 28 to Laurel, and return over the same route. (14) Between Fayette and Hazlehurst, MS, from Fayette over MS Hwy 28 to Hazlehurst, and return over the same route. (15) Between Washington and Summit, MS, from Washington over U.S. Hwys 84 and 98 to Bude, then over U.S. Hwy 98 to Summit, and return over the same route. (16) Between Woodville and McComb, MS, from Woodville over MS Hwy 24 to Centreville, then over MS Hwy 48 to Liberty, then over MS Hwys 24 and 48 to McComb, and return over the same route. (17) Between Fayette, MS and New Orleans, LA, From Fayette over MS Hwy 33 to the MS-LA State line, then over LA Hwy 19 to Scotlandville, LA, then over U.S. Hwy 61 to New Orleans, and return over the same route. (18) Between New Orleans, LA and the MS-LA State line, from New Orleans over U.S. Hwy 90 (also Interstate Hwy 10) to the MS-AL State line and return over the same route. Serving all intermediate points on routes (1) through (18) above, and all other points in MS as off-route points. Restriction: Service at points in MS is restricted to those portions of the commercial zones as defined by the Commission physically located in MS. (Hearing site: Tupelo, MS, Jackson, MS, and New Orleans, LA.)

NOTE.—Applicant does not seek duplicating authority.

No. MC 82492 (Sub-No. 190F), filed March 29, 1978. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the facilities of Rich Products Corp. at Buffalo, NY, to points in IL, IN, IA, MI, MN, OH, and WI. (Hearing site: Washington, DC.)

No. MC 94201 (Sub-No. 161F), filed March 28, 1978. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Applicant's representative: Maurice F. Bishop, 601-09 Frank Nelson Building, Birmingham, AL 35203. Authority sought, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Canton, MS, as an off-route point in connection with applicant's existing regular-route authority between Meridian, MS, and Ft. Worth, TX. (Hearing site: Jackson, MS.)

No. MC 102616 (Sub-No. 944F), filed March 29, 1978. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Road, Akron, OH 44313. Applicant's representative: David F. McAllister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk (1) from Wood River, IL, to points in IN; and (2) from Evansville, IN, to points in IL and KY. (Hearing site: Columbus, OH or Chicago, IL.)

No. MC 105045 (Sub-No. 82F), filed March 30, 1978. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, IN 47701. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington DC 20005. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Refrigeration condensers and cooling equipment*, from the facilities of Evapco, Inc., at Baltimore, MD, to points in the United States (except AK, HI, GA, FL, AL, IL, MI, IN, KY, OH, AR, IA, KS, LA, MS, MO, NE, OK, TX, TN, and WI). (Hearing site: Washington, DC.)

No. MC 105045 (Sub-No. 83F), filed March 30, 1978. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, IN 47701. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington DC 20005. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Knocked-down steel buildings and parts thereof*, from Houston, TX, to points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Houston, TX.)

No. MC 107107 (Sub-No. 466F), filed March 30, 1978. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 Northwest 42d Avenue, Opa Locka, FL 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs*, (except in bulk), from points in DE, MD, and DC, to points in GA, FL, NC, SC, and TX. (Hearing site: Washington, DC.)

No. MC 107496 (Sub-No. 1140F), filed March 27, 1978. Applicant: RUAN TRANSPORT CORP., 3200 Ruan Center, 666 Grand Avenue, Des Moines, IA 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Bristol, WI, to points in IL, IN, IA, MI, MN, MS, MO, and TX. (Hearing site: Des Moines, IA, or Madison, WI.)

NOTE.—Common control may be involved.

No. MC 111785 (Sub-No. 61F), filed March 30, 1978. Applicant: BURNS MOTOR FREIGHT, INC., P.O. Box 149, U.S. Hwy 219 North, Marlinton, WV 24954. Applicant's representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* from Elkins, WV, to points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, and DC. (Hearing site: Washington, DC.)

No. MC 111785 (Sub-No. 62F), filed March 30, 1978. Applicant: BURNS

MOTOR FREIGHT, INC., P.O. Box 149, U.S. Hwy 219 North, Marlinton, WV 24954. Applicant's representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, with no exceptions, between points in Pocahontas County, WV, on the one hand, and, on the other, points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Charleston, WV.)

No. MC 113678 (Sub-No. 743F), filed March 30, 1978. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (Same as Applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except commodities in bulk in tank vehicles), from Baltimore, MD, to Atlanta, GA; Jacksonville, Miami, Pensacola, and Tampa, FL; and Columbia, SC, restricted to traffic originating at and destined to the named points. (Hearing site: Baltimore, MD or Washington, DC.)

No. MC 117574 (Sub-No. 303F), filed March 29, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. 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: *Cranes, incidental machinery, attachments, accessories and parts used in connection with cranes*, Between points in the United States (except AL and HI). Restriction: Restricted to the transportation of shipments originating at or destined to the facilities of Essex Crane Rental Corp. or moved on freight bills issued to Essex Crane Rental Corp. (Hearing site: Birmingham, AL or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 117574 (Sub-No. 307F), filed March 30, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Representative: E. S. Moore, Jr. (Same Address as Applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bituminous fiber pipe and conduit, and accessories*, From West Bend, WI to points in IL, IN, IA, KY, MI, MN, MO, OH, TN and WI. (Hearing site: Chicago, IL or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 119176 (Sub-No. 19) (Correction) filed January 9, 1978, published in the FEDERAL REGISTER issue of March 16, 1978, and republished as corrected, this issue. Applicant: THE SQUAW TRANSIT CO., a Corporation, P.O. Box 9368, Tulsa, OK 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: (1) *Machinery, equipment, materials and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; (2) *Machinery, materials, equipment and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof; and (3) *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies and pipe*, incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance and dismantling of drilling machinery, and equipment; (b) the completion of holes or wells drilled; (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities into or from holes or wells, Between points in OK, TX, KS, LA, OH, CO, NM, MO, MI, WY, UT, AR, MS and MT, on the one hand, and, on the other, points in PA and VA. (Hearing site: Oklahoma City or Tulsa, OK.)

NOTE.—The purpose of this republication indicated in part (d) of the application service between points in OK, TX, KS, LA, and OH was omitted in the previous publication.

No. MC 120761 (Sub-No. 36F), filed March 30, 1978. Applicant: NEWMAN BROS. TRUCKING CO., a corporation, 6559 Midway Road, P.O. Box 18728, Fort Worth, TX, 76118. Representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron* and *Steel Articles*, from the facilities of The Chapparral Steel Co., located at or near Midlothian, TX to points in the United States (except AK and HI); and (2) *Materials, Supplies* and *Equipment* used in or in connection with the production or manufacture of iron and steel articles, from points in the United States (except AK and HI), to the facilities of Chaparral Steel Co., located at or near Midlothian, TX. (Hearing site: Washington, DC.)

NOTE.—Common control may be involved.

No. MC 120909 (Sub-No. 3) (Amendment), filed December 1, 1977, published in the FEDERAL REGISTER issue of February 2, 1978, and republished as amended, this issue. Applicant: ISLAND CARTAGE CO., INC., 5801 S. Cicero Avenue, Chicago, IL 60638. Applicant's representative: James R. Madler, 120 West Madison Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: General commodities (except commodities in bulk, in tank or hopper type vehicles; and commodities which because of size and weight, require special equipment or handling), between points in McHenry, Lake, DeKalb, Kane, Cook, DuPage, Kendall, Will, LaSalle, Grundy, Kankakee, and Iroquois Counties, IL and (2) between points in McHenry, Lake, KeKalb, Kane, Cook, DuPage, Kendall, Will, LaSalle, Grundy, Kankakee, and Iroquois Counties, IL, on the one hand, and, on the other points in IL. (Hearing Site: Chicago, IL.)

NOTE. Republication is made to clarify the territory in which service is proposed. The purpose of this application is to convert applicant's certificate of registration to a certificate of public convenience and necessity.

No. MC 123819 (Sub-No. 52F), (correction), filed February 22, 1978, published in the FEDERAL REGISTER issue of April 6, 1978, and republished as corrected, this issue. Applicant: ACE FREIGHT LINE, INC., P.O. Box 16589, Memphis, TN 38116. Representative: Bill R. Davis, Suite 101—Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and liquid feed ingredients*, in bulk, in tank vehicles, from Indianola, MS to points in MO. (Hearing site: Jackson, MS.)

NOTE.—The purpose of this republication is to reflect the origin point as Indianola, MS, in lieu of Indianapolis, MS.

No. MC 124078 (Sub-No. 789F), filed March 30, 1978. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI. 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in LA, to points in AL, AR, FL, GA, LA, MS, OK, and TX.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at St. Louis, MO. Common control may be involved.

No. MC 126320 (Sub-No. 8F), filed March 30, 1978. Applicant: DETTINBURN TRUCKING, INC., Box 24, Route 3, Petersburg, WV. 26847. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Lime, limestone and *limestone products,* and *sand,* in bulk in bags, (1) from points in Pendleton County, WV, to points in Mineral County, WV; and (2) from points in Pendleton County, WV to points in WV in and north of Wood, Ritchie, Doddridge, Harrison, Taylor,And Preston Counties,WV and Mineral County, WV, and points in NC; and (3) from points in Pendleton County,WV to points in NC. (Hearing site: Washington, DC.)

No. MC 133220 (Sub-No. 13F), filed March 30, 1978. Applicant: RECORD TRUCK LINE, INC., P.O. Box 2646, Jackson, TN 38301. Representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Bldg., Memphis, TN 38103. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Building materials and pipe, cement containing asbestos fibre,* from Waukegan, IL to points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN and TX; (2) *insulation board,* from Alexandria, IN and Rockdale, IL to points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN and TX; (3) *plastic pipe and pipe fittings,* from Jackson, TN to points in AL, AR, FL, GA, IL, IN, IA, KY, LA, MS, MO, OH, OK, TX and WI; (4) *plastic pipe and pipe fittings,* from Wilton, IA, to points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN and TX; and (5) *insulation board,* from the plant site on Johns-Manville Corp. located at or near Woodstock, VA, to points in FL, GA, KY, NC, SC, TN, WV and AL. Under a continuing contract or contracts with Johns-Manville Sales Corp. (Hearing site: Chicago, IL.)

NOTE.—Applicant holds motor common carrier authority in MC 125227 Sub 2, and other subs thereunder, therefore dual operations may be involved.

No. MC 134477 (Sub-No. 233), filed March 30, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. 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: *Printing paper,* other than newsprint, not printed (except commodities in bulk), from Watervliet and Sodus, MI to points in CO, IA, KS, MN, MO, NE, ND, SD, and WI. (Hearing site: Minneapolis, MN.)

No. MC 135616 (Sub-No. 16F), filed March 29, 1978. Applicant: PERRYSBURG TRUCKING CO., INC., 24982 Thompson Road, Perrysburg, OH, 43551. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Uncrated flat glass,* from the facilities of PPG Industries, Inc., located at or near Crystal City, MO, to points in the United States (except AK and HI), restricted to the transportation of traffic moving under a continuing contract, or contracts, with PPG Industries, Inc. (Hearing site: Pittsburgh, PA.)

No. MC 135684 (Sub-No. 73F), filed March 30, 1978. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, NJ 08822. 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: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, in containers, (a) from Battle Creek, MI; Lancaster, OH and Sharonville, OH, to points in CT, DE, ME, MD, MA, NJ, NY, PA, RI, VA and DC; and (b) between the plant sites and storage facilities of Ralston Purina Co., located at or near Dunkirk, NY, and Mechanicsburg, PA. (Hearing site: Washington, DC or Newark, NJ.)

No. MC 135684 (Sub-No. 74F), filed March 30, 1978. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, NJ 08822. 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: *Chemicals* (except in bulk) from the facilities utilized by Wilson Products Co., at Neshanic, NJ, to points in IL, IN, MI, and OH. (Hearing site: Washington, DC or Newark, NJ.)

No. MC 135684 (Sub-No. 75F), filed March 30, 1978. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, NJ 08822. 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: *Office equipment and supplies; materials, supplies and equipment* used in the manufacture, sale and distribution of office equipment and supplies (except in bulk), between the facilities of Burroughs Corp., located at or near Bardstown, KY; City of Industry, CA; Park Ridge, NJ; and Rochester, NY. (Hearing site: Washington, DC or Newark, NJ.)

No. MC 135684 (Sub-No. 78F), filed March 30, 1978. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, NJ 08822. 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: (1) *Such commodities* as are dealt in by retail and chain grocery, hardware and drug stores, in containers, from St. Louis, MO, to points in FL and GA; and (2) *materials, supplies and equipment* used in the manufacture, sale and distribution of the commodities described in (1) above (except in bulk), from the above-named destination States, to the above-named origin. (Hearing site: Washington, DC or Newark, NJ.)

No. MC 135684 (Sub-No. 79F), filed March 30, 1978. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, NJ 08822. 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: *Chemicals* (except in bulk), from Easton and Nazareth, PA, and Harrison and Phillipsburg, NJ, to the facilities of Jeffrey Chemical Co., Inc., at Wilmington, MA. (Hearing site: Washington, DC, or Newark, NJ.)

No. MC 135684 (Sub-No. 80F), filed March 30, 1978. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, NJ 08822. 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: *Plastic products,* from the facilities utilized by Tenneco Chemicals, Inc., at East Rutherford, NJ, to Stoughton, MA. (Hearing site: Washington, DC, or Newark, NJ.)

No. MC 135684 (Sub-No. 81F), filed March 30, 1978. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, NJ 08822. 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: (1) Such *commodities* as are dealt in by retail and chain grocery, hardware and drug stores, in containers, from the facilities of Purex Corp., at points in Los Angeles and Orange Counties, CA, to points in WA, OR, CO, UT, TX, AZ, NV, ID, and NM; and (2) *materials, supplies, and equipment* used in the manufacture, sale and distribution of the commodities described in (1) above (except in bulk), from the destinaton in (1) above, to the origin in (1) above. (Hearing site: Washington, DC, or Newark, NJ.)

No. MC 135684 (Sub-No. 82F), filed March 30, 1978. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, NJ 08822. 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: (1) *Chemicals, sodium bicarbonate, sodium carbonate, and cleaning, scouring, and washing products* (except in bulk), from the facilities utilized by Church and Dwight Co., Inc., at or near Syracuse, NY, to CT, DC, DE, MA, MD, ME, MI, NH, NJ, NY, OH, PA, RI, and VA; and (2) *Materials and equipment* used in the manufacture, sale and distribution of commodities described in (1) above (except commodities in bulk), from the destination States in (1) above to the origin in (1) above. (Hearing site: Washington, DC, or Newark, NJ.)

No. MC 135684 (Sub-No. 83F), filed March 30, 1978. Applicant: BASS TRANSPORTATION CO. INC., P.O. Box 391, Old Croton Road, Flemington, NJ 08822. 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: *Soap*, from the facilities of Purex Corp., at Omaha, NE, to points in PA, MO, IL, NY and MA. (Hearing site: Washington, DC, or Newark, NJ.)

No. MC 135861 (Sub-No. 30F), filed March 29, 1978. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, P.O. Box 9093, Fort Worth, TX 76107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tea*, from Brooklyn, NY, to Dallas, TX, under continuing contract, or contracts, with Eastern Tea Corp., Brooklyn, NY. (Hearing site: Dallas, TX or New York, NY.)

No. MC 135874 (Sub-No. 114F), filed March 30, 1978. Applicant: LTL PERISHABLES, INC., 550 East 5th Street South, South St. Paul, MN 55075. Representative: K. O. Petrick, 550 East 5th Street South, South St. Paul, MN 55075. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alcoholic beverages, such commodities* as are dealt in by distributors of alcoholic beverages and *materials, supplies and equipment* used in the sale of alcoholic beverages (except commodities in bulk); from points in AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MS, MO, MT, NE, NV, NH, NJ, NM, NY, OH, OK, OR, PA, RI, TN, TX, UT, VT, VA, WA, WV, and WY, to points in MN, ND, SD and those points on and north of U.S. Hwy 151 in WI. (2) *malt beverages, advertising materials and supplies* (except commodities in bulk), from Milwaukee, WI, to points in SD. (Hearing site: Minneapolis or St. Paul, MN.)

NOTE.—Common control may be involved.

No. MC 135895 (Sub-No. 17F) (correction), filed February 8, 1978, published in the FEDERAL REGISTER issue of March 30, 1978, and republished as corrected, this issue. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed concrete products and materials, equipment, machinery and supplies*, used in the manufacture, construction and installation of prestressed concrete products (except commodities in bulk): between the plant sites and warehouses of Biloxi Prestress Concrete, Inc. located at or near Biloxi, MS, on the one hand, and, on the other, points in AL, AR, FL, LA, MS, and TN. (Hearing site: Biloxi or Jackson, MS.)

NOTE.—The purpose of the republication to correct applicant's name as B & R Drayage, Inc. in lieu of Adams Lines, Inc. as previously published.

No. MC 139482 (Sub-No. 47F), filed March 30, 1978. Applicant: NEW ULM FREIGHT LINES, INC., County Road 29 West, New Ulm, MN 56073. Representative: Samuel Rubenstein, 301 North 5th Street, Minneapolis, MN 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), (1) from the facilities used by the Green Giant Co., at points in Dodge, Fond du lac, Jefferson, Washara, Milwaukee and Columbia Counties, WI, to points in IL, IN, OH, MI, KY, TN, and MO, and (2) from the facilities of the Green Giant Co., at or near Belvidere, IL, to points in OH, IN, MI, KY, WV, WI, MO, TN, MS, NJ, Sharon PA, and New York, NY. Restricted in (1) and (2) above to traffic originating at the above named origins and destined to the above named destinations. (Hearing site: Minneapolis or St. Paul, MN.)

No. MC 140033 (Sub-No. 45F), filed March 30, 1978. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX. 75220. Representative: D. Paul Stafford, 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: *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.

NOTE.—Applicant holds contract carrier authority in MC 142296, therefore dual operations may be involved. (Hearing site: Dallas, TX.)

No. MC 142059 (Sub-No. 22F), filed March 30, 1978. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley, 1830 Mound Road, Joliet, IL 60436. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and aluminum products* (except in bulk), from (a) the facilities of Eastalco Aluminum Co., at or near Buckeystown, MD, to points in AL, AR, GA, FL, IL, IN, LA, MI, MN, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, WI and VA; (b) the facilities of Noranda Aluminum Co., at or near New Madrid, MO, to the facilities of Howmet Aluminum Corp., at Lancaster, PA, and Magnolia, AR, and Rockwall, TX; (c) the facilities of Revere Copper & Brass, Inc., Scottsboro Aluminum Reduction Division, at or near Scottsboro, AL, to the facilities of Howmet Aluminum Corp., at Lancaster, PA, Magnolia, AR, and Rockwall, TX; (d) the facilities of National Southwire Aluminum Co., at or near Hawesville, KY, to the facilities of Howmet Aluminum Corp., at Lancaster, PA, Magnolia, AR, and Rockwall, TX; (e) the facilities of Intalco Aluminum Co., at or near Ferndale, WA, to points in OR, CA, AZ, TX, OK, MN, IA, MO, AR, LA, WI, IL, MS, AL, GA and WA; (f) Los Angeles, CA, to points in AZ, OK and TX: and (g) the Port of Houston, TX, Rockwall, TX, and Magnolia, AR, to points in AR, MS, MO, OK and TX; and (2) *Scrap aluminum* (except in bulk), from (a) Alexandria, MN, and Lawrence and Taunton, MA, to Indianapolis, IN; Rockwall, TX; Magnolia, AR; Baltimore, MD; New York, NY; and Points in KY, OH, TN and WI; and (b) Lawrence and Taunton, MA, to points in PA. (Hearing site: Washington, DC.)

No. MC 142059 (Sub-No. 23F), filed March 30, 1978. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley, 1830 Mound Road, Joliet, IL 60436. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except in bulk), between Cleveland, OH, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Cleveland, OH, or Washington, DC.)

No. MC 142059 (Sub-No. 25F), filed March 30, 1978. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley, 1830 Mound Road, Joliet, IL 60436. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles*, from Normal, IL, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

No. MC 142059 (Sub-No. 26F), filed March 30, 1978. Applicant: CARDI-

NAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley, 1830 Mound Road, Joliet, IL 60436. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Honeycomb products and materials, equipment and supplies* used in the manufacture and distribution thereof (except in bulk), between Michigan City, IN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Washington, DC.)

No. MC 142608 (Sub-No. 5F), filed March 30, 1978. Applicant: ASCENZO BROTHERS, 535 Brush Avenue, Bronx, NY 10465. Representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, NY 10528. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209, between New York, NY, on the one hand, and, on the other, points in CT, NJ, NY, and PA, under a continuing contract or contracts with Smolka Co., Inc., located at New York, NY. (Hearing site: New York, NY.).

No. MC 143691 (Sub-No. 6) (correction), filed January 23, 1978, published in the FEDERAL REGISTER issue of March 9, 1978, and republished as corrected this issue. Applicant: PONY EXPRESS COURIER CORP., P.O. Box 4313, Atlanta, GA 30302. Representative: Steven J. Thatcher (same address as applicant). Authority sought as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Audit and accounting media, checks, cash letters, statements, advices, magnetic tape, punch cards, and other computer media; data processing media, printed documents, microfilm, microfiche, microforms, and related items; written instruments, documents, records, supplies, and material* as are used in the business of banks and banking institutions, between Omaha, NE and points in IA, under a continuing contract with banks and banking institutions, J. J. Exon Co., Inc., Northwest Microfilm, 3M Corp., Eastman Kodak Co., Office Systems Division, Inc., Mid-American Microfilm Systems and Information Systems, Inc. (Hearing site: Omaha, NE or Washington, DC.)

NOTE.—Common control may be involved. Applicant holds pending common carrier authority in MC 142330 Subs 5 and 9, therefore dual operations may be involved. The purpose of this republication is correctly reflect all of the above-named shippers applicant will serve with the proposed application.

No. MC 143917 (Sub-No. 2F), filed March 29, 1978. Applicant: SAM YOUNG, INC., P.O. Box 76, R.R. 1, Wolcott, IN 47995. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are printed, manufactured or sold by a printer or converter, and *material, supplies and equipment* used in the conduct of such business (except in bulk); (1) between Indianapolis, IN, on the one hand, and, on the other, points in the United States (except AK and HI); and (2) between Adison, NJ, on the one hand, and, on the other, points in CT, DE, MD, MA, NY, PA, RI, VA and DC. Restriction: restricted to service under a continuing contract, or contracts, with Queens Lithographing Corp.; Rutgers Packaging Corp.; Kaltman Press, Inc.; Communications Illustrated, Inc.; and Ree-O-Sleeve Packaging Corp. (All affiliated companies). (Hearing site: Indianapolis, IN.)

No. MC 144331 (Sub-No. 3F), filed March 29, 1978. Applicant: EDWARD F. MADEIRA, INC., 514 Island Street, Hamburg, PA 19526. Representative: William F. King, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pumps, pump parts and pump accessories*, from the facilities of A.S.H. Pump, Division of Envirotech, Inc., at Hamburg, PA, to points in the United States (excluding AK and HI); and (2) *steel castings*, from the facilities of Beloit Corp., at or near Beloit, WI, to the facilities of A.S.H. Pump, Division of Envirotech, Inc., at Hamburg, PA. Restricted to the transportation of traffic under a continuing contract, or contracts, with A.S.H. Pump, Division of Envirotech. (Hearing site: Washington, DC.)

Note.—Applicant holds common carrier authority under MC 119871, therefore, dual operations may be involved.

No. MC 144342 (Sub-No. 2F), filed March 30, 1978. Applicant: CONTAINER TRANSIT, INC., 630 Terminal Tower Building, Cleveland, OH 44113. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty steel drums*, from the plant site of Republic Steel Corp. at Nitro, WV, to points in IN, KY, OH and TN, under continuing contract or contracts with Republic Steel Corp. (Hearing site: Washington, DC.)

Note.—Common control may be involved.

No. MC 144500 (Sub-No. 1F), filed March 24, 1978. Applicant: WALSH TRUCKING CO., INC., 311 Seventeenth Street, Jersey City, NJ 07307. Representative: Jack Schiller, One Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in or used in the operation of retail department stores;* between the facilities of Abraham & Strauss at Brooklyn, NY, Rego Park, Hempstead, Manhasset, Huntington, Babylon, Smithtown, White Plains and Carle Place, NY; Paramus, Woodbridge, and Eatontown, NJ, a nonradial movement. Authority is limited to service rendered under contract or continuing contracts with Abraham & Strauss of Brooklyn, NY. (Hearing site: New York).

No. MC 144514F, filed March 27, 1978. Applicant: J&M ENTERPRISES, LTD., a corporation, Box 3145, Des Moines, IA 50316. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are used in the maintenance and construction of bowling lane surfaces; (2) *cleaning compounds, disinfectants, deodorants* and (3) *materials* and *supplies* used in the maufacture and distribution of the commodities named in Parts (1) and (2) above between Des Moines, IA, and Shelby, OH, on the one hand, and, on the other, points in the United States (except AK and HA), under a continuing contract or contracts with Atlas Products, Inc., and Perry Austin Bowling Products, Inc. (Hearing site: Des Moines, IA, or Omaha, NE.)

No. MC 144576F, filed March 30, 1978. Applicant: HILLSDALE COUNTY RAILWAY CO., INC., 50 Monroe Street, Hillsdale, MI 49242. Representative: L. Agnew Myers, Jr., Suite 406-7, Walker Building, 734 15th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, classes A and B explosives, and commodities requiring vehicles equipped with mechanical refrigeration), when moving in Trailer-On-Flat Car Service, between stations on the rail lines of the Hillsdale County Railway Co., Inc., at points in IN and MI, on the one hand, and, on the other, Montpelier and Toledo, OH, and Detroit, MI. Restrictions: (1) The service to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of The Hillsdale County Railway Co., Inc. (2) Carrier shall not serve any point not a station on the rail lines of the railroad. (3) Shipments transported by carrier shall be limited to those moving on through bills of lading or express receipts covering, in addition

to a motor carrier movement, an immediately prior or an immediately subsequent movement by the railroad in its rail service. (4) Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict carrier's operations to service which is auxiliary to, or supplementary of, rail service of the railroad. (5) All contractual arrangements between applicant and the railroad shall be reported to the Commission and shall be subject to revision by it if and as it may be found necessary in order that such arrangements shall be fair and equitable to the parties. (Hearing site: Lansing, MI, or Detroit, MI.)

NOTE.—Common control may be involved.

PASSENGER

No. MC 144374F, filed February 21, 1978. Applicant: MASON TRAVEL SERVICE, INC., Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. 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: *passengers and their baggage* in round trip charter and special operations beginning and ending at points in Marion County, IN and extending to points in OH, IL, KY, MI, and WI. (Hearing site: Indianapolis, IN.)

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, or rail carriers of 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 the 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-13584. Authority sought for purchase by PETERLIN CARTAGE CO., 9651 Ewing Avenue, Chicago, IL 60617, of a portion of the operating rights of Coldway Carriers, Inc., P.O. Box 2038, Clarksville, IN 47130, and for acquisition by Frank Peterlin, 9651 Ewing Avenue, Chicago, IL 60617 and Raymond Peterlin, 9651 Ewing Avenue, Chicago, IL 60617, of control of such rights through the purchase. Transferee's attorney: James C. Hardman, Suite 2108, 33 N. LaSalle Street, Chicago, IL 60602. Transferor's attorney: William P. Whitney, Jr., Suite 708 McClure Building, Frankfort, KY 40601. Operating rights sought to be purchased: *Paper, paper products, and woodpulp*, as a *common carrier* over irregular routes from the plantsite and warehouse facilities of Bowater Southern Paper Corp. in McMinn County, TN to points in DE, IL, IN, MD, MI, NJ, NY, PA, DC, and Louisville, KY. Vendee is authorized to operate as a common carrier in all points in the United States except AK and HI as more specifically described in No. MC 67450 and sub numbers thereto. Application has not been filed for temporary authority under section 210(a)(b).

No. MC-F-13595. Authority sought for purchase by CARRANO'S EXPRESS, INC., Route 17, Northford, CT 06472, of a portion of the operating rights of Old Colony Transportation Co., Inc., 676 Dartmouth Street, South Dartmouth, MA 02748, and for acquisition by Anneillo F. Carrano and Frank Carrano, Route 17, Northford, CT 05472 of control of such rights through the purchase. Applicant's attorneys: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117, and Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Operating rights sought to be purchased: *General commodities*, with exceptions which include commodities in bulk, as a common carrier, over regular routes, between Boston, MA and Providence, RI: From Boston over U.S. Hwy 1 via North Attleboro, MA, to Providence; From Boston over U.S. Hwy 1 to Dedham, MA, then over MA Hwy 1A to North Attleboro, and then over U.S. Hwy 1 to Providence. From Boston over MA Hwy 138 to Taunton, MA, then over U.S. Hwy 44 to Providence; and return over these routes to Boston. Between Boston, MA, and Providence, RI: From Boston over U.S. Hwy 1 to Providence, and return over the same route. From Boston over MA Hwy 1A to North Attleboro, MA, then over U.S. Hwy 1 to Providence, and return over the same route. Service is authorized to and from intermediate and off-route points in MA within 5 miles of Boston and those in RI within 10 miles of Providence. Between Providence, RI and Woonsocket, RI: From Providence over U.S. Hwy 44 to Centerdale, RI, then over Farnum Pike to Woonsocket, (also over Providence Pike via Slatersville to Woonsocket); and Return from Woonsocket over RI Hwy 122 to Providence. Service is authorized to and from the intermediate points of Esmond and Slatersville, RI. Between Springfield, MA and Boston, MA: From Springfield over U.S. Hwy 20 to Boston, and return over the same route, serving Springfield, MA as a point of joinder only, and serving all intermediate points, and the off-route points of Chelsea and Cambridge, MA. Between the junction of U.S. Hwy 20 and MA Hwy 131, near Sturbridge, MA, and Providence, RI: From junction U.S. Hwy 20 and MA Hwy 131 over MA Hwy 131 through Sturbridge to the MA-CT State line, then over CT Hwy 131 to junction CT Hwy 12, then over CT Hwy 12 to junction U.S. Hwy 44, and then over U.S. Hwy 44 to Providence, and return over the same route. Service is not authorized to or from intermediate points. Between Boston, MA and Beverly, MA, serving all intermediate points and the off-route points of Saugus, Danvers, Peabody, Malden, Everett, Medford, Somerville, and Cambridge, MA: From Boston over MA Hwy 107 to Salem, MA, then over MA Hwy 1A to Beverly, and return over the same route. Between Pittsfield, MA and Williamstown, MA: From Pittsfield over MA Hwy 8 to North Adams, MA, then over MA Hwy 2 to Williamstown, and return over the same route. From Pittsfield over U.S. Hwy 7 to Williamstown, and return over the same route. Between junction MA Hwys 23 and 41 and Torrington, CT: From junction MA Hwys 23 and 41 over MA Hwy 41 to the MA-CT State line, then over CT Hwy 41 to junction U.S. Hwy 44, then over U.S. Hwy 44 to junction CT Hwy 8, then over CT Hwy 8 to Torrington, and return over the same route. Between junction U.S. Hwy 7 and MA Hwy 23, and junction U.S. Hwys 7 and 44: From junction U.S. Hwy 7 and MA Hwy 23 over U.S. Hwy 7 to junction U.S. Hwy 44, and return over the same route. Between Boston, MA and Lawrence, MA: From Boston over MA Hwy 9 to junction MA Hwy 128, then over MA Hwy 128, to junction U.S. Hwy 3, then over U.S. Hwy 3 to Lowell, MA, and then over MA Hwy 110 to Lawrence, and return over the same route. From Boston over MA Hwy 28 to Lawrence, and return over the same route. Between Lowell, MA and Fitchburg, MA: From Lowell over MA Hwy 110 to junction MA Hwy 2A, and then over MA Hwy 2A to Fitchburg, and return over the same route. Between junction MA Hwys 2A and 110-111, and Fitchburg, MA: From junction MA Hwys 2A and 110-111, over MA Hwy 110-111 to junction MA Hwy 2, then over MA Hwy 2 to junction MA Hwy 12, and then over MA Hwy 12 to Fitchburg, and return over the same route. Between Lawrence, MA and Gloucester, MA: From Lawrence, over MA Hwy 110 to Salisbury, MA, then over U.S. Hwy 1 to Newburyport, MA, then over MA Hwy 1A to junction MA Hwy 133, and then over MA Hwy 133 to Gloucester, and return over the same route. From Lawrence over MA Hwy 114 to Salem, MA, then over MA Hwy 22 to Beverly, MA and

then over MA Hwy 127 to Gloucester, and return over the same route. Between Middleton, MA and junction MA Hwys 128 and 133: From Middleton, MA over MA Hwy 62 to junction MA Hwy 128, then over MA Hwy 128 to junction MA Hwy 133, and return over the same route. Between junction MA Hwys 28 and 128 and Beverly, MA: From junction MA Hwys 28 and 128 over MA Hwy 128 to junction MA Hwy 97, then over MA Hwy 97 to Beverly, and return over the same route. Serving in connection with the routes authorized hereinabove, intermediate and off-route points within 5 miles of said routes. Between Springfield, MA and Greenwich, CT, serving all intermediate points and the off-route points of New Britain, Waterbury, Meriden, Naugatuck, Danbury, Rockville, Ansonia, Derby and Shelton, CT: From Springfield over U.S. Hwy 5 to New Haven, CT, then over U.S. Hwy 1 to Greenwich, and return over the same route. Between Springfield, MA and Hartford, CT, serving all intermediate points and off-route points of New Britain, Waterbury, Meriden, Naugatuck, Danbury, Rockville, Ansonia, Derby, and Shelton, CT: From Springfield over Alternate U.S. Hwy 5 to Hartford and return over the same route. Between Hartford, CT and New Haven, CT, serving all intermediate points and the off-route points of New Britain, Waterbury, Meriden, Naugatuck, Danbury, Rockville, Ansonia, Derby, and Shelton, CT: From Hartford over CT Hwy 17 to New Haven, and return over the same route. Restriction: The service authorized hereinabove is subject to the following conditions: (a) Between Springfield, MA and points within 15 miles of Springfield, on the one hand, and, on the other, points in CT, (b) between Springfield, MA, on the one hand, and, on the other, points in MA on and west of MA Hwy 12, (c) between points in MA or (d) between points in NY and CT within 30 miles of Great Barrington, MA, including Great Barrington, on the one hand, and, on the other, points in Berkshire County, MA and (e) the authority to serve off-route, intermediate or terminal points in MA further restricted against the transportation of traffic to or from the commercial zones as defined by the Commission of those off-route, intermediate, or terminal points located within the State of NH. The regular-route authority granted hereinabove shall not be severable by sale or otherwise from the underlying irregular-route authority contained hereinbelow. Alternate routes for operating convenience only: Between junction U.S. Hwy 20 and MA Hwy 146, located near Worcester, MA and Woonsocket, RI, in connection with carrier's otherwise authorized regular-route operations serving no intermediate points: From junction U.S. Hwy 20 and MA Hwy 146 over MA Hwy 146 to the MA-RI State line, and then over RI Hwy 146 to Woonsocket, and return over the same route. Between junction U.S. Hwy 20 and MA Hwy 8 and New Haven, CT, in connection with carrier's presently authorized regular route operations serving no intermediate points and serving the termini for purpose of joinder only: From junction U.S. Hwy 20 and MA Hwy 8 over MA Hwy 8 to the MA-CT State line, then over CT Hwy 8 to junction CT Hwy 63, then over CT Hwy 63 to New Haven, and return over the same route. Between junction U.S. Hwy 20 and MA Hwy 15 and Hartford, CT, in connection with carrier's presently authorized regular route operations, serving no intermediate points and serving the termini for purpose of joinder only: From junction U.S. Hwy 20 and MA Hwy 15 over MA Hwy 15 to the MA-CT State line, then over CT Hwy 15 to Hartford, and return over the same route. Between Providence, RI, and New Haven, CT, in connection with carrier's presently authorized regular route operations, serving no intermediate points and serving the termini for purpose of joinder only: From Providence over U.S. Hwy 1 to New Haven, and return over the same route. Irregular routes: Between points in MA. Between points in the Springfield, MA commercial zone, but not including Springfield, on the one hand, and, on the other, points in MA on and west of MA Hwy 12. Between points within 15 miles of Springfield, MA, but not including Springfield, on the one hand, and, on the other, Pawtucket and Providence, RI and points in CT. Between Providence, RI, on the one hand, and, on the other, points in RI. The authority granted herein to the extent it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. Vendee is authorized to conduct operations in interstate commerce in the State of CT. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13596. Authority sought for purchase by COOPER MOTOR LINES, INC., 301 Hammett St., Greenville, SC 29608 of the operating rights of Shawmut Transportation Co., Inc., (debtor-in-possession) Charlam Drive, Braintree, MA 02184, and for acquisition by Calhoun Lemon, 301 Hammett St., Greenville, SC 29608 of control of such rights through the purchase. Transferee's attorney: Francis W. McInerny, 1000 16th St. NW., Washington, DC 20036. Transferor's attorney: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Operating rights sought to be purchased: A. *General commodities,* with usual exceptions, as a *common carrier* over regular routes: (1) Between Boston, MA, and New York, NY: (a) From Boston over MA Hwy 9 to junction U.S. Hwy 20, then over U.S. Hwy 20 to Springfield, MA, then over U.S. Hwy 5 to New Haven, CT, and then over U.S. Hwy 1 to NY, and return over the same route; (b) From Boston over U.S. Hwy 1 to Providence, RI, then over RI Hwy 3 to Hopkinton, RI, then over RI Hwy 84 to RI-CT State line, then over CT Hwy 84 to junction U.S. Hwy 1, and then over U.S. Hwy 1 to NY, and return over the same route. Service is authorized to and from the intermediate points of Pawtucket and Providence, RI, and Worcester, MA, and off-route points within 20 miles of Boston, and those in NY and NJ within 25 miles of Columbus Circle, New York, NY. (2) Between New Bedford, MA, and New York, NY: From New Bedford over U.S. Hwy 6 to Providence, RI, then over the above-described route to New York, and return over the same route. Service is authorized to and from the intermediate point of Providence, RI, and all off-route points within 10 miles of New Bedford, and those in NY and NJ within 25 miles of Columbus Circle, New York, NY. (3) Between junction U.S. Hwy 20 and MA Hwy 15, and East Hartford, CT: From junction U.S. Hwy 20 and MA Hwy 15 over MA Hwy 15 to the CT-MA State line, then over CT Hwy 15 to East Hartford. (4) Between East Hartford, CT, and Wethersfield, CT: From East Hartford over U.S. Hwy 5, via Charter Oak Bridge to Wethersfield. (5) Between Boston, MA and New Bedford, MA, as follows: (a) From Boston over MA Hwy 138 to Taunton, MA, then over MA Hwy 140 to New Bedford; (b) From Boston over MA Hwy 28 to junction MA Hwy 18, then over MA Hwy 18 to junction MA Hwy 140, and then over MA Hwy 140 to New Bedford. Return over these routes. Service is not authorized to or from intermediate points. (6) Serving Lawrence, MA (excluding points in the commercial zone thereof other than Lawrence, MA), as an off-route point, in connection with carrier's presently authorized regular-route operations between Boston, MA, and New York, NY. (7) Serving all points in MA as off-route points in connection with carrier's authorized regular-route operations in MA. (8) Between Boston, MA, and New Bedford, MA, serving the intermediate points of Taunton and Fall River, MA, and the off-route point of Fairhaven, MA: (a) From Boston over MA Hwy 3 to junction MA Hwy 18, and then over MA Hwy 18 to New Bedford, and return over the same route. (b) From Boston over MA Hwy 28 to Bridgewater, MA, and then over MA Hwy 18 to New Bedford, and return over the same route. (c) From Boston over MA Hwy 138 to Taunton, MA, and then over MA Hwy 140 to

New Bedford (also from Taunton over MA Hwy 138 to Fall River, MA, and then over U.S. Hwy 6 to New Bedford), and return over the same routes. (9) Between New Bedford, MA, and Providence, RI, serving no intermediate points: From New Bedford, over U.S. Hwy 6 to Providence and return over the same route. B. *Copper, brass, bronze,* and *scrap materials thereof,* and *copper, brass,* and *bronze tubing, fittings, pipe, rods,* and *lining,* as a *common carrier* over irregular routes: Between New Bedford and Taunton, MA, on the one hand, and, on the other, points in RI and those in that part of MA on and east and of a line beginning at the NH-MA State line and extending along U.S. Hwy 202 to junction MA Hwy 32 and then along MA Hwy 32 to the MA-CT State line. Transferee is authorized to operate as a common carrier in NY, NJ, PA, MD, DE, DC, VA, NC, SC, WV. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13597. Authority sought for control through stock ownership by NORMAN NIELSEN CORP., 1272 Gossage Ave., Petaluma, CA 94952, of the operating rights and properties of KERN VALLEY TRUCKING, 3901 Medford Street, Los Angeles, CA 90063, and for acquisition by Norman Nielsen and Gail Nielsen, 1272 Gossage Ave., Petaluma, CA 94952, of control of such rights and properties through the transaction. Applicants' representatives: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017 and Martin J. Rosen, 256 Montgomery Street, San Francisco, CA 94104. Operating rights sought to be controlled: General commodities, with specified exceptions, over those regular routes set forth in Certificate of Registration No. MC 120918 (Sub-No. 4), authorizing operations between specified points and places within the State of CA, extending generally between Sacramento in the northeast, San Francisco in the north, and Los Angeles in the south. Vendee presently possesses no motor carrier operating authority, but its sole stockholder and president, Norman J. Nielsen, and officer Gail Nielsen, also control through management Nielsen Freight Lines, a motor carrier operating pursuant to a Certificate of Registration issued in No. MC 73903 and related sub numbers, authorizing transportation of general commodities, as a common carrier, by motor vehicle, over regular and irregular routes, between specified points in the State of CA, in and north of the San Francisco Bay Area. Application has been filed for temporary authority under Section 210a(b).

MC-F-13599. Authority sought for purchase by SCHUSTER EXPRESS, INC., 48 Norwich Avenue, Colchester, CT 06415, of a portion of the operating rights of CROUCH FREIGHT SYSTEMS, INC., P.O. Box 10280, Palo Alto, CA 94303. Attorney for transferee: S. Harrison Kahn, Kahn and Kahn, Suite 733, Investment Building, Washington, DC 20005. Attorney for transferor: Joseph Ficurelli, 260 Sheridan Avenue, Box 10280, Palo Alto, CA 94303. Operating rights sought to be purchased: General commodities with exceptions, as a *common carrier,* over regular routes, between Boston, MA and Manchester, NH, serving all intermediate points; between Beverly, MA and Manchester, NH, serving all intermediate points; and between Boston, MA and Beverly, MA, serving all intermediate points; as more fully described in Certificate No. MC 26739 (Sub No. 93). Schuster is authorized to operate pursuant to Certificate MC 108587 and as a common carrier transporting general commodities via regular and irregular routes within portions of the states of MA, RI, CT, NY, NJ, DE, PA, MD, VA, and DC. Schuster shall join its existing routes with the authority to be purchased at Boston, MA. Approval of the transaction will not result in dual operations or duplicating authority. Application has not been filed for temporary authority under section 210a(b).

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.

Alaska Docket No. 78-143 MF/O filed April 18, 1978. Applicant: SNOBALL EXPRESS, P.O. Box 10-808, Anchorage, AK 99503. Applicant's representative: Harris Saxon, 510 L St., Anchorage, AK 99501. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities* (except articles of unusual value and household goods as defined by the Interstate Commerce Commission), from, to, between and within all points and places within Zones 3, 4 and 5 of the State of Alaska, as defined by the Alaska Transportation Commission. Applicant seeks similar authority to operate as a motor freight contract carrier transporting property in interstate and for foreign commerce. Intrastate, interstate and foreign commerce authority sought. (Hearing site: Date, time and place not yet fixed.) Requests for procedural information should be addressed to Alaska Pipeline Commission, 338 Denali St., 12th Floor, Anchorage, AK 99501, and should not be directed to the Interstate Commerce Commission.

Florida Docket No. 780248-CCT, filed April 11, 1978. Applicant: SMALLEY TRANSPORTATION CO., 2202 38th St., Tampa, FL 33605. Applicant's representative: David C. G. Kerr, 512 N. Florida Ave., P.O. Box 1531, Tampa, FL 33601. Certificate of Public Convenience and Necessity sought to operate a freight service, over regular routes, as follows: Transportation of: A. *Freight:* between Fort Lauderdale and Miami, FL, and intermediate points over FL Hwy 5 and, as an alternate route, over FL Hwy 84, from Fort Lauderdale to FL Hwy 7, then over FL Hwy 7 to Miami, FL, serving Cocoanut Grove, Dania Beach, Davie, Deerfield Beach, Golden Beach, Gulfstream, Hialeah, Hollywood Beach, Miami Beach, Miami Springs, North Miami Beach, OpaLocka, Pompano Beach, Fort Everglades, and Wilton Manor as off-route points. 2. Between Fort Lauderdale and Riviera Beach, FL serving all intermediate points, over the following routes: from Fort Lauderdale, FL north over U.S. Hwy 1 (FL Hwy 5) and/or FL Hwy A1A to Riviera Beach, FL and return over the same routes, with authority to use the Sunshine State Parkway for operating convenience only, and including all lateral eastwest highways and/or streets connecting the three routes named above. 3. Between Riviera Beach and Orlando, FL serving all intermediate points: from Riviera Beach over U.S. Hwy 1 to Titusville, then over FL Hwy 405 to its junction with FL Hwy 50, then over FL Hwy 50 to Orlando, and return over the same route. 4. Between Miami and Orlando, FL, serving all intermediate points: from Miami over U.S. Hwy 27 to South Bay, then over FL Hwy 80 to Belle Glade, then over U.S. Hwy 441 to Orlando, and return over the same route. 5. Between South Bay and Orlando, FL serving all intermediate points: from South Bay over U.S. Hwy 27 and 27-A to Haines City, then over U.S. Hwy 17 to Orlando and return over the same route. 6. Between Miami and Tampa, FL, serving all intermediate points: from Miami over U.S. Hwy 41 to Punta Gorda, then over U.S. Hwy 17 to Bartow, then over U.S. Hwy 98 to Lakeland, then over U.S. Hwy 92 to Tampa and return over the same route. 7. Between Punta

Gorda and Tampa, FL, over U.S. Hwy 41 serving all intermediate points. 8. Between the junction of U.S. Hwy 41 and FL Hwy 29 near Everglades, FL, and Fort Myers, FL serving all intermediate points: from junction of U.S. Hwy 41 with FL Hwy 29 over FL Hwy 29 to its junction with FL Hwy 82, then over FL Hwy 82 to Fort Myers and return over the same route. 9. Between Orlando and Tampa, FL, over I-4 serving no intermediate points. 10. Between the West Palm Beach Interchange on the Sunshine State Parkway and the junction of said Parkway with U.S. Hwy 17, over the Sunshine State Parkway, as an alternate route for operating convenience only. All routes above except numbers 1, 2, 6, 7, and 8 are subject to restriction that no authority is sought hereby to engage in heavy hauling, as construed by orders of the Commission, or to transport commodities in bulk. 11. Between West Palm Beach and Arcadia, FL serving all intermediate points: from West Palm Beach over FL Hwy 710 to Okeechobee, then over FL Hwy 70 to Arcadia, and return over the same route. 12. Between Miami and West Palm Beach, FL, over U.S. Hwy 441, serving all intermediate points. 13. Between West Palm Beach and Fort Myers, FL, over FL Hwy 80, serving all intermediate points. 14. Between Tampa and Sarasota, FL, over U.S. Hwy 301, serving all intermediate points. 15. Between Tampa and Bartow, FL, over FL Hwy 60, serving all intermediate points. 16. Between Tampa and St. Petersburg, FL over U.S. Hwy 92. 17. Between St. Petersburg and Palmetto, FL, over the Sunshine Skyway and Causeways between Pinellas County and Manatee County over the waters of Tampa Bay. 18. Between Parrish and Bowling Green, FL, over FL Hwy 62. 19. Between Lake Alfred and Bartow, FL, over U.S. Hwy 17, serving all intermediate points. 20. Between Auburndale and Winter Haven, FL, over unnumbered highways. 21. Between South Venice and Murdock, FL, via Placida as an off-route point over FL Hwys 775, 776 and 771. 22. Between Lakeland and Ft. Meade, FL, via Mulberry and Brewster over FL Hwys 37 and 630. 23. Between Fort Myers and Fort Myers Beach, FL, over FL Hwys 865 and 867, serving Iona, Punta Rassa, and intermediate points. 24. Between the junction of U.S. Hwy 41 and FL Hwy 78 (just north of Fort Myers). and Bokeelia and St. James City, FL, over FL Hwys 78 and 767, serving Bokeelia, Pineland and St. James as off-route points. 25. Between Okeechobee and West Palm Beach, FL, via Canal Point, over U.S. Hwy 441, U.S. Hwy 98 and FL Hwy 80. 26. Between Ashton, FL, on U.S. Hwy 192, and the intersection of FL Hwy 436, with U.S. Hwy 92 over FL Hwys 15, 15-A, 436 via Narcoosee. 27. All other points in FL on or South of a line beginning at the western terminus of FL Hwy 60 then easterly along FL Hwy 60 to its junction with I-4, then easterly along I-4 to its junction with FL Hwy 50, then easterly along FL Hwy 50 to its junction with FL Hwy 405, then northeasterly along FL Hwy 405 to its junction with FL Hwy 402, to its eastern terminus, will be served as off-route points. B. *Explosives, articles of unusual value, and general commodities* (except household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment): 1. Between Miami and Key West, FL, serving all intermediate points, and the off-route points of OpaLocka, and points within 10 miles of U.S. Hwy 1, between Miami and Key West, FL: from Miami over U.S. Hwy 1 to Key West, and return over the same route. C. *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): 1. Between Miami and Homestead, FL, serving all intermediate points, and the off-route point of the plant site of Lehigh Portland Cement Co., near Sweetwater, FL: from Miami over U.S. Hwy 41 to junction FL Hwy 27, then south over FL Hwy 27 to Homestead, and return over the same route. Applicant also seeks authority to operate over the following routes for operating convenience only, and serving no points on said routes not otherwise authorized to be served: 1. I-4 between Orlando, FL, and the junction of I-4 with I-95, at or near Daytona Beach, FL 2. FL Hwy 60 from its intersection with the eastern boundary of Polk County, FL, to its intersection with U.S. Hwy 1 at Vero Beach, FL 3. Between Fort Lauderdale and Naples, FL, over FL Hwy 84. 4. I-95 between Jacksonville and Miami, FL. 5. U.S. Hwy 17 between Jacksonville and Orlando, FL, 6. U.S. Hwy 98 between its intersection with U.S. Hwy 27 and Okeechobee, FL. 7. Between Okeechobee and Fort Pierce, FL, over FL Hwy 70. 8. Between Jacksonville and Orlando, FL over U.S. Hwy 17. Intrastate, Interstate, and foreign commerce authority sought, and applicant further seeks authority to tack or join the routes sought herein with each other at common points, and to tack or join all of the authority sought herein with its present operating rights under FL Public Service Commission Certificate No. 1013 and Interstate Commerce Commission Certificate of Registration No. MC. 121667 and subs. (Hearing site: Date, time, and place not yet fixed.) Requests for procedural information should be addressed to FL Public Service Commission, 700 South Adams St., Tallahassee, FL 32304, and should not be directed to the Interstate Commerce Commission.

Oklahoma Docket No. MC 33479 (Sub-No. 4), filed May 5, 1978. Applicant: AUSLEY MOTOR FREIGHT, INC., 101 Southwest 7th Street, Oklahoma City, OK 73125. Applicant's representative: Charles D. Dudley, Suite 280 National Foundation Life Building, 3535 Northwest 58th Street, 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:* Between Oklahoma City, OK, and Chickasha, OK: From Oklahoma City over U.S. Hwy 62 to Junction H. E. Bailey Turnpike, then over H. E. Bailey Turnpike to Chickasha, and return over the same route, serving no intermediate points; between Chickasha, OK and Anadarko, OK: From Chickasha over U.S. Hwy 62 to Anadarko, and return over the same route, serving all intermediate points; between Anadarko, OK and Lawton, OK: From Anadarko over OK Hwy 8 to Junction U.S. Hwy 277, then over U.S. Hwy 277 to Lawton, and return over the same route, serving all intermediate points; and, from Anadarko over U.S. Hwy 62 to Junction U.S. Hwy 281, then over U.S. Hwy 281 to Lawton, and return over the same route, serving all intermediate points. Between Chickasha, OK and Cyril, OK: From Chickasha over U.S. Hwy 81 to Junction U.S. Hwy 277, then over U.S. Hwy 277 to Cyril, and return over the same route, serving all intermediate points; between Lawton, OK and Snyder, OK: From Lawton over U.S. Hwy 62 to Snyder, and return over the same route, serving all intermediate points; between Lawton, OK and Frederick, OK: From Lawton over U.S. Hwy 281 to Junction OK Hwy 36, then over OK Hwy 36 to Junction OK 5, then over OK Hwy 5 to Frederick and return over the same route, serving all intermediate points. Service to be provided as a through service between points sought herein and existing routes under Certificate MC 33479 and Subs thereto. Intrastate, interstate and foreign commerce authority sought. Hearing: July 19, 1978, at 9 a.m., 2nd Floor, Jim Thorpe Building, Oklahoma City, OK. 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.

Tennessee Docket No. 6523 (Sub-No. 1), filed April 17, 1978. Applicant: MOUNTAIN EXPRESS, INC., P.O. Box 788, Crossville, TN 38555. Applicant's representative: Robert L. Baker, 618 United American Bank Building, Nashville, TN 37219. Certificate of Public Convenience and Necessity sought to operate a freight service, as a *common carrier*, over regular routes,

as follows: Transportation of: *General commodities* (except household goods, Classes A and B explosives, and commodities requiring special equipment), 1. Between junction of U.S. Hwy 127 and I-40 near Crossville, TN, on the one hand, and, on the other, all points in Hamilton County, TN, from junction of U.S. Hwy 127 and I-40 over U.S. Highway 127 to Hamilton County, TN and return over the same route serving all intermediate points in Cumberland County, TN from junction of U.S. Hwy 127 and I-40 over U.S. Highway 127 to junction with TN Highway 30, then over TN Hwy 30 to function with U.S. Hwy 27, then over U.S. Hwy 27, to Hamilton County, TN and return over the same route, as an alternative route for operating convenience only. 2. Between Crossville, TN and Sparta, TN from Crossville, TN, over U.S. Hwy 70 to Sparta, TN, and return over the same route, serving all intermediate points, and serving all other points in White County, TN, as off-route points. 3. Between Crossville, TN and Spencer, TN, from Crossville, TN over TN Hwy 101 to its junction with TN Hwy 30, then over TN Hwy 30 to Spencer and return over the same route serving all intermediate points in Van Buren County, TN and serving all other points in Van Buren County TN as off-route points. 4. Between Sparta, TN, and points in Hamilton County, TN from Sparta, TN, over TN Hwy 111 to its junction with TN Hwy 8, then over TN Hwy 8 to its junction with U.S. Hwy 127, then over U.S. Hwy 127 to Hamilton County, TN, and return over the same route, as an alternative route for operating convenience only. 5. Between Sparta, TN and Nashville, TN from Sparta, TN over TN Hwy 42 and/or U.S. Hwy 70 to their respective intersections with I-40 then over I-40 to Nashville, TN and return over the same routes, as alternate routes for operating convenience only. All of the above described authority to be used in conjunction with all of applicants existing authority. Co-extensive interstate authority also sought. Restriction: Restricted against service between Davison County, TN and Hamilton County, TN; between Davidson County, TN and Knox County, TN; and between Knox County, TN and Hamilton County, TN. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to Tennessee Public Service Commission, CI-102 Cordell Hull Building, Nashville, TN 37219, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 6985 (Sub-No. 1), filed April 19, 1978. Applicant: TENNESSEE MOTOR LINES, INC., 402 Maplewood Avenue, Nashville, TN 37201. Applicant's representative: Edward C. Blank, II, P.O. Box 1004, Middle Tennessee Bank Building, Columbia, TN 38401. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment or handling), between Knoxville and all points in Blount and Loudon Counties, TN, over U.S. Hwy 129, 70 and 11 and Interstate Routes 40 and 75, said service in connection with all of carrier's existing authority as issued by the Tennessee Public Service Commission and co-extensive authority in interstate and foreign commerce pursuant to the Interstate Commerce Act. Intrastate, interstate and foreign commerce authority sought. Hearing: June 7, 1978, at 9:30 a.m., CI-110 Cordell Hull Building, Nashville, TN. Requests for procedural information should be addressed to Tennessee Public Service Commission, C1-102 Cordell Hull Building, Nashville, TN 37219, and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[FR Doc. 78-14536 Filed 5-24-78; 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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[6714-01]

1

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Change in Subject Matter of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at its open meeting held at 10:30 a.m. on Friday, May 19, 1978, the Corporation's Board of Directors determined, on motion of Chairman George A. LeMaistre, seconded by Director John G. Heimann (Comptroller of the Currency), with Director William M. Isaac (Appointive) concurring, that Corporation business required its consideration at that meeting, on less than seven days' notice to the public, of a memorandum and resolution authorizing the General Counsel to enter an appearance on behalf of the Corporation, as amicus curiae, in the case of Mauricio Adato, et al. v. Saul Kagan, et al.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable.

Dated: May 19, 1978.

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

[S-1094-78 Filed 5-23-78; 11:46 am]

[6714-01]

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Change in Subject Matter of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at its closed meeting held at 10 a.m. on Friday, May 19, 1978, the Corporation's Board of Directors unanimously determined, on motion of Chairman George A. LeMaistre, seconded by Director William M. Isaac (Appointive), with Director John G. Heimann (Comptroller of the Currency) concurring, that Corporation business required its consideration at that meeting, on less than seven days' notice to the public, of a memorandum and resolution proposing that the Board ratify the General Counsel's initiation of a suit in connection with the receivership of Mt. Zion Deposit Bank, Mount Zion, Kentucky, and his employment of counsel to prosecute the suit.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable; that the matter was eligible for consideration in a closed meeting pursuant to subsections (c)(9)(B) and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(9)(B) and (c)(10)); and that the public interest did not require consideration of the matter in a meeting open to public observation.

Dated: May 19, 1978.

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

[S-1095-78 Filed 5-23-78; 11:46 am]

[6730-01]

3

FEDERAL MARITIME COMMISSION.

TIME AND DATE: May 31, 1978, 10 a.m.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC

1. Agreements Nos. 10107-4 and 10108-3: Modifications of two "48" hour rate agreements in the Pacific trades to increase the minimum time for giving notice of independent action.

2. Agreement No. 10140-6 and Agreement No. 10140-7: Modifications of a 48-Hour Rate Agreement between the Gulf/United Kingdom Conference, Seatrain International, S.A. and United States Lines, Inc., in the U.S. Gulf/United Kingdom trade to change the manner in which malpractice complaints are processed and to institute a faithful performance bond.

3. Agreement No. 6060 DR-1: Request for indefinite extension of the dual rate contract system of Pacific/Indonesian Conference.

4. Agreement No. 10267: Container Carriers Discussion Agreement—Petition of Council of North Atlantic Steamship Operators for reconsideration of order of approval.

5. Docket No. 70-50: Marine Terminal Practices of the Port of Seattle—Possible violation of section 17, Shipping Act, 1916—Decision as to holding of oral argument.

6. Docket No. 73-3: *Maritime Service Corporation* v. *Acme Fast Freight of Puerto Rico, et al.*—Decision on request to hold oral argument.

7. Docket No. 77-35: Publication of inactive tariffs by Carriers in the Foreign Commerce—Petition of A.P. Moller-Maersk Line for reconsideration of Commission decision.

PORTIONS CLOSED TO THE PUBLIC

1. Docket No. 74-35: Agreement No. 2880, as amended, et al. and Docket No. 74-42: *Pouch Terminal, Inc.* v. *The Port Authority of New York and New Jersey*—Petitions for reconsideration.

2. Docket No. 73-22, 73-23 (Sub. No. 1) and 74-36 (Sub. No. 1): Matson Navigation Co.—Proposed changes in rates between the U.S. Pacific Coast and Hawaii—Consideration of the record.

3. Docket No. 74-5: Agreement No. 10066—Cooperative working arrangement—Consideration of the record.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5725.

[S-1098-78 Filed 5-23-78; 3:32 pm]

[7550-01]

4

NATIONAL MEDIATION BOARD:

TIME AND DATE: 2 p.m., Wednesday, June 7, 1978.

PLACE: Board Hearing Room, 8th Floor, 1425 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Ratification of Board actions taken by notation voting during the month of May 1978; and 2. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Rowland K. Quinn, Jr., Executive Secretary or Mr. E. B. Meredith, Staff Mediation Director; telephone 202-523-4920.

Date of Notice: May 23, 1978.

[S-1097-78 Filed 5-23-78; 3:32 pm]

[7710-12]

5

POSTAL SERVICE (BOARD OF GOVERNORS).

Notice of Vote to Close a Meeting.

On May 19, 1978, the Governors of the United States Postal Service unanimously voted to close to public observation a portion of its meeting. The portion to be closed was to involve a discussion of those aspects of the Opinion and Recommended Decision of the Postal Rate Commission dated May 12 which would be likely to specifically concern the Postal Service's participation in civil litigation.

The Governors determined, pursuant to 5 U.S.C. 552b(c)(10) that the portion of the meeting to be closed was exempt from the open meeting requirement of the Sunshine Act in that it was likely to specifically concern agency participation in a civil action or proceeding.

The Governors voting in favor of closing this portion of the meeting were: Messrs. Wright, Holding, Ching, Codding, Hardesty and Robertson.

Prior to the May 19 meeting, the Board of Governors gave due public notice of its intention to hold the meeting, the notice and the proposed agenda for the meeting having been published in the FEDERAL REGISTER on May 11, 1978 (43 FR 20368). On May 19, the Governors determined that the timely discharge of their responsibilities required that the portion of the meeting in question should be closed, notwithstanding the fact that the published agenda for the meeting had not stated that this portion would be closed, and that an earlier announcement of the decision to close the meeting would not have been possible in view of the fact that the Opinion and Recommended Decision of the Rate Commission had been received less than a week earlier.

The Governors determined unanimously that the public interest did not require that this portion of the meeting be open to the public, since a failure to discuss litigation strategies without the inhibitions to candor that might result from holding such a discussion in public (quite possibly with opposing counsel in attendance) would be inconsistent with the public's interest in having the Governors arrive at their Decision only after a candid analysis of how the various alternatives open to them might best be analyzed in the light of probable appeals by several intervenors to the Federal Appellate Courts.

In accordance with 5 U.S.C. § 552b(c)(10), the General counsel of the United States Postal Service certified that in his opinion the portion of the meeting to be closed might properly be closed to public observation.

The only persons to attend this closed portion of the meeting were Governors Wright, Holding, Ching, Codding, Hardesty, and Robertson; Secretary to the Board Cox; and for a brief interval, Postmaster General Bolger.

LOUIS A. COX,
Secretary.

[S-1093-78 Filed 5-23-78; 11:46 am]

[8010-01]

6

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of May 29, 1978, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Wednesday, May 31, 1978, at 10 a.m. An open meeting will be held on Thursday, June 1, 1978, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(8)(9)(i) and (10).

Chairman Williams, Commissioners Loomis, Evans, Pollack, and Karmel determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Wednesday, May 31, 1978, at 10 a.m., will be:

Referral of investigatory files to Federal, State, or Self-Regulatory authorities.
Formal order of investigation.
Freedom of Information Act appeals.
Authorization of staff members to testify.
Chapter X proceedings.
Chapter XI proceedings.
Institution of administrative proceeding of an enforcement nature.
Institution of injunctive action.
Other litigation matters.

The subject matter of the open meeting scheduled for Thursday, June 1, 1978, at 10 a.m., will be:

1. Consideration of a plan filed pursuant to provisions of the Public Utility Holding Company Act of 1935 by American Electric Power Co., a registered holding company, and Michigan Power Co., a subsidiary gas and electric utility company, proposing to redeem the preferred stock of Michigan Power Co.

2. Consideration of a plan filed pursuant to provisions of the Public Utility Holding Company Act of 1935 by Lykes Bros., Inc. to comply with the divestiture order by the Commission, directing the company to dispose of its interest in the common stock of Peoples Gas System, Inc.

3. Petition for review of the Division of Corporation Finance's denial of a request for an extension of time within which to file an annual report on Form 10-K for the fiscal year ended December 31, 1977 of Crown Corp.

4. Consideration of the transmittal of the Seventh Annual Report of the Securities Investor Protection Corporation to the President and Congress.

FOR FURTHER INFORMATION, PLEASE CONTACT:

Jane Hiteman at, 202-755-1133.

MAY 22, 1978.

[S-1096-78 Filed 5-23-78; 3:32 pm]

federal register

THURSDAY, MAY 25, 1978
PART II

IMPROVING GOVERNMENT REGULATIONS

Proposals for Implementing Executive Order 12044

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PREVIOUSLY PUBLISHED PROPOSALS

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Office of Management and Budget	May 22	21997
Civil Service Commission	May 23	22157
Treasury Department	May 24	22319
ACTION	May 24	22325

PROPOSALS SCHEDULED FOR LATER PUBLICATION

Listed below are other Executive order implementation documents on file with the Office of the Federal Register which will be published later:

Agency	1978 Date of Issue
Labor Department	May 26
Justice Department	May 26
Health, Education, and Welfare Department	May 30
Environmental Protection Agency	May 31
Transportation Department	June 1

REPORT ON OTHER AGENCIES

On June 2, the Office of Management and Budget will publish a listing of agencies that have determined their regulations are not covered by the provisions of the Executive Order.

[4310-10]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[43 CFR Part 14]

IMPROVING GOVERNMENT REGULATIONS

Draft Report on Improvements in the Rulemaking Process and Proposed Rule on Departmental Proceedings

AGENCY: Department of the Interior.

ACTION: Draft report and proposed rule.

SUMMARY: The Department of the Interior is issuing this notice to obtain comments on its proposals for implementing the President's Executive Order on improving Government regulations, E.O. 12044 (March 23, 1978).

DATE: Comments by August 1, 1978.

ADDRESS: Sends comments to Vivian A. Keado, Chief, Division of Directives and Reports Management, Office of Administrative Services, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-6191.

FOR FURTHER INFORMATION CONTACT:

J. Austin Burke (Regulatory Analysis Criteria), Office of Policy Analysis, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-7785.

John D. Trezise (Significant Rules Criteria), Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-5216.

Vivian A. Keado (General Procedures), Office of Administrative Services, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-6191.

SUPPLEMENTARY INFORMATION:

Organization of the Department

The Department of the Interior consists of 10 principal operating units: the Bureau of Land Management, the Bureau of Reclamation, the National Park Service, the U.S. Fish and Wildlife Service, the Heritage Conservation and Recreation Service, the Geological Survey, the Bureau of Mines, The Office of Surface Mining, the Office of Water Research and Technology, and the Bureau of Indian Affairs. These units are supervised by four program Assistant Secretaries, who, in turn, report directly to the secretary of the Interior.

In addition to these operating units, the Department of the Interior has a number of administrative offices, most of which are under the supervision of the Assistant Secretary—Policy, Budget and Administration. The Office for Equal Opportunity, the Office of Hearings and Appeals and the Office of Territorial Affairs are supervised by the Under Secretary. The Office of the Solicitor is under the jurisdiction of the Solicitor.

In this report, the Assistant Secretaries, Under Secretary and Solicitor are referred to as Secretarial Officers.

Current Rulemaking Process

Under present procedures, most substantive rules[1] are initially drafted in the operating units. In some units, such as the Bureau of Land Management, there is a central office which ordinarily prepares rules. In other units, rules are drafter by operating offices of the units.

Only three units—the National Park Service, the Fish and Wildlife Service, and the Office of Surface Mining—have been delegated authority to issue rules. In all other cases, both proposed and final rules relating to bureau programs must be signed at the Department level by the Secretary, Under Secretary, an Assistant Secretary or the Solicitor. Further, even in the cases of the National Park service, the Fish and Wildlife Service and the Office of Surface Mining, more important rules are ordinarily forwarded to the Department level for issuance.

Since early 1977, the Department has had in place a procedure which requires personal review by the Secretary of controversial rules and rules which establish or change major Department-wide policy or programs. This procedure applies to both proposed and final rules.

The Department does not currently have a formal or regularized procedure for early Secretarial involvement in the rulemaking process. There is ordinarily early oversight of the development of important rules at least at the Assistant Secretarial level, and often at the Secretarial level. This oversight occurs on an informal basis, however.

Proposed Process for Developing Significant Rules

To implement E.O. 12044, the Department proposes to revise its process for developing "significant" rules to assure early and continuing involvement at the Department level in the development of all such rules.

Under the Department's proposed procedures, the first step in the process of developing any rule will be a determination, using specific criteria, of whether or not the rule will be significant. This determination will be made at the bureau level. The determination will ordinarily be reviewed by the Secretarial Officer having jurisdiction over the bureau, although it is proposed that the Secretarial Officers be permitted to delegate review authority for particular types or classes of rules to bureau heads. It is anticipated that such delegations, if made at all, will occur only after initial experience with the criteria for significance and will relate to classes of rules whose status under the criteria is clear.

After a rulemaking has been determined to be significant, the Department proposes that the bureau involved develop a work plan stating the need for development of the rule, the principal issues to be considered, alternative approaches to be considered, a tentative plan for public involvement, and target dates for completion of steps in the development of the rule. This work plan will be submitted to the Secretary through the supervising Secretarial Officer and Assistant Secretary—Policy, Budget and Administration. The Secretary will either approve or disapprove the plan and may condition his approval on modification of the plan. This early Secretarial review is designed to ensure that rules are not drafted without an initial determination by the Secretary that the rules are needed.

It is proposed that, when the Secretary reviews a work plan, he will indicate whether he wishes to approve the rule before it is published in the Federal Register as a proposed and final rule or whether his approval authority may be exercised by the Secretarial officer having jurisdiction over the program to which the rule relates. It is anticipated that, in most cases, the Secretary will retain authority to approve both the proposed and the final rule; this provision will, however, afford the Secretary flexibility to delegate his responsibility to a Secretarial Officer in cases where workload or other considerations make delegation necessary.

After approval of a work plan, the Department will, under the proposed procedures, ordinarily seek early public involvement before drafting a proposed significant rule. At a minimum, the Department will ordinarily publish in the Federal Register a notice of intent to propose rules. The notice of intent should state the need for the rule, the subject matter of and key issues presented by the anticipated rulemaking, and should advise the public where additional information may be obtained and where comments should be sent. To assure meaningful public involvement, it is proposed that consideration also be given to holding open conferences or public hearings, sending press releases to publications likely to be read by those affected and notifying interested parties, including state and local governments, directly.

The proposed procedures would permit omission of this early effort to obtain public involvement only if

[1] In this report, the term "rules" is used in preference to "regulations". The term "rules" is defined in the Administrative Procedure Act. "Regulations" is not defined in the APA and thus lacks the precise meaning of "rules."

there has been a recent previous opportunity for comment by the general public on the issues to be addressed in the proposed rule or if immediate preparation of a proposed rule is required by time constraints, such as legislative or judicial deadlines which are sufficiently flexible to permit most of the procedures for development of significant rules to be used, but which do require that the development process be shortened.

The writing of proposed rules will, under the proposed procedures, remain the responsibility of the bureaus of the Department. The drafting process would be supervised by a bureau "lead official," who will be responsible for assuring that the direct and indirect effects of the rule are adequately considered; that alternative approaches are considered and the least burdensome of the acceptable alternatives is chosen; that public comments made in response to the notice of intent are considered; that the rule is written in clear English and will be understandable to those who must comply with it; and that new reporting and recordkeeping burdens which may result from the rule are considered.

It is proposed that notices of proposed rulemaking will be signed by the Secretary or, if the Secretary has so authorized, by the Secretarial Officer having jurisdiction over the program to which the rule relates. This signature requirement is designed to insure continuing high-level review of the need for the rulemaking.

Before submission of a notice of proposed rulemaking for approval, the proposed rule will be reviewed by the Assistant Secretary—Policy, Budget and Administration to assure compliance with the Department's rulemaking procedures and that the proposed rule is written in clear English. The proposed rule will also receive legal review from the Solicitor.

Under the proposed procedures, the comment period on proposed significant rules will be a minimum of sixty calendar days. This period would be shortened only in special cases requiring more timely action. Publication of the notice in the FEDERAL REGISTER would be supplemented, where appropriate, by public conferences or hearings, press releases and direct notification to interested parties, including state and local governments.

Drafting of final significant rules would also remain the responsibility of the bureaus. The lead official would remain responsible for assuring that the effects of the rule, alternative approaches and new reporting and recordkeeping burdens are considered, that public comments are considered and that the rule is written in clear English. At this point in the process, the lead official would also be responsible for developing a plan for evaluating the rule after its issuance.

Final significant rules will be approved by the Secretary or, if the Secretary has so authorized, by the Secretarial Officer having jurisdiction over the program to which the rule relates. These rules will be submitted for approval through the Assistant Secretary—Policy, Budget and Administration and the Solicitor.

It is proposed that, before approving a final significant rule, the Secretary or Secretarial Officer should determine that the rule is needed; that the direct and indirect effects of the rule have been adequately considered, that alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen; that public comments have been considered and an adequate discussion of the comments is contained in the rulemaking document; that the rule is written in clear English and can be understood by those who must comply with it; that an estimate has been made of the new reporting burdens or recordkeeping requirements necessary for compliance with the rule; that the name, address and telephone number of a knowledgeable agency official and the name of the principal author of the rule is included in the preamble of rulemaking document; and that a plan has been developed for evaluating the rule after its issuance.

To assist the Secretary or Secretarial Officer in reviewing final significant rules, it is proposed that each rule be accompanied by a memorandum addressing each of the items mentioned above, analyzing the views of the public, citizens groups, user groups and elected officials and summarizing the anticipated impact of the rule.

CRITERIA FOR SIGNIFICANCE

The criteria for significance which the Department proposes focus on several possible impacts of a rule: its impacts on state and local governments, on the environment, on other Federal programs, on recordkeeping and reporting burdens and on the economy. The proposed language of the criteria is as follows:

A rule is "significant" if it falls within one or more of the following categories:

(1) Rules which have a major and nation- or region-wide impact on state or local governments. Factors to be considered in determining whether the impact of a rule will be major inlcude its effect on (i) interstate relations; (ii) relations between state and local governments; (iii) internal organization of state and local governments; (iv) personnel practices of state and local governments; (v) planning and fiscal activities of state and local governments; (vi) the role and functions of heads of state and local governments; and (vii) eligibility criteria for Federal financial assistance.

(2) Rules which impose major new recordkeeping or reporting requirements on individuals, businesses, organizations or state or local governments. Factors to be considered in determining whether reporting or recordkeeping requirements will be major include (i) the numbers of persons, businesses, organizations or state or local governments covered; (ii) the number and difficulty of items to be reported or recorded; (iii) the frequency of reporting or recording; and (iv) costs involved in the reporting or recording.

(3) Rules which both involve a potential conflict between environmental and other considerations and constitute a major Federal action for which an environmental impact statement is required by section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4332.

(4) Rules which will have a major impact on other programs of the Department, other Federal agencies or the allocation of Federal funds.

(5) Rules which are likely to have a substantial economic effect on the entire economy or on a particular region, industry or level of government.

In addition to these criteria, the Department proposes that the Secretary or a Secretarial Officer having jurisdiction over the program to which a rule relates may require the rule to be developed through the procedures for significant rules, even though it does not meet the criteria.

As permitted by the Executive Order, the Department's proposed procedures would allow rules which are issued in response to an emergency or short-term statutory or judicial deadlines and rules related to Government procurement to be excepted from development under the procedures for significant rules. When such an exception is made, the reasons for it would be explained in the FEDERAL REGISTER.

REGULATORY ANALYSIS

E.O. 12044 requires that agencies prepare a regulatory analysis of rules which may have major economic consequences for the general economy, for individual industries, geographical regions or levels of government. To implement this provision, the Department's proposed procedures call for preparation of a regulatory analysis on any rule which is within category (5) of the criteria for significance if (1) the rule will have an annual economic effect of $100 million or more or (2) even though the annual economic effect will be less than $100 million, the potential economic effect of the rule on the economy or on a particular region, industry or level of government is sufficiently major as to require formal analysis to assure that the objectives of the rule are achieved with minimum burden. In addition, regulatory analyses could be prepared in other cases at the discretion of the Secretary or a Secretarial Officer.

For purposes of the standards for preparation of a regulatory analysis, the Department proposes to define "economic effects" to mean changes in the use of resources which, in princi-

ple, would affect national income and which can be valued in dollar terms, but not to include measures of consumers' willingness to pay for which monetary values would have to be imputed.

"Region" is proposed to be defined as a geographic area ordinarily covering more than one state, although for some rules a narrower interpretation may be appropriate. An "industry" is proposed to be defined to correspond to a 4-digit industry within the Standard Industrial Classification System established by the Office of Management and Budget.

In determining whether a regulatory analysis should be prepared for rules which will have an economic effect of less than $100 million, close attention would be given to such factors as the present average level of real income of the region which may be affected and the potential change in average income for the region as a result of the rules; the present cost of doing business of an industry and the potential effect of the rules on that cost; the present cost of operating a level of government or a particular governmental program and the potential effect of the rules on that cost; and the likelihood that the acceptable alternative which would impose the minimum economic burden would not be clearly chosen without formal regulatory analysis.

No specific quantitative levels or percentages are proposed for examining rules which will have an economic effect of less than $100 million because the relative effect of such rules may be minor for some regions, industries or levels of government, but major or critical for others. Thus each case needs to be examined individually. For example, a particular method of regulation might cause a very small increase in the cost of doing business for an industry. If, however, there are a number of firms in that industry which are marginal, a small increase in costs could drive these firms out of business. In such a case, a regulatory analysis should be prepared if the least burdensome method of regulation is not obvious without formal analysis.

In an effort to ensure that the regulatory analysis process will be meaningful, the Department's proposed procedures call for the process to be be closely integrated with the development of rules.

It is proposed that, in most cases, the decision on whether a regulatory analysis should be prepared will be made at the same time as the decision on whether a rule is significant. This decision will be made by bureau officials. The decision must be approved by a Secretarial Officer, although it is proposed that approval responsibility may be delegated to bureau heads for particular types or classes of rules.

The Department's proposed procedures recognize that, in some cases, the need to collect additional economic information may necessitate postponement of the decision on preparation of a regulatory analysis. In these cases, a decision on preparation of the analysis is proposed to be made no later than the beginning of the drafting of the proposed rule which is involved.

Further steps which the Department proposes to integrate the regulatory analysis and rule development processes are the following:

1. The work plan on significant rules will state whether a regulatory analysis will be prepared or, if a decision on preparation of an analysis has not been made, the process by which it will be made.

2. If a regulatory analysis of a rule is to be prepared, the notice of intent to propose the rule should invite comment on the economic consequences of the alternative regulatory approaches. If no decision on a regulatory analysis has been made, the notice of intent should invite comment on whether the economic consequences of the rule will be such as to require preparation of a regulatory analysis.

3. Draft regulatory analyses will ordinarily not be prepared until after the notice of intent to propose rulemaking (if one is published), but before or during the process of drafting the proposed rule. The final regulatory analysis will be prepared after the comment period on the proposed rule.

4. The lead bureau official in charge of the development of a rule will be responsible for assuring that the preparation of the draft and final regulatory analyses is integrated with the preparation of proposed and final rules.

5. When approving a final rule, the Secretary or a Secretarial Officer will be responsible for reviewing the final regulatory analysis as well.

As a check on the need for and adequacy of regulatory analyses, the Department proposes that the work plan and both draft and final regulatory analyses will be submitted to the Assistant Secretary—Policy, Budget and Administration for review and approval.

Proposed Procedures for Developing Other Rules

The Department of the Interior's proposed procedures for development of significant rules attempt to assure early and meaningful participation by the public, affected interests and state and local governments in the development process. Similar early and meaningful participation in the development of rules which do not meet the criteria for significance ("other" rules) is also often important. Although a rule may not affect large numbers of people or have significant economic consequences and may not require personal review by the Secretary of the Interior, it may be of interest to the public and public comment may be helpful in developing the rule. A rule governing conduct at a single national park, for example, is unlikely to affect state or local governments or other Federal programs or to involve appreciable reporting or compliance costs. Nonetheless, it may be of special interest to users of the park or to persons living in the vicinity. An opportunity for their comment may be important to permit their points of view to be heard and may contribute to the process of writing the rule.

Section 4 of the Administrative Procedure Act, 5 U.S.C. 553, does require public notice of and an opportunity to comment on many rules. The section, was however, viewed by its drafters as setting out only minimum procedures, which might be supplemented in the discretion of individual agencies. As a result, the section contains a number of exceptions and limitations.

To promote public involvement in the process of developing rules not meeting the criteria for significance, the Department of the Interior proposes to include in its procedures special provisions for public involvement in developing these other rules. Some of these provisions incorporate existing Department policies; some are new.

Section 4 does not require public involvement in the rulemaking process prior to publication in the Federal Register of proposed rules. Often, however, the most difficult decisions in the process are made prior to this point. It is proposed that, where proposed legislative rules are likely to be complex, controversial or a major change from existing rules, the official responsible for the rulemaking should consider whether to issue a notice of intent to propose rules prior to drafting the rules.

Section 4 excepts from public notice and comment procedures all rules relating to public property, loans, grants, benefits and contracts. The Department proposes to continue its policy, adopted in 1971, of not invoking these exceptions.

Section 4 provides that public notice and comment, if otherwise required, may be waived where it is impracticable, unnecessary or contrary to the public interest to publish a notice of proposed rulemaking. The Department proposes to continue its policy, adopted in 1971, of invoking this exception only in special cases, such as emergencies or instances where public participation would be wasteful because a proposed amendment makes only minor technical changes in a rule.

Section 4 excepts interpretative rules and general statements of policy

from notice and comment procedures. The Department proposes that officials responsible for rulemaking consider soliciting public comments on these rules and statements, taking into consideration the impact of the rule or policy on the public and state and local governments; the complexity and pervasiveness of the rule or policy; the degree to which the rule or policy will modify existing interpretations or policies; and the confusion or controversy likely to be caused by the practical difficulties of compliance with the new rule or policy.

Section 4 also excepts from notice and comment rules relating to agency organization, procedure and practice. The Department proposes that officials responsible for developing such rules consider whether the use of notice and comment procedures will contribute to the process of formulating the rules.

Section 4 does not establish a minimum period for public comment on proposed rules. The Department proposes to continue its practice of allowing thirty calendar days for comment, except in cases requiring more timely action.

Periodic Review of Rules

The Department's procedures are proposed to include provisions for periodic review of existing rules to assure that they are needed, up-to-date and clear. These provisions closely correspond to the Department's existing process for review of rules, but are modified to conform to the requirements of E.O. 12044.

Under the proposal, rules will be reviewed at no less than five year intervals. More frequent reviews or special reviews of selected rules may be established by a bureau, the Secretary or a Secretarial Officer.

In reviewing existing rules, the following considerations would be taken into account: the continued need for the rules, the type and number of complaints or suggestions received concerning the rules, whether the rules can be simplified or clarified, the need to eliminate overlapping and duplicative rules, the length of time since the rules have been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rules, and the administrative and reporting burden which the rules impose on the public.

Semiannual Agendas

As required by E.O. 12044, the Department proposes to publish a semiannual agenda of rules selected for review and development during the subsequent six month period. Agendas would be published in January and June, after approval by the Secretary, and would list all new or existing significant rules planned for development or revision and all rules scheduled for review under the five year review cycle. The agendas should also include any new rules which are planned for development, but do not meet the criteria for significance.

Exhibits

Set out below are the the following exhibits: A flow chart showing the Department's proposed process for developing significant rules, Exhibit 1. The text of the Department's proposed procedures for development of rules, Exhibit 2. An initial listing of existing Department regulations proposed for review, Exhibit 3.

Drafting Information

The principal authors of this draft report and the proposed procedures were: Vivian Keado and Lois Paull, Office of Administrative Services, John Trezise, Office of the Solicitor and Austin Burke, Office of Policy Analysis,

Cecil D. Andrus,
Secretary of the Interior.

May 18, 1978.

EXHIBIT 1

PROCESS FOR DEVELOPING SIGNIFICANT REGULATIONS

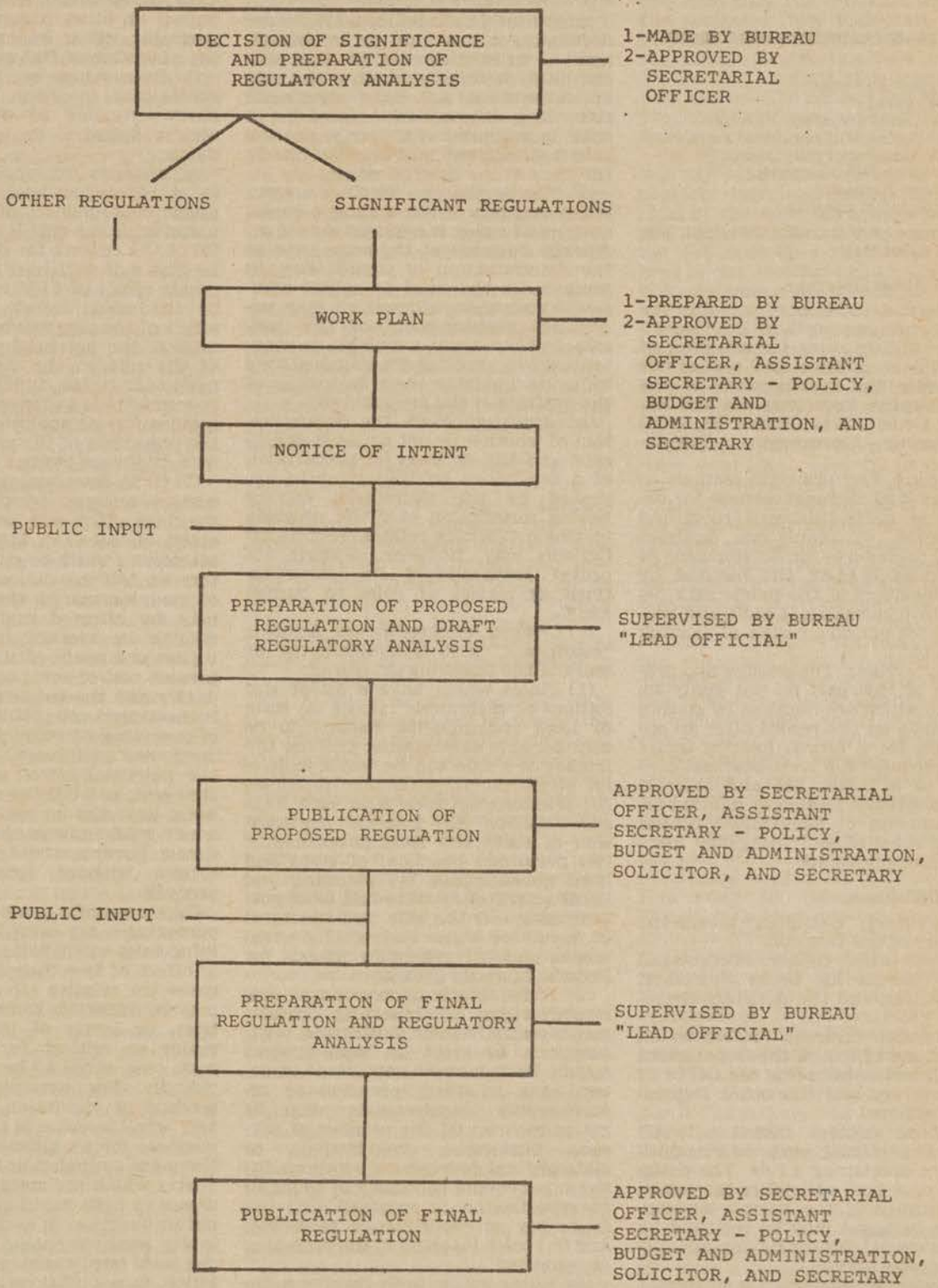

EXHIBIT 2

The procedures which the Department of the Interior proposes to implement E.O. 12044 will be published in 43 CFR part 14. Accordingly, it is proposed to revise 43 CFR part 14 as follows:

PART 14—DEPARTMENTAL PROCEEDINGS

Sec.
14.1 Purpose and scope.
14.2 Definitions.
14.3 Determination of significance.
14.4 Development of significant rules.
14.5 Development of other rules.
14.6 Petitions for rulemaking.
14.7 Review of rules.
14.8 Semiannual agendas.

AUTHORITY: 5 U.S.C. 301, 551, 552, 553, 556, 557; E.O. 12044.

§ 14.1 Purpose and scope.

(a) *Purpose.* This part contains the policies and procedures of the Department of the Interior for adoption of rules. These policies and procedures incorporate the requirements of the Administrative Procedure Act and Executive Order 12044 (March 23, 1978) ("Improving Government Regulations").

(b) *Scope.* The principle sections of this part deal with procedures for development of "significant" rules and preparation of regulatory analyses (§ 14.4); procedures for development of other rules (§ 14.5); the method by which members of the public may petition for rulemaking (§ 14.6); and procedures for periodic review of existing rules (§ 14.7).

(c) *Exceptions.* The policies and procedures of this part do not apply to: (1) rules which are required by statute to be made on the record after an opportunity for a formal hearing under the procedures for such hearings contained in 5 U.S.C. 556 and 557; (2) rules involving a foreign or military affairs function of the United States; and (3) rules related to agency management or personnel.

§ 14.2 Definitions.

(a) *Secretary.* "Secretary" means the Secretary of the Interior.

(b) *Secretarial Officer.* "Secretarial Officer" means the Under Secretary, the Solicitor, and the Assistant Secretaries.

(c) *Bureau.* "Bureau" refers to all bureaus and offices of the Department of the Interior, including the Office of the Secretary and the other Departmental offices.

(d) *Lead official.* "Lead official" means the official assigned responsibility for developing a rule. The designation of a lead official is the initial responsibility of the bureau developing the rule, but may be reviewed by the Secretarial Officer having jurisdiction over the bureau.

(e) *Rule.* "Rule" means a statement of general or particular applicability and future effect which implements, interprets, or prescribes law or policy or describes the organization, procedure, or practice requirements of the Department (5 U.S.C. 551(4)).

§ 14.3 Determination of significance.

(a) *Initial determination.* (1) Before developing a new rule or an amendment to an existing rule, the lead official must determine whether the rule or amendment will be a significant rule. This determination must be in writing, must state whether or not the rule is significant, and describe briefly the basis of the determination.

(2) The decision on whether a regulatory analysis of the economic consequences of a rule is required should ordinarily be made at the same time as the determination of significance. In some cases, the need to collect additional economic information may necessitate postponement of the decision. In these cases, a decision on preparation of a regulatory analysis should be made no later than beginning of the drafting of the proposed rule.

(b) *Approval.* Both the determination of whether or not a rule is significant and the decision on preparation of a regulatory analysis must be approved by the Secretarial Officer having jurisdiction over the program to which the rule relates. Secretarial Officers may, however, delegate approval responsibility for particular types or classes of rules to bureau heads.

(c) *Criteria for significance.* A rule is "significant" if it falls within one or more of the following categories:

(1) Rules which have a major and nation- or regionwide impact on state or local governments. Factors to be considered in determining whether the impact of a rule will be major include its effect on: (i) interstate relations; (ii) relations between state and local governments; (iii) internal organization of state and local governments; (iv) personnel practices of state and local governments; (v) planning and fiscal activities of state and local governments; (vi) the role and functions of heads of state and local governments; and (vii) eligibility criteria for Federal financial assistance.

(2) Rules which impose major new recordkeeping or reporting requirements on individuals, businesses, organizations, or state or local governments. Factors to be considered in determining whether reporting or recordkeeping requirements will be major include: (i) the number of persons, businesses, organizations, or state or local governments covered; (ii) the number and difficulty of items to be reported on or recorded; (iii) the frequency of reporting or recording; and (iv) costs involved in the reporting or recording.

(3) Rules which both involve a potential conflict between environmental and other considerations and constitute a major Federal Action for which an environmental impact statement is required by section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)).

(4) Rules which will have a major impact on other programs of the Department, other Federal agencies, or the allocation of Federal funds.

(5) Rules which are likely to have a substantial economic effect on the entire economy or on a particular region, industry, or level of government.

(d) *Criteria for regulatory analysis.* (1) A regulatory analysis of the economic consequences of a rule will be prepared if the rule is within category (5) of the criteria for significance and: (i) The rule will have an annual economic effect of $100 million or more, or (ii) even though the economic effect of the rule will be less than $100 million, the potential economic effect of the rule on the economy or on a particular region, industry, or level of government is sufficiently major as to require formal analysis to assure that the objectives of the rule are achieved with minimum burden.

(2) (i) In determining whether a regulatory analysis should be prepared for rules which will have an economic effect of less than $100 million, close attention should be given to such factors as: (A) the present average level of real income of the region which may be effected and the potential change in average income for the region as a result of the rules; (B) the present cost of doing business of an industry and the potential effect of the rules on that cost; (C) the present cost of operating a level of government or a particular governmental program and the potential effect of the rules on that cost; and (D) the estimated likelihood that the acceptable alternative which would impose the minimum economic burden would not be clearly chosen without formal regulatory analysis.

(ii) No specific quantitative levels or percentages are established for examining rules which will have an economic effect of less than $100 million because the relative affect of such rules may be minor for some regions, industries, or levels of government, but major or critical for others. Thus, each case needs to be examined individually. For example, a particular method of regulation might cause a very small increase in the cost of doing business for an industry. If, however, there are a number of firms in that industry which are marginal, a small increase in costs could drive these firms out of business. In such a case, a regulatory analysis should be prepared if the least burdensome method of regulation is not obvious without formal analysis.

(3) (i) "Economic effects" means changes in the use of resources which, in principle, would affect national income and which can be valued in dollar terms. It does include measures of consumers' willingness to pay for which monetary values would have to be inputed.

(ii) A "region" is a geographic area ordinarily covering more than one state, although for some rules a narrower interpretation may be appropriate.

(iii) An "industry" is defined to correspond to 4-digit industry within the Standard Industrial Classification System established by the Office of Management and Budget (OMB, Standard Industrial Classification Manual (1972)).

(e) *Discretionary use of procedures for significance and regulatory analysis.* The Secretary or the Secretarial Officer having jurisdiction over the program to which a rule relates may require that the rule be developed through the procedures for development of significant rules or that a regulatory analysis be prepared, or both, even though the rule does not meet the criteria for significance or preparation of a regulatory analysis.

(f) *Exceptions.* The Secretary or the Secretarial Officer having jurisdiction over the program to which a rule relates may except from the procedures for development of significant rules and preparation of regulatory analyses rules: (1) issued in response to an emergency or which are governed by short-term statutory or judicial deadlines, or (2) which relate to Federal Government procurement. The Supplementary Information section of FEDERAL REGISTER documents for rules for which such exceptions are made will state why it is impractical or contrary to the public interest for the Department to follow the procedures for development of significant rules.

(g) *Statement of significance.* All final and proposed rulemaking documents and notices of intent to purpose rules published in the FEDERAL REGISTER will state in the Supplementary information section whether or not the rule is a significant rule.

§ 14.4 Development of significant rules.

(a) *Scope.* This section outlines the procedures for developing significant rules, including procedures to involve the public in the development process.

(b) *Work plan.* (1) When a rule has been determined to be significant, the lead official will promptly prepare a work plan for review and approval by the Secretary.

(2) The work plan will state the need for development of the rule, the principal issues and alternative approaches to be considered, a tentative plan for public involvement, and target dates for completion of steps in its development. The plan will also state whether or not a regulatory analysis will be prepared or, if this determination has not been made, the process by which the determination will be made.

(3) The plan will be submitted to the Secretary through the Secretarial Officer having jurisdiction over the program to which the rule relates and the Assistant Secretary—Policy, Budget, and Administration. The Assistant Secretary—Policy, Budget, and Administration must review and approve the decision on whether a regulatory analysis is necessary during the review of the work plan.

(4) After review of the plan, the Secretary will approve or disapprove the plan. The Secretary's approval may be conditioned on modifications in the plan.

(5) When the Secretary approves a work plan, he will indicate whether he wishes to approve the rule before it is published in the FEDERAL REGISTER as a proposed and final rule or whether the approval authority may be exercised by the Secretarial Officer having jurisdiction over the program to which the rule relates.

(c) *Early public involvement.* (1) Before a proposed significant rule is drafted, a notice of intent to propose rulemaking will ordinarily be published in the FEDERAL REGISTER. The notice of intent may be omitted, however, if time constraints require immediate preparation of a proposed rule or if there has been a recent previous opportunity for comment by the general public on the issues to be addressed in the proposed rule.

(2) A notice of intent should state the need for, the subject matter of and key issues presented by the anticipated rulemaking, and should advise the public where additional information may be obtained and where comments shoud be sent. If a regulatory analysis is to be prepared, the notice should invite comment on the economic consequences of alternative regulatory approaches. If no decision on a regulatory analysis has been made, the notice of intent should invite comment on whether the potential economic consequences of the rule require preparation of a regulatory analysis.

(3) When a notice of intent to propose rulemaking is to be published, consideration will be given to taking additional actions to assure meaningful public participation in the rulemaking process. These additional actions may include, but are not limited to, (i) holding open conferences or public hearings, (ii) sending press releases to publications likely to be read by those affected, and (iii) notifying interested parties, including state and local governments, directly.

(d) *Regulatory analysis.* (1) If a regulatory analysis is required, the draft regulatory analysis will ordinarily be prepared after the receipt of public comments in response to the notice of intent to propose rulemaking (if one is published), but before or during the process of drafting the proposed rule. The final regulatory analysis will be prepared after the comment period on the proposed rules and draft regulatory analysis. The lead official will be responsible for assuring that the preparation of the draft and final regulatory analyses is integrated with the preparation of the proposed and final rules.

(2) The regulatory analysis will contain (i) a succinct statement of the problem being addressed and objectives of the rule; (ii) a description on the major alternative ways of achieving the objectives that were considered by the Bureau; (iii) an analysis of the economic consequences of each of the alternatives; and (iv) a detailed explanation of the reasons for choosing one alternative over the others.

(3) Draft and final regulatory analyses must be approved by the Assistant Secretary—Policy, Budget and Administration.

(e) *Preparation of proposed and final significant rules.* (1) In supervising the preparation of proposed and final rules, the lead official is responsible for assuring that (i) the direct and indirect effects of the rule are adequately considered; (ii) alternative approaches are considered and the least burdensome of acceptable alternatives is chosen; (iii) public comments are considered and that the final rulemaking document contains an adequate discussion of the comments; (iv) the rule is written in clear English and will be understandable to those who must comply with it; and (v) new reporting or recordkeeping burdens which may result from the rule are considered and conform to the requirements of the Federal Reports Act.

(2) When the final rule is prepared, the lead official is also responsible for developing a plan for evaluating the rule after its issuance. The plan should take into account the review cycle for review of rules in § 14.7.

(f) *Approval of proposed significant rules.* Notices of proposed significant rulemaking will be approved by the Secretary or, if the Secretary has so authorized, by the Secretarial Officer having jurisdiction over the program to which the rule relates. Prior to submission for approval, notices of proposed rulemaking will be reviewed by the Assistant Secretary—Policy, Budget and Administration and the Solicitor.

(g) *Publication of proposed significant rules.* (1) The public will be given a minimum of 60 calendar days after the date of publication in the FEDERAL REGISTER to comment on proposed significant rules. A shorter period may be used only in special cases requiring

more timely action. In such cases, the notice of proposed rulemaking will contain a brief statement of the reason for the shorter period.

(2) A notice of proposed rulemaking will contain a brief statement of the alternative approaches considered in drafting the proposed rule and an explanation of the basis for selection of the alternative incorporated in the proposal. If a draft regulatory analysis has been prepared, the notice of proposed rulemaking will state how copies may be obtained and will ask for comments on the analysis.

(3) To assure meaningful public comment on a proposed rule, consideration will be given to supplementing the FEDERAL REGISTER notice with (i) open conferences and public hearings, (ii) press releases sent to publications likely to be read by those affected, and (iii) direct notification of interested parties, including State and local governments.

(h) *Approval of final significant rules.* (1) Final significant rules will be approved by the Secretary or, if the Secretary has so authorized, by the Secretarial Officer having jurisdiction over the program to which the rule relates. Prior to submission for this approval, final rules will be reviewed by the Assistant Secretary—Policy, Budget and Administration and the Solicitor.

(2) Before approving a final significant rule, the Secretary or Secretarial Officer should determine that (i) the rule is needed; (ii) the direct and indirect effects of the rule have been adequately considered; (iii) alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen; (iv) public comments have been considered and an adequate discussion of the comments is contained in the rulemaking document; (v) the rule is written in clear English and can be understood by those who must comply with it; (vi) an estimate has been made of the new reporting burdens or recordkeeping requirements necessary for compliance with the rule; (vii) the name, address and telephone number of a knowledgeable agency official is included in the document; (viii) the name of the principal author of the rule is included in the document; (ix) a plan has been developed for evaluating the rule after its issuance; and (x) the final regulatory analysis, if one has been prepared, adequately considers the economic consequences of the final rule.

(3) To assist the Secretary or Secretarial Officer in reviewing final significant rules, each rule must be accompanied by a memorandum (i) addressing each of the items listed above, (ii) analyzing the views of public, citizens groups, user groups and elected officials and (iii) summarizing the anticipated impact of the rule. A copy of the regulatory analysis will be attached to this memorandum.

(i) *Publication of final significant rules.* (1) The Supplementary Information section of a rulemaking document must contain a concise statement of the basis and purpose of the rule and must also discuss all relevant and significant comments on the proposed rule.

(2) The rulemaking document must include a clear statement of the date on which the rule will take effect. This date will be a minimum of 30 calendar days after the date of publication in the FEDERAL REGISTER unless (i) the rule grants or recognizes an exemption or relieves a restriction or (ii) other good cause for a shorter delay of the effective date exists. If a rule is to become effective less than 30 days from the date of publication, the reason for the earlier date will be explained in the Supplementary Information section.

(3) If a final regulatory analysis was prepared, the document will state where copies may be obtained.

§ 14.5 Development of other rules.

(a) *Scope.* Although a rule does not meet the criteria for significance, public participation in its development will often be helpful. This section contains supplementary Department of the Interior policies for public participation in the development of such rules.

(b) *Legislative rules.*—(1) *Definition.* "Legislative rules". are rules, other than rules of agency organization, procedure or practice, which are issued under statutory authority and which implement the statute.

(2) *Notice of intent to propose rules.* (i) If proposed legislative rules are likely to be complex or controversial or to reflect major changes in existing rules, an opportunity for public comment before the publication of a notice of proposed rulemaking may be helpful in drafting the proposed rules. Before drafting such proposed legislative rules, the lead official should consider whether publication in the FEDERAL REGISTER of a notice of intent to propose rulemaking will be beneficial in the drafting process. (ii) A notice of intent will state the need for the rule, the subject matter of and the key issues presented by the anticipated rulemaking, and will advise the public where additional information may be obtained and where comments may be sent.

(3) *Proposed rulemaking.* (i) *Administrative procedure act requirement.* Section 4 of the Administrative Act, requires that the public be allowed an opportunity to comment on proposed legislative rules before final adoption. (5 U.S.C. 553.) This requirement for comment does not apply to rules which deal with public property, loans, grants, benefits, or contracts. (5 U.S.C. 553(a).) Further, the requirement for comment, if otherwise applicable, may be waived if it is found, for good cause, that notice of and public comment on a proposed legislative rule are impracticable, unnecessary or contrary to the public interest. (5 U.S.C. 553(b)(3)(B).)

(ii) *Department policy.* (A) It is the policy of the Department not to invoke the exception to notice and comment procedures for legislative rules relating to public property, loans, grants, benefits or contracts. When legislative rules fall in these categories, an opportunity for comment will be given unless notice and comment are determined to be impracticable, unnecessary or contrary to the public interest.

(B) Dispensing with the publication of a notice of proposed legislative rulemaking on the ground that notice and an opportunity for comment are impracticable, unnecessary or contrary to the public interest is not favored and should occur only in special cases, such as emergencies or instances where a proposed amendment makes only minor technical changes in a rule.

(iii) *Statement of basis for omitting notice and comment.* When it is determined that a final legislative rule is to be adopted without prior publication of a notice of proposed rulemaking, a specific statement of the basis for the determination will be published with the rule.

(iv) *Period for comment.* No specific time period for comment is prescribed by the Administrative Procedure Act. Except where another statute requires a longer notice period, the public will ordinarily be given a minimum of thirty calendar days to comment on legislative rules. A shorter period may be used only in special cases requiring more timely action. In such cases, the notice of proposed rulemaking will contain a brief statement of the reasons for the shorter period.

(4) *Assuring public participation.* When a notice of intent to propose a rule or a notice of proposed rulemaking is to be published, the lead official will consider taking additional actions to assure meaningful public participation in the rulemaking process. These additional actions may include, but are not limited to, (i) holding open conferences or public hearings, (ii) sending press releases to publications likely to be read by those affected, and (iii) notifying interested parties, including state and local governments directly.

(5) *Final rulemaking documents.* (i) The Supplementary Information section of the rulemaking document for all final legislative rules must contain a concise statement of the basis and purpose for the rule and must also discuss all relevant and significant comments on the proposed rule.

(ii) The rulemaking document must include a clear statement of the date on which the rule is to take effect. This date will be a minimum of thirty calendar days after the date of publication in the FEDERAL REGISTER unless: (A) the rule grants or recognizes an exemption or relieves a restriction or (B) other good cause for a shorter delay of the effective date exists. If a rule is to become effective less than thirty days from the date of publication, the reason for the earlier date will be explained in the Supplementary Information section.

(c) *Interpretative rules and general statements of policy.*—(1) *Definitions.* (i) "Interpretative rules" are rules issued by the Department to advise the public of the Department's interpretation of the statutes and rules which it administers.

(ii) "General Statements of Policy" are statements issued by the Department to advise the public prospectively of the manner in which the Department proposes to administer a discretionary power.

(2) Public participation. The Administrative Procedure Act does not require public participation in the development of interpretative rules and general statements of policy. The lead official should, however, consider whether public participation in the development process will be beneficial. Factors which hould be considered in making this decision include the impact of the rule or policy on the public or on state and local governments; the complexity and pervasiveness of the rule or policy; the degreee to which the rule or policy will modify existing interpretations or policies; and the confusion or controversy likely to be caused by practical difficulties of compliance with a new rule or policy.

(3) *Procedures for public participation.* When it is determined that there should be an opportunity for public participation in the development of an interpretative rule or general statement of policy, the notice and comment rulemaking procedures of 5 U.S.C. 553(b) and (c) and the procedures for development of legislative rules in § 14.5(b)(3)(iv) and 14.5(b)(4) will be used.

(4) *Effective date.* Final interpretative rules and general statements of policy may be made effective on the date of publication in the FEDERAL REGISTER. Except in emergency situations, consideration should, however, be given to delaying the effective date for 30 calendar days from the date of publication (i) if the adoption of the rule or statement was not preceded by an oportunity for comment or (ii) if the rule or statement substantially modifies an earlier interpretation or policy on which members of the public or State or local governments have relied.

(5) *Codification.* Interpretative rules and general statements of policy should ordinarily be codified in the Code of Federal Regulations if they have a substantial impact on, or are of continuing interest to, the public or State or local governments.

(d) *Rules of agency organization, procedures and practices.*—(1) *Definition.* "Rules of organization, procedure and practice" are: (i) descriptions of the Department's central and field organization and the methods by which the public may obtain information, make submittals or requests, or obtain decisions; (ii) Statements of the general course and method by which the Department's functions are channeled and determined, including the nature and requirements of all formal and informal procedures available; and (iii) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports or examinations.

(2) *Public participation.* The Administrative Procedure Act does not require public participation in the development of rules of agency organization, procedure and practice. The lead official should, however, consider whether initial publication of a proposed rule in the FEDERAL REGISTER will contribute to the process of developing the rule.

(3) *Procedures for public participation.* When it is determined that there should be an opportunity for public comment on a proposed rule of organization, procedure or practice, the notice and comment rulemaking procedures of 5 U.S.C. 553 (b) and (c) and the procedures for development of legislative rules in § 14.5(b)(3)(iv) will be used.

(4) *Effective date.* Final rules of organization, procedure and practice may be made effective on the date of publication in the FEDERAL REGISTER. Except in emergency situations, consideration should, however, be given to delaying the effective date for thirty calendar days from the date of publication (i) if the adoption of the rule or statement was not preceded by an opportunity for comment or (ii) if the rule substantially modifies an earlier procedure or practice.

§ 14.6 Petitions for rulemaking.

(a) *Scope.* This section prescribes procedures for the filing and consideration of petitions for rulemaking.

(b) *Filing of petitions.* Under the Administrative Procedure Act, any person may petition for the issuance, amendment, or repeal of a rule. (5 U.S.C. 553(e).) The petition will be addressed to the Secretary of the Interior, U.S. Department of the Interior, Washington, D.C. 20240. It will identify the rule requested to be repealed or provide the text of a proposed rule or amendment and include reasons in support of the petition.

(c) *Consideration of petitions.* The petition will be given prompt consideration and the petitioner will be notified promptly of action taken.

(d) *Publication of petitions.* A petition for rulemaking may be published in the FEDERAL REGISTER if the official responsible for acting on the petition determines that public comment may aid in consideration of the petition.

§ 14.7 Review of rules.

(a) *Scope.* This section establishes procedures for periodic review of existing rules to assure that they are needed, up-to-date and clear.

(b) *Responsibility.* Each bureau is responsible for reviewing existing rules which relate to programs which it administers. Secretarial Officers are responsible for assuring that Bureau reviews are conducted and must approve the results of the reviews.

(c) *Review criteria.* In reviewing an existing rule, bureaus must consider: (1) The continued need for the rule; (2) the type and number of complaints or suggestions received concerning the rule; (3) whether the rule can be simplified or clarified; (4) the need to eliminate overlapping and duplicative rules; (5) the length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule; and (6) the administrative and reporting burden which the rule imposes on the public.

(d) *Review Cycle.* Rules will be reviewed at no less than 5-year intervals. More frequent reviews or special reviews of selected rules may be established by a bureau, the Secretary, or a Secretarial Officer.

(e) *Revision of Rules.* If review of a rule indicates a need for repeal or revision, the procedures for development of significant rules (§ 14.4) or for development of other rules (§ 14.5) will be used as appropriate.

§ 14.8 Semiannual agendas.

(a) *Scope.* E.O. 12044 requires publication of a semiannual agenda of those rules selected for review and development during the subsequent 6-month period. This section contains procedures for implementing this requirement.

(b) *Publication and content of agendas.* (1) The Department will publish semiannual agendas in January and July of each year.

(2) The agendas will list (i) all new or existing significant rules planned for development or revision, (ii) all rules scheduled for review under the 5-year cycle, and (iii) should include any new rules planned for development which do not meet the criteria for significance.

(3) The agendas will include (i) the need and legal basis for each action under consideration, (ii) the name and telephone number of the knowledgeable official for each action, (iii) whether or not a regulatory analysis will be required, and (iv) the status of those rules previously listed.

(c) *Approval.* (1) Each bureau will submit its semiannual agenda to the Assistant Secretary—Policy, Budget and Administration through the Secretarial Officer having jurisdiction over the bureau. These agendas should be received by Assistant Secretary—Policy, Budget and Administration no later than June 15 and December 15 of each year.

(2) The Department's semiannual agenda must be approved by the Secretary prior to publication in the FEDERAL REGISTER.

EXHIBIT 3

(Unless otherwise indicated, all knowledgeable officials are located in Washington, D.C., area code 202.)

U. S. DEPARTMENT OF THE INTERIOR.—*Agenda of regulations for initial review*

[Review period: May to December 1978]

CFR citation	Subject	Description	Purpose of review	Regulatory analysis Yes	Regulatory analysis No	Knowledgeable official
		BUREAU/OFFICE: OFFICE OF THE SECRETARY				
43 CFR pt. 20	Employee responsibilities and conduct.	Sets forth department policies and identify principal laws and regulations which relate to employee conduct and responsibilities.	An ethics in Government bill is currently pending which will require a complete revision of this part.		X	Gabe Paone, 343-3932.
		BUREAU/OFFICE: OFFICE OF THE SOLICITOR				
43 CFR pt. 1	Practices before the Department of the Interior.	The participation of individuals in proceedings, both formal and informal, in which rights are asserted before, or privileges sought from, the Department of the Interior.	To bring this part up to date which has not been reviewed since 1964, and to simplify the language in accordance with E.O. 12044.		X	John D. Trezise, 343-5216.
43 CFR pt. 6	Patent regulations	Obtaining licenses to use patents and inventions, and providing protection for inventions.	To revise subpt. B (licenses) of this part so that it will conform with new GSA regulations on exclusive licensing.		X	Donald Gardiner, 343-4471. Gersten Sadowsky, 343-4471.
		BUREAU/OFFICE: HERITAGE CONSERVATION AND RECREATION SERVICE				
43 CFR pt. 31	Grants and allocations for recreation and conservation use of abandoned railroad rights-of-way.	Policies and procedures for administering the funding of projects for the recreation and conservation use of railroad rights-of-way.	1. To determine the effect of these interim regulations and either convert them to permanent status or revoke them in the event additional funding of the program does not occur. 2. If these regulations are retained, they will be transferred to 36 CFR ch. 12, pt. 1301.		X	Roger T. Bowers, 343-7801.
36 CFR pt. 61	Criteria for comprehensive statewide historic surveys and plans.	Criteria for preparing comprehensive statewide historic surveys and plans under the provisions of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470).	1. To evaluate the effectiverness of these interim regulations and republish them in final. 2. These regulations will be transferred to 36 CFR ch. 12, pt. 1205.		X	Robert B. Rettig, 523-5480.
		BUREAU/OFFICE: BUREAU OF RECLAMATION				
43 CFR pt. 405	Certain Lands sought to be covered by recordable contracts; Columbia Basin project.	Compliance by landowners with respect to lands covered by recordable contracts.	To determine if this part is still applicable since authorizing legislation has been repealed.		X	Vern Cooper, 343-2908.
43 CFR pt. 409	Leasing and utilization of lands in Page, Ariz.	Leasing of lands being administered by the Bureau of Reclamation within the exterior boundaries of Page, Ariz.	To determine if this part is still applicable since Pub. L. 93-493 provided for the transfer of the functions of the city of Page, Ariz. to the city of Page.		X	David Williamson, 343-5204
43 CFR pt. 430	Rules for management of Lake Berryessa.	Procedures for concessioners in appealing decisions on disputed questions concerning termination of concession contracts due to default or unsatisfactory performance.	To determine if present part is adequate.		X	David Williamson, 343-5204.

CFR citation	Subject	Description	Purpose of review	Regulatory analysis Yes	Regulatory analysis No	Knowledgeable official
			BUREAU/OFFICE: NATIONAL PARK SERVICE			
36 CFR pts. 1-4.	Miscellaneous provisions; public use and recreation; boating; and vehicles and traffic safety.	General park regulations dealing with use of park areas.	1. To revise approximately 12 sections in these parts which differentiate among permitted uses on the basis of whether a park area is in the natural, historical, or recreational category. The National Park Service has determined that these categories will no longer be used and that the regulations should be revised accordingly.		X	Richard Tousley, 343-4874.
36 CFR pt. 3....	Boating.....	Regulations controlling boating by the public in units of the national park system.	1. To consolidate all general regulations dealing with recreational activities on park waters, including boating, swimming, and water skiing, with appropriate retitling of this part. 2. To remove regulations which duplicate those of the U.S. Coast Guard and to adopt, for NPS use, these USCG regulations which are appropriate..		X	James Carrico, 343-5607.
36 CFR pt. 5....	Commercial and private operations.	Regulations dealing with concessions, other business activities in parks, and certain trespass activities.	1. To provide clearer definitions of the types of commercial activities which are covered by the regulations.		X	Richard Tousley, 343-4874.
36 CFR pt. 60..	National Register of Historic Places.	Establishes processes for maintenance of the National Register, including nominations, changes, and deletions.	1. To revise regulations as necessary to reflect transfer of this responsibility from the National Park Service to the Heritage Conservation and Recreation Service (HCRS). (NOTE.—Revision to be accomplished by HCRS.).		X	Heritage Conservation and Recreation Service.
			BUREAU/OFFICE: BUREAU OF MINES			
30 CFR pt. 610	Coal analysis for non-Federal applicants.	Bureau guidelines governing coal analyses.	To remove these regulations from 30 CFR. This function has been transferred to the Department of Energy and will be incorporated in their regulations (Department of Energy Organization Act, Pub. L. 95-91).		X	Dr. Morgan, 634-1330.
30 CFR pt. 651	Bureau of Mines grant programs.	Rules and regulations for administration of grants.	To remove MSHA references from pt. 651. Certain functions transferred to Department of Labor will be incorporated in their regulations (Pub. L. 91-173, Federal Coal Mine Health and Safety Act of 1969 as amended by Pub. L. 95-164, Federal Mine Safety and Health Amendments of 1977).		X	Joseph Herickes, 634-4700.
			BUREAU/OFFICE: OFFICE OF WATER RESERCH AND TECHNOLOGY			
18 CFR ch. IV.	Office of Water Resources Research, Department of the Interior.	Provides the regulations of the Secretary of the Interior for implementing the Water Resources Research Act of 1964.	New legislation is currently pending which will supersede the act of 1964 and require a major revision of this chapter.		X	F. William Koop, 343-4607. George C. Cassaday, 343-4607.

CFR citation	Subject	Description	Purpose of review	Regulatory analysis Yes	Regulatory analysis No	Knowledgeable official
			BUREAU/OFFICE: BUREAU OF LAND MANAGEMENT			
43 CFR group 2700.	Land disposal (sales)..	Sale of public lands	Bring regulations up to date with respect to the policies and procedures of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701).		X	Stephen H. Spector, 343-8738. Robert C. Bruce, 343-8735.
43 CFR group 2900.	Land use, occupancy, and development.	Leases and permits for the use of public lands.	Bring regulations up to date with respect to the policies and procedures of the Federal Land Policy and Management Act of 1976.		X	Mathew Millenbach, 343-8731. Robert C. Bruce, 343-8735.
43 CFR group 3800.	Recordation of mining claims.	Recordation of mining claims	Clarify existing regulations with regard to provisions of the Federal Land Policy and Management Act of 1976.		X	Gene Carlat, 343-7723. Robert C. Bruce, 343-8735.
43 CFR group 4000.	Grazing administration.	Administration of livestock grazing leases and permits on public lands.	Bring regulations up to date with respect to the policies and procedures of the Federal Land Policy and Management Act of 1976.		X	Allan W. Strobel, 343-4328. Robert C. Brue, 343-8735.
43 CFR pt. 6260.	Recreation management.	Administration of recreation use permits for commercial and competitive recreation uses.	1. Bring regulations up to date with respect to the policy and procedures of the Federal Land Policy and Management Act of 1976. 2. Clarify regulations in accordance with the provisions of E.O. 12044.		X	Larry R. Young, 343-9355. Billy R. Templeton, 343-7424.
			BUREAU/OFFICE: U.S. FISH AND WILDLIFE SERVICE			
50 CFR pt. 17..	Endangered and threatened wildlife and plants.	Identification of those wildlife and plants considered to be endangered or threatened.	1. To simplify the language and clarify the objectives of the regulations. 2. To minimize the reporting burden imposed by the regulations.		X	John Spinks, 343-5687. Richard Parsons, 634-1496. Clark Bavin, 343-9242.
50 CFR pt. 18..	Marine mammals.....	Regulations regarding marine mammals under the jurisdiction of the Fish and Wildlife Service.	1. To simplify the language and clarify the objectives of the regulations. 2. To minimize the reporting burden imposed by the regulations..		X	Clark Bavin, 343-9242. Norman Johnson, 343-8961.
50 CFR pt. 19..	Airborne hunting	Regulations prohibiting the use of aircraft in the shooting and harrassing of wildlife.	1. To simplify the language and clarify the objectives of the regulations. 2. To minimize the reporting burden imposed by the regulations.		X	Clark Bavin, 343-9242.
50 CFR pt. 20..	Migratory bird hunting.	Restrictions, conditions, and requirements with regard to the taking, possession, and transportation of migratory birds.	1. To simplify the language of the regulations. 2. To eliminate the annual hunting season schedules from publication in the CFR.		X	John Rogers, 343-8827.
50 CFR pt. 21..	Migratory bird permits.	Permit requirements for migratory birds.	To minimize the reporting burden imposed by the regulations.		X	Clark Bavin, 343-9242.
50 CFR pt. 25..	National Wildlife Refuge System—administrative provisions.	Provides introduction and outlines administrative provisions of operating refuges.	1. To clarify the objectives of the regulations. 2. To ensure that the part is complete and current.		X	Marcus Nelson, 343-3922.
50 CFR pt. 22..	Eagle permits	Permit requirements for eagles	To minimize the reporting burden imposed by the regulations.		X	Clark Bavin, 343-9242. Richard Parsons, 634-1496.
			BUREAU/OFFICE: GEOLOGICAL SURVEY			
30 CFR pt. 211	Coal mining operating regulations.	Definition of logical mining unit; responsibilities; procedures and public participation; logical mining units; reports; value basis for royalty computation; weight basis for royalty computation; operating and reclamation standards; applicability of State law; applicability of requirement of various State laws and regulations; States with cooperative agreements; exploration and mining plans; variances; definitions.	To establish criteria for logical mining unit reserve calculations and revise certain definitions to conform with new Office of Surface Mining regulations; to amplify mining supervisor's responsibilities for, provide procedures for public participation in approval of, and present criteria for establishing logical mining units; to establish a royalty reporting form; to revise present reclamation and performance standards and other requirements to conform with new Office of Surface Mining regulations.		X	Walter Lewiecki (Reston, Va.), 703-860-7506.
			To establish value and weight bases for royalty computation.		X	Don Ziehl (Reston, Va.), 703-860-7506.

CFR citation	Subject	Description	Purpose of review	Regulatory analysis Yes	Regulatory analysis No	Knowledgeable official
		BUREAU/OFFICE: GEOLOGICAL SURVEY—Continued				
30 CFR pt. 221	Oil and gas operating regulations.	Governs operations conducted on onshore Federal and Indian oil and gas leases.	To conduct a complete review and modernization of the onshore regulations which were last generally revised in 1942; and, to modernize the values of liquidated damages assessed in the case of defaults to more properly reflect current costs of doing business.		X	Eddie R. Wyatt (Reston, Va.), 703-860-7535.
30 CFR pt. 270	Geothermal resources operations on public, acquired and withdrawn lands.	Governs operations conducted on Federal and Indian geothermal leases.	To provide regulations pertaining to siting of geothermal energy end-use plants (electrical generating facilities) on the leases. Such regulations were omitted from the original publication of this part.		X	Do.
30 CFR pt. 250	Oil and gas and sulphur operations in the Outer Continental Shelf.	Provides for the prevention of waste and conservation of the OSC, and the protection of correlative rights.	To permit the issuance of national OCS orders to govern all areas of the Outer Continental, Shelf.		X	Richard Krehl (Reston, Va.), 703-860-7835. Lloyd M. Tracy (Reston, Va.), 703-860-7835.
43 CFR pt. 3100.	Oil and gas leasing	Date determinative of rights	To clarify the effective date of known geologic structure (KGS) determinations.		X	Charles Sours (Reston, Va.), 703-860-7521.
		BUREAU/OFFICE: BUREAU OF INDIAN AFFAIRS				
25 CFR pt. 271	Contracts under Indian Self-Determination Act.	Contents of contract application; submission of requests to contract; recordkeeping.	Sections of this part were originally scheduled for review, during this period, as required by current departmental directives.		X	Ronald W. Cramer, 343-7508.
25 CFR pt. 271	Contracts under Indian Self-Determination Act.	Contents of contract application; submission of requests to contract; recordkeeping.	Sections of this part were originally scheduled for review, during this period, as required by current departmental directives.		X	Ronald W. Cramer, 343-7508.
25 CFR pt. 273	Education contracts under Johnson-O'Malley Act.	Preparing the education plan; establishment of Indian education committee; content of application to contract; recordkeeping. Audit and inspection; freedom of information.	do		X	William G. Demmert, 343-2175. William A. Henry (Albuquerque, N. Mex.), 505-474-2825.
25 CFR pt. 274	School construction contracts or services for tribally operated previously private schools.	Recordkeeping; audit and inspection; freedom of information.	do		X	William A. Henry (Albuquerque, N. Mex.), 505-474-2825.
25 CFR pt. 277	School construction contracts for public schools.	Recordkeeping	This section of this part was originally scheduled for review, during this period, as required by current Departmental directives.		X	Do.
25 CFR pt. 105	Deposit of Indian funds in banks.	Application; qualification; collateral security; reports (statement of disbursing account); statement of deposits; report of condition.	Sections of this part were originally scheduled for review, during this period, as required by current departmental directives.		X	Shirley M. Crosby, 343-8216.
25 CFR pt. 104	Individual Indian money accounts.	Individual accounts	This section of this part was originally scheduled for review, during this period, as required by current Departmental directives.		X	Do.
25 CFR pt. 141	General forest contracts.	Execution and approval of contracts	do		X	Do.
25 CFR pt. 174	Leasing of restricted lands of members of Five Civilized Tribes, Oklahoma, for mining.	Bonds	do		X	Do.
25 CFR pt. 161	Rights-of-way over Indian lands.	Permission to survey; application for right-of-way; maps; affidavit of completion; railroads in Oklahoma; power projects; public highways.	Sections of this part were originally scheduled for review, during this period, as required by current departmental directives.		X	Do.
25 CFR pt. 171	Leasing of tribal lands for mining.	Existing permits or leases on minerals acquired for the Ute Indian Tribe or the Unitah and Ouray Reservation, Utah, and the Pueblos of Zia and Jemez, N. Mex.; leases to be made by tribes; corporations and corporate information; bonds; annual rentals and expenditures; inspection of premises, books and accounts; sale oil and gas leases.	do		X	Do.
25 CFR pt. 177	Surface exploration, mining, and reclamation of lands.	Approval of mining plan; reports	do		X	Do.

CFR citation	Subject	Description	Purpose of review	Regulatory analysis Yes	Regulatory analysis No	Knowledgeable official
		BUREAU/OFFICE: BUREAU OF INDIAN AFFAIRS—Continued				
25 CFR pt. 183	Leasing of Osage Reservation lands for oil and gas mining.	Sale of leases; bonds; corporation and corporate information; time of royalty payments and reports; contents and division orders; commencement of operations; procedures for settlement of damages claimed; lessees subject to Superintendent's orders; books and records open to inspection; well records and reports; measuring and storing oil; accidents to be reported.	do		X	Do.
25 CFR pt. 80	Indian business development program.	Application procedures; reports	do		X	Robert Nordstrom, 343-5804.
25 CFR pt. 93	Loan guaranty, insurance, and interest subsidy.	Applications for loans; approval of guaranteed loans; approval of insured loans.	do		X	Do.
25 CFR pt. 34	Administration of a program of vocational training for adult Indians.	Filing application	This section of this part was originally scheduled for review, during this period, as required by current departmental directives.		X	Do.
25 CFR pt. 22	Care of Indian children in contract schools.	Application of institution	do		X	John Geary, 343-2678.
25 CFR pt. 162	Roads of the Bureau of Indian Affairs.	Selection of road construction projects; contributions from tribes; purpose and objectives; criteria; record of hearing procedures.	Sections of this part were originally scheduled for review, during this period, as required by current departmental directives.		X	Robert Hemmes, 343-9433.
25 CFR pt. 21	Arrangement with States, territories, or other agencies for relief of distress and social welfare of Indians.	State or other contracting agency furnish plan of operation; financial statement.	do		X	John Geary, 343-2678.
25 CFR pt. 261	Housing improvement program.	Eligibility	This section of this part was originally scheduled for review, during this period, as required by current departmental directives.		X	Do.
25 CFR pt. 41	Preparation of rolls of Indians.	Qualifications for enrollment and the deadline for filing applications.	do		X	Do.
25 CFR pt. 251	Miscellaneous activities.	Regulating sale of arms and ammunition.	do		X	Do.
25 CFR pt. 252	Business practices on the Navajo, Hopi, and Zuni Reservations.	Reservation business license required; pawnbroker records.	Sections of this part were originally scheduled for review, during this period, as required by current departmental directives.		X	Do.

[FR Doc. 78-14498 Filed 5-19-78; 2:10 pm]

[7710-12]

POSTAL SERVICE

IMPROVING GOVERNMENT REGULATIONS

Report on Implementation of Executive Order No. 12044

AGENCY: Postal Service.

ACTION: Report on Implementation of Executive Order No. 12044.

SUMMARY: This notice responds to section 5(a) of Executive Order No. 12044, Improving Government Regulations (the Order). Section 5(a) of the Order requires that each Executive Agency publish in the FEDERAL REGISTER for public comment a draft report on its regulatory process, any changes the agency has made to comply with the Order, and other matters related to its regulations. Although the Postal Service is not subject to the Order, it publishes this notice in voluntary compliance with section 5(a) of the Order. The notice deals with: (1) The Postal Service's intent to comply voluntarily with the Order to the extent it is appropriate to do so; (2) the Postal Service's procedures for developing regulations; (3) the general inapplicability to the Postal Service of sections 2 and 3 of the Order dealing with significant regulations and regulatory analysis; and (4) the Postal Service's review of its regulations.

DATE: Comments must be received on or before August 1, 1978.

ADDRESS: Written comments should be directed to W. Allen Sanders, Assistant General Counsel, Legislative Division, Law Department, U.S. Postal Service, Room 10220, 475 L'Enfant Plaza West, SW., Washington, D.C. 20260. Copies of all written comments will be available for public inspection and photocopying between 9 a.m. and 4 p.m. Monday through Friday, in Room 10220.

FOR FURTHER INFORMATION CONTACT:

Neva R. Watson, 202-245-4642.

SUPPLEMENTARY INFORMATION:

I. BACKGROUND

The President published Executive Order 12044 entitled "Improving Government Regulations" on March 24, 1978 (43 FR 12661). The Order requires, in general, that executive agencies review and redesign, in accordance with the policies and directives of the Order, the process by which they develop regulations, in order to make that process more efficient and responsive to public needs. The Postal Service agrees with the policies of the Order and intends to conduct its rulemaking activities in compliance with them.

The Postal Service believes, however, that the Order is legally inapplicable to it. Section 410(a) of title 39 provides, with exceptions not here applicable, that "no Federal law dealing with public or Federal contracts, property, works, officers, employees, budgets, or funds, including the provisions of chapters 5 and 7 of title 5, shall apply to the exercise of the powers of the Postal Service." The Order implements the rulemaking provisions of the Administrative Procedure Act, 5 U.S.C. 553, a part of chapter 5 of title 5. As an Order implementing a law that generally does not apply to the exercise of postal powers, the Order itself does not, in our opinion, apply. In addition, the Order itself does not appear to be directed to the Postal Service since it is directed to executive agencies, a term that has been defined to exclude the Postal Service. 5 U.S.C. 104, 105.

Although not subject to the Order, the Postal Service intends to comply voluntarily with it to the extent outlined below. The Postmaster General recently published in the Postal Bulletin a memorandum calling on all employees to write simply so postal regulations, letters and memoranda will be easy to understand. (See complete text of the Postmaster General's statement in the Appendix to this report.)

In this spirit, the Postal Service is publishing this report for comment.

II. PROCEDURE FOR DEVELOPING REGULATIONS

The Postal Service voluntarily follows the rulemaking provisions of title 5 (5 U.S.C. 553) whenever it proposes a new or amended regulation which would have or might have a substantial effect on the public.

The following is an outline of our general procedure for developing such regulations:

A. The originating division, acting on its own or at the request of other postal employees or mailers, develops a proposal for a new regulation or an amendment to an existing regulation.

B. The originating division seeks comments on the proposal from departments within the Postal Service to which the matter is of concern.

C. The Postal Service takes steps to provide for early and meaningful public participation in the rulemaking process. While a regulation is in the early stages of development, the Postal Service often calls it to the attention of parties known to have an interest in it. For example, the Postal Service, prior to the publication of its packaging regulations in proposed rule form, conducted an intensive packaging task force study with the cooperation of major mailers' associations. The packaging regulations thus were able to reflect commercial standards identified during the study.

D. The proposed rule is published in the FEDERAL REGISTER, with at least 30 days allowed for public comment. At or about the same time, if it is believed that the rule has or might have a wide effect on the general public, the Postal Service issues a press release informing the public of the proposal and inviting their comments.

E. The Postal Service considers each written comment that is received. Often a comment will raise a question or make a suggestion which convinces the Postal Service to revise the proposed rule. For instance, almost 2,000 comments were received from the public on post office closing regulations proposed last year. The Postal Service considered each comment and, where warranted, made changes in the proposed regulation before the final regulation was published.

F. The final rule is published in the FEDERAL REGISTER, together with an explanation of the principal matters considered prior to deciding on the final regulation.

III. SIGNIFICANT REGULATIONS; REGULATORY ANALYSIS

The Postal Service's principal mission is to provide postal services to the public. The terms and conditions under which services are provided are spelled out in postal regulations. While often affecting large numbers of individuals, firms or governmental units, postal regulations do not generally impose compliance or reporting requirements, apart from those involved in obtaining postal services. In general, postal regulations have no substantial relationship to the regulations and programs of other agencies, nor do they affect competition, the economy, or the costs of individuals, firms, or governmental units, except as outlined below. Accordingly, postal regulations in general do not appear to be "significant" or to involve "major economic consequences" within the meaning of sections 2 and 3 of the order. Many postal regulations relate solely to agency management or personnel, regulations which section 6(b)(3) of the Order exempts from coverage.

The Postal Service at times publishes regulations to implement Postal Rate Commission recommended decisions, placed into effect by the postal Governors. See, for example, 41 FR 22375 (the proposal), and 41 FR 28478 (the final rules). Postal Rate Commission recommended decisions in rate and classification cases—which as placed into effect admittedly could be "significant" within the meaning of sections 2 and 3 of the Order—are issued in accordance with the formal rulemaking requirements, 5 U.S.C. 556, 557. See 39 U.S.C. 3624. Section 6 of the Order exempts regulations issued in accordance with formal rulemaking. Since postal regulations implementing the actions of the Postal Rate Com-

mission and the postal Governors merely carry out these actions, we do not regard these regulations as themselves being of the kind generally subject to the Order.

The Postal Service has regulations that implement its general statutory monopoly over the coverage of "letters" and "packets" under the Private Express Statutes. These regulations do affect competition with the Postal Service, though they are largely consistent with prior administrative practice under the Private Express Statutes developed over many years. No proposed amendments to these regulations are currently pending.

Since the Postal Service has no continuing program regarding the issuance of "significant" regulations within the meaning of sections 2 and 3 of the Order, voluntary compliance with these sections would not appear to be appropriate. Should such regulations be proposed in the future, however, the agency will strive to apply the policies reflected in the Order during the course of the rulemaking.

IV. Review of Existing Regulations

The Postal Service has had a special task force engaged for some time in an intensive program of reviewing, revising, and, where necessary, rewriting its regulations. The process of reviewing postal regulations is a long-term project, since it includes both internal, procedural regulations and other regulations which have an effect on the public. The Postal Service's goal is to have concise regulations, written in plain English, that mailers and postal employees can understand.

Roger P. Craig,
Deputy General Counsel.

Memorandum for All Postal Employees

Postal Service Correspondence

The President recently said that the people and the Congress are tired of *bureaucratic gobbledygook*. So am I.

A task force at Headquarters is reviewing all the Postal Service's regulations—those affecting the public and those directed to our own people—and will try to make them easier to understand.

In addition, I want all letters and memoranda written by the Postal Service to be easy to understand and to be simple, friendly, and courteous.

Avoid legal jargon. Give complete answers to questions. Do not make it necessary for people to write a second letter to find out what we meant in our reply to their first letter.

Simple writing is hard work. It may mean changing the habits of a lifetime. But let's give it a try.

William F. Bolger
Postmaster General

[FR Doc. 78-14583 Filed 5-22-78; 8:45 am]

[4710-08]

DEPARTMENT OF STATE

[Public Notice 610]

IMPROVEMENT OF GOVERNMENT REGULATIONS

Response to Executive Order No. 12044

AGENCY: Department of State.

ACTION: Request for public comment.

SUMMARY: This notice invites comments from the public on the Department of State's proposals for implementing Executive Order No. 12044, dated March 23, 1978 (43 FR 12661, March 24, 1978). The Executive Order is entitled "Improving Government Regulations." The proposals include procedures for developing regulations; defining significant regulations; criteria for identifying which regulations require regulatory analysis; and review of existing regulations to determine which regulations will require revision or elimination.

The Department of State is committed to pursuing the President's goals for making Federal regulations clear and understandable to the public, minimizing the burden imposed by Federal regulations on the public, and providing early opportunities for public participation in the rulemaking process.

DATE: Comments due August 3, 1978.

ADDRESS: Send comments to K. E. Malmborg, Assistant Legal Adviser for Management, Department of State, Room 5423, 2100 C Street NW., Washington, D.C. 20520, telephone 202-632-2350.

FOR FURTHER INFORMATION CONTACT:

George J. Mattis, Chief, Directives Staff, Foreign Affairs Document and Reference Center, Department of State, Room 1239, 2100 C Street NW., Washington, D.C. 20520, telephone 202-632-3602; K. E. Malmborg, Assistant Legal Adviser for Management, Department of State, Room 5423, 2100 C Street NW., Washington, D.C. 20520, telephone 202-632-2350; Gladys I. Poticher, FR Liaison Officer, Directives Staff, Department of State, Room 1239, 2100 C Street NW., Washington, D.C. 20520, telephone 202-632-7968.

Under section 4 of the Order, the Department of State has developed the following proposed standards and guidelines for implementation of the Order.

1. IDENTIFICATION OF REGULATIONS

Most of the regulations proposed and issued by the Department of State are exempt from the requirements of the Executive Order because they (a) relate to foreign affairs functions of the United States:[1]

(b) related to Federal Government procurement activity;

(b) are governed by short-term requirements of executive orders, public laws, and other legally binding actions which do not allow the 60-day requirement for public participation; or (d) relate to the internal management of the Department. Section 6(b) of the Order exempts regulations in these categories.

Regulations which are not exempt from 6(b) of the Order appear to be the following:

(a) Nationality regulations (22 CFR Part 50);

(b) Special consular services regulations (22 CFR Parts 71, 72, 87, 92, and 93);

(c) Civil aviation regulations (22 CFR Part 102);

(d) Freedom of Information and Privacy Act regulations (22 CFR Parts 6 and 6a);

(e) Council on Environmental quality implementing regulations;

(f) Floodplain and Wetlands protection regulations; and

(g) Public participation in proceedings, advisory committee meetings and delegations to international conferences (pending publication in the FEDERAL REGISTER).

2. COMMENTS REQUESTED

The Department of State invites written comments on:

(a) Whether categories of regulations, in addition to those listed in paragraph 1 above, should be covered;

(b) The process for developing regulations in general, as set forth in section I below;

(c) The criteria for defining significant regulations as set forth in section II below (proposed directive);

(d) The criteria for determining which regulations require regulatory analysis as set forth in section III below; and

(e) The criteria for selecting existing regulations to be reviewed as set forth in section IV below. Suggestions of additional criteria in all areas are especially invited.

3. PROPOSED PROCEDURES

This notice establishes procedures for development of regulations by the Department of State. It implements sections 1, 2, 3, and 4 of the Order on Improving Government Regulations.

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[1] As a matter of policy, the Department of State does not rely on the "foreign affairs function" exemption from the rulemaking procedures required by 5 U.S.C. 553, except in unusual cases individually justified to and approved by the Deputy Under Secretary for Management. The Department will follow a similar policy with respect to the application of Executive Order 12044 to regulations involving foreign affairs functions.

4. SEMIANNUAL REGULATIONS AGENDA

In March and October of each year, the Department of State will publish a semiannual regulations agenda in the FEDERAL REGISTER describing the status of significant regulatory actions under development. This agenda will describe the regulations being considered, the need and the legal basis for the action being taken, show the status of regulations listed on previous agendas, and list the name and telephone number of the Department of State's point of contact for each regulation. The Secretary of State will approve the regulations agenda before publication.

I. PROCESS FOR DEVELOPING REGULATIONS

The existing process for developing regulations is that each bureau or office of the Department with substantive responsibility develops regulations to implement that responsibility. Detailed instructions for preparing regulations are set forth in Volume 2, subchapter 1110 of the Foreign Affairs Manual, Each bureau of office coordinates with the Office of the Legal Adviser (L) and the Directives Staff of the Bureau of Administration (FADRC/DIR) to assure compliance with the Foreign Affairs Manual, the Administrative Procedure Act, and other applicable laws and regulations. Each public regulation is brought to the attention of the Executive Secretary of the Department of State on behalf of the Secretary of State in his responsibility for regulatory oversight.

As a result of Executive Order No. 12044, the Office of the Legal Adviser and the Directives Staff will also assure compliance with the following requirements of the Order:

(1) The regulation is needed;

(2) The direct and indirect effects of the regulation have been adequately considered;

(3) Alternative approaches have been considered and the least burdensome of the acceptable alternative has been chosen;

(4) Public comments have been considered and an adequate response has been prepared;

(5) The regulation is written in plain English and is understandable to those who must comply with it;

(6) An estimate has been made of the new reporting burdens or recordkeeping requirements necessary for compliance with the regulation;

(7) The name, address and telephone number of a knowledgeable agency official is included in the publication; and

(8) A plan for evaluating the regulation after its issuance has been developed.

In addition to publication in the FEDERAL REGISTER for public comment, originating bureaus or offices are re-

quired to consider use of other means of early public participation in development of regulations, such as publication of subjects being considered in the Department of State *Newsletter*.

Each significant regulation will be subject to the approval of the Deputy Under Secretary for Management or another statutorily designated officer and that approval will include determination on the factors specified in section 2(d) of the Order.

II. Criteria for Significant Regulations

A regulation will be considered significant if the originating bureau or office, in consultation with the Office of the Legal Adviser and the Directives Staff, determines that:

(a) It may substantially affect—

(1) State and local government programs;

(2) Quality of environment;

(3) Inflation, employment, or economic growth;

(4) Business competition; or

(5) Existing regulatory programs of other Executive agencies.

(b) It may be of substantical public interest or create substantial controversy.

(c) It will require substantial State Department resources to develop and enforce.

III. Criteria for Regulatory Analysis

A regulation will be subject to regulatory analysis if the originating bureau or office, in consultation with the Office of the Legal Adviser and the Directives Staff, determines that:

(1) It will result in an annual effect on the economy of $100 million or more; or

(2) It will result in a major increase in costs or prices for individual industries, levels of government, or geographic regions.

In the discretion of the Secretary of State, regulatory analysis may be required on any other proposed regulations.

An evaluation of existing regulations and those presently under consideration under the above criteria does not indicate any which require regulatory analysis. If future regulations are developed which meet the above criteria, an analysis will be carried out.

IV. Review of Existing Regulations

The following criteria shall be applied by the appropriate bureau of office to select regulations for review, in accordance with section 4 of the Executive Order:

(1) A substantial period of time has gone by since the regulation was issued without amendment or comprehensive revision;

(2) A substantial number of compliants or suggestions have been made by the general public on a particular industry or area affected;

(3) Those directly or indirectly affected by the regulation have a recurring compliance responsibility;

(4) The text of the regulation is strikingly technical or unclear;

(5) There is apparent confusion with, or overlapping by, another regulation on the same or similar subject;

(6) There is new legislation, technology, economic conditions, or other change of basic circumstances which may substantially affect the validity or impact of the regulation.

Regulations selected for review will be listed in the Department of State semiannual agenda and published in the Federal Register in March and October of each year in accordance with section 2(a) of the Order. Selected regulations will include the point of contact and will be approved by the Secretary of State.

The Department of State has selected for review within the next 6 months the regulations on information on political contributions and fees or commissions in connection with the sale of defense articles or services, because of the number of complaints or suggestions made and the enactment of new legislation. All other regulations will be reviewed by May 15, 1979.

Unless extended, this notice expires June 30, 1980.

Ben H. Read,
Deputy Under Secretary for Management.

May 19, 1978.

[FR Doc. 78-14596 Filed 5-22-78; 11:00 am]

[7536-01]
[7537-01]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

IMPROVING GOVERNMENT REGULATIONS

Semiannual Agenda of Regulations and Report

AGENCY: National Foundation on the Arts and the Humanities.

SUMMARY: Executive Order No. 12044 on Improving Government Regulations requires that each executive agency publish a semiannual agenda of significant regulations and prepare a draft report outlining (1) a brief description of its process for developing regulations; (2) its proposed criteria for defining significant agency regulations; (3) its proposed criteria for identifying which regulations require regulatory analysis; and (4) its proposed criteria for selecting existing regulations to be reviewed and a list of regulations that the agency will consider for its initial review.

DATE: Comments on the Report or the regulations being reviewed should be submitted by July 24, 1978.

ADDRESSES: Comments should be submitted to either the General Counsel, National Endowment for the Arts, 2401 E Street NW., Washington, D.C. 20506, 202-634-6588 or to the General Counsel, National Endowment for the Humanities, 806 15th Street NW., Washington, D.C. 20506, 202-724-0367.

REPORT

To give the public adequate notice, the National Foundation on the Arts and the Humanities shall publish in the FEDERAL REGISTER, at least semiannually during the period Executive Order 12044 is in effect, an agenda of significant regulations under development or review. This agenda will be published on the first Monday in October and the first Monday in April. The Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities shall approve the agenda for his Endowment before it is published. Each agenda shall describe the regulations being considered, the need for and the legal basis for the action being taken, and the status of regulations previously listed on the agenda.

Each item on the agenda shall also include the name and telephone number of a knowledgeable official and, if possible, state whether or not a regulatory analysis will be required.

1. DESCRIPTION OF THE PROCESS FOR DEVELOPING REGULATIONS

(a) Before either the National Endowment for the Arts or the National Endowment for the Humanities proceeds to develop significant new regulations, the Chairman of that Endowment shall review the issues to be considered, the alternative approaches to be explored, a tentative plan for obtaining public comment, and target dates for completion of steps in the development of the regulation.

(b) Opportunity for public participation.

Each Endowment shall give the public an early and meaningful opportunity to participate in the development of agency regulations. A variety of ways to provide this opportunity shall be considered, including (1) publishing an advance notice of proposed rulemaking; (2) holding open conferences or public hearings; (3) sending notices of proposed regulations to publications likely to be read by those affected; (4) notifying interested parties directly.

(c) Time for comment.

Each Endowment shall give the public at least 60 days to comment on proposed significant regulations. In the few instances where an Endowment determines this is not possible, the regulations shall be accompanied by a brief statement of the reasons for a shorter time period.

(d) Approval of significant regulations.

The Chairman of each Endowment, or the designated official with statutory responsibility, shall approve significant regulations before they are published in the FEDERAL REGISTER. At a minimum, this official should determine that:

(1) the regulation is needed;

(2) the direct and indirect effects of the regulation have been adequately considered;

(3) alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen;

(4) public comments have been considered and an adequate response has been prepared;

(5) the regulation is written in plain English and is understandable to those who must comply with it;

(6) an estimate has been made of the new reporting burdens or recordkeeping requirements necessary for compliance with the regulation;

(7) the name, address and telephone number of a knowledgeable agency official is included in the publication; and

(8) a plan for evaluating the regulation after its issuance has been developed.

2. CRITERIA FOR DETERMINING SIGNIFICANT REGULATIONS

The National Endowment for the Arts and the National Endowment for the Humanities shall consider among other things:

(a) The type and number of individuals, businesses, organizations, State and local governments affected;

(b) the compliance and reporting requirements likely to be involved;

(c) direct and indirect effects of the regulation including the effect on competition; and

(d) the relationship of the regulations to those of other programs and agencies. Regulations that do not meet the criteria for determining significance shall be accompanied by a statement to that effect at the time the regulation is proposed.

3. REGULATORY ANALYSIS

Some of the regulations identified as significant may have major economic consequences for the general economy, for the individual industries, geographical regions or levels of government. For these regulations, a regulatory analysis shall be prepared except in the case of regulations prepared by all executive agencies where another agency has already prepared a regulatory analysis, and that agency's regulation is on the same subject and affects the same people or institutions as the Endowments' regulation. Such a regulatory analysis shall involve careful consideration of alternative approaches early in the decisionmaking process.

(a) *Criteria.*—Regulatory analysis will be performed for all regulations which will result in: (1) An annual effect on the economy of $100 million or more; or (2) a major increase in costs or prices for individual industries, levels of government or geographic regions. It is within the discretion of the Chairman of either Endowment to have regulatory analysis completed on any proposed regulation.

(b) *Procedures.*—The following procedures for developing regulatory analysis and obtaining public comment shall apply. (1) Each regulatory analysis shall contain a succinct statement of the problem; a description of the major alternative ways of dealing with the problem that were considered; an analysis of the economic consequences of each of these alternatives; and a detailed explanation of the reasons for choosing one alternative over the others. (2) Public notice of proposed rules shall include an explanation of the regulatory approach that has been selected or is favored and a short description of the other alternatives considered. A statement of how the public may obtain a copy of the draft regulatory analysis shall also be included. (3) A final regulatory analysis will be prepared and made available when the final regulations are published.

4. REVIEW OF EXISTING REGULATIONS

(a) The National Endowment for the Arts and the National Endowment for the Humanities shall periodically review their existing regulations to determine whether they are achieving

the policy goals of these regulations. This review will follow the same procedural steps outlined for the development of new regulations.

(b) In selecting regulations to be reviewed, the following criteria shall be considered: (1) The continuing need for the regulation; (2) the type and number of complaints or suggestions received; (3) the burdens imposed on those directly or indirectly affected by the regulation; (4) the need to simplify or clarify language; (5) the need to eliminate overlapping or duplicative regulations, and (6) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the regulation.

(c) The National Foundation on the Arts and the Humanities in the process of reviewing its regulations on Nondiscrimination in federally assisted programs. (Title 45, Code of Federal Regulations, Part 1110). These regulations give effect to the provisions of Title VI of the Civil Rights Act of 1964 by prohibiting discrimination on the ground of race, color, or national origin in programs or activities receiving Federal financial assistance from the National Endowment for the Arts or the National Endowment for the Humanities. Public comment is invited on these regulations.

5. COVERAGE

(a) As used in this notice, the term regulation means both rules and regulations issued by the National Endowment for the Arts or the National Endowment for the Humanities including those which establish conditions for financial assistance. Closely related sets of regulations shall be considered together.

(b) This notice does not apply to: (1) Regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 556, 557); (2) regulations issued with respect to military or foreign affairs functions of the United States; (3) matters related to agency management or personnel; (4) regulations related to Federal Government procurement; (5) regulations that are issued in response to an emergency or which are governed by short term statutory or judicial deadlines. In these cases, a statement shall be published in the FEDERAL REGISTER of the reasons why it is impracticable or contrary to the public interest to follow the procedures of this notice. Such a statement shall include the name of the policy offical responsible for this determination.

LIVINGSTON L. BIDDLE,
Chairman, National Endowment for the Arts.

JOSEPH D. DUFFEY,
Chairman, National Endowment for the Humanities.

[FR Doc. 78-14621 Filed 5-22-78; 2:07 pm]

[3125-01]

COUNCIL ON ENVIRONMENTAL QUALITY

IMPROVING GOVERNMENT REGULATIONS

Draft Report

AGENCY: Council on Environmental Quality.

ACTION: Request for public comment.

SUMMARY: The Council on Environmental Quality asks for public comment on this draft report on implementing Executive Order 12044, Improving Government Regulations (43 Fed. Reg. 12661, March 24, 1978).

A. BACKGROUND

Section 5(a) of Executive Order 12044 on Improving Government Regulations requires preparation of a draft report outlining: (1) A brief description of the process for developing regulations and changes made to comply with Executive Order 12044; (2) proposed criteria for defining significant regulations; (3) proposed criteria for identifying which regulations require regulatory analysis; and (4) proposed criteria for selecting existing regulations for review and a list of regulations that will be considered for its initial review.

The Council on Environmental Quality is responsible for enacting two kinds of regulations. First, the Council is directed by Executive Order 11991 (May 24, 1977) to prepare and enact regulations implementing the National Environmental Policy Act (NEPA). The Council's NEPA regulations have been under preparation and review since June 1977 and will shortly be published in the FEDERAL REGISTER for public review and comment as proposed regulations. Second, Executive Order 11735 (August 3, 1973) the President designated the Council on Environmental Quality to exercise the President's authority under section 311(c)(2) of the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) to prepare and publish a National Contingency Plan for removal of oil and hazardous substances. The Council has prepared and published a National Oil and Hazardous Substances Pollution Contingency Plan in the form of regulations in 40 C.F.R. 1510 et seq. (as amended March 26, 1976).

NEPA and the National Contingency Plan are the only subjects which in the presently foreseeable future will involve regulations by the Council on Environmental Quality. The work of preparing regulations in these two areas was largely completed before Executive Order 12044 became effective. Therefore, application of Executive Order 12044 to the Council's regulatory activities is generally limited to future revisions or amendments to the Council's NEPA and National Contingency Plan regulations.

B. BRIEF DESCRIPTION OF THE COUNCIL'S PROCESS FOR DEVELOPING REGULATIONS AND THE CHANGES THAT HAVE BEEN MADE TO COMPLY WITH EXECUTIVE ORDER 12044

1. *Process for developing the Council's NEPA regulations:*

The Council's process for developing NEPA regulations was formally started when the President signed Executive Order 11991 (May 24, 1977) directing the Council to prepare regulations implementing NEPA to achieve three broad goals: (1) Improve Federal agency decisionmaking under NEPA; (2) reduce paperwork; and (3) reduce delays. As a first step, the Council held three days of public hearings (June 6-8, 1977). The Council affirmatively sought to involve NEPA's critics as well as its defenders. At these public hearings, the U.S. Chamber of Commerce led the presentation of industry and the business community. The Building and Construction Trades Department of the AFL-CIO coordinated labor's presentation. The Natural Resources Defense Council organized environmentalists' views. The National Conference of State Legislatures coordinated the testimony of all branches of State government as well as local governments. The scientific and academic communities were represented as was the general public. Some 50 witnesses testified during the three days of public hearings, before an audience of over 500 people.

Based on these hearings as well as on its own assessment of the need for NEPA reform, the Council prepared and extensive questionnaire which listed all the problems identified in implementing NEPA and alternative ways of improving NEPA and the environmental impact statement (EIS) process. In August 1977 this NEPA questionnaire was sent to all Federal agencies, each State Governor and state Attorney General, and each participant at the June public hearings. In August 1977 the Council published a notice of availability of the NEPA questionnaire in the FEDERAL REGISTER and sent copies to all who telephoned or mailed in requests. About 1600 questionnaires were sent out and over 300 fully completed 38-page questionnaires were returned. Many others provided responses to selected questions.

During September and October 1977 the Council staff, under the supervision of the General Counsel, organized and evaluated the NEPA questionnaire responses. The Council staff simultaneously met with the principal federal agencies to discuss what should be in the NEPA regulations. Guided by the public hearings, questionnaire responses, and agency discussions, as well as by the Council's experience, the staff analyzed alternative ways of structuring the NEPA regulations consistent with the statute and Executive Order 11991. The Council staff prepared draft regulations which were submitted for a 60-day Federal interagency review on December 12, 1977. During December 1977, and January 1978, the Council staff conducted explanatory briefings for Federal agencies to assist interagency review. Extensive Federal agency comments and suggestions were received during February 1978. From February into May 1978, the Council staff studied agency comments and recommendations in detail and consulted with federal officials with experience in implementing NEPA. Tentative redrafts of the regulations were informally circulated to those agencies with the most extensive experience in preparing environmental impact statements. In addition, numerous meetings were held with Federal agencies.

Simultaneously with the Federal interagency review, the Council staff continued to meet with, brief, and listen to representatives of the interested public, including representatives of business, labor, State, and local government, environmental groups and others. In addition, the Council made available on request, copies of the draft regulations. This exposure of the draft regulations to the public resulted in still more comments.

The Council will shortly be publishing its proposed NEPA regulations in the FEDERAL REGISTER for a 60-day public review and comment period. The proposed NEPA regulations are a culmination of the process described. Upon completion of the 60-day public review and comment period, the Council will consider the comments and, if appropriate, make changes in the proposed regulations, and issue the NEPA regulations in final form.

Future revisions of the NEPA regulations will involve and abbreviated version of the above process. If the revisions are minor, technical or clerical and do not involve significant modifications in agency procedures for complying with NEPA, the revisions will ordinarily be published as proposed regulations in the FEDERAL REGISTER for a 30-day review and comment period before final revisions are adopted. For revisions involving significant modifications to the NEPA process, the federal agencies and general public will be given an opportunity to participate early in the process as well as during its later stages. Ordinarily, the public will have 60 days to review and comment on proposed revisions to the NEPA regulations involving significant changes in the NEPA process. Significant changes are those which are other than minor, technical or clerical in nature.

Consistent with the pertinent provisions of Executive Order 12044, the Council has prepared a draft analysis of the proposed NEPA regulations. The scope and coverage of the draft analysis and its availability will be discussed in the preamble to the Council's proposed NEPA regulations to be published shortly in the FEDERAL REGISTER. In addition, upon issuing its NEPA regulations in final form, the Council will make necessary determinations as set forth in Section 2(d) of Executive Order 12044.

Process for revising the Council's National Contingency Plan Regulations.

The National Contingency Plan regulations provide in 40 CFR 1510.32 that the National Response Team:

> Shall establish and maintain a Committee on Revision of the National Plan. The Committee shall provide suggested revisions to the NRT (National Response Team) for consideration, approval and publication by CEQ. The primary Agencies (Departments of Transportation, Defense, Commerce, Interior and the Environmental Protection Agency) shall provide membership on this standing Committee. Advisory agencies (Departments of Justice, State and HEW, HUD and the NRC) shall participate whenever revision or proposed amendments would affect those agencies.

The National Response Team, which consists of representatives of the Primary and Advisory agencies, thus is responsible for preparing proposed revisions to the National Contingency Plan regulations. Proposed revisions are then submitted to the Council on Environmental Quality for review and approval. If the revisions are minor, technical or clerical they will be published in the FEDERAL REGISTER as proposed regulations with a 30-day public review and comment period. If the revisions are significant, there will ordinarily be a 60-day public review and comment period before the revisions are issued as final regulations. Significant revisions are those that are other than minor, technical or clerical in nature.

It is the Council's policy consistent with Sections 1 and 2 of Executive Order 12044 that:

(1) The need for and purposes of proposed revisions are clearly established;

(2) The public have an early and meaningful opportunity to review and comment on proposed revisions;

(3) Meaningful alternatives are considered and analyzed before revisions are adopted;

(4) Compliance costs, paperwork and other burdens on the public are minimized;

(5) Revisions be written simply, in plain language; and

(6) The Council review proposed revisions to insure adherence to these policies and the policies of Executive Order 12044.

To give the public adequate notice the Council will publish semiannually in the FEDERAL REGISTER an agenda listing proposed revisions to its NEPA regulations and National Contingency Plan regulations. On the first Monday in October, the Council will publish in the FEDERAL REGISTER its schedule showing the time its semiannual agenda will be published.

C. *Proposed criteria for defining significant agency regulations:*

Since future regulations by the Council on Environmental Quality will be limited to revising or amending its NEPA regulations and the National Contingency Plan as described in Part B above, the Council has determined not to propose criteria for defining significant agency regulations, and instead undertake analyses of proposed revisions in each case. For purposes of determining when the public will ordinarily have 60 days to review and comment on proposed revisions, significant revisions are definied as those that are other than minor, technical or clerical in nature.

D. *Proposed criteria for identifying which regulations require regulatory analysis:*

Since future regulations by the Council on Environmental Quality will be limited to revising or amending its NEPA regulations and the National Contingency Plan as described in Part B above, the Council has determined not to propose criteria for identifying which regulations require regulatory analysis, and instead undertake regulatory analyses whenever the Council determines that proposed revisions will result in an annual effect on the economy of $100 million or more or a major increase in costs or prices for individual industries, levels of government or geographic regions or when the Council determines that the policies of Executive Order 12044 require a regulatory analysis.

E. *Proposed criteria for selecting existing regulations to be reviewed and list of regulations to be considered in the initial review:*

Future proposed revisions to both the Council's NEPA regulations and the National Contingency Plan will be reviewed for compliance with Executive Order 12044.

The Council's proposed NEPA regulations will be promulgated as final regulations after public review and comment in 40 CFR § 1500 et seq.

The Council's National Contingency Plan regulations are promulgated in 40 CFR § 1510 et seq.

F. *Supplementary information:*

Pursuant to Section 5(a) of Executive Order 12044, this draft report is published for public review and comment. Please address all comments to:

Nicholas C. Yost, General Counsel (Attn: E.O. 12044), Council on Environmental Quality, 722 Jackson Place N.W., Washington, D.C. 20006.

Comments must be received by July 24, 1978.

NICHOLAS C. YOST,
General Counsel.

[FR Doc. 78-14618 Filed 5-22-78; 2:07 pm]

[6315-01]

COMMUNITY SERVICES ADMINISTRATION

RESPONSE TO EXECUTIVE ORDER 12044, IMPROVING GOVERNMENT REGULATIONS

AGENCY: Community Services Administration.

ACTION: Notice for public comment.

SUMMARY: The Community Services Administration files this Notice of its plans to implement Executive Order 12044, of March 23, 1978, "Improving Government Regulations." The intent is to improve the rulemaking process and enlist early public participation in this process.

DATE: CSA welcomes and encourages comments on this proposal rule. All comments received prior to July 24, 1978, will be considered in drafting the final rule. Please address all comments to:

John Gabuse, Assistant Director for Management, Community Services Administration, 1200 19th Street NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

John H. Sowders, 202-254-6208.

SUPPLEMENTARY INFORMATION: In response to the requirements of Executive Order 12044, the Community Services Administration is proposing to publish for the first time a rule on how it develops significant regulations. The current system by which CSA disseminates its regulations does not inform the public of the process by which they are developed.

The Executive Order requires that each Agency publish in its proposed rule a list of the existing regulations that the Agency will consider for its initial review. Prior to the publication of the Executive Order, CSA had decided to review each of its existing regulations (regardless of whether or not they are considered "significant") to determine, for example, need, currency, conflicts, or need for consolidation.

As examples of regulations that in CSA's opinion are the most important or most in need of revision are the following:

(1) OEO Instruction 6400-01, "The Organization of Community Action Agency Boards and Committees"

(2) OEO Instruction 6402-02, "Standards of Eligibility for Members of Governing Bodies and Policy Advisory Committees of Community Action Agencies and Single Purpose Agencies"

(3) CSA Instruction 6710-3a, "Federal Project Notification and Review System".

AUTHORITY: The provisions of this notice are issued under Section 602, 78 Stat. 530, 42 U.S.C. 2942.

WILLIAM W. ALLISON,
Acting Director.

Sec.
(1) Definitions.
(2) Applicability.
(3) Purpose.
(4) Policy.
(5) What is a significant regulation?
(6) CSA's process for developing regulations and determining their significance.
(7) Regulatory analysis.
(8) How CSA selects existing regulations for review.
(9) Sunset provision.

1. *Definitions.*

(a) Regulation: For the purposes of this notice, a regulation is a Community Services Administration rule or instruction issued in a standard publication to interpret or prescribe law or policy and related procedures for CSA-funded organizations and beneficiaries.

(b) Office of Primary Responsibility: The Office of the Assistant or Associate Director of CSA responsible for the functional subject matter.

2. *Applicability.*

This notice applies to the development of all CSA new and revised regulations and to the review of existing regulations by the Community Services Administration.

3. *Purpose.*

The purpose of this notice is to implement Executive Order 12044, which requires that each Federal Agency adopt procedures to improve existing and future regulations.

4. *Policy.*

All CSA rules and regulations shall be developed through a process which ensures that: (a) the need for and purposes of the regulation are clearly established; (b) heads of agencies and policy officials exercise effective oversight; (c) opportunity exists for early participation and comment by other Federal agencies, State and local governments, businesses, organizations and individual members of the public; (d) meaningful alternatives are considered and analyzed before the regulation is issued; and (e) compliance costs, paperwork and other burdens on the public are minimized.

5. *What is a significant regulation?*

A regulation shall be considered significant if:

(1) It may substantially affect the general public or a large segment of the public including individuals, businesses, organizations;

(2) It is likely to involve a heavy compliance and reporting burden on grantees or the poor served by CSA programs, or if its administration will involve considerable expense to CSA;

(3) It will have substantial impact on State or local governments or on their relationship to CSA programs;

(4) It will substantially affect the regulations and programs of another agency or the relationship between their regulations and programs and CSA's regulations and programs;

(5) It is likely to have a very substantial effect on all or most of CSA grantees, or if it is likely to have a major effect on a significant group of CSA grantees, e.g., CDC's, State Economic Opportunity Offices;

(6) It may substantially affect the eligibility of the poor for benefits under CSA programs or the quality and quantity of the participation of the poor in the conduct of these programs.

(a) The Director will make final determination as to the significance of the regulation on the basis of the criteria listed above.

(b) The classification of each regulation's relative significance will be contained in the preamble of each Federal Register version.

6. *CSA's Process for Developing Regulations.*

(a) Overview. After the possible need for the development of a regulation has been identified or an existing regulation has been selected for review, the following minimum steps will be taken in developing the new regulation:

ACTIVITIES—IN ORDER IN WHICH THEY OCCUR—AND RESPONSIBLE CSA OFFICIAL

Assistant Director for Management

(1) The Assistant Director for Management asks all CSA Offices for their plans regarding update review and development of new and existing regulations.

Office of Primary Responsibility

(2) Forwards information on the regulation to be considered to the CSA official responsible for compiling the semiannual agenda (the Assistant Director for Management).

Assistant Director for Management

(3) Compiles material received from agency officials, reviews for completeness and compliance with this rule and forwards to the Director.

CSA Director

(4) Reviews and approves publication of agenda in the FEDERAL REGISTER.

Office of Primary Responsibility

(5) Analyzes legislation; researches legislative history, past agency positions, results of evaluations of issuance to be revised (if applicable), complaints received and suggestions submitted by the public. Develops, or assures development of all information to enable Director to carry out oversight activities.

Assistant Director for Policy, Plans and Evaluation, and Associate Director for Interagency and External Affairs

This shall include development of an evaluation plan by the Assistant Director for Policy, Plans and Evaluation, and development by the Associate Director for Interagency and External Affairs of a specific plan for consultation with state and local governments if any state or local government or any national organization representing these entities has indicated that the regulation would have major intergovernmental significance. (Plan for consultation will be developed in staff instructions.)

CSA Director

(6) Performs oversight functions; determines further action.

Office of Primary Responsibility

(7) Takes action(s) approved by Director to obtain citizen participation.

Associate Director for Interagency and External Affairs

(8) Consults with national organizations representing general purpose state and local governments as appropriate.

Office of Primary Responsibility

(9) Develops proposed regulation.

Office of Primary Responsibility

(10) Circulates proposed regulation for clearance by the Assistant Directors for Community Action; Policy, Planning and Evaluation; Management; Legal Affairs and General Counsel; the Associate Director for Interagency and External Affairs; and the Associate Director for Economic Development, if applicable.

Appropriate Assistant/Associate Director

(11) After obtaining all clearances, forwards proposed regulation to Director with sufficient information to permit the Director to make determinations detailed in (c) below.

Director

(12) Approves proposed regulation for publication in the FEDERAL REGISTER.

Office of Primary Responsibility

(13) Following 60-day comment period, reviews comments received, revises/modifies proposed regulation if warranted; drafts as final rule noting comments received and disposition.

Office of Primary Responsibility

(14) Circulates for final clearance by same officials as noted in (10) above.

Appropriate Assistant/Associate Director

(15) Submits to Director for final approval.

Office of Primary Responsibility

(16) Files in the FEDERAL REGISTER as a final rule.

Assistant Director for Management

(17) Publishes same rule in the format of a CSA Instruction, distributes to all current grantees, and maintains stock for distribution upon request by the public and new grantees.

(b) Publication of a Semi-Annual Agenda of Regulations.

(1) In order to give the public adequate notice, CSA will publish semi-annually an agenda of regulations under development or review which shall be approved by the Director. If necessary, supplements to the agenda will be published at other times during the year. CSA's semi-annual agendas will be published in the FEDERAL REGISTER the first week in November and the first week in May of each year beginning in November 1978.

(2) Appendix A to this notice is a sample of the format which will be used in publishing the agenda.

(c) Director's Oversight. Subsequent to approving the development of new regulations noted on the semi-annual agenda or if an emergency need for development of a regulation not on the agenda arises, the Director shall review the issues to be considered, the alternative approaches to be explored, a tentative plan for obtaining public comment, and target dates for completion of steps in the development of the regulation.

(d) Opportunity for Public Participation. (1) *Ways to include the public in development of regulations.* CSA will provide an early and meaningful opportunity for the public to participate in the development of its regulations. Following are some of the ways the agency will consider for each document in order to accomplish this:

(i) Publish an advance notice of proposed rulemaking in the FEDERAL REGISTER;

(ii) in addition to FEDERAL REGISTER publication, notify interested parties, e.g. Board Chairpersons, grantee staff, program beneficiaries, associations of public interest groups, statewide and national associations representing poverty groups directly. We will, as appropriate, consult with state and local governments directly. The public interest groups will be consulted in the drafting of new regulations. We will also particularly consult with and invite the participation of State Economic Opportunity Offices in both the review and development of regulations.

(iii) hold open conference or public hearings;

(iv) invite grantees, poor people, representatives of specific groups affected to participate in drafting sessions;

(v) send notices of proposed regulations to publications likely to be read by those affected, e.g. Economic Opportunity Report, the National Center Reporter;

(vi) include in Agency newsletter distributed to all grantees.

(2) *Public comments on proposed significant regulations.* The period provided for comment on proposed significant regulations will be at least 60 days. In cases where this is not possible, CSA shall indicate in the FEDERAL REGISTER preamble to the proposed rule the reasons for a shorter time period, e.g. It would have been impractical and contrary to the public interest to have a comment period in the case of the one-time Emergency Energy Assistance Program which implemented the fiscal year 1978 Supplemental Appropriation passed on February 21, 1978 since congressional intent was that the program terminate May 1, 1978.

(e) Approval of Significant Regulations.

The Director shall approve all significant final regulations prior to publication in the FEDERAL REGISTER. At a minimum, the Director will determine that:

(1) The regulation is needed;

(2) The direct and indirect effects of the regulations have been adequately considered;

(3) Alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen;

(4) Public comments have been considered and an adequate response has been prepared;

(5) The regulation is written in plain English and is understandable to those who must comply with it;

(6) An estimate has been made of the new reporting burdens or record-keeping requirements necessary for compliance with the regulation;

(7) The name, address and telephone number of a knowledgeable agency official is included in the publication; and

(8) A plan for evaluating the regulation after its issuance has been developed.

7. Regulatory analysis.

A regulation to be considered for a regulatory analysis must meet the following criteria of major economic impact:

(a) An estimated effect on the economy as a whole of $100 million or more, or

(b) A major increase in costs or prices for individual industries, levels of government or geographic regions, or

(c) Other major effects on the poor which, at the Director's discretion, justify the preparation of a regulatory analysis.

If regulatory analysis should be required, it shall be developed by the office within CSA which is primarily responsible for developing the regulation and shall be reviewed and signed by the Director. Each regulatory analysis shall briefly and clearly describe the purpose and need for the regulation and consideration of the alternative approaches to achieving this purpose. It shall contain an analysis of the economic consequences of each approach and a detailed explanation of the reasons for selecting the alternative chosen.

8. How CSA selects existing regulations for review.

(a) In preparation for the semi-annual report to be published each year in the first week of May, CSA will select regulations to be reviewed within the following year which will be noted on the agenda. The selection will be made based on the following criteria:

(1) The continued need for the regulation;

(2) The type and number of complaints or suggestions received;

(3) The burdens imposed on those directly or indirectly affected by the regulations;

(4) The need to simplify or clarify language;

(5) The need to eliminate overlapping and duplicative regulations;

(6) The length of time since the regulation has been evaluated or the degree to which economic conditions or other factors have changed in the area affected by the regulations; and

(7) The results of the evaluation conducted after its issuance (if applicable).

9. Unless extended, the procedures and policies noted herein will expire on June 30, 1980.

SEMI-ANNUAL AGENDA

APPENDIX A

FOR

COMMUNITY SERVICES ADMINISTRATION

of action revised	SUBJECT AND DESCRIPTION	REASON FOR DEVELOPMENT OR REVISION	AGENCY DETERMINATION (SIGNIFICANT OR NON-SIGNIFICANT)	LEGAL BASIS	STATUS OF PROPOSED REGULATION: INITIAL ANNOUNCEMENT	STATUS OF PROPOSED REGULATION: PREVIOUSLY ANNOUNCED; WHEN	STATUS OF PROPOSED REGULATION: CURRENT STATUS	FOR FURTHER INFORMATION CONTACT

[FR Doc. 78-14662 Filed 5-22-78; 3:55 pm]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-78-875]

DRAFT REPORT ON IMPLEMENTATION OF EXECUTIVE ORDER 12044, IMPROVING GOVERNMENT REGULATIONS

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of report.

SUMMARY: Public comment is requested on a draft report regarding the Department's implementation of Executive Order 12044, "Improving Government Regulations." The draft report contains:

1. A brief description of the Department's current process for developing regulations and the changes to be made in compliance with the Executive Order;
2. Proposed criteria for defining significant regulations;
3. Proposed criteria for identifying regulations requiring regulatory analysis; and
4. Proposed criteria for selecting existing regulations to be revised and an initial list of regulations for revision.

COMMENT DUE DATE: July 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, Department of Housing and Urban Development, Room 5218, 451 7th Street SW., Washington, D.C. 20410, 202-755-6207.

SUPPLEMENTARY INFORMATION: The following draft report is published for comment pursuant to Section 5(a) of Executive Order 12044.

IMPLEMENTATION OF EXECUTIVE ORDER 12044 BY DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (DRAFT)

I. SUMMARY OF PRESENT PROCEDURES FOR DEVELOPING REGULATIONS

A. *HUD rulemaking policy.*—The Department of Housing and Urban Development ("HUD") complies with the rulemaking provisions of the "Administrative Procedure Act", 5 U.S.C. 553, in developing rules for all HUD programs. This rulemaking policy is stated in detail at 24 CFR Sec. 10.1.

B. *Summary of present procedures.*—For purposes of this report, "Primary Organization Head" means an Assistant Secretary or other head of a major organizational unit in HUD headquarters. Each draft of a proposed or a final rule must be prepared by the Primary Organization Head with responsibility for the subject matter of the rule (the "drafting office"). Prior to publication, each draft rule must be reviewed by other interested Primary Organization Heads, and approved by the Secretary or Under Secretary.

To meet these internal clearance requirements, the initiating office will usually seek to resolve objections one at a time with each reviewer. However, a rule which is important and urgent is submitted to a "Clearance Committee" consisting of representatives of the drafting office and all interested Primary Organization Heads. This Committee seeks to resolve objections simultaneously. Under both procedures, the Secretary decides any issues which cannot be resolved at a lower level before the rule is published.

II. CHANGES IN PRESENT PROCEDURES TO COMPLY WITH EXECUTIVE ORDER 12044

A. *Major objectives.*—HUD will modify its present rulemaking procedures to promote the following objectives:

1. Tentative resolution by the Secretary/Under Secretary of all major policy issues presented by proposed significant rules early in the rule development process.
2. Better oversight and control of rulemaking by the Secretary/Under Secretary.
3. Improved analysis of the economic impact of significant rules.
4. Increased opportunities for public and interest group participation in significant rule formulation.
5. Preparation of rules in plain English.

B. *Semiannual regulations agenda—Rule classification.*—Rule development will commence with the preparation and publication twice each year of an agenda of significant regulations pursuant to section 2(a) of the Executive Order. Each agenda will describe all significant regulations under consideration and the status of regulations listed on previous agendas. For each significant regulation, the agenda will state: (i) the need and legal basis for the action being taken; (ii) the name and telephone number of a knowledgeable HUD official; and (iii) when possible, whether a regulatory analysis will be required.

The procedures for developing semiannual regulations agendas and classifying regulations are as follows. Approximately 6 weeks before the publication date of the next agenda, each Primary Organization Head will submit a list, covering the next 6 month period, of: (i) all new rules to be developed by his/her office; (ii) all existing rules to be reviewed; (iii) all new rules that should be developed by other HUD offices; (iv) all existing rules that should be reviewed by other HUD offices; and (v) the status of each rule not previously reported as completed. For each new rule to be developed, the drafting office will indicate whether it regards the rule as "routine" or "significant" and explain why.

The proposed agenda of significant rules and a list of routine rules, accompanied in each case by a justification, will be reviewed by all Primary Organization Heads and submitted to the Secretary/Under Secretary for revision and/or approval. The approved agenda of significant rules will be published in the FEDERAL REGISTER. All rules will be subsequently processed according to their approved classification.

C. *Routine regulations.*—Drafts of rules determined by the Secretary/Under Secretary to be "routine" will be processed for publication using the existing procedures outlined in Part I.B. of this report. However, the clearance committee will not be convened to consider these rules. If necessary, processing of routine rules will be expedited by strictly limiting the length of time permitted for review.

D. *Significant regulations:*

1. *Work plan.*—Before drafting any rule determined by the Secretary/Under Secretary to be "significant," the drafting office will prepare a "work plan" which will: (i) State why the proposed rule is needed; (ii) discuss the alternatives to be considered; (iii) cite the legal authority for the proposed rule; (iv) recommend for or against the preparation of a regulatory analysis, with supporting justification (See Part IV of this report); (v) outline a plan for obtaining public participation in the development of the proposed rule (see Part VI of this report); (vi) identify each step in the rule's development with tentative deadlines for completion; (vii) name a project manager to oversee the rulemaking process; (viii) if appropriate, request that a clearance committee consider the rule, supporting the request with a showing of urgency (ix) estimate the reporting burdens and recordkeeping requirements incident to compliance with the rule proposal; (x) propose a plan for evaluating the rule after its issuance; (xi) describe the major policy issues associated with the rule proposal; and (xii) indicate whether and explain why the rule proposal may be controversial.

Each work plan will be reviewed simultaneously by all other interested Primary Organization Heads. Normally, this review will be completed within five (5) working days. The work plan, and the comments of reviewing offices, will then be sent to the Secretary/Under Secretary with a summary of all major issues.

The Secretary/Under Secretary will review the work plan, modify it if necessary, and make initial determinations on each of its points. Preparation of a significant rule shall not com-

mence until the Secretary/Under Secretary approves the related work plan, finding that the procedures to be used in formulating the rule, evaluating its economic impact, and obtaining public and interest group participation are acceptable; that all known major policy issues have been satisfactorily resolved; and that the alternative approaches to be explored are reasonable. To facilitate approval, the Secretary/Under Secretary may meet with representatives of the drafting office and Primary Organization heads. The Secretary/Under Secretary may also direct the Office of Policy Development and Research to prepare policy options and/or urban impact analyses.

2. *Increased public participation in rulemaking.*—Present rulemaking procedures generally provide for public participation only after a Notice of Proposed Rulemaking is published in the FEDERAL REGISTER. Consequently, interested parties do not participate in the early development of the rule as intended by the Executive Order.

Under the revised procedures, the drafting office will be required to develop a public participation plan for each proposed significant rule. The plan will specifically detail how public participation can be obtained in the development of the rule. The plan will include advance notices of proposed rulemaking; or development and dissemination of understandable issues papers on rules proposals; or solicitation of views through such mechanisms as consumer surveys, consumer panels, conferences, or public hearings. Each plan will be commented on by other interested Primary Organization Heads and approved by the Secretary/Under Secretary. A complete discussion of plan requirements appears in Part VI of this report.

A computerized data bank will be used to assist the drafting office in identifying groups interested in particular rules. The Office of Neighborhoods, Voluntary Associations, and Consumer Protection ("NVACP"), will also hold consumer forums on a regular basis in Area and Regional Offices as well as in Washington, D.C. These forums will provide opportunities for discussion of programs, policies and proposals between HUD staff, individuals, consumer groups and other interested groups. Also, HUD will increase the public comment period for virtually all published rules from the usual 30 days to 60 days.

3. *Improved economic analysis.*—HUD's present policies, procedures and requirements for Economic Impact Statements under former Executive Order 11821 substantially satisfy the regulatory analysis requirements of Executive Order 12044. Consequently, only minor modifications are contemplated but with much greater emphasis on monitoring compliance with HUD standards.

The revised procedures will require that the Secretary/Under Secretary decide whether a regulatory analysis is needed for each significant rule well before preparation of a draft rule. If it is determined that a rule requires a regulatory analysis, preparation of the analysis and of the rule shall proceed simultaneously. Also, the rule and the analysis will be reviewed and approved together.

Under the Executive Order, each regulatory analysis will contain a succinct statement of the problem addressed, a description of major alternative ways of dealing with the problem that were considered, an analysis of the economic impact of each alternative, and a detailed explanation of the reasons for choosing one alternative over the other.

4. *Writing rules in plain English.*—HUD's present procedures include no specific provision for reviewing rules to ensure that they are simple, clear and understandable. Yet, understandable rules are essential to protecting the rights of the regulated, and are a cornerstone for meaningful public participation in rule formulation. Thus, it is essential that the Department write regulations in clear and concise language in an understandable form.

The revised procedures will provide that any substantial plain English concern shall be considered a major policy objection and, if unresolved, will be reported to the Secretary/Under Secretary. This objection shall be given due consideration in the Secretary's decision whether to approve the proposed rule for publication.

NVACP will develop guidelines for plain English for the Department and will provide technical assistance to drafting offices in casting rules into plain English. Additionally, HUD will evaluate its existing rules from a number of standpoints including clarity and understandability. This evaluation project is discussed in Part V of this report.

5. *Approval by the Secretary/Under Secretary.*— Each significant final rule proposed for the Secretary's/Under Secretary's approval will be supported by:

(1) A summary of all comments received as a consequence of the public and interest group participation process;

(2) Any related regulatory analysis;

(3) Estimates of the rule's impact on staff resources;

(4) Summary flow charts of any new procedures required by the rule;

(5) Analyses of all recordkeeping and reporting requirements imposed by the rule;

(6) Summaries of the need for the rule, its direct and indirect consequences, and alternative approaches considered; and

(7) A final plan for evaluating the effect of the rule after its issuance.

The Secretary/Under Secretary will approve the rule for publication only if he/she first finds:

(1) That the proposed rule is needed;

(2) That the direct and indirect effects of the rule have been adequately considered;

(3) That alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen;

(4) That public comments have been considered and an adequate response has been prepared;

(5) That the rule is written in plain English and is understandable to those who must comply with it;

(6) That an estimate has been made of the new reporting burdens or recordkeeping requirements necessary for compliance with the rule;

(7) That the name, address and telephone number of a knowledgeable agency official is included in the publication; and

(8) That a plan for evaluating the rule after its issuance has been developed.

The Secretary/Under Secretary may direct the Office of Policy Development and Research to assist him/her in making these findings by preparing updated policy options and urban impact analyses. The Secretary/Under Secretary may also meet with representatives of the drafting office and the Primary Organization Heads before deciding whether to approve publication of a significant rule.

6. *Summary of revised procedures for significant regulations.*—Each significant rule will be formulated in accordance with the approved work plan. After the rule is formulated and drafted, it will be reviewed and approved for publication under procedures closely paralleling the existing HUD procedures described in Part I.B. of this report. Any draft regulatory analysis prepared for the rule will be made available for public inspection when the proposed rule is published for comment, and any final regulatory analysis prepared for the rule will be made available for public inspection when the final rule is published. Before any final significant rule is published, the Secretary/Under Secretary will make all findings required by Section 2(d) of the Executive Order.

E. *Changes in HUD rulemaking regulations and handbook.*—Upon publication of the final report required by Section 5(d) of the Executive Order, HUD will adopt all necessary changes to its rulemaking policy, 24 CFR Part 10, and to its Regulations Processing Handbook. The revised policy and handbook will fully comply with the Executive Order. The modified handbook will be available for public examination and review.

III. PROPOSED CRITERIA FOR IDENTIFYING SIGNIFICANT REGULATIONS

A. *Regulations categories.*—Two categories of rules are proposed: "significant" and "routine". Significant rules will be those which meet any of the criteria proposed for that category. Rules will be routine if they do not meet any of those criteria.

B. *Significant rule criteria.*—Significant rules will be those which, directly or indirectly:

1. Implement a new program or activity;

2. Significantly increase or reduce the number or type of program participants, recipients or beneficiaries;

3. Impose significant new requirements or standards for program compliance, participation, or receipt of program benefits (other than new reporting or recordkeeping requirements);

4. Are likely to generate substantial controversy in the Congress and among national organizations; local interest groups; groups of program participants, recipients, or beneficiaries; industries; businesses; State, county, or municipal governments; or other Federal Departments of Agencies;

5. Substantially affect the programs or activities of another Federal Department or Agency; or

6. Appreciably alter the competitive structure in any market by substantially reducing competition, limiting market entry, restraining market information, or increasing market concentration.

It is recognized, however, that a proposed regulation may not meet any of the above criteria for a significant regulation and yet may have a substantial impact. In such cases a regulation may also be determined to be significant based on the following considerations;

1. The type and number of individuals, businesses, organizations, and State and local governments affected;

2. The number and burden of new compliance and reporting requirements likely to be involved;

3. The nature and extent of any direct and indirect economic effects of the rule, including the effect on competition; and

4. The degree to which the rule affects other programs and agencies.

IV. PROPOSED CRITERIA FOR DETERMINING RULES REQUIRING REGULATORY ANALYSIS

HUD will require preparation of draft and final regulatory analyses for any rule which:

1. Is determined to be significant and which results in an increase or decrease in Federal Government spending of $100 million or more in any calendar year.

2. Is determined to be significant and which results in an annual increase in costs or prices totalling $50 million for any individual industry, level of government or geographic region, or an annual increase in costs or prices totalling $100 million or more on a nationwide basis.

3. Is determined by the Secretary/Under Secretary to require such an analysis for any reason.

V. PROPOSED CRITERIA FOR SELECTING EXISTING RULES TO BE REVISED AND INITIAL LIST OF RULES FOR REVISION

A. *Proposed criteria.*—Existing HUD rules will be selected for review by the Secretary/Under Secretary on the basis of the following criteria:

1. The burden which the rule imposes on the public.

2. The extent to which the rule repeats or overlaps other regulatory provisions.

3. Whether changes in authorizing legislation require revision of the rule.

4. Whether the language of the rule should be simplified or clarified.

5. Whether public complaints or petitions for rulemaking have been filed, and the nature of those complaints or petitions. 000

6. The age of the rule and the length of time since it was last reviewed and revised.

B. *Initial list of rules to be reviewed:*

1. Parts 880, 881, 882, 883, Low and Moderate Income Housing program provisions under Section 8 of the Housing and Community Development Act of 1974.

2. Part 16, Privacy Act.

C. *Project to evaluate all HUD rules:*

1. *Simplification and recodification.*—HUD intends to seek revision and simplification of the entire body of authorizing legislation for HUD programs. HUD will then revise Title 24 of the Code of Federal Regulations to delete unnecessary materials, and clarify existing rules.

2. *Methodology.*—Initially, the review will be conducted as a "pilot" project by a team in the Office of General Counsel ("OGC"). Using the procedures discussed earlier in this report, the team will review, evaluate and, if appropriate, revise an initial group of rules. The OGC team will work closely with each program office in an effort to develop teams of program people trained to simplify regulations. These teams will, in turn, train and assist other HUD personnel in a Department-wide rule improvement effort. After all teams have been fully trained, the pilot program will be phased out and gradually replaced by simplification programs conducted by the various program offices.

VI. PROPOSED PARTS OF PUBLIC PARTICIPATION PLANS

A. *Identification of individuals and groups to participate in rule development:*

1. At a minimum, those persons who benefit from a HUD program or service, their representatives and consumer organizations will be specifically asked to participate.

2. When appropriate, those people or organizations who assist HUD in providing benefits or services will also be asked to participate. Examples are counseling agencies, public housing agencies, organizations representing tenants, developers of HUD insured or assisted housing, mortgage bankers and investment bankers, banks, savings and loan institutions, credit unions and other investment and lending institutions, and State and local officials, including officials of Indian tribes and of Alaskan Native communities.

3. The drafting office and NVACP's Office of Consumer Affairs will develop a list of individuals and groups to be contacted regarding each proposed regulation.

4. Standards for deciding who should be contacted include:

(a) The nature of the new program or changes in existing programs, and the likelihood for substantial controversy.

(b) The effect of the new proposals or changes on consumers.

(c) The number and types of consumers affected.

(d) The effect on those who assist HUD in the delivery of its programs.

(e) The number and types of persons or groups who assist HUD in the program.

B. *Encouraging public participation:*

1. At a minimum:

(a) *Advance notice of proposed rulemaking ("ANPR").*—An ANPR will be published in the FEDERAL REGISTER and mailed directly to publications likely to be read by affected consumers. The ANPR will also be mailed directly to affected consumers or a sampling of these consumers who probably do not read the FEDERAL REGISTER regularly.

The ANPR will be written plainly and clearly and will outline:

(1) The proposed new program or proposed changes and why they are needed;

(2) All alternative approaches being considered and, if possible, the pros and cons of each;

(3) The major policy matters and issues involved;

(4) If appropriate, a list of questions about the proposal that will elicit detailed comments;

(5) An estimate of the reporting and record-keeping requirements necessitated by the proposed rule;

(6) The plan for evaluating the rule after it is issued if that plan has already been developed;

(7) The date by which comments must be received if they are to be considered, and;

(8) The approximate date by which the Department plans to publish a proposed regulation.

OR

(b) *Issues paper.*—If, for pressing and legitimate reasons, there is not sufficient time to issue an Advance Notice of Proposed Rulemaking, an issues paper will be prepared by the drafting office. It will be reviewed for content and readability by NVACP and other interested offices, generally within one to two weeks. HUD will send the issues paper directly to a representative number of affected consumers and/or to appropriate consumer organizations or representatives. The list of those to receive the issues paper will be developed by the drafting office and NVACP's Office of Consumer Affairs. The paper will outline:

(1) The proposed new program or proposed changes and why they are needed;

(2) Alternative approaches;

(3) The major policy matters and issues involved;

(4) An estimate of the reporting burdens and recordkeeping requirements necessitated by the proposed rule;

(5) The plan for evaluating the rule after it is issued if that plan has already been developed;

(6) The date by which HUD must receive comments if they are to be considered, and;

(7) The name and address of the drafting office staff person to whom comments are to be sent.

OR

(c) *Surveys, panels, forums, hearings.*—When time permits, one or more of the methods listed below will be used by the drafting office to obtain public participation:

(1) Random Consumer Surveys to provide consumers with a relatively simple way to express their opinions to HUD quickly and in a form that can easily be used by HUD policymakers.

(2) Media-based consumer surveys.

(3) Consumer panels, conferences and/or forums.

(4) Public hearings.

AND

(d) *Review of consumer comments.*—The drafting office will ask NVACP to review all comments submitted concerning a particular rulemaking within a two week period. NVACP will use the comments to identify concerns of comsumers that should be addressed in the proposed rulemaking.

(Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d); Executive Order 12044)

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

PATRICIA ROBERTS HARRIS,
Secretary, Department of Housing and Urban Development.

[FR Doc. 78-14620 Filed 5-22-78; 2:08 am]

[6120-01]

AMERICAN BATTLE MONUMENTS COMMISSION

IMPROVING GOVERNMENT REGULATIONS

Draft Report Pursuant to Section 5 of Executive Order 12044

Executive Order 12044 of March 24, 1978 directs Federal agencies to adopt procedures to improve existing and future regulations. Section 5 of the Executive Order directs each agency to prepare a draft report outlining "(1) A brief description of its process for developing regulations and the changes that have been made to comply with this Order; (2) Its proposed criteria for defining significant agency regulations; (3) Its proposed criteria for identifying which regulations require regulatory analysis; and (4) Its proposed criteria for selecting existing regulations that the agency will consider for its initial review". Section 5 also directs Federal agencies to (1) publish the draft report in the FEDERAL REGISTER and (2) transmit the draft report to the Office of Management and Budget.

The following draft report has been prepared in compliance with EO 12044. Citizen comments on the draft report should be addressed to: The Secretary, American Battle Monuments Commission, Washington, D.C. 20314.

All comments should be received by July 21, 1978.

1. PROCESS FOR DEVELOPING REGULATIONS

The Office of the Secretary identifies the need for preparing or revising regulations. Upon determining the need for preparation or revision of regulations, draft regulations are prepared by the appropriate staff director for review and approval by the Secretary for publication in the FEDERAL REGISTER for comment. No changes are required to present procedure to comply with the Executive Order.

2. CRITERIA FOR DETERMINING "SIGNIFICIANT REGULATIONS"

In determining whether regulations will be treated as "significiant regulations", the Commission will apply the following criteria: (a) The type and number of individuals and organizations, United States or foreign, affected; (b) direct and indirect effects of the regulation and (c) the relationship of the regulations to those of other programs and agencies.

3. CRITERIA FOR PREPARING REGULATORY ANALYSIS

The Commission is not engaged in any activity that might have major economic consequences for the general economy, individual geographical regions or levels of government.

4. CRITERIA FOR SELECTING EXISTING REGULATIONS TO BE REVIEWED

In selecting existing regulations to be reviewed to determine whether they are achieving the policy goals of the Executive Order, the Commission shall apply the following criteria: (a) The continued need for the regulation; (b) the type and number of complaints or suggestions received; (c) the burdens imposed on those directly or indirectly affected by the regulations; (d) the need to simplify or clarify language; (e) the need to eliminate overlapping or duplicative regulations; and (f) the length of time since the regulation has been evaluated. The Commission will consider for its initial review to determine whether they are achieving the policy goals of the Executive Order regulations pertaining to: (a) Erection of war memorials outside continental limits of United States; (b) Erection of war memorials in foreign countries by American citizens, states, municipalities, or associations and (c) Erection of memorial monuments, buildings, and headstones in American cemeteries located outside the United States and its territories and possessions.

FRED D. CLARKE, Jr.,
Assistant Secretary.

MAY 18, 1978.

[FR Doc. 78-14637 Filed 5-22-78; 2:56 pm]

[7905-01]

RAILROAD RETIREMENT BOARD

DRAFT REPORT OF THE RAILROAD RETIREMENT BOARD UNDER EXECUTIVE ORDER 12044

In accordance with the directive contained in Executive Order 12044 the Railroad Retirement Board has reviewed its current procedures for the development and adoption of rules and regulations and pursuant to the Executive Order hereby issues this draft report.

The U.S. Railroad Retirement Board is charged with the administration of the Railroad Retirement Act of 1974 (45 U.S.C. § 231, et seq.) and the Railroad Unemployment Insurance Act (45 U.S.C. § 351, et seq.). The Railroad Retirement Act provides for the payment of retirement and disability benefits to retired railroad employees and their spouses and survivors. The Railroad Unemployment Insurance Act provides for the payment of unemployment and sickness benefits to qualified individuals. The primary function of the Board under these two Acts is that of paying benefits to qualified individuals. For the most part, the rules and regulations issued by the Board cover the procedures to be followed by applicants in claiming benefits and by Board employees in adjudicating claims for benefits as well as the substantive requirements for entitlement to benefits.

Under the procedure followed by the Board in the development of rules and regulations prior to this Executive Order, the various bureaus of the Board as well as the Chief Executive Officer and the three-member Board have the authority to suggest that new regulations be developed or that existing regulations be changed. The development of a proposed new or revised regulation is actually conducted by the bureau most directly concerned with the subject matter of the proposed regulation or by the bureau of law. In the development stage there generally is coordination between the developing bureau and any other bureau or bureaus that might be interested in the regulation. When a draft of the proposed regulation has been completed, a copy of the draft is distributed to the various bureaus of the Board together with a request that such bureaus review the proposed draft and submit any comments and suggestions concerning the draft to the developing bureau. Upon receipt of the comments and suggestions from the various bureaus, the developing bureau reviews the comments and makes any changes that would be advisable. The proposed regulations along with the comments received from the other bureaus are then submitted to the Board's Chief Executive Officer who reviews the documents submitted and refers the documents to the three-member Board with his or her recommendations.

The three-member Board is the only body of the Railroad Retirement Board authorized to promulgate regulations. When the Board receives proposed regulations, the Board members review the proposal individually and place the proposed regulations on the agenda of an upcoming meeting of the Board at which the proposal will be considered.

The Railroad Retirement Board, as an agency composed of representatives of the parties to disputes before it, is exempt from the majority of the provisions of the Administrative Procedure Act, including the provisions thereof governing the procedures to be followed in rule making. See 5 U.S.C. § 551(1)(E). Thus, except where specifically directed by statute, the Board is not required to give general notice of proposed rule making by publication of such in the FEDERAL REGISTER 30 days prior to the effective date of the regulation, nor is the Board required to give interested persons the opportunity to comment on proposed rules.

If the Board approves proposed regulations submitted to it, the regulations, as adopted, are forwarded to the FEDERAL REGISTER for publication as final rules.

Having reviewed the procedure outlined above together with the Executive Order, the Board has determined that certain changes would be required in the pre-existing procedure to bring it into compliance with the requirements of the Executive Order. The Board, however, does believe that the pre-existing procedure fulfilled, for the most part, the objectives of the Executive Order as enumerated in Section 1 thereof. By providing for coordination of the various interested bureaus of the Board in the actual development of the proposed regulation, the procedure provides a mechanism for an examination of the need for the regulation and for a review of other alternatives. Further, the makeup of the Board itself, as composed of members representing railroad labor and railroad management and the public, provides for the actual participation in rulemaking by all parties directly interested in the matters considered as regulations.

In accordance with the requirements of the Executive Order, the Board has amended its prior procedure for the development and adoption of regulations as explained below.

Prior to the commencement of the development of any regulation, the Board official proposing the development of a regulation must notify the Board's Chief Executive Officer as to the nature of the proposed regulation, the factors indicating a need for the regulation, and the probable scope and impact of the regulation, if adopted. The Chief Executive Officer must determine, by applying the criteria established by the Board and set out later in this report, whether the proposed regulation constitutes a "significant" regulation.

If the Chief Executive Officer determines that the proposed regulation would not constitute a "significant" regulation within the criteria established by the Board, he or she will then refer the proposal back to the official who submitted it for further development and handling in accordance with the procedure described above as the pre-Executive Order procedure. If, however, the Chief Executive Officer determines that the proposed regulation constitutes a "significant" regulation, he or she must submit the proposal to the three-member Board for its review. Upon receipt of the proposal to develop a "significant" regulation, the three-member Board will review the proposal and the issues or problems to which it is addressed to determine the necessity of a regulation covering such issues or problems. The Board will review the proposal from the standpoint of alternate approaches that could be explored in resolving the issues or problems. In addition, the Board will tentatively establish a plan to be followed in providing notice and obtaining public comment and shall set target dates for completion of the various stages of the development of the regulation. Finally, the Board must review the proposed "significant" regulation to determine whether, applying the criteria established by the Board, a regulatory analysis must or should be made concerning the proposed regulation.

Upon completion of review of the proposal for development of a "significant" regulation, the Board will refer the proposal with its recommendations back to the Chief Executive Officer who will in turn refer the proposal together with all accompanying materials back to the official who submitted it or to the head of the Bureau who he or she feels would be the proper person to conduct the actual development of the regulation.

The actual development and the procedure for submission to the Board of a "significant" regulation will proceed in the same manner as that described earlier in this report as the pre-Executive Order procedure, except that the head of the bureau charged with developing the regulation will provide notice to the public as directed by the Board and will consider and respond to any comments submitted. In addition, the bureau charged with the development of a "significant" regulation for which the Board has determined that a regulatory analysis

should be conducted, will conduct and prepare such an analysis.

In approving a proposed "significant" regulation the three-member Board must, at a minimum, determine that:

(1) The proposed regulation is needed;

(2) The direct and indirect effects of the regulation have been adequately considered;

(3) Alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen;

(4) Public comments have been considered and an adequate response has been prepared;

(5) The regulation is written in plain English and is understandable to those who must comply with it;

(6) An estimate has been made of the new reporting burdens or recordkeeping requirements necessary for compliance with the regulation;

(7) The name, address and telephone number of a knowledgeable agency official is included in the publication; and

(8) A plan for evaluating the regulation after its issuance has been developed.

Following initial approval of a "significant" regulation, the Board shall submit the regulation to the FEDERAL REGISTER for publication therein as a proposed regulation. Except where the Board determines that such would be impossible, the Board will provide the public a period of at least 60 days in which to submit comments concerning the proposed regulation prior to its effective date. Where it would be impossible for the Board to allow a 60-day comment period, the submission of the regulation to the FEDERAL REGISTER will be accompanied by a statement as to the reasons why the 60-day period would be impossible. Where a regulatory analysis was made with respect to a regulation, a brief description of the analysis will be published with the proposed regulation along with information as to the availability of the analysis to the public.

The Board's procedures for the development and adoption of regulations have also been amended to provide for the preparation and publication in the FEDERAL REGISTER at least twice a year of an agenda. This agenda will describe the regulations being developed, the need and legal basis for same, and the status of any proposed regulations previously contained in an agenda.

In accordance with the requirements of the Executive Order the Board has established criteria which must be reviewed, as explained previously, by the Chief Executive Officer in making his or her determination as to whether a given proposed regulation constitutes a "significant" regulation. The criteria established by the Board are as follows:

(1) The type and number of individuals, businesses, organizations, and State and local governments affected;

(2) The compliance and reporting requirements likely to be involved;

(3) Direct and indirect effects of the regulation including the effect on competition; and

(4) The relationship of the regulation to those of other programs and agencies.

The Board has also established criteria which must be applied by it at the time of the initial review of a proposal for the development of a "significant" regulation in order to determine whether a regulatory analysis must be conducted in connection therewith. A regulatory analysis must be conducted in connection with the development of a regulation where the regulation would result in:

(1) An annual effect on the economy of $100 million or more; or

(2) A major increase in the costs or prices for individual industries, levels of government or geographic regions.

The Board may in its discretion direct that a regulatory analysis be conducted with respect to any "significant" regulation.

The Executive Order directs that agencies periodically review existing regulations. Many of the regulations of the Railroad Retirement Board which currently appear in title 20 of the Code of Federal Regulations were promulgated under the Railroad Retirement Act of 1937, which was replaced effective January 1, 1975, by the Railroad Retirement Act of 1974. Thus, many of these regulations, particularly those concerning the computation of and entitlement to benefits, are not current, and are in need of revision. In view of this fact, and in accordance with the directive of the Executive Order, the Board has determined to undertake a complete review of all of its existing regulations over the next two years. In connection with this determination the Board has directed its General Counsel to prepare a report outlining the current state of the regulations with advice as to how the regulations should be revised and reorganized. This report has not been completed at this time. However, it is clear that among the parts of the Board's regulations that will be the subject of the initial review, are Part 208, "Eligibility for an annuity" and Part 225, "Computation of annuity." The review and revision of the Board's existing regulations will follow the same procedures as those followed in the development and adoption of new regulations.

Subsequent to the review of all Railroad Retirement Board regulations in accordance with the Board's determination, the Board, in accordance with the Executive Order, will periodically review the regulations which it has adopted. In selecting which regulations to review the Board will apply the following criteria:

(a) The continued need for the regulation;

(b) The type and number of complaints or suggestions received;

(c) The burdens imposed on those directly or indirectly affected by the regulation;

(d) The need to simplify or clarify language;

(e) The need to eliminate overlapping and duplicative regulations; and

(f) The length of time since the regulation has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the regulation.

The Railroad Retirement Board supports the goals enumerated in the Executive Order and will work with due diligence to attain those goals.

By authority of the board.

Dated: May 16, 1978.

R. F. BUTLER,
Secretary of the Board.

[FR Doc. 78-14619 Filed 5-22-78; 2:07 pm]

[8025-01]

SMALL BUSINESS ADMINISTRATION

REPORT ON REGULATIONS DEVELOPMENT AND REVIEW PROCEDURES IMPLEMENTING EXECUTIVE ORDER NO. 12044 IMPROVING GOVERNMENT REGULATIONS

AGENCY: Small Business Administration.

ACTION: Request for Public Comment.

SUMMARY: The Small Business Administration is issuing this report to obtain public comments on its proposed procedures to implement Executive Order No. 12044 of March 23, 1978 (43 FR 12661). The proposals include procedures for developing new regulations; analyzing alternatives and cost and benefit impacts; revising and improving existing regulations to increase their clarity and effectiveness and reduce their burden; and increasing public participation in regulations development.

DATE: Comments must be received by July 30, 1978.

ADDRESS: Send Comments to William T. Gennetti, General Counsel, Samll Business Administration, 1441 L Street NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT:

Donald W. Farrell, Associate General Counsel, 202-653-6660, Stephen A. Klein, Office of General Counsel, 202-653-6762

SUPPLEMENTARY INFORMATION

The President in issuing Executive Order No. 12044 emphasized its importance to ensure that Government regulations are written clearly in plain English, be developed through a process having early and broad public involvement, have strong accountability by agency heads to see that feasible alternatives have been carefully examined and regulatory burdens reduced to the maximum extent possible, and to comprehensively examine existing agency regulations to revise and reform them to make them clearer, more cost-effective and less burdensome.

SBA, as the agency with primary responsibility for assisting small business, intends to improve its own procedures and regulations to assure that the purposes of the Executive Order are carried out. This involves systematic procedures for developing new SBA regulations and amendments required as a result of program changes, new legislation or to effectuate SBA programs. It also involves revision of existing SBA regulations to make them clearer and better. SBA will carry out the intent of the Executive Order to make its regulations more useful to small business concerns, agency personnel and the public.

In general, SBA in the past has developed its regulations through program offices working with the SBA Office of General Counsel, consulting as necessary with other SBA offices, and obtaining public participation chiefly through comments filed in response to the notice of proposed rulemaking published in the FEDERAL REGISTER. So as to comply with the provisions of the Order, and to better implement its purposes, SBA proposes to establish new procedures for regulations development and review.

All agency proposals for new regulations, amendments or revisions would be developed and reviewed through an SBA process which ensures that

The need for and purposes of the regulation are clearly established;

The Administrator and SBA policy officials exercise effective oversight;

Opportunity exists for early participation and comment by other Federal agencies, State and local governments, businesses, organization and individual members of the public;

Meaningful alternatives are considered and analyzed before the regulation is issued; and

Compliance costs, paperwork and other burdens on the public are minimized.

Working groups would be established chaired by a representative from the appropriate program office and including representatives from the General Counsel's Office and from other interested offices. The working groups would develop and draft the significant agency regulations, which would be reviewed by appropriate SBA offices and by the Administrator. Prior to the development of significant SBA regulations a work plan would be developed and reviewed by the Administrator.

The system will initially be implemented as a working procedure and will be issued as an SBA regulation or an operating directive.

Criteria for significant agency regulations or amendments would be those which:

(1) Require a Regulatory Analysis or impose substantial direct or indirect compliance costs;

(2) Concern a matter on which there is substantial public interest on controversy;

(3) Have significant impact on small business, the public, SBA, the Federal Government, or States and local governments; or

(4) Otherwise involve important SBA policy.

Significant agency proposed and final regulations would be reviewed before they are published in the FEDERAL REGISTER to determine that:

The regulation is needed;

The direct and indirect effects of the regulation have been adequately considered;

Alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen;

Public comments have been considered and an adequate response has been prepared;

The regulation is written in plain English and is understandable to those who must comply with it;

An estimate has been made of the new reporting burdens or recordkeeping requirements necessary for compliance with the regulation;

The name, address and telephone number of a knowledgeable agency official is included; and

A plan for evaluating the regulation after its issuance has been developed.

Proposed regulations which were determined to have a major economic impact would have prepared a draft Regulatory Analysis, involving description of alternatives considered, analysis of their economic effects, and explanation of the reasons for choosing the approach selected in the regulation. Effects on productivity and efficiency, effective and practicable alternatives, direct and indirect compliance costs, administrative costs, and distribution of cost among industries and regions would be considered in evaluating whether a Regulatory Analysis should be made. A Regulatory Analysis would be made if the regulation is likely to impose gross economic costs of $100 million per year on the economy or cause a major increase in costs or prices for individual industries, levels of government or geographic regions. In any event, a Regulatory Analysis would be made by SBA if the Administrator determines that one is appropriate with respect to a particular proposed SBA regulation, revision or amendment. The draft Regulatory Analysis would be available to the public when the proposed regulation is published in the FEDERAL REGISTER, and a final Regulatory Analysis would be prepared and made available to the public when the final regulation is published.

It is planned that there would be established a Regulations Administrative Office under the Deputy Administrator to assist in monitoring and implementing this regulation development and review process. The Regulations Administrative Office would maintain SBA rulemaking dockets including copies of all proposed and final SBA regulations, Public comments and agency studies on such regulation matters, which dockets would be available for public inspection. public comment period upon SBA significant proposed regulations published in the FEDERAL REGISTER would generally be at least 60 days. In the interim period until the Regulations Administrative Office is established, the Office of General Counsel will coordi-

nate compliance with these new SBA procedures.

These procedures also would generally apply to SBA revision of its existing regulations, in accordance with the purposes of the Executive Order. In selecting existing regulations or portions thereof to be reviewed and revised, SBA would consider:

The nature and extent of complaints received regarding the regulation;

The potential for removing or improving burdensome or ineffective requirements;

The need for eliminating conflicts and inconsistencies;

The need for simplification and clarification,

Opportunity for consolidation and better organization of the regulations; and

Changes since the regulation was issued and the length of time since the regulation was last reviewed.

Existing Regulations which SBA is considering for initial review and revision or amendment are the following:

PART 124—PROCUREMENT AND TECHNICAL ASSISTANCE WHICH INCLUDES REGULATIONS REGARDING

The 8(a) program;

Technical and managerial aids program;

Registration of facilities of small concerns;

Procurement assistance coordination and cooperation with other Government agencies;

Subcontract assistance for small concerns;

Certificates of competency; and

Materials and equipment assistance.

The SBA procedures contain provisions to enhance public information and public participation in the regulations development process. An agenda approved by the Administrator would be published at least twice a year of significant SBA regulations under development or review. Wide public notice of rulemaking proposals under development would be made to encourage early and meaningful public opportunity to participate in the SBA regulations development process. Also, consideration would be given to SBA hearings, conferences, and meetings to help narrow or clarify issues and provide additional information.

SBA PROPOSED PLAN FOR REGULATIONS DEVELOPMENT

1. DEVELOPMENT OF SIGNIFICANT REGULATIONS

(a) Before proceeding to the development of a significant SBA regulation or regulation change SBA offices would prepare a work plan. Such work plan would be prepared by the appropriate program office with the assistance of the Office of General Counsel. The work plan would be approved by the policy official having responsibility for the program implementation, prior to its submittal to the Administrator. The work plan would set forth the need for and the objectives of the regulations proposal, the major issues to be considered and the alternative approaches to be explored, minimization of reporting and recordkeeping requirements, plan for public involvement in the development of the regulation, plans for coordination with other SBA offices and other agencies, schedules and target dates, possible issue papers to be prepared, and possible need for policy guidance and a regulatory analysis. The Assistant Administrator for Advocacy and Public Communications would be consulted regarding the plans for early and meaningful public participation. The work plan would be submitted to other interested SBA offices and then to the Administrator. Until the work plan is reviewed by the Administrator, the development of the regulation would not proceed.

(b) A major purpose of the work plan is to explore the issues raised by the regulation proposal. Such consideration would be in the context of closely related SBA regulations and effects on other SBA programs, as well as the immediate issues involved in the regulation proposal. Other effects on small business, competition and major Federal programs and policies would also be considered. Consideration would focus on major issues to be resolved, assignment of responsibilities, and coordination to meet requirements for timely and adequate regulations.

(c) Generally, in the development of significant agency regulations, a working group would be established, chaired by the representative from the appropriate program office and including representatives from the General Counsel's Office and the other interested offices. The working group would draft a proposed regulation (or alternate provisions for such regulations) and develop any supporting material or analysis and explanatory material. Particular attention would be given to a clear and adequate explanatory preamble to the proposed regulation to be published in the FEDERAL REGISTER. The proposed regulation would be approved by the policy official having responsibility for the program implementation, as well as by other interested SBA offices, prior to its submittal to the Administrator.

(d) The proposed regulation would be reviewed to ascertain compliance with the Executive Order, including cost and benefit analysis, plain English writing, optimum selection from among regulatory alternatives, and public participation.

(e) In determining whether a regulation proposal, revision or amendment would have major economic consequences so that a regulatory analysis is required or appropriate, consideration would be given to how the costs and benefits of the proposed regulation can be quantified, in dollar terms or otherwise. Related regulations should be viewed together. Effects on productivity and efficiency, effective and practicable alternatives, direct and indirect compliance costs, administrative costs, and distribution of costs among industries and regions would be considered in evaluating whether a regulatory analysis should be made, and the preferable regulatory approach. A regulatory analysis would be made if the regulation is likely to impose gross economic costs of $100 million per year on the economy; cause a major increase in costs or prices for individual industries, levels of government or geographic regions; or if the Administrator determines in other cases that a regulatory analysis is appropriate. Even if a full regulatory analysis is not deemed necessary, to the extent feasible quantified estimates of costs and burdens would be made to assist policy officials and the Administrator. For the purpose of making a regulatory analysis or evaluation, consultants may be utilized to make necessary studies if SBA or other Government resources are not available but of course SBA responsible officials would weigh the validity and relevance of such studies and information. If a regulatory analysis is made, it would be initially made available for public comment in draft form.

(f) Public comment period upon a significant proposed regulation published in the FEDERAL REGISTER would generally be at least 60 days. SBA would also give the public early and meaningful opportunity to participate in the development of the regulation, including possible public hearings, direct distribution of the proposed regulation to interested persons and organizations, and other appropriate means.

(g) After receipt of public comments, the regulation would be reviewed by the working group which would make any appropriate revisions and explanations of how the comments of the public were considered and treated. The final regulation would be approved by the policy official having responsibility for the program implementation as well as by other interested SBA offices, prior to its submittal to the Administrator.

2. DEVELOPMENT OF NONSIGNIFICANT REGULATIONS

(a) While not subject to certain requirements, SBA minor, routine and technical regulations and regulation changes would be subject to the general policies of the Executive Order and these procedures.

(b) The appropriate program office would prepare such proposed and final nonsignificant regulations with the assistance of the Office of General Counsel and other interested offices. The Regulations Administrative Office would be kept informed of the scope, coordination and progress of all such development of nonsignificant regulations and would be provided copies of such proposed and final regulations. A clear explanation of the purpose and effect of each such proposed and final regulation would be published with it in the FEDERAL REGISTER, along with discussion of alternatives considered and response to any public comments received.

3. REVIEW OF EXISTING REGULATIONS

(a) Existing SBA regulations would be reviewed to determine whether they are achieving the policy goals of the Executive Order and to follow the same SBA procedures as apply for the development of new regulations.

(b) Revisions and changes of existing SBA regulations would be developed under the requirements set forth above; i.e., significant ones would be processed and developed in the same manner as for the development of significant new regulations, and nonsignificant revisions or changes would be processed and developed in the same manner as for the development of nonsignificant new regulations. Substantive and nonsubstantive revision could be considered significant. Work plans would specify the purpose and scope of particular regulation revision projects.

(c) In selecting existing regulations or portions thereof to be reviewed, SBA would consider—

(1) The nature and extent of complaints received;

(2) The potential for removing or improving burdensome or ineffective requirements;

(3) the need for eliminating conflicts and inconsistencies;

(4) the need for simplification and clarification;

(5) opportunity for consolidation and better organization of regulations; and

(6) changes since the regulation was issued and the length of time since the regulations was last reviewed.

4. AGENDA REPORTING REQUIREMENTS

(a) Each office would submit to the Regulations Administrative Office a list of the existing regulations, or portions thereof, which it is recommending for review and possible revocation or revision together with a brief description of the reasons for each selection.

(b) Each office would submit a semiannual Regulations report to the Regulations Administrative Office summarizing each proposed or final regulation or advance notice of proposed rulemaking which that office has under development or review. The report would be submitted to the Regulations Administrative Office by the last working day of June and December each year and supplemented with a bimonthly updating report not later than the last working day of August, October, February, and April. Each report would describe the regulations being considered, whether the regulations are significant or nonsignificant, the need for and legal basis of the action being taken, estimated target dates for completion of steps in the development of such regulations, and the status of regulations previously listed on the agenda. The name and telephone number of a knowledgeable agency official would also be provided for each item in the Report and, if possible, whether a regulatory analysis would be required.

(c) In addition to the information relating to the SBA Regulations Agenda requred by the Executive order to be published in the FEDERAL REGISTER, the Regulations Administrative Office could request offices to provide reports or information necessary in the performance of its functions under this regulation.

5. OPPORTUNITY FOR PUBLIC PARTICIPATION

(a) SBA would take effective steps to assure that the public has early and meaningful opportunity to participate in each significant agency regulation development, revision or amendment, including as appropriate advance notices published in the FEDERAL REGISTER, sending notices of such regulations proposal to publications likely to be read by those affected, and wide notifying of interested parties directly. This would include notification to State and local government and to minority media and organizations. Similar notification would also be made of proposed and final regulation issuance. Consideration would be given to hearings to help narrow or clarify issues and provide additional information.

(b) Each office would review and study additional steps which can be taken to notify interested organizations and individuals that a regulation is under development and to seek their advice and reaction. The Assistant Administrator for Advocacy and Public Communications would assist in such review and study and would have general responsibility for recommending particular procedures which can be adopted to encourage more public participation in the SBA regulation development process, including consideration of measures which have been utilized by other Federal agencies.

COMMENT PROCEDURE

The SBA invites the public to participate in the development of the procedures which will implement the Executive Order by submitting comments to William T. Gennetti, General Counsel, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416. Comments should be submitted so as to be received by SBA not later than July 30, 1978.

Dated: May 22, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-14669 Filed 5-22-78; 3:55 pm]

[7708-01]

DEPARTMENT OF LABOR

Pension Benefit Guaranty Corporation

IMPROVING QUALITY OF REGULATIONS

Draft Report; Statement of Policy—PBGC Procedures

1. PURPOSE

This Statement of Policy is issued in response the the President's Order on improving government regulations (Executive Order 12044). The Statement sets forth objectives for reviewing existing regulations and issuing new regulations; and it establishes procedures for meeting those objectives.

2. POLICY

To simplify and improve the quality of regulations, it is the policy of PBGC that the following objectives be pursued in issuing new regulations and continuing existing regulations:

(a) *Necessity.* A regulation should not be issued or continued in effect unless it is based on a well-defined need to address a specific problem.

(b) *Clarity.* A regulation and any additional material explaining it should be clear and precise; and the entire presentation of the regulation shall be designed so that the regulation can be applied by all who are likely to have to apply it.

(c) *Simplicity.* A regulation should be as short and simple as possible.

(d) *Timeliness.* A regulation should be issued in time to respond to the circumstances that require it; and it should be modified or canceled promptly as those circumstances change.

(e) *Reasonableness.* The direct and indirect effects of the regulation should be adequately considered. Alternative approaches should be reviewed, and the least burdensome of the acceptable alternatives should be chosen.

(f) *Public participation.* In general, a significant regulation (other than a temporarily effective regulation; see 5 U.S.C. 553(b)(B) (1976)) will be issued after allowing time—usually not less than 60 days—for all interested persons to comment on it. When PBGC determines that a 60 day notice period is not feasible or appropriate, the regulation will be accompanied by a brief statement of the reasons for the agency's determination—such as an emergency or a mandatory deadline imposed by the Congress or courts.

3. PUBLIC COMMENT

Written comments may be submitted to the General Counsel, Pension Benefit Guaranty Corporation, Room 7200, 2020 K Street, Washington, D.C. 20006, no later than July 24, 1978. For further information, please call (or send your inquiry to) James L. Parris, Special Counsel, at the same address—telephone 202-254-4873.

4. DEFINITIONS

(a) "Policy Committee" means the committee of PBGC that is composed of the Assistant Executive Director for Policy and Planning, the Director of the Office of Program Operations, and the General Counsel.

(b) "Regulation" includes a proposed regulation, a final regulation, and an amendment of a proposed regulation.

(c) "Significant regulation" means a regulation which—

(i) Concerns a matter on which there is likely to be substantial public interest or controversy;

(ii) Has a significant impact on another Federal agency;

(iii) Otherwise involves important policy of PBGC;

(iv) Requires a regulatory analysis under Paragraph 7 of this memorandum; or

(v) Otherwise is deemed significant.

5. PROCEDURE FOR DEVELOPMENT OF SIGNIFICANT REGULATIONS

(a) Proposals for the development of a regulation will be submitted to the Policy Committee.

(b) The Policy Committee will determine whether a proposal, if and when developed, would constitute a significant regulation; and if so, the Policy Committee will review the following matters and obtain the Executive Director's approval or disapproval of its conclusions and recommendations ("Recommendations"):

(i) The issues to be considered;

(ii) The alternative approaches to be explored;

(iii) A tentative plan for obtaining public comment; and

(iv) Target dates for completion of steps in the development of the regulation.

(c) If the Policy Committee finds that a significant regulation is likely to have a major economic impact, then a regulatory analysis will be prepared. (See Paragraph 7.)

(d) After the final specifications of the regulation have been drafted, they shall be sent to the General Counsel, who will draft the regulation.

(e) The draft of the regulation will be circulated to the agencies with major responsibilities under the Employee Retirement Income Security Act of 1974 (See 29 U.S.C. §§ 1001-1381 (Supp. V 1975)—"ERISA").

(f) If the Executive Director deems it appropriate, the draft regulation also will be sent to the Advisory Committee of PBGC for its advice and comments. In making this determination, the Executive Director will consider the effect of the draft regulation on other issues reviewed by the Advisory Committee and the interest of the Advisory Committee in the problem addressed by the regulation.

(g) After consideration of any comments from the principal ERISA agencies and the Advisory Committee, the draft regulation will be submitted to the Board of Directors of PBGC for approval.

(h) Upon the approval of the Board, the General Counsel will transmit the approved proposed regulation to the FEDERAL REGISTER. The name, address and telephone number of a knowledgeable agency official shall be included in the publication.

(i) When the period for public comment is completed, the Policy Committee will review all comments received and: (i) To the extent necessary, prepare Recommendations for a revision of the regulation; (ii) make an estimate of any new reporting burdens or recordkeeping requirements necessary for compliance with the regulation; and (iii) devolop a plan for evaluating the regulation after its issuance. The General Counsel then will prepare the draft of a final regulation; and following any further review deemed appropriate by the Executive Director, the regulation will be presented to the Board of Directors of PBGC.

(j) Upon final approval by the Board, the General Counsel will transmit the regulation to the FEDERAL REGISTER for publication. The name, address and telephone number of a knowledgeable agency official shall be included in the publication.

6. PROCEDURE FOR DEVELOPMENT OF REGULATIONS THAT ARE NOT SIGNIFICANT

(a) If the proposed regulation is not considered significant by the Policy Committee or the Executive Director, the specifications will be developed without necessarily following the procedures of Paragraph 5(b) above.

(b) When a proposed nonsignificant regulation is published in the FEDERAL REGISTER, the notice will include a statement explaining why the regulation was not considered significant.

7. PROCEDURES FOR REGULATORY ANALYSES

(a) For every significant regulation, the Policy Committee will determine whether it is likely to have a major economic impact. If so, a regulatory analysis will be required.

(b) A significant regulation will be considered likely to have a major economic impact:

(i) if the regulation is likely to impose:

(A) Gross economic costs of $100 million per year, or

(B) A major increase in costs or prices for individual industries, levels of government, or geographic regions; or

(ii) if the regulation is likely to have a major economic impact for any other reason.

In determining whether a regulatory proposal is likely to have a major economic impact, attention should be directed to the effect of the proposal on the existing statutory and regulatory environment, not to the effect the regulation would have on unregulated environment.

(c) The regulatory analysis will consist of a summary and supporting documents. The summary will be prepared under the direction of the Policy Committee, and will include the following:

(i) A concise statement of the problem and the mandate for government action;

(ii) A statement of policy objectives and their relationship to the purposes of Title IV of ERISA;

(iii) A description of the major alternatives, including nonregulatory alternatives, for dealing with the problem and achieving the policy objectives;

(iv) A brief analysis of the economic consequences of each of these alternatives; and

(v) An explanation of the reasons for choosing the preferred alternatives.

(d) When a proposed regulation is published in the FEDERAL REGISTER, the summary portion of any draft regulatory analysis will be included, and the public will be asked to comment on the findings of the analysis. The FEDERAL REGISTER notice will also indicate how members of the public can obtain a copy of any draft regulatory analysis.

(e) After the end of the public comment period, the draft regulatory analysis will be reviewed by the Policy Committee in light of the comments received.

(f) When the final regulation is published in the FEDERAL REGISTER, the summary portion of any final regulatory analysis will be included. The FEDERAL REGISTER notice will also indicate how members of the public can obtain a copy of any final regulatory analysis.

8. SEMIANNUAL REGULATIONS AGENDA

(a) In April and October of each year, PBGC will publish an agenda in the FEDERAL REGISTER of significant regulations under development or scheduled to be reviewed. This agenda will list the name and telephone number of a knowledgeable agency official as the PBGC point of contact for each item on the agenda.

(b) Each published agenda will describe the significant regulations under development or scheduled to be reviewed, the need for and the legal basis for the action being taken, and the status of the regulations previously listed on the agenda. The General Counsel will be responsible for providing statements for the agenda as to the legal basis for the actions being taken. The Policy Committee will determine the basic contents of the agenda and will request various offices of PBGC to supplement the basic contents with any detailed data required. The General Counsel will send the agenda to the FEDERAL REGISTER for publication, after final concurrence by the Policy Committee and approval by the Executive Director.

(c) As a relatively new agency, PBGC has been mainly engaged in the development of new regulations and the amendment of existing regulations based on its experience to date. All final regulations of PBGC that set forth substantive rules or currently effective procedures (except its Bylaws and Freedom of Information regulations) were issued with a date later than September 14, 1975. In these circumstances, the process of developing regulations is more important than the review of existing regulations that are relatively recent. This is particularly true in view of: (i) The limited staff resources of PBGC; and (ii) the fact that extensive legislative amendments of Title IV of ERISA are anticipated during the next few years. For example, Congress has directed PBGC to submit a comprehensive report to it by July 1, 1978, on multiemployer pension plans (including "an explanation of any alternative courses of action which might be taken by the corporation (PBGC) to insure proper coverage of multiemployer plans and the proper financing of the program relating to such plans"). See Pub. L. 95-214, approved December 19, 1977 (91 Stat. 1501).

In the process of developing new regulations to carry out the legislative amendments that may evolve during the next few years, PBGC inevitably will be reviewing existing regulations. But it is difficult to forecast the reviewing process—as distinct from the process for development of regulations under the existing provisions of Title IV of ERISA. Accordingly, the target date for PBGC's first semiannual agenda on regulations being developed will be October 1978; but the target date as to reviewing regulations will be later.

On the basis of the above conditions and assumptions, PBGC's target date for publishing a semiannual agenda with substantial coverage of the reviewing process is October 1980—approximately 5 years after the adoption of PBGC's first final regulation (other than its Bylaws and Freedom of Information regulations) setting forth substantive rules or currently effective procedures.

The primary criteria for placing regulations on the October 1980 semiannual agenda for review will be:

(i) The type and number of suggestions for improvement and modification;

(ii) The existence of legislative amendments to Title IV of ERISA that may require revisions or cancellation; and

(iii) Changed conditions that may require revisions or cancellation.

After the October 1980 semiannual agenda is published, PBGC expects that the following criteria will be used for reviewing regulations:

(i) The continued need for the regulation;

(ii) The type and number of complaints or suggestions received;

(iii) The burdens imposed on those directly or indirectly affected by the regulations;

(iv) The need to simplify or clarify language;

(v) The need to eliminate overlapping and duplicative regulations; and

(vi) The length of time since the regulation has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the regulation.

On the first Monday in October, PBGC will publish in the FEDERAL REGISTER a schedule showing the times during the coming fiscal year when each of the agency's semiannual agendas will be published.

9. EFFECTIVE DATE

This Statement of Policy will be effective upon completion of the following:

(i) Analysis of public comments;

(ii) Revision of the Statement;

(iii) Approval of the Board of Directors of PBGC;

(iv) Approval by the Office of Management and Budget; and

(v) Final publication in the FEDERAL REGISTER.

10. APPLICABILITY

The formal requirements of this Statement of Policy do not apply to any rule making for which a notice of proposed rule making was issued before the effective date of this Statement of Policy. But, the general objectives of this Statement of Policy shall be deemed to be effective immediately.

Issued in Washington, D.C., on May 22, 1978.

MATTHEW M. LIND,
Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 78-14702 Filed 5-22-78; 4:48 pm]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

IMPROVING GOVERNMENT REGULATIONS

Draft Report Pursuant to Section 5 of Executive Order 12044

President Carter has indicated his desire to reduce the regulatory burdens imposed by the Federal Government on the American people. Executive Order 12044 provides that every agency must issue regulations in such a way that they are easily understood by those being regulated, those who benefit, and by the general public.

Section 5 of the Executive Order directs each agency to prepare a draft report outlining "(1) a brief description of its process for developing regulations and the changes that have been made to comply with this Order; (2) its proposed criteria for defining significant agency regulations; (3) its proposed criteria for identifying which regulations require regulatory analysis; and (4) its proposed criteria for selecting existing regulations to be reviewed and a list of regulations that the agency will consider for its initial review". Section 5 also directs Federal agencies to (1) publish the draft report in the FEDERAL REGISTER for comment and (2) transmit the draft report to the Office of Management and Budget.

The following draft report set out in four separate sections is the first step in the Commission's process of adopting "procedures to improve existing and future regulations".

At its meeting on May 19, 1978, the Commission authorized the publication of the draft report in the FEDERAL REGISTER. Comments on the draft report are encouraged and should be addressed to: Peter C. Robertson, Director, Office of Policy Implementation, 2401 E Street NW., Washington, D.C. 20506.

All comments should be received July 24, 1978.

I. Process for Developing Regulations

A. *Commission policy.*—The Commission wants to make the regulatory process effective. In September, 1977, the Commission adopted a reorganization plan for the agency which included the creation of an Office of Policy Implementation which, according to the Commission motion, "is a new office designed to vitalize the regulatory processes of the Commission in the issuance of guidelines, reasonable cause decisions on new matters, interpretations, regulations, the holding of hearings on complex issues and the adoption of resolutions".

B. *Regulation report.*—The Office of Policy Implementation will review either at the request of a Commissioner, the Executive Director, the Steering Committee, the Office of the General Counsel, or some other EEOC office the need for preparing or revising regulations. Once the need for a new or revised regulation is determined, the Office of Policy Implementation will prepare a "regulation report". That report will discuss issues to be considered in developing the proposed regulation, alternative approaches to be explored, a tentative plan for obtaining public comment, and target dates for completion of steps in the development of the regulation. The Office of General Counsel, Legal Counsel Division, will review these reports and resulting regulations for legal sufficiency. When the Steering Committee requests the regulation, it will be reviewed by that Committee and then transmitted to the Commission for review. Regulatory reports will be reviewed by the Steering Committee and then transmitted to the Commission for review through the Executive Director. The Office of Policy Implementation will develop draft regulations in accordance with the approved regulation report. It will also assure that the development of proposed "significant regulations" is listed on the Commission's semiannual agenda of "significant regulations" which will be published in the FEDERAL REGISTER in accordance with Section 2(a) of Executive Order 12044.

C. *Commission approval process.*—Proposed regulations come before the Commission twice: once through authorization to be published for comment in the FEDERAL REGISTER in draft form and, once more, as finally proposed for Commission approval.

D. *Involvement of interested individuals and organizations.*—To the greatest extent possible, the Commission will involve other Federal agencies, state and local governments, businesses, labor unions, organizations and individual members of the public and appropriate civil rights groups early in the process of developing proposed regulations.

Several recent examples will indicate the way in which the Commission plans to implement this commitment. After the Supreme Court issued its opinion in *Hardison* v. *TWA*, —— U.S. ——, 97 S. Ct. 2264, 1977, it appeared to the Commission that there was substantial ambiguity concerning the extent of the employer's obligation to make a reasonable accommodation to the religious needs of his employees. The Commission wanted to consider whether its existing Guidelines on Discrimination because of Religion were adequate to deal with the situation or whether any additional regulation was necessary. It wanted to consider alternate forms of announcing policies in the area. Without making any specific proposal, it issued an announcement in the FEDERAL REGISTER indicating the general nature of the problem and announcing three public hearings at which employers, members of affected religious groups, and members of the general public could present their views on the issue and on the appropriate substance and form of a Commission regulation. Those three public hearings have now been held. More than 80 witnesses have testified and have provided a wide variety of background information on the extent of the problem and have proposed ways of dealing with it. The Commission is now in the process of evaluating the very helpful material which was received during these public hearings. Should the Commission decide that the appropriate way to proceed is by the issuance of a regulation, that will be published in the FEDERAL REGISTER for comment.

Another example of the way the Commission plans to obtain ideas from those affected by its decisions has to do with the involvement of State and local government. Specifically, under Section 709 of the statute, the Commission is authorized to fund state and local anti-discrimination agencies for activities which assist EEOC in the implementation of its responsibilities. Recently it was decided that the standards and criteria by which such funds were spent should be revised. In the past the officials of the various state and local government agencies which were eligible to receive such funds had expressed concern that they were not adequately involved in the preparation of the standards and criteria for funding. Therefore, a plan was developed to assure the maximum possible involvement of those state and local government agencies in the development of the new standards.

The first step was the establishment of a task force composed of employees of the relevant EEOC headquaters offices, EEOC field staff responsible for dealing directly with state and local anti-discrimination agencies, and the chief executive officers of a number of the significant state anti-discrimination agencies which are eligible to receive the funds. This task force prepared a staff discussion paper 40 pages in length. EEOC scheduled a work shop in Albuquerque, New Mexico the week of May 14-18, 1978 to discuss the draft Task Force report. Officials of some 80 state and local anti-discrimination agencies were invited to this conference to discuss the Task Force's report in a series of work shops and to offer recommendations for amendments or additions. This meeting which has just been concluded provided substantial additional information which will help EEOC in developing the final plan. In addition, written comments were invited from the state and local anti-discrimination agencies which were unable to attend the meeting.

II. Criteria for determining "Significant Regulations"

The President's Executive Order requires that agencies establish criteria for determining which regulations are "significant" to their programs and particular constituents and establishes a procedure to be followed in issuing such regulations.

In determining whether regulations will be treated as "significant regulations" the Commission will apply the following criteria:

(1) The type and number of individuals, businesses, organizations, employers, labor unions, or state and local governments affected;

(2) The compliance and reporting requirements likely to be involved;

(3) The impact on the identification and elimination of discrimination in employment; and

(4) The relationship of the proposed regulations to those of other programs and agencies.

III. Criteria for Preparing Regulatory Analysis

Section 3 of the President's Executive Order states that a regulatory analysis will be performed for "significant regulations" which will result in (a) an annual effect on the economy of $100 million or more; or (b) a major increase in cost or prices for individual industries, state and local governments, or other Federal agencies.

A regulator analysis may, in the discretion of the agency, be completed on any proposed significant regulation.

IV. Criteria for Selecting Existing Regulations to be Reviewed

In selecting existing regulations to be reviewed to determine whether they are achieving the policy goals of the Executive Order, the Commission shall apply the following criteria; (a) The continued need for the regulation: (b) the type and number of complaints or suggestions received; (c) the burdens imposed on those directly or indirectly affected by the regulations; (d) the need to simplify or clarify language; (e) the need to eliminate overlapping and duplicative regulations; and (f) the length of time since the regulation has been evaluated or the degree to which technology, ecomonic conditions, or other factors have changed in the time since the original regulation was issued.

V. Regulations for Initial Commission Review

The following is a list of regulations the Commission will consider for its initial review to determine whether they are achieving the policy goals of the Executive Order:

(a) Guidelines on discrimination because of religion.

(b) Part 1602—Records and Reports.

ELEANOR HOLMES NORTON,
Chair.

[FR Doc. 78-14710 Filed 5-22-78; 5:04 am]

[6820-34]

GENERAL SERVICES ADMINISTRATION

PLANS FOR IMPLEMENTING EXECUTIVE ORDER 12044, IMPROVING GOVERNMENT REGULATIONS

Developing, Simplifying, and Reviewing GSA Regulations

AGENCY: General Services Administration.

ACTION: Request for public comments.

SUMMARY: The General Services Administration (GSA) is revising its procedures for developing regulations. The proposed changes follow the guidelines in Executive Order 12044 (43 FR 12661, Mar. 24 1978). We expect that our changed procedures will result in regulations that are written clearly and that enable us to meet our legislative goals without unnecessarily burdening the public.

DATE: Comments are due by July 25, 1978.

ADDRESS: Send comments to: General Services Administration (BRA), Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT:

John T. Gilmartin, Director, Paperwork Management Division, 202-566-0857.

SUPPLEMENTARY INFORMATION: As Administrator of General Services, I am concerned not only with the quality of GSA's regulations, but also with the quality of regulations written by other agencies. We in GSA are responsible, through our National Archives and Records Service, for helping agencies to improve programs for managing their regulation systems. So I am going to make sure that GSA writes better regulations, and I am interested in seeing how other agencies, as they change their procedures to follow the Executive order, take advantage of this opportunity to show you the ways they plan to improve their regulations.

I would like to review some of the methods that we have tried to help agencies get a head start in carrying out the President's regulatory improvement program. The Office of the Federal Register is a part of the National Archives and Records Service. Many agencies send lengthy, vague, and confusing regulations to the FEDERAL REGISTER. Although we must publish these regulations "as is," one of our goals in recent years has been to improve the quality of these regulations. The Office of the Federal Register has increased the frequency of its legal drafting workshops; we now offer one workshop each month. In these workshops we teach agency employees how to write clear, concise, and understandable regulations. In addition, the FEDERAL REGISTER is investigating changes in the format of the documents that agencies submit for publication. We hope that these changes will make the documents easier for you to follow. The FEDERAL REGISTER has already set up a new format for preambles, which requires agencies to present a clear and simple explanation of the document. The Office of the Federal Register also provides personal assistance to agencies in reviewing their procedures for developing regulations and in drafting model regulations.

We have also been working on improving the quality of GSA's regulations. One of our projects is to rewrite the handbook that tells our employees how to write regulations. After we have rewritten the handbook, we will use it as a text in classes designed to teach our employees the techniques of writing clear regulations.

Our specific plans for changing our regulation procedures to follow the guidelines in the Executive order are in the attached document. The document is divided into seven sections. The first section summarizes our organizational structure and defines several terms that we use in the rest of the document. The second section describes the procedures that we are now using to develop regulations, and the third section outlines our plans for changing these procedures. The fourth and fifth sections present our proposed standards for deciding which of our regulations are "significant" and which of our regulations are subject to regulatory analysis procedures. The sixth section explains our proposed criteria for selecting regulations for review, and the final section is a list of the regulations that we are considering for our first review.

We welcome your comments on our proposal, and we will consider them carefully before we send our final proposal to the Office of Management and Budget for approval. I would like to point out that the key to our document is in section 4, which sets standards for deciding which of our regulations are significant. The cost of developing significant regulations will be higher than the cost of developing regulations that are not significant because we will have to spend more time on the significant regulations. The cost of developing regulations is already very high. We considered having every GSA regulation fall into the category of significant, but we decided against this idea because we feel that you, as taxpayers, do not want us to spend unnecessary amounts of time and money developing regulations that you have little or no interest in. On the other hand, you have the right to question why we are proceeding in a certain direction and to help us develop regulations that you are interested in. Frankly, the decision as to which regulations should be subject to the entire Executive order and which should be subject only to the clear writing and review procedures is a difficult one for us to make. For this reason, we particularly welcome your comments on our proposed standards for deciding which regulations are significant.

Dated: May 23, 1978.

JAY SOLOMON,
Administrator of General Services.

ATTACHMENT

SECTION 1. GSA'S STRUCTURE AS IT PERTAINS TO REGULATIONS

GSA is the business manager for Government agencies. Our regulations are designed to help agencies by giving them procedures to follow in areas such as managing their computer operations, making sure that they are prepared to function during emergencies, buying their supplies, managing their records, and getting office space in buildings.

The Administrator of General Services signs all GSA regulations. To help in handling administrative and legal questions are GSA's two staff offices, the Office of Administration, and the Office of General Counsel. GSA's operating arms, which are called services, develop most of our regulations. The five services are the Automated Data and Telecommunications Service, the Federal Preparedness Agency, the Federal Supply Service, the National Archives and Records Service, and Public Buildings Service. Each service and staff office is headed by an official who is directly responsible to the Administrator for carrying out GSA's functions and missions. In this document we will be referring to the seven unit heads as Commissioners, to the seven units as services, and to each office within a service that develops or writes a regulation as the program office.

SECTION 2. PRESENT METHOD OF DEVELOPING REGULATION

Our basic philosophy in developing regulations is that experts in the subject matter should write the regulations, then experts in writing (directives analysts) should review and analyze the regulations before they are issued. Our directives analysts have no special knowledge in the technical fields of the regulations. We feel that the strong point of this type of a system is that the subject matter experts can make sure that the regulations are necessary and technically accurate, and the directives analysts can

see whether the regulations are understandable to individuals who do not have a background in the field covered by the regulations.

We have set up a strict control system to make sure that we meet our target dates for issuing regulations. Our present control system is based on methods we developed in 1952. We overhauled the system in 1971 and again in 1973. We are now using the 1973 system, but we have modified it from time to time to keep pace with changes in our organizational structure and to make sure that our employees are using the latest paperwork management techniques. The heart of the system is a central control unit, which is a part of the Office of Administration. Each of the seven services has a corresponding control unit headed by a clearance officer. The central control unit and the clearance officers work together to help program officers develop and write regulations.

When employees in a program office are ready to start developing a regulation, they are required to discuss the proposal with representatives of each service that is responsible for a regulatory area that might be affected by the proposal. All proposed regulations must be discussed with the Office of General Counsel. After the program office has discussed the proposal with affected services and reached preliminary agreements on what should be included in the regulations, the program office drafts the proposed regulation and sends it to its clearance officer. At this stage of the process, clearance officers have a certain degree of latitude on how to proceed. The minimum requirements for clearance officers follow.

1. Set up a control record for the proposal.

2. Analyze the proposal to make sure that the regulation is necessary and that it does not conflict with or duplicate existing regulations.

3. Make sure that the proposal will be sent for review to affected services within GSA, to other agencies and the public if necessary, to the Office of General Counsel, and to the directives analysts in the central control unit.

4. If the proposal will require someone to fill out a report, make sure that background information and supporting documents have been prepared. (For example, if we want to start a new report that the public will fill out and return to us, we must request permission from the Office of Management and Budget (OMB). OMB will review our request to see whether the report is needed, whether it is unnecessarily burdensome, how many individuals are affected, and similar considerations.)

5. If the proposal calls for a new form, notify the forms experts in the central control unit. (The forms experts will review the proposed form for items similar to the ones for reports.)

6. If the proposal will have a major effect on the quality of the environment, contact our environmental affairs division so that they can make sure the proposal follows rules that have been set up to protect the environment.

7. If the proposal affects State or local governments, make sure that the affected governments are notified and have a chance to comment on the proposal.

(Several services have gone a step further with these minimum requirements by setting up a regulation writing unit in the service. These writing units rewrite the rough draft before sending it to the central control unit and other services for review.)

After the clearance officer has finished steps 1 through 7, he or she decides whether the proposal will be published for public comments in the FEDERAL REGISTER. (Most GSA regulations are exempt from the part of the Aministrative Procedure Act that requires agencies to publish proposed rules. However, we have been publishing proposed rules voluntarily when we think that the public may be interested and when we are not required by the Congress or the courts to meet a specific deadline for our final rules.) If the proposal will be published for comments, the clearance officer sends it to the Commissioner. If he or she approves the proposal, the Commissioner signs it and sends it to the central control unit, which then forwards the document to the FEDERAL REGISTER.

After receiving and evaluating comments from other agencies and the public on its proposal, the program office makes the necessary changes to its draft regulation. The program office sends copies of the revised draft to the clearance officers of the services that might be affected by the regulation, to the Office of General Counsel, and to the central control unit. Each clearance officer who receives a copy of the draft decides which units within the service should comment on the draft. The Office of General Counsel checks to see whether the program office has followed the advice from preliminary discussions and whether the draft has been changed to a point where we are violating a law. The central control unit has a professional editor, who checks the draft for correct word use, punctuation, understandability, and similar items. The editor then gives the draft to the directives analysts in the central control unit. Because these directives analysts review regulations from all of the services, they generally have an overview of GSA's policies, procedures, and functions that a program office, which is concerned mainly with only one regulatory area, cannot be expected to have. From this perspective, the directives analysts evaluate the draft to make sure that the proposal is necessary, does not violate basic GSA policies, does not duplicate or conflict with other GSA regulations or the regulations of other agencies, and can be expected to efficiently and effectively meet its intended objectives.

Each office that received a copy of the draft for review returns its written comments to the program office. The program office evaluates all comments it receives as a result of this clearance process. The program office cannot by itself overrule a comment—if the program office disagrees with a comment, they must contact the commenting office and reach an agreement on the final wording. If the program office and the commenting office cannot reconcile differences, the program office must prepare a paper outlining the differences and send it to the Administrator for a decision.

After employees in the program office adopt or reconcile the clearence comments, they prepare the final draft of the regulation. The final draft is sent to the clearance officer, who again reviews the document to make sure that all outstanding issues have been settled. The clearance officer then sends the document to the Commissioner. Before sending the document forward, the Commissioner must sign a letter that explains why his or her service has developed the regulation. The letter is addressed to the Administrator and contains the following minimum information: The purpose and intended effect of the regulation; its expected impact on GSA, other agencies, and the public; and a summary of comments from other services within GSA, from other agencies, and from the public. Three top GSA officials must read and agree with both the letter and the regulation before they can recommend whether the Administrator should sign the regulation. The director of Administration certifies that the regulation has undergone the clearance procedures and meets all administrative requirements. The General Counsel certifies that the regulation complies with the law. The Deputy Administrator certifies that the regulation is acceptable with respect to Government-wide policy considerations. The Administrator will not sign a regulation until this entire process has been completed.

To make sure that this system functions smoothly, the central control unit periodically visits each service and evaluates the service's regulatory program. The present schedule calls for each service to be evaluated once every 3 years. The central control unit evaluates and recommends improve-

ments in the regulatory program from all paperwork aspects, including forms, reports, and records management. The final report for each evaluation is sent to the Commissioner of the service, who is required to prepare a plan for following recommendations made by the central control unit.

SECTION 3. PROPOSED CHANGES TO THE REGULATION PROCEDURES

Although we feel that our present system is running smoothly, we intend to supplement it in recognition that there are many areas in the system that need to be improved so that we can meet the standards in Executive Order 12044. For regulations that we determine are "not significant," we will follow our present procedures except that:

1. The regulation must follow the policy statements in section 1 of Executive Order 12044. These statements require that regulations be written simply and clearly, that they effectively and efficiently carry out their purposes, and that they do not impose unnecessary burdens.

2. The regulation must be reviewed periodically as explained in section 4 of Executive Order 12044.

3. Each time the regulation is published, it must provide a statement briefly explaining why the regulation is not significant for the purposes of Executive Order 12044.

For significant regulations, we plan to change several of our present procedures. The first area that we plan to change is in providing both to the Administrator and to the public an early warning of proposed regulations. (When we refer to the public in this document we are referring not only to individuals but also to businesses, public and private organizations, and State and local governments.) Before a service begins to develop a significant new regulation, the Commissioner must send to the Administrator a letter that covers the following points:

1. *Issues.* This section describes the important areas that the proposal will cover, such as the problem or circumstances that created the need for action, the objectives of the proposal, the constraints or limitations that might hinder us in effectively implementing the proposal, and whether there is enough money available in our budget to cover the expenses of the proposal.

2. *Alternatives.* The Commissioner will list the possible ways to solve the problem, including whether it might be possible to solve the problem without issuing a regulation.

3. *Plan for public comment.* The Commissioner will explain how we plan to give the public a chance to comment on the proposal or to help us draft the proposed regulation. The Commissioner may use his or her best judgment in deciding which methods to use, but we expect that most plans will include one or more of the following methods: Publishing an advance notice of proposed rulemaking in the FEDERAL REGISTER, holding open conferences or public meetings, sending notices of proposals to publications that are likely to be read by individuals who will be affected, or notifying interested parties directly.

4. *Regulatory analysis.* If it is possible at this point in the process, the Commissioner will state whether an economic evaluation of the proposal will be necessary. The basis for determining whether an evaluation is necessary may be narrative statements of the qualitative aspects of the proposal if quantitative data are not available.

5. *Target dates.* The Commissioner will list each major step in the regulation's development process and the expected date for completing each step.

After notifying the administrator of the plans, each Commissioner also must notify the public of proposals that we are considering. This notification will be in the form of semiannual agendas. On the first Monday in October of each year, we will publish in the FEDERAL REGISTER a schedule that shows the times during the coming year that our regulation agendas will be published. We expect to publish agendas during May (to cover our proposed actions from May through October) and November (covering November through April), but we will publish a special agenda at any time if a Commissioner feels that the public should be informed immediately of a significant regulatory action.

Each service will prepare its own portion of the overall GSA agenda. Each agenda will have four major areas: New regulations, changes to existing regulations, regulations scheduled for review, and status of agenda items previously published. We expect that the first two areas of the agenda will be the ones in which the public is most interested. Therefore, for each proposed new significant regulation and for each substantive change to an existing significant regulation, the service will provide a description of the new regulation or the change; a summary explaining why we are considering issuing a new regulation or a change; our legal authority for issuing this type of regulation; the name, organizational unit, and telephone number of the person to contact for questions on the proposal; and whether a regulatory analysis will be prepared. For the third major area, regulations scheduled for review, the service will describe the regulations that we will be reviewing, include a contact point for answering questions, and provide the date by which we expect to have finished the review. In the fourth area, status of agenda items previously published, the service will list significant accomplishments, deletions, and changes to individual items from the previous agenda and the contact point for each item. After a service has developed its agenda, the Commissioner will send it to the director of Administration. The Director of Administration will ensure that the central control unit consolidates the information from each service's agenda and sends the overall agenda to the Administrator, who will approve the agenda.

Let us assume that a program office has notified the Administrator of a proposed new significant regulation and has prepared the necessary items for the agenda. The program office then proceeds to the discussion stage that is covered under our present method of developing regulations. The changes from our present method are that the discussions will be more highly structured and that the program office will include the public in these discussions as explained in the "plan for public comments" portion of the Administrator's notification letter. The program office will evaluate the alternative approaches that are available to solve the problem by listing the pros and cons for each alternative and will select the least burdensome alternative that will accomplish the regulatory objective. The program office will then prepare a draft of the regulation. The draft must be written in plain English, and it must be understandable to individuals who will be required to comply with the regulation. After drafting the regulation, the program office must evaluate the direct and indirect effects the regulation will have on the public.

The draft regulation will be published as a proposed rule in the FEDERAL REGISTER. The public will have a minimum of 60 days to comment on the proposal. If we cannot allow a full 60 days for comments, our FEDERAL REGISTER preamble will explain why we had to shorten the comment period. If we are required to prepare a regulatory analysis, the preamble will provide a brief description of the regulatory approach that we selected or that we favor, briefly explain the alternatives that we considered, and explain how interested individuals can get a copy of the draft regulatory analysis. At the end of the 60-day comment period, the program office must evaluate each comment on the proposed rule. When the final rule is published in the FEDERAL REGISTER, the preamble will summarize the comments that we received and will provide a response for each group of closely related comments.

The program office then returns to our current procedures by revising its draft and circulating the proposal for comments in our clearance process.

When the final document is ready, the Commissioner will include the following additional information in the letter to the Administrator.

1. The Commissioner will include a statement that the regulation has been prepared in full compliance with GSA procedures for implementing Executive Order 12044.

2. If the regulations requires a new report or new recordkeeping requirements, an enclosure to the letter will summarize the new requirements and the estimated costs for each.

3. If a regulatory analysis was prepared, the Commissioner will provide a copy of the analysis. (The preamble to the FEDERAL REGISTER document will explain how the public may obtain a copy.) The program office will include the following information in each regulatory analysis:

(a) A statement of the problem.

(b) A brief description of each alternative that the program office considered to solve the problem.

(c) A detailed economic evaluation of each alternative, including an analysis of the major costs or other inflationary effects that the regulation will have on the economy, individual industries, geographical regions, or levels of government; an analysis of secondary costs and price effects; and an analysis of likely major changes in employment. If it is not possible to quantify the data, the program office will provide narrative statements explaining the qualitative aspects of the alternatives.

(d) A detailed explanation of the reasons for choosing one alternative over the others.

4. An enclosure to the letter will provide a plan for evaluating the regulation before its first scheduled review. The evaluation should focus on the effect the regulation has on the public and on the problem it was intended to solve.

We expect that our proposed new procedures will help us to write better regulations. For regulations that we have already issued, we plan to set up a review program. Under this program, each of our regulations will be reviewed at least once every 5 years. Each Commissioner will be responsible for making sure that program offices in his or her service review regulations in their areas of responsibility. Each Commissioner will set up a timetable for completing reviews so that the service can schedule them to fit the workload. After a service has reviewed a regulation or a set of regulations, the service will send a report of the review to the central control unit. The central control unit will check the report to make sure that the review was thorough. We will publish our review schedules in our semiannual agendas so that the public know in which areas we are concentrating our regulatory efforts.

Several of our regulations are exempt from these new procedures. Our national security classified regulations are exempt under section 6(b)(2) of the Executive order. Our Federal Procurement Regulations, which are issued in 41 CFR Chapter 1, and our General Services Administration Procurement Regulations, which are issued in 41 CFR Chapters 5A and 5B, are exempt under section 6(b)(4) of the Executive order. Regulations issued by the Administrative Committee of the Federal Register (1 CFR Chapters I and II) are subject to procedures that the Committee develops and therefore are not covered by either our existing system or our proposed changes. In an emergency, a Commissioner may waive any of the new requirements. However, if a Commissioner waives a requirement, the preamble of the FEDERAL REGISTER document will explain why we could not follow the procedures in Executive Order 12044, and the Commissioner's name and title will be provided.

SECTION 4. PROPOSED CRITERIA FOR DEFINING SIGNIFICANT REGULATIONS

A regulation is significant if:

1. The Administrator or the responsible Commissioner decides that it is significant even though it does not meet the criteria in paragraph 2, below; or

2. The program office expects that it will cause an impact that meets or exceeds any of the criteria in subparagraphs (a) through (g), below. In making this determination, the program office will consider both direct (the regulation causes the impact) and indirect (the regulation requires other agencies to issue rules that will cause the impact) effects.

(a) *Costs.* A regulation is significant if it is likely to cause increased costs for consumers; businesses; or Federal, State, or local governments of more than:

(1) $100 million in any 1-year period or $150 million in any 2-year period for the national economy; or

(2) $50 million in any 1-year period or $75 million in any 2-year period for any economic sector, industry, level of government, or geographic region.

The program office also will apply cost impact criteria to proposed new regulations that set standards and specifications that are likely to impact the Federal construction or supply schedules at the dollar levels in subparagraphs (1) and (2), above.

(b) *Productivity.* A regulation is significant if it is likely to result in the cost impacts in subparagraph (a), above, through any of the following:

(1) Reducing or restricting industry (output) capacity or capital investment;

(2) Increasing labor man-hours per unit of output;

(3) Increasing barriers to the substitution of processed or raw material supplies; or

(4) Reducing or restricting the adoption of new technologies, equipment processes, or skills.

(c) *Competition.* A regulation is significant if it is likely to substantially: Lessen competition, restrain market information, increase concentration, or tend to create a monopoly or monopolistic market power in any line of commerce if commerce in the relevant market exceeds $100 million per year.

(d) *Important materials.* A regulation is significant if it is likely to cause in the year of enactment or implementation a substantial increase in demand for or a substantial decrease in supply availability of any important material, product, or service. A substantial change is one that involves more than 5 percent of supply or that is worth $100 million or more. Important materials, products, or services include:

(1) Components of the national stockpile;

(2) Materials or services that the National Security Council determines are critical; or

(3) Materials, services, or products that the Administrator determines are critical.

(e) *Employment.* A regulation is significant if it is likely to result in a change in employment in any one year of 185,000 workers (0.2 percent) at the national level or 10,000 workers at the sector, industry, or State level.

(f) *Energy.* A regulation is significant if it is likely to cause in any one year an increase in demand for or a decrease in supply of petrolium or other forms of energy by 35,000 barrels per day or the equivalent (0.1 percent of daily U.S. consumption).

(g) *Reporting burden.* A regulation is significant if it is likely to cause a public reporting burden for any one report that requires:

(1) Each respondent to spend more than 1 hour in filling out the report; and

(2) A total burden of more than 1 million man-hours per year for respondents to fill out the reports.

SECTION 5. PROPOSED CRITERIA FOR REGULATORY ANALYSES

The program office will prepare a regulatory analysis for each proposed regulation:

1. For which the Administrator or the responsible Commissioner decides a regulatory analysis is necessary; or

2. That is determined to be a significant regulation under the criteria in paragraph 2 of section 4.

SECTION 6. PROPOSED CRITERIA FOR SELECTING REGULATIONS FOR REVIEW

Each Commissioner will ensure that regulations covering material under

his or her areas of responsibility are reviewed at least once every 5 years. The Commissioner may decide which regulations are most in need of review; or the responsible service will select the sequence for reviews by applying the following criteria:

1. The continued need for the regulation;
2. The type and number of complaints or suggestions received;
3. The burdens imposed on those directly or indirectly affected by the regulation;
4. The need to simplify or clarify language;
5. The need to eliminate overlapping and duplicate regulations; and
6. The length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

SECTION 7. LIST OF REGULATIONS TO BE CONSIDERED FOR THE FIRST REVIEW

OFFICE OF ADMINISTRATION

Introduction to the Federal Property Management Regulations. Explanation of GSA's system for issuing regulations concerning agency management of real and personal property and records. Areas covered are the structure of the system, how the regulations are published, and similar administrative details. Contact point: Stanley W. Bowers, Chief, Directives Management Branch, 202-566-0666.

Payments to GSA for supplies and services furnished to Government agencies. General description, with some examples, of GSA's procedures for paying bills. Contact point: John Boyd, Accounting Policy and Programs Division, 202-566-0187.

Annual real property inventories. Detailed instructions to Government agencies for reporting to GSA all real property owned or leased by the U.S. Government through the agencies. Contact point: Frank Blandin, Director, Central Control Division, 202-566-1527.

OFFICE OF GENERAL COUNSEL

Nondiscrimination in programs receiving Federal financial assistance. GSA's procedures for ensuring that when we give financial assistance to a program or an activity, the program or activity does not discriminate against individuals. Contact point: Helen Maus, Administration and Records Division, 202-566-1460.

Freedom of Information Act. Procedures that GSA uses in making our records and information available to the public. Contact point: Rebecca Thompson, Administration and Records Division, 202-566-1460.

Privacy Act. Procedures that GSA follows to collect, use, and disseminate records that contain information about individuals. Contact point: Rebecca Thompson, Administration and Records Division, 202-566-1460.

AUTOMATED DATA AND TELECOMMUNICATIONS SERVICE

Contact point for all items: John F. Stewart, Management Policy and Planning Office, 202-566-0834.

Government-wide automatic data processing (ADP) policy. Covers management, acquisition, and use of automatic data processing by Federal agencies. (This is the information currently published in 34 CFR Part 282.)

Agency payments to telecommunications common carriers. Instructs agencies to inform the common carriers they do business with to provide duplicate telephone bills to GSA.

Essential telephone service during emergencies. Provides for a telephone arrangement so that subscribers with essential emergency functions are not delayed when they make calls from their homes.

Future plans for ADP. Provides procedures and criteria for Federal agencies to follow in planning for automated data and telecommunications systems.

Management and control of computer rooms. Provides guidelines for Federal agencies to follow in managing and controlling their computer rooms.

Listening-in devices. Provides policies concerning the use of these devices by Federal agencies.

FEDERAL SUPPLY SERVICE

Contact point for all items: John I. Tait, Director, Regulations and Management Control Division, 202-557-1914.

Federal Travel Regulations. The Federal Government's policy governing Federal civilian employee travel and relocation allowances.

Criteria for determining method of supply. General criteria for selecting the best methods of supply for agencies to meet their planned requirements.

Use of self-service stores. General policy for agencies to buy their administrative, custodial, and maintenance supplies at stores operated by GSA.

Interagency purchase assignments. Basic policy for interagency purchase assignments within the executive branch of the Government.

Emergency preparedness planning. Policies and procedures for agencies to follow in procuring personal property and nonpersonal services during national emergencies.

Preparation and control of U.S. Government National Credit Cards. Policies and procedures covering agency use of Government credit cards, which are used to get supplies and services for U.S. Government motor vehicles, boats, and small aircraft.

NATIONAL ARCHIVES AND RECORDS SERVICE

Contact point for all items: Adrienne Thomas, Acting Director, Planning and Analysis Division, 202-523-3214.

Access to unclassified records. Description of the restrictions on the use of unclassified archival materials and procedures for requesting access to unclassified archives through the Freedom of Information Act.

Public requests for review of national security information. Description of the procedures for requesting access to national security information and material in the National Archives of the United States.

Access to materials that remain classified. Detailed procedures to be followed by researchers desiring access to classified archival material in NARS custody.

Mandatory review of White House classified materials. Description of the procedures NARS follows in reviewing White House classified archival materials.

Review of national security classified donated historical materials under Executive Order 11652:

Mandatory review of White House classified materials. Information on procedures followed by NARS in responding to requests for White House classified donated historical materials.

Mandatory review of agency classified materials. Details on the procedures followed by NARS in responding to requests for declassification review of agency classified donated historical materials.

PUBLIC BUILDINGS SERVICE

Contact point for all items: A. Gary Barnes, Chief Management Control Branch, 202-566-0412.

Assignment of space. These regulations prescribe the responsibilities and procedures for the assignment of space to Federal agencies and other entities entitled to occupy space in Government-owned and leased buildings.

Relocation assistance and payments. These regulations serve to ensure uniform, fair, and equitable treatment of persons displaced from their homes, businesses, or farms by Federal or federally assisted programs designed for the benefit of the public.

Conduct on Federal property. These rules and regulations apply to all property under charge of GSA and to all persons entering such property. They forbid soliciting, vending, debt collection, gambling, illegal use of drugs and alcohol, and they control traffic, parking, and similar actions.

Utilization of excess real property, These regulations prescribe the polices and methods governing the reporting by executive agencies and utilization by Federal agencies of excess real property, including related personal property.

Surplus real property disposal. These regulations prescribe the policies and methods governing the disposal of real property other than that destroyed, abandoned, or donated to a public body.

FEDERAL PREPAREDNESS AGENCY

Contact point for all items: Dorinda Lowery, Management Analysis Officer, 202-566-1975.

Emergency stabilization regulations. Procedures for stabilizing prices, rents, wages, and salaries.

Civil rights. Procedures for ensuring that programs that receive Federal financial assistance do not discriminate against individuals.

Strategic and critical materials. Procedures and delegations of authority to agencies for releasing vital materials from U.S. stockpiles during an attack on the United States.

Buying supplies and constructing buildings in areas of high unemployment. U.S. policies for placing contracts and facilities in regions of the United States with high unemployment rates.

Defense Mobilization Orders. Policies and procedures for: Building vital facilities in areas that will reduce the risk of damage if we are attacked; making sure our defense production facilities continue to operate if we are attacked or if there is a major disaster; selecting priorities for and allocating materials and facilities for defense production; setting priorities for using U.S. resources after we have been attacked; training and using scientists and engineers for national security purposes; developing programs covering civilian health manpower; setting up a national emergency blood program; supplying materials necessary for defense during a major disaster; providing materials under U.S. Government control to supplement commercial supplies during a major disaster; providing Government-owned industrial plant equipment for use by private industries; stockpiling strategic and critical materials; setting priorities for allocating common use items; and maximizing the use of domestic energy supplies.

Federal Preparedness Circulars and Bulletins. Permanent statements of preparedness policies and programs for Federal departments and agencies

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federal register

THURSDAY, MAY 25, 1978
PART III

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

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ALASKA NATIVE SELECTIONS

Reservations of Public Easements

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 2650]

ALASKA NATIVE SELECTIONS

Reservation of Public Easements

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking

SUMMARY: This proposed rulemaking will implement section 17(b) of the Alaska Native Claims Settlement Act of 1971, and the court decision in *Calista, et al.* v. *Andrus, et al.*, 435 F. Supp. 664 (D.Ak. 1977), by establishing the policy and procedures for the reservation of public easements.

DATE: Written comments must be received on or before June 26, 1978.

ADDRESS: Send comments to: Director (210), Bureau of Land Management, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240. Comments are available for public review in Room 5555 of the above address on weekdays during duty hours (7:45 a.m. to 4:15 p.m.).

FOR FURTHER INFORMATION CONTACT:

Don Argetsinger, Office of the Assistant Secretary, Land and Water Resources, Department of the Interior, Room 6629, 18th and C Streets NW., Washington, D.C. 20240. Telephone: 202-343-4604.

Beaumont McClure, Bureau of Land Management, Department of the Interior, Room 3070, 18th and C Streets NW., Washington, D.C. 20240. Telephone: 202-343-3078.

Neil Bassett, Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska 99501. Telephone 907-277-1561.

SUPPLEMENTARY INFORMATION: Section 17(b) of the Alaska Native Claims Settlement Act (ANCSA), 43 U.S.C. 1616(b), authorizes the Secretary of the Interior, after consultation with the State of Alaska and the Joint Federal-State Land Use Planning Commission, to reserve such public easements across lands selected under ANCSA as he determines are necessary to guarantee access to publicly owned lands and major waterways and to guarantee international treaty obligations. Regulations for public easements were first published on May 30, 1973 (38 FR 14218), as § 2650.4-7 of title 43 of the Code of Federal Regulations.

Subsequently, the Secretary issued Secretarial Orders Nos. 2982 and 2987 (41 FR 6295, February 12, 1976, and 41 FR 11331, March 18, 1976, respectively) which set forth in greater detail additional policy, guidelines, and procedures for the identification and reservation of public easements. Both of these orders were challenged by various groups in separate judicial proceedings. After a change of venue and consolidation of the various proceedings, a decision was rendered by the U.S. District Court in Alaska which voided certain aspects of the Secretary's easement policy (*Calista, et al.* v. *Andrus, et al.*, 435 F. Supp. 664 (D.Ak. 1977)).

As a result of that decision, Secretarial Order 2987 has been revoked by Secretarial Order 3020 (43 FR 19726, May 8, 1978). Secretarial Order 2982 will be revoked by a separate secretarial order which will be promulgated prior to the effective date of finalization of this rulemaking.

The purpose of this rulemaking is (a) to amend §§ 2560.0-5 and 2650-4.7 of title 43 of the Code of Federal Regulations, and (b) to interpret and carry out the decision reached in *Calista, et al.* v. *Andrus, et al.*, 435 F. Supp. 664 (D.Ak. 1977), and the Secretary's decisions of March 3, 1978, by establishing new policy and procedures for reserving public easements in the State of Alaska pursuant to section 17(b) of ANCSA. The State Director, Bureau of Land Management, Alaska, shall be delegated by separate directive the authority of the Secretary of the Interior to determine which public easements are necessary and to reserve such easements for public use.

It is anticipated that this rulemaking will provide a simplified public easement process which will result in expedited interim conveyances and patents of selected lands to the appropriate Native corporations. The easement policies of this rulemaking shall be applied to guarantee public access across lands conveyed to Native corporations pursuant to ANCSA. It is intended that this policy will result in the reservation of a minimal, nonduplicative system of easements. This policy is not intended to preclude the reservation of public easements which are reasonably necessary to guarantee access to publicly owned lands and major waterways.

As determined by the court in *Calista, et al.* v. *Andrus, supra*, the Secretary is bound in his easement choices by the specific criteria found in section 17(b)(1). The court also recognized that Congress was concerned that certain portions of the State which were to remain in the public domain could become inaccessible. In light of that concern, the primary standard for determining which public easements are reasonably necessary for access shall be present existing use. However, a public easement may be reserved absent a demonstration of present existing use if it is necessary to guarantee international treaty obligations, if there is no reasonable alternative route or site available or if the public easement is for access to an isolated tract or area of publicly owned land. Alternative routes of access shall be assessed and reserved where reasonably available to avoid adverse impacts on Native culture, lifestyle, and subsistence needs. The natural environment and other relevant factors shall also be considered.

The court also noted that public easements were not intended to provide the public with the right to use Native lands for recreational purposes. Public easements may be reserved to provide access to recreation and hunting on publicly owned lands; however, easements for recreation on lands conveyed pursuant to ANCSA shall not be reserved. Scenic easements shall not be reserved. Nor shall public easements be reserved to hunt or fish from or on lands (including beds of waterways) which are conveyed pursuant to ANCSA. However, these uses where otherwise possible under law shall not be restricted (e.g., fishing from a boat on the water or fishing while standing on the bed of a waterway which is in Federal, state, or municipal ownership).

In addition to these restrictions, site easements shall not be reserved for future logging or similar operations (e.g., log dumps, campsites, storage, and staging areas). Public easements for roads for future logging or similar operations will be permitted, but only in limited situations. To the extent that sites and roads which are in use for existing logging or similar operations are valid existing rights under ANCSA, they would be protected under sections 14(g) and 17(b)(2). Public easements for future ditches, canals, telephone and telegraph lines, and railroads which are contemplated pursuant to 43 U.S.C. 945 and 43 U.S.C. 975d shall only be reserved if they are necessary for specifically identified purposes.

All public easements which has been previously reserved in interim conveyances or patents shall be reviewed in light of this rulemaking. Appropriate amendatory documents shall be issued as soon as possible to conform those prior interim conveyances or patents to the policy and procedures set forth herein.

Easements solely for private purposes shall not be reserved since they do not fall within the scope of section 17(b) of ANCSA. However, it should be noted that sections 14(g) and 17(b)(2) protect valid existing rights, including those private rights of access which are recognized under existing law.

Public easements in lieu of sites which are used in connection with the administration of Federal, State, or municipal corporation installations

shall not be reserved. Section 3(e)(1) of ANCSA provides the primary mechanism for protecting Federal sites. Public easements, however, may be reserved to provide access to these sites if access is not otherwise provided. Space easements may also be reserved if necessary to insure public safety or to permit proper use of improvements developed for public benefit or use. The appropriate Federal, State, or municipal government(s) and Native corporation(s) are encouraged to use leases, contracts, permits, or other use authorizations to preserve the existing uses of these sites in lieu of asserting rights pursuant to sections 17(b)(2), 14(c), 14(g), or 3(e)(1) of ANCSA.

Future rulemaking will be promulgated to address public easement management.

Implementation of this rulemaking shall be carried out in accordance with ANCSA's mandate which requires maximum participation by the Natives in decisions affecting their rights and property; keeping in mind that ANCSA is, in the first instance, a Native Act which carries the presumption that legal ambiguities will be resolved in favor of the Natives.

It is hereby determined that the publication of this rulemaking does not require a detailed statement pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(c), and that this document does not contain a significant regulatory proposal requiring preparation of a regulatory analysis under Executive Order 12044.

The principal authors of this proposed rulemaking are Don Argetsinger of the Office of the Assistant Secretary—Land and Water Resources, and John W. Burke of the Solicitor's Office, assisted by other staff members of those two offices and personnel from the Bureau of Land Management.

Under the authority of the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.), it is proposed to amend part 2650, group 2600, subchapter B, chapter II, title 43 of the Code of Federal Regulations, by revising §§ 2650.0–5 and 2650.4–7 set forth below.

Subpart 2650—Alaska Native Selections—Generally

* * * * *

§ 2650.0–5 Definitions.

* * * * *

(n) "LUPC" means the Joint Federal-State Land Use Planning Commission for Alaska.

(o) "Major waterway" means any river, stream, or lake which has significant use for transportation (more than casual, sporadic, or incidental use in its liquid state by watercraft) and is part of an important and consistently used transportation route or system for travel between publicly owned lands, between communities, or between communities and publicly owned lands. Float plane use of a waterway must be related to providing access to publicly owned lands in order to qualify as significant transportation use. The waterway must also meet either of the following requirements: (1) Significant commercial use, which means more than casual, sporadic, or incidental use of the waterway for movement of commercial watercraft which are engaged in commercial activities, e.g., float planes, ferries, barges, or other watercraft used to transport goods or people for commerical purposes, including commercial fishing craft, or other floating watercraft common or well suited for commercial use in the locality; or (2) significant resource value, which means those readily identifiable attributes of a specific waterway which are important from the standpoint of human utilization and are used more than casually, sporadically, or incidentally by the public such as recreation, fishing or to the taking of aquatic animals. The existence of water, in and of itself, or scenic values, shall not be considered resource values.

(p) "Present existing use" means use by either the general public which includes both Natives and non-Natives alike or by a Federal, State, or municipal corporation entity on or before December 18, 1976, or the date of selection, whichever is later.

(q) "Public easement" means an easement to guarantee public or government access which includes transportation, communication, space, or utility purposes or to gurarantee international treaty obligations.

(r) "Publicly owned lands" means all Federal, State, or municipal (including borough) corporation lands or interests therein in Alaska, including public lands as defined herein, and submerged lands as defined by the Submerged Lands Act, 43 U.S.C. 1301, et seq.

(s) "State Director" means the State Director, Bureau of Land Managment, Alaska.

* * * * *

§ 2650.4–7 Public easements.

(a) *General requirements.* (1) Only public easements which are reasonably necessary to guarantee access to publicly owned lands or major waterways or to guarantee international treaty obligations shall be reserved.

(2) In identifying appropriate public easements, an assessment must be made of the use and purpose to be accommodated.

(3) The primary standard for determining which public easements are reasonably necessary for access shall be present existing use. However, a public easement may be reserved absent a demonstration of present existing use if it is necessary to guarantee international treaty obligations if there is no reasonable alternative route or site available, or if the public easement is for access to an isolated tract or area of publicly owned land. Alternative routes shall be assessed and reserved where reasonably available to avoid adverse impacts on Native culture, lifestyle, and subsistence needs. The natural environment and other relevant factors shall also be considered.

(4) All public easements which are reserved shall be specific as to use, location, and size. Standard sizes and locations which are delineated in this subsection may be varied only when justified by specific conditions.

(5) Transportation, communication, and utility easements shall be combined wherever possible.

(6) Public easements may be reserved to provide access to present existing Federal, State, or municipal corporation sites; these sites themselves shall not be reserved as public easements. Unless otherwise justified, access to these sites shall be limited to government use.

(7) Scenic easements or easements for recreation on lands conveyed pursuant to the Act shall not be reserved. Nor shall public easements be reserved to hunt or fish from or on lands conveyed pursuant to the Act.

(8) For rivers and streams, designation as a major waterway may be limited to a specific segment of the particular river or stream.

(9) Public easements to be reserved under section 17(b) of the Act shall be identified concurrently with the processing of other land selection requirements mandated by the Act or applicable law or regulations.

(10) The identification of needed easements and major waterways shall include participation by appropriate Natives and Native corporations, LUPC, State, Federal agencies, and others having an interest in easements and waterways.

(11) After reviewing the identified easements needs, the State Director shall tentatively determine which easements shall be reserved. Tentative determinations of major waterways shall also be made by the State Director and shall apply to rivers, streams, and lakes. For lakes, all over 640 acres in size shall be screened to determine if they qualify as major waterways. Those smaller that 640 acres may be considered on a case-by-case basis. The State Director shall then notify all parties that participated in the development of the easement needs and information on major waterways as to the tentative easement reservations.

The Notice of Proposed Easements shall direct that all comments be sent to the LUPC and the State Director.

(12) The State and the LUPC shall be afforded 90 days after notice by the Secretary to make recommendations with respect to the inclusion of public easements in any conveyance. If the State Director does not receive a recommendation from the LUPC or the State within the time period herein called for, he may proceed with his determinations.

(13) Prior to making a determination of public easements to be reserved, the State Director shall review the recommendations of the LUPC, appropriate Native corporation(s), other Federal agencies, the State, and the public. Consideration shall be given to recommendations for public easement reservations which are timely submitted to the Bureau of Land Management or LUPC, as appropriate, and accompanied by written justification.

(14) The State Director, after such review, shall prepare a decision to convey that includes all necessary easements and other appropriate terms and conditions relating to conveyance of the land. If the decision prepared by the State Director is contrary to the LUPC's recommendations, he shall notify the LUPC of the variance(s) and shall afford the LUPC 10 days in which to document the reasons for its disagreement before making his final decision. The State Director shall then issue a Decision to Issue Conveyance (DIC).

(15) The State Director shall terminate a public easement if it is not used for the purpose for which it was reserved by the date specified in the conveyance, or by December 18, 2001, whichever occurs first. He may terminate an easement at any time if he finds that conditions are such that its retention is no longer needed for public use or governmental function. However, the State Director shall not terminate an access easement to isolated tracts of publicly owned land solely because of the absence of proof of public use.

(b) *Transportation easements.* (1) Public easements for transportation purposes which are reasonably necessary to guarantee the public's ability to reach publicly owned lands or major waterways may be reserved across lands conveyed to Native corporations. Such purposes may also include transportation to and from communities, airports, docks, marine coastline, groups of private holdings sufficient in number to constitute a public use, and government reservations or installations. If public easements are to be reserved, they shall:

(i) Be reserved across Native lands only if there is no reasonable alternative route of transportation across publicly owned lands;

(ii) Within the standard of reasonable necessity, be limited in number and not duplicative of one another (nonduplication does not preclude separate easements for winter and summer trails, if otherwise justified);

(iii) Be subject only to permitted uses and specific sizes which shall be placed in the appropriate interim conveyance and patent documents;

(iv) Follow existing routes of travel unless a variance is justified by specifice conditions;

(v) Be reserved for future roads, including roads for future logging operations, only if they are site specific and actually planned for construction within 5 years of the date of conveyance.

(vi) Be reserved in topographically suitable locations whenever the location is not otherwise determined by an existing route of travel;

(vii) Be reserved along the marine coastline only to preserve a primary route of travel between two coastal communities, two publicly owned uplands, or a coastal community and publicly owned uplands;

(viii) Be reserved from publicly owned uplands to the marine coastline only if significant present existing use has occurred on those publicly owned lands below the line of mean high tide. However, for isolated tracts of publicly owned uplands, public easements may be reserved to provide transportation from the marine coastline if there is no other reasonable transportation route;

(ix) Be reserved along major waterways only to provide short portages or transportation routes around obstructions. However, this condition does not preclude the reservation of a trail or road easement which happens to run alongside a waterway;

(x) Not be reserved on the beds of major waterways except where use of the bed is related to road or trail purposes, portaging, or changing the mode of travel between water and land (e.g., launching or landing a boat);

(xi) Not be reserved on the beds of nonmajor waterways except where use of the beds is a segment of a road or trail. However, this exception shall not be used to reserve a continuous linear easement on the streambed to facilitate access by boat.

(xii) Not be reserved simply to reflect patterns of Native use on Native lands;

(xiii) not be reserved for the purpose of protecting Native stockholders from their respective corporations;

(xiv) Not be reserved on the basis of subsistence use of the lands of one village by residents of another village.

(2) Transportation easements shall be limited to roads and trails. The use of these roads and trails shall be controlled by applicable Federal, State, or municipal corporation laws or regulations. The uses stated herein will be listed in the interim conveyance and patent documents as permitted uses of the easement.

(i) The width of a trail easement shall be no more than 25 feet if the uses to be accommodated are for travel by foot, dogsleds, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles;

(ii) The width of a trail easement shall be no more than 50 feet if the uses to be accommodated are for travel by large all-terrain vehicles, track vehicles and 4-wheel drive vehicles, in addition to the uses included under subdivision (i) of this subparagraph;

(iii) The width of an existing road easement shall be no more than 60 feet if the uses to be accommodated are for travel by automobiles or trucks in addition to the uses included under subdivisions (i) and (ii) of this subparagraph. However, if an existing road is wider than 60 feet, the specific public easement may encompass that wider width. For proposed roads, including U.S. Forest Service logging roads, the width of the public easement shall be 60 feet, unless otherwise justified. Prior to construction, trail uses which are included under subdivisions (i) and (ii) of this subparagraph may be permitted if otherwise justified and may continue if the road is not built.

(c) *Site Easements.* (1) Site easements which are related to transportation may be reserved for vehicle parking (e.g., aircraft, boats, cars, trucks), temporary camping, loading or unloading at a trail head, along an access route, or waterway, or within a reasonable distance of a transportation route or waterway where there is a demonstrated need to provide for transportation to publicly owned lands and major waterways. Temporary camping, loading, or unloading shall be limited to 24 hours. Site easements shall not be reserved for recreational use such as fishing, unlimited camping, or other purposes not associated with use of the public easement for transportation. Site easements shall not be reserved for future logging or similar operations (e.g., log dumps, campsites, storage or staging areas). Before site easements are reserved on transportation routes or on major waterways, a reasonable effort shall be made to locate camping or beaching sites on publicly owned lands; particularly, publicly owned lands in or around communities, or bordering the waterways. If a site easement is to be reserved, it shall:

(i) Be no larger than one acre in size and located on existing sites unless a variance is justified, in either instance, by specific conditions;

(ii) Be subject only to permitted uses and specific sizes which shall be placed in the appropriate interim conveyance and patent documents;

(iii) Be reserved in topographically suitable locations whenever there is not an existing site;

(iv) Be reserved on the marine coastline only at periodic points along the coast where they are determined to be reasonably necessary to facilitate transportation on coastal waters or transportation between coastal waters and publicly owned uplands;

(v) Be reserved only at periodic points on major waterways. Uses shall be limited to those activities which are related to travel on the waterway or to travel between the waterway and publicly owned lands. Also, periodic site easements shall be those necessary to allow a reasonable pattern of travel on the waterway;

(vi) Be limited in number and not duplicative of one another;

(vii) Not be reserved simply to reflect patterns of Native use on Native lands;

(viii) Not be reserved for the purposes of protecting Native stockholders from their respective cooperations;

(ix) Not be reserved on the basis of subsistence use of the lands of one village by residents of another village.

(d) *Miscellaneous easements.* (1) The public easements referred to in this subsection which do not fall into the categories above may be reserved in order to continue certain uses of publicly owned lands and major waterways. These public easements shall be limited in number. The identification and size of these public easements may vary from place to place depending upon particular circumstances. When not controlled by applicable law or regulation, size shall not exceed that which is reasonably necessary for the purposes of the identified easement.

(i) Public easements which are for utility purposes (e.g., water, electricity, communications, oil, gas, and sewage) may be reserved and shall be based upon present existing use. Future easements for these purposes may also be reserved, but only if they are site specific and actually planned for construction within 5 years of the date of conveyance;

(ii) Site-specific public easements for future ditches, canals, telephone and telegraph lines and railroads may be reserved only if the easement is necessary for a specifically identified purpose, and special facilities have been planned for construction within 5 years of the date of conveyance, and the necessity to occupy Native lands is fully justified;

(iii) Space easements may be reserved if required to insure public safety or to permit proper use of improvements developed for public benefit or use; e.g., protection for aviation or navigation aids or communications sites;

(iv) Public easements may be reserved to guarantee international treaty obligations or to implement any agreement entered into between the United States and the Native corporation receiving the conveyance. For example, the agreement of May 14, 1974, related to Native Petroleum Reserve Number Four (redesignated June 1, 1977, as the National Petroleum Reserve-Alaska) between the United States Department of the Navy and the Arctic Slope Regional Corporation and four Native village corporations, shall be incorporated in the appropriate conveynces and the easements necessary to implement the agreement shall be reserved.

(e) *Conveyance provisions.* (1) Public easement provisions shall be placed in interim conveyances and patents.

(2) Permitted uses of a specific easement shall be listed in the appropriate conveyance document. The conveyance documents shall include a general provision which states that uses which are not specifically listed are prohibited.

(3) The easements shall be identified on appropriate maps which shall be part of the pertinent interim conveyance and patent.

(4) All public easement shall be reserved to the United States and subject, as appropriate, to further Federal, State, or municipal corporation regulation.

(5) All conveyance documents shall contain a general provision which states that pursuant to section 17(b)(2) of the Act, any valid existing right recognized by the Act shall continue to have whatever right of access as is now provided for under existing law.

Dated: May 19, 1978.

JAMES A. JOSEPH,
Under Secretary.

[FR Doc. 78-14559 Filed 5-24-78; 8:45 am]

Federal Register

THURSDAY, MAY 25, 1978
PART IV

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

■

TRANSPORTATION OF HAZARDOUS WASTE MATERIALS

Proposed Provisions; Hearing

[4910-60]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Parts 171, 172, 173, 174, 175, 176, 177]

[Docket No. HM-145A; Notice No. 78-6]

TRANSPORTATION OF HAZARDOUS WASTE MATERIALS

Proposed Provisions; Hearing

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Hazardous Materials Regulations to specifically address the transportation of hazardous waste materials. The proposal will be considered at a joint EPA-DOT public hearing. The proposed amendments under the Hazardous Materials Transportation Act (HMTA) are necessary to recognize some of the characteristics peculiar to hazardous waste materials to which the Resource Conservation and Recovery Act (RCRA) is directed. The proposed rules would place minor recordkeeping requirements on shippers and transporters of hazardous wastes, would prohibit transportation and delivery to improper treatment, storage, or disposal sites, and would apply to materials listed in the Hazardous Materials Table when shipped as waste, as well as some waste materials not now designated as hazardous by the Department of Transportation (DOT). This proposal is intended to apply to hazardous wastes carried in either interstate or intrastate transportation.

DATE: Comments: Deadline for comments to be announced later (see supplementary information). Hearing: Joint EPA-DOT hearing at 9 a.m. on June 20, 1978, registration between 8:30 and 9 a.m.

ADDRESSES: Comments: Addressed to the Dockets Section, Office of Hazardous Materials Operations, Department of Transportation, 2100 Second Street SW., Washington, D.C. 20590. Comments may be viewed in the Dockets Section, Room 6500, between 9 a.m. and 5 p.m. weekdays. Hearing: At the Holiday Inn, Old Town, 480 King Street, Alexandria, Va., 703-549-6080. Requests to participate in the public hearing should be directed to: Ms. Gerri Wyer, Public Participation Officer, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, Washington, D.C. 20460, 202-755-9157.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The RCRA (Pub. L. 94-580), which amends the Solid Waste Disposal Act (42 U.S.C. 3251 and following), directs the Environmental Protection Agency (EPA) to promulgate standards to be applied to persons generating, transporting, or treating, storing, or disposing of hazardous waste materials. The RCRA specifically directs EPA to promulgate regulations establishing standards applicable to transporters of hazardous wastes, regarding—

(1) Recordkeeping concerning such hazardous waste transported, and their source and delivery points;

(2) Transportation of such waste only if properly labeled;

(3) Compliance with the manifest system * * *; and

(4) Transportation of all such hazardous waste only to the hazardous waste treatment, storage, or disposal facilities which the shipper designates on the manifest form to be a facility holding a permit issued under this subtitle (42 U.S.C. 6923).

The RCRA also requires EPA to publish regulations for generators of hazardous waste, regarding—

(1) Recordkeeping practices [to] identify the quantities of such waste [and] the constituents thereof * * *;

(2) Labeling practices for any containers used for the storage, transport or disposal [to identify the waste];

(3) Use of appropriate containers for such hazardous waste;

(4) Furnishing of information on the general chemical composition of such hazardous waste to persons transporting, treating, storing, or disposing of such wastes;

(5) Use of a manifest system to assure that all such hazardous waste generated is designated for treatment, storage, or disposal in * * * facilities * * * for which a permit has been issued [except on-site facilities] * * *; and

(6) Submission of reports to the Administrator [concerning quantities of hazardous waste generated and its disposition] [42 U.S.C. 6922].

Such transporter regulations as EPA may issue are required by the RCRA to be consistent with DOT regulations under the HMTA (title I of Pub. L. 93-633). However, EPA is authorized to recommend to the Secretary of Transportation changes to existing DOT regulations such as the designation of additional materials as hazardous under the HMTA.

EPA intends to propose generator standards and all other required hazardous waste regulations under subtitle C during the summer of 1978, as they are developed. On April 28, 1978, EPA proposed standards applicable to transporters of hazardous waste and also announced the June 20 public hearing previously noted (43 FR 18506). EPA stated at that time that the comment period for all EPA subtitle C proposals would remain open for at least 60 days beyond the last date of publication. For the same reasons, the deadline for comment on this proposal, to be announced later by DOT, will be at least 60 days after the last notice published by EPA (45 days' notice will be given). Since the RCRA provides 6 months after publication of final transporter standards before they can become effective, 6 months will be provided between publication of any final DOT rule on hazardous wastes and a mandatory effective date (except for waste materials that are hazardous materials under the existing DOT Hazardous Materials Regulations).

The regulations for transportation of hazardous wastes that are proposed herein are largely duplicative of the EPA transporter standards proposal of April 28. Some of the references to 40 CFR part 250 may have to be changed, as those references are now based on the numeration shown in unpublished EPA working drafts of generator standards that may be altered before publication as an EPA notice of proposed rulemaking or final rule. Depending on the results of the DOT proposal, EPA eventually may publish jointly with DOT, modify their own proposal, or adopt forthcoming DOT regulations. EPA and DOT intend to enforce jointly any DOT regulations governing transportation of hazardous waste. The RCRA also provides for State authorization to establish and administer a State hazardous waste program in lieu of an EPA program (42 U.S.C. 6926), so that most of the functions the RCRA assigns to EPA ultimately may be carried out by States authorized for that purpose by EPA.

EPA and DOT held a joint hearing on October 26, 1977, at Des Plaines, Ill., to consider the possible development by DOT of regulations under the HMTA to achieve the goals of the RCRA regarding transporters of hazardous waste. Public comment received as a result of the joint hearing expressed concern with the possibility that compliance with duplicative EPA and DOT regulations could cause inefficiency or confusion and strongly supported the prospect of development of joint EPA-DOT regulations for this purpose. The Materials Transportation Bureau (MTB) believes that the DOT Hazardous Materials Regulations are capable of being modified under the HMTA to address the transportation hazards of waste materials and that the RCRA states the need for such a modification. Development of the necessary regulations under the HMTA can result in essentially a single set of DOT regulations applicable to the transportation of hazardous

materials which include hazardous wastes. Suitable DOT regulation of hazardous waste transportation will eliminate most of the additional and possibly duplicative regulations that would otherwise have to be issued by EPA. However, commenters should note that this DOT proposal is not identical to the April 28 EPA transporter proposal. Some differences of substance exist, and it is probable that some transporter requirements will be published by EPA, notwithstanding any final hazardous waste rules that DOT may issue.

Waste materials differ from virgin materials in several respects that impact transportation. The physical, chemical and biological characteristics of a waste are likely to be more difficult to establish in transportation emergencies than the characteristics of virgin materials which are often known by the commercial uses to which they are put. The mixing of waste materials from different sources increases the difficulty of predicting and communicating the hazard of the resulting mixture. In addition, the shipper of a waste material may have little economic interest in monitoring the transportation and delivery of the waste to a treatment, storage or disposal site. In the case of a hazardous waste, the added costs of proper disposal (for example, high temperature incineration, or deposit in a permitted landfill) may result in the use of less expensive methods of disposal that adversely affect public health and safety. Transportation responsibility is a key element to ensuring proper offsite disposal.

In addressing these problems, the RCRA relies heavily on use of a hazardous waste manifest which resembles hazardous materials shipping papers required by DOT. Unlike hazardous materials shipping papers, the manifest is intended to provide a record of the transportation and delivery for disposal, treatment or storage of a hazardous waste. The accountability provided by the hazardous waste manifest extends to intrastate activity and is intended to ensure transportation to a proper facility prepared to accept the particular hazardous waste consigned to it.

Existing DOT Hazardous Materials Regulations generally do not apply to intrastate highway carriers or shippers. The distinction between inter- and intrastate transportation is much less pronounced in transportation by other modes. Both forms of transportation are regulated in air commerce, most rail carriers operate as interstate carriers, and movement of hazardous materials on the navigable waters of the United States is subject to Coast Guard enforcement activities. In highway carriage, however, there are substantial intrastate carriage operations not presently subject to the Hazardous Materials Regulations.

The HMTA defines "commerce" to include interstate commerce and intrastate transportation that affects interstate commerce (HMTA, § 103(1); see also HM-134, 41 FR 38175, September 9, 1976). The fact that the RCRA applies to all waste transporters, regardless of whether interstate commerce is directly involved, amounts to a finding that intrastate commerce in hazardous wastes affects interstate commerce. The necessity of assured delivery to a permitted disposal facility, as against possible diversion of shipments to improper disposal sites, requires regulation of intrastate movements. To the generator/shipper, or to the carrier of a hazardous waste, it may not be clear whether a given shipment is being offered for interstate or intrastate transportation, since the accompanying shipping paper may show alternate consignee facilities. This uncertainty also may hamper enforcement efforts, if the proposed DOT amendments restricted their application solely to interstate transportation. In view of this, the proposal herein would apply to both interstate and intrastate transportation of hazardous wastes by all modes.

The proposed amendments:

(1) Would apply to the offering, transportation and delivery, both interstate and intrastate, of hazardous waste materials.

(a) *Government agencies.* Existing Hazardous Materials Regulations do not apply to Federal, State or local governments that carry hazardous materials as a part of a governmental function, using government employees and vehicles, but do apply to such agencies that offer hazardous materials for transportation by common or contract carriers. The DOT proposal would apply similarly. Note that the EPA transporter proposal would apply to all governmental agencies, regardless of the nature of their activities.

(b) *Commonwealth of the Northern Mariana Islands.* Due to differences in statutory definitions, the DOT proposal, unlike the EPA transporter proposal, would not apply to the Northern Marianas (49 U.S.C. 1802(5); 42 U.S.C. 6903(31)).

(c) *On-site disposal.* Carriers subject to existing Hazardous Materials Regulations are regulated when traveling on or across any public highway, and the DOT proposal would similarly apply, subject to some EPA exceptions. The EPA transporter proposal would define "on-the-site" treatment, storage or disposal, to which transporter standards would not apply, to include contiguous sites separated only by public or private right[s]-of-way (see EPA proposal, §§ 250.30(b) and 250.31(h)).

(2) Would amend only the DOT Hazardous Materials Regulations. The Federal Motor Carrier Safety Regulations (49 CFR Parts 390-397) would not be extended to include intrastate carriers, even though those regulations were recently incorporated by reference in the Hazardous Materials Regulations at 49 CFR 177.804. Also, this proposal does not address bulk shipment of hazardous materials by vessel, which is governed by Coast Guard regulations at 46 CFR Parts 30-40, 64, 98, 148, and 151.

(3) Would define "hazardous waste" to include presently recognized hazardous materials when shipped as waste, unless not recognized by the EPA as a hazardous waste. In view of their expected identification or listing under the RCRA as hazardous waste, the definition also would include materials shipped as waste, such as soil contaminated with polychlorinated biphenyls, which are not now recognized as hazardous materials. The definition would result in the designation of all hazardous wastes as hazardous materials, althought some hazardous materials shipped as waste might not be hazardous wastes. Hazardous wastes would become a subset of hazardous materials, classed either by a specific entry in the Hazardous Materials Table, or by inclusion in a new ORM-E class (hazardous waste, n.o.s.).

(4) Would prohibit the offering, transportation or delivery of hazardous wastes to sites not sanctioned by the RCRA. With narrow exceptions, a hazardous waste, under this proposal, could be transported only to a site permitted by the EPA or by an authorized State for treatment, storage or disposal of that waste (exceptions include household refuge and small amounts of some wastes that may be excepted by EPA).

(5) Would require additional information on shipping papers. Additional information required to complete a RCRA manifest would have to be entered on hazardous materials shipping papers, or the manifest itself could be used as the shipping paper, provided it meets DOT requirements.

(6) Would allow a greater latitude for use of nonrefillable and reconditionable containers for some hazardous waste shipments.

(7) Would establish a stringent definition of when a container (under 110 gallons) is "empty" for purposes of the DOT Hazardous Materials Regulations generally, with a general placarding exception, and a particular hazardous waste marking exception. Many shipments of "empty" packagings containing residues of a hazardous material would not generally require placarding, and packagings containing a hazardous waste residue would not have to be marked "waste" if the residue is otherwise adequately identified under the Hazardous Materials Regulations.

(8) Would require carriers to submit a telephone report for any improper

hazardous waste discharge, and to submit additional details on the written hazardous materials incident report (form F5800.1) presently required by DOT. Unlike the EPA transporter proposal (§ 250.37)a)), this proposal does not address emergency situations. Existing DOT rules concerning carriers (e.g., 49 CFR 177.823 and .854) and emergency exemptions (49 CFR 107.113) should suffice. Moreover, the DOT proposal does not assign responsibility for cleaning up a spill but rather leaves it to be assigned by State or local law. Note that the EPA transporter proposal would require the carrier to clean up a spill or to take such action as is directed by an appropriate agency (§ 250.37(c)), and would limit reports to accidental discharges (§§ 250.31(j); 250.37(b)).

(9) Would require carriers to retain for three years a copy of each manifest or other document certifying delivery, and would require receipting signatures for shipments of hazardous waste transferred between carriers in any mode (compare the EPA transporter proposal, § 250.35(b)).

(10) Would preempt inconsistent State and local requirements. The HMTA provides in section 112 that any requirement of a State or its political subdivision which is inconsistent with the HMTA or with regulations issued thereunder is preempted. If this proposal is issued as a final rule under the HMTA, it will preempt inconsistent State and local requirements. The proposal contains a provision which specifically addresses preemption of different or additional packaging, marking, labeling and placarding requirements, certain reporting requirements, and certain shipping paper requirements. Note that the RCRA provides for the establishment of authorized State hazardous waste management programs after EPA review, and that a waiver of preemption is possible under the HMTA for qualified State requirements. (see 49 CFR Part 107).

(11) Would not result in a major national economic impact, nor in a major increase in costs or prices for carriers generally, industries that ship hazardous waste, levels of government, geographic regions or specific elements of the population. Required use of specification packaging would be new only to intrastate hazardous waste carriers and their shippers not now required by State or local law to use DOT specification packaging for hazardous materials. This proposal would not require specification packaging for waste materials not presently regulated as hazardous materials. The basis for this conclusion is discussed in somewhat greater detail in an economic evaluation prepared by MTB, and is based in part on a preliminary EPA study entitled "The Economic Impact of the Hazardous Waste Transportation Regulations (section 3003 of the RCRA)" which was prepared by A. D. Little, Inc. Both documents are available for examination in the dockets section at the address previously shown.

(12) Do not require preparation of an Environmental Impact Statement. The transportation rules proposed herein do not directly concern disposal methods the RCRA requires for hazardous wastes and are not expected to have a significant impact on the environment.

Primary drafters of this proposal are Lee Metcalfe, Office of Hazardous Materials Operations, and Douglas Crockett, Office of the Chief Counsel, Research and Special Programs Administration.

Detailed Review by Sections

§ 171.3

Section 171.3 is the basic provision regarding the offering, transportation and delivery of hazardous waste. The proposed rules would apply to all transportation, including intrastate transportation.

The identification of a material as a hazardous waste may result from a shipping paper entry or from actual knowledge by the offerer or transporter. A carrier is not obligated to examine each component of a waste shipment to determine whether it contains a hazardous waste, but he has knowledge that he is being offered a hazardous waste if a material is shown on shipping papers as a hazardous material and is offered for treatment, storage or disposal, or if the carrier, due to the nature of his carriage operation, for example, has adequate reason to be aware that a material so offered is hazardous.

Under paragraph (b), any motor carrier transporting a hazardous waste for which an accompanying manifest is required would have to display the same identification marking on his vehicle that is required by the Federal Motor Carrier Safety Regulations. Note that the EPA transporter proposal would limit this requirement to vehicles that must be placarded or that are carrying more than 1,000 lbs. of a hazardous waste (§ 250.38(b)).

A hazardous waste could be delivered only to a permitted facility unless the exception in paragraph (c)(2) applies. Certain small shipments that EPA anticipates may be shipped without a manifest could go to facilities not holding permits under subtitle C of the RCRA, provided each shipment is offered and transported separately from, and not consolidated with, other hazardous wastes, but note that DOT shipping papers may still be necessary even in the absence of a manifest. Note also that carriers who consolidate individual hazardous waste shipments for delivery to a treatment, storage or disposal site might be subject to EPA requirements as generators of hazardous waste, a circumstance that would occur if different wastes are consolidated so as to change the identity of the resulting composite waste material. Even under existing DOT regulations, if a carrier mixes hazardous materials after acceptance from a shipper in a way that changes the hazards involved, the resulting hazardous material cannot be transported except in compliance with DOT regulations concerning that new material.

Where small shipments not under a manifest are consolidated, and the identity of the resulting mixture is not different from its constituent components, a manifest is not expected to be required for transportation of that mixture (although shipping papers may be), but a manifest may be required by the permitted consignee facility to which the shipment is delivered.

Household refuse and household septic tank pumpings would be excepted from the subchapter by paragraph (d), so that neither the offer of such materials nor their transportation would be regulated by DOT.

Paragraph (e) would state the MTB's intent and opinion regarding preemption of certain categories of State hazardous waste regulations that concern transportation. The Hazardous Materials Regulations generally preempt State and local requirements which are inconsistent with requirements contained in those regulations, a fact that would be equally true of the proposal if published as a final rule. Paragraph (e) is intended to clarify some aspects of the preemptive effects of the proposal. State or local action not addressed in paragraph (e) would still be preempted if inconsistent with requirements of this proposal should it become a final rule under the HMTA.

Section 171.8. Section 171.8 contains proposed definitions related to hazardous waste. Note that the proposed definition of "hazardous waste" is limited to materials that are subject to EPA requirements that are to be specified in 40 CFR Part 250.

Section 171.17. Section 171.17 proposes reporting requirements in addition to those presently specified in §§ 171.15 and 171.16, although compliance with proposed § 171.17 would satisfy the requirements of § 171.15. Telephonic contact with the National Response Center, U.S. Coast Guard, or an EPA regional official at an appropriate regional office would be required when any discharge of a hazardous waste to the environment occurs during transportation. Excluded from the DOT requirement would be telephonic contact when a discharge occurs within the facilities

of a shipper or consignee. (However, the discharge of a substance designated as hazardous by EPA under 40 CFR Part 116 into or upon the navigable waters of the United States is reportable under the Clean Water Act, Pub. L. 92-500, section 311(b)(5)). This proposed exclusion would have no effect on the telephonic notification requirement specified in § 171.15. Under the proposal, it is possible that two telephonic notifications would be required. Paragraph (b) of this section specifies the information to be supplied to the official to whom the report is made, and paragraph (c) specifies reporting requirements in addition to those presently required to be filed on DOT Form F5800.1 under § 171.16. The additional information that would be required may necessitate the filing of supplemental reports if the disposition of a discharged material is not known by the reporter within the 15-day reporting time frame. State reporting requirements for hazardous wastes are limited to duplication of Federal requirements except for immediate notification (see proposed § 171.3).

Section 172.101. Present §§ 172.100 and 172.101 would be combined into a revised and amended § 172.101 in order that the Hazardous Materials Table and the language introducing the table be contained in one section of the regulations. Paragraphs (b) (2) and (3) would be modified to exclude from single mode applicability those materials which are hazardous wastes and to subject those materials to transportation requirements regardless of the mode of transportation involved. Paragraph (c)(8) would be added to specify that a proper shipping name include the word "waste" when the material described is a hazardous waste subject to EPA's requirements in 49 CFR Part 250. Use of this method to appropriately prescribe the proper shipping name for a hazardous waste alleviates the necessity for the addition of hundreds of proper shipping name entries to the Hazardous Materials Table. Only one new shipping name "Hazardous waste, n.o.s.," would be added to the Hazardous Materials Table; the other italicized entries are for cross-reference and referral purposes.

Section 172.200. Section 172.200(b) would be amended to remove the ORM exceptions to the shipping paper requirements when a material being offered or transported is a hazardous waste. Also, an additional entry pertaining to ORM-E materials would be included.

Section 172.201. Section 172.201(c) would be added to require both the name and address of the shipper and the consignee on shipping papers for hazardous wastes. These entries are essential to the establishment of appropriate controls relative to the origin and destination of hazardous wastes.

Section 172.203. Section 172.203 would include a new paragraph (j) requiring the inclusion of the EPA specified name for a hazardous waste when the proper shipping name for a material is specified in § 172.101 by other than its technical name.

Section 172.205. A new § 172.205 would be added concerning the carriage and disposition of hazardous waste manifests to be required by the EPA in 40 CFR 250.22. Note that paragraph (a) requires a receipting signature whenever a shipment is transferred between carriers in any mode (compare EPA proposal, § 250.35(b)). Paragraph (b) provides that a hazardous waste manifest may be used as the shipping paper for a material if it contains all the information required by Part 172, Subpart C.

Section 172.300. Section 172.300 would be amended to specifically reference § 173.29 regarding empty packagings and a paragraph (b) would be added which would require packages of hazardous waste to be marked as required by EPA.

Section 172.306. Section 172.306 would be amended by adding a new paragraph (b) requiring certain packages to be marked with both the name and address of a shipper of a hazardous waste, thereby excluding the option afforded in paragraph (a) of the section which permits the name and address of the shipper or the consignee to be displayed. This provision would parallel proposed § 172.201(c).

Section 172.316. Section 172.316 would be amended to include ORM-E materials in the package marking requirements for ORM's.

Section 172.504. Section 172.504 would be amended by adding a new paragraph (d) to exclude certain packagings containing only the residue of hazardous materials from consideration in determining the applicability of the placarding requirements.

Section 173.2. Section 173.2 would be amended to add ORM-E to the "order of hazards" listing for classification purposes.

Section 173.28. Section 173.28 would be amended to consolidate three paragraphs that contain restrictions pertaining to containers marked NRC and STC which are reused. Paragraph (n) would be amended to include a reference to ORM-E materials regarding reuse of STC marked packagings and a new paragraph (p) would be added to permit the reuse of NRC or STC marked specification packagings for one-time shipments of hazardous wastes under certain specified conditions. Note the first condition stipulates that the material must be packaged "in accordance with this part"; therefore, a flammable liquid, n.o.s. would be packaged in accordance with § 173.119. This reuse authorization for hazardous wastes would not permit any deviation from the packaging requirement of Part 173 except as specifically stated in § 173.28. Proposed paragraph (p)(5) would permit the collection of certain STC marked packagings for reconditioning and reuse in accordance with the regulations if they can be properly requalified under the provisions specified in paragraph (m) of the section.

Section 173.29. Section 173.29 would be amended to require, with certain exceptions, a packaging that contains the residue of a hazardous material to be offered for transportation in the same manner as required when it previously contained a greater quantity of a hazardous material. A similar proposal was made under Docket HM-112 (39 FR 3022, 3095) on January 24, 1974. A number of commenters on that proposal requested that the "empty container" proposal for packagings having capacities of 110 gallons or less be removed from the HM-112 rulemaking action and considered in a separate rulemaking in order to afford commenters additional time to submit appropriate recommendations concerning the handling of so-called "empty packagings." Pursuant to the requests of several commenters, the matter was removed from that rulemaking action; however, no comments or recommendations have been received since that time. In specifying appropriate regulations for hazardous materials and hazardous wastes in connection therewith, the Bureau believes it is essential to deal with the subject of so-called "empty packagings" containing the residues of hazardous materials. Also proposed paragraph (c) would specify that a packaging being discarded would, without any qualification, be considered to contain a hazardous waste if it contains the residue of a hazardous material. The term "[place where it is] to be discarded" does not refer to those facilities where packagings themselves are reprocessed or reconditioned for further use but does include long-term storage facilities. The Bureau is fully aware of the ramifications of its proposed amendments to § 173.29 and solicits constructive comments relative to alternative regulatory requirements that would achieve the same level of safety as proposed in this rulemaking.

Section 173.118a. Section 173.118a would be amended to exclude a combustible liquid from the 110 gallons or less exception when it is a hazardous waste subject to 40 CFR Part 250. Paragraph (b)(1) would be amended to include a reference to hazardous waste manifests. Paragraph (b)(5) would be amended to reference the special reporting requirements in proposed § 171.17.

Section 173.389. Section 173.389 would be amended to restate the definition of radioactive materials to clarify the fact that the definition applies only for purposes of the Hazardous Material Regulations.

Section 173.500. Section 173.500 would be amended to clarify the definition of ORM materials. This clarification is essential to implementation of the ORM-E class which is included in new paragraph (a)(5). Note that the ORM-E definition includes hazardous wastes subject to the regulations of the EPA in 40 CFR Part 250, but is designated so as not to exclude other materials that may be included within this class at a future time.

Section 173.505. Section 173.505(a) would be revised for clarification of the limited quantity exceptions of ORM- A, B, and C materials, since the basic function of the regulations presently stated is to exclude certain materials from specific packaging requirements when they are offered for transportation in packages as Limited Quantities. The proposal is a more coherent restatement of this function.

Section 173.510. Section 173.510 would be amended to exclude the basic packaging requirements of that section from the exceptions specified in § 173.505 and a new paragraph (5) would be added requiring that transport vehicles used to transport ORM materials be free from leaks and that all openings must be securely closed. Of significance is the proposed prohibition against use of open-top freight containers and transport vehicles for bulk shipments. This prohbition would apply to the use of open or tarp-covered dump trucks for the transport of hazardous wastes or any other hazardous material in bulk. Commenters opposed to such a prohibition are invited to submit suggestions concerning appropriate controls for tarp-covered vehicles that would assure compliance with § 173.24.

Section 173.1300. A new Subpart I would be added to Part 173 to address ORM-E materials and a new § 173.1300 would be added to address hazardous wastes, n.o.s. No specific packaging requirements are being proposed in this rulemaking for such materials other than a reference to the basic requirements for ORMs in § 173.510 and Subpart A to Part 173. For example, if a hazardous waste is to be offered for transportation by air, the requirements of § 173.6 in Subpart A would apply. It may be necessary to add specific packaging requirements for certain hazardous wastes (not in any other class according to § 173.2) in the future when they are specifically identified. Paragraph (b) provides an exception under certain conditions.

MODAL PARTS

Sections 174.24 and 176.11 would be amended to exclude hazardous wastes from the exceptions specified for ORM materials.

Sections 174.45, 175.45, 176.48, and 177.807 would be amended to reference proposed new § 171.17 concerning the reporting of discharges involving hazardous wastes.

Section 177.823(b) would be added to include a requirement for motor vehicles transporting hazardous wastes to be marked as specified at 49 CFR 397.21 (b) and (c).

The following table shows the location in this proposal of subjects addressed in the EPA transporter proposal of April 28, 1978 (43 FR 18506):

EPA proposed section[1]	*DOT proposed section*[2]
Sec. 250.30:	
(a)	Sec. 171.3 (a) and (c).
(b) and (c)	No equivalent.
Sec. 250.21, introductory text:	
(a) and (b)	No equivalent.
(c)	Existing sec. 171.8.
(d)	Sec. 171.8.
(e)	Sec. 172.205.
(f) and (g)	Existing sec. 171.8.
(h)	No equivalent.
(i)	Sec. 171.8.
(j) and (k)	No equivalent.
(l) and (m)	Existing sec. 171.8.
Sec. 250.32	Secs. 171.3(b) and 171.17(c)(1).
Sec. 250.33	Sec. 172.205(a)(4).
Sec. 250.34:	
(a), (b), and (c)	Sec. 172.205.
(d)	Sec. 171.3.
(e)	Existing secs. 174.47 and 174.50, 175.90, 176.50, and 177.854.
(f)	Existing sec. 173.21.
Sec. 250.35 (a), (b), (c), and (d).	Sec. 172.205.
Sec. 250.36:	
(a)	Sec. 171.3(c).
(b) and (c)	No equivalent.
Sec. 250.37:	
(a)	Existing secs. 107.11 and 177.823.
(b)	Sec. 171.17.
(c)	No equivalent.
Sec. 250.38:	
(a)	Existing sec. 172.500.
(b)	Sec. 177.823(b).

[1] 40 CFR pt. 250.
[2] 49 CFR pts. 171-177.

In accordance with the foregoing, it is proposed to amend Parts 171, 172, 173, 174, 175, 176, and 177 of Title 49, Code of Federal Regulations, as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. Section 171.3 would be added to read as follows:

§ 171.3 Hazardous waste.

(a) No person may offer for transportation or transport in interstate or intrastate commerce any quantity of a hazardous waste, except in accordance with the requirements of this subchapter.

(b) No person may transport a hazardous waste for which a hazardous waste manifest is required by 40 CFR Part 250 unless—

(1) The carrier's EPA identification code, which may be obtained from EPA or an authorized State, is properly entered on the manifest; and

(2) The carrier's transport vehicle is marked as required by 49 CFR 397.21 (b) and (c).

(c) Except as otherwise provided in this paragraph, no person may consign or deliver a hazardous waste subject to this subchapter to any place other than a permitted facility.

(1) If a person transporting a hazardous waste determines—

(i) That it is not reasonably possible to deliver that waste to a permitted facility, he shall return it to the shipper unless the hazardous waste has been commingled in a single compartment or packaging, or

(ii) That it is not reasonably possible to deliver that waste to a permitted consignee facility, when one is designated on the shipping paper, he may deliver it to another permitted facility otherwise identified by the shipper, provided all copies of the shipping paper are amended to reflect the actual delivery made.

(2) This paragraph does not apply to a shipment of hazardous waste—

(i) For which 40 CFR Part 250 does not require a manifest;

(ii) Which is accepted for transportation at a single shipping location;

(iii) Which is carried only on a transport vehicle that is not carrying any other hazardous waste; and

(iv) Which is delivered to a site not prohibited by local, State, or Federal law from receiving the waste.

(d) Any person who offers for transportation or transports household refuse or household septic tank pumpings generated at the site at which the material is offered is not required to comply with this subchapter, if those materials are not offered or transported with any other hazardous waste.

(e) With regard to a hazardous waste subject to this subchapter, any requirement of a state or its political subdivision is inconsistent with this subchapter if it applies because that material is a waste material and applies differently from or in addition to the requirements of this subchapter concerning:

(1) Packaging, marking, labeling or placarding; or

(2) Format or contents of discharge reports (except immediate reports for emergency response); or

(3) Format of contents of shipping papers, except any additional requirement of the State or locality of consignment which is part of an authorized state hazardous waste management program under 42 U.S.C. 6926.

2. Section 171.8 would be amended to add the following definitions in their proper alphabetical sequence:

§ 171.8 Definitions and abbreviations.

* * * * *

"EPA" means U.S. Environmental Protection Agency.

"'EPA identification code" means the code assigned for identification by EPA or an authorized State under 40 CFR Part 250 to a carrier (transporter) of hazardous waste.

"EPA name" means the name designated by EPA for a specific hazardous waste.

"Hazardous waste" means any material that may pose an unreasonable risk to health, safety, or property when transported in commerce for purposes of treatment, storage, or disposal as waste and which is subject to the EPA requirements specified in 40 CFR Part 250.

"Hazardous waste, n.o.s." means a hazardous waste that does not meet the definition of, nor is designated as being, in any hazard class according to this subchapter other than "ORM-E." (See ORM-E definition in Section 173.500(a) of this subchapter.)

"Permitted consignee facility" means a permitted facility designated on a shipping paper or hazardous waste manifest.

"Permitted facility" means a waste treatment, storage, or disposal facility that has received a permit from EPA or an authorized State Agency in accordance with the requirements of 40 CFR Part 250.

3. Section 171.17 would be added to read as follows:

§ 171.17 Hazardous waste discharge report.

(a) In addition to complying with §§ 171.15 and 171.16, when a discharge (accidental or intentional) of a hazardous waste to the environment occurs during transportation, unless within the facilities of a shipper or consignee, the carrier shall—

(1) Contact by telephone as soon as practicable (day or night) the U.S. Coast Guard National Response Center, toll free, 800-424-8802 (District of Columbia: 426-2675); or

(2) The government official designated in the Regional contingency plan pursuant to 40 CFR 1510 as the on-scene coordinator for the geographic area in which the incident occurs.

(b) Furnish the official to whom the discharge report is made the following information:

(1) Name of person reporting the discharge;

(2) Name and address of carrier represented by person reporting the discharge;

(3) Name and address of hazardous waste generator;

(4) Phone number where reporter can be contacted;

(5) Date, time, and location of incident (indicate polution of land, water, air, or public water supply, if known);

(6) Type of vehicle and mode: motor vehicle, air rail, vessel;

(7) Type of incident (fire, breakage, spillage);

(8) Proper shipping name, hazard class and quantity of hazardous waste involved, to the extent available; and

(9) The extent of injuries, if any.

(c) Enter on DOT Form F5800.1 for the incident—

(1) The carrier's EPA Identification Code in Item B4, and

(2) Information concerning the following in Part H:

(i) If known, location of discharge in relation to surface waters, public water supply, ground water, wildlife habitats, and agricultural production areas;

(ii) Quantity of material removed, disposition of the material; and

(iii) Quantity of unremoved material and disposition (neutralized, etc.).

(d) Compliance with paragraphs (a) and (b) of this section satisfies the requirements of § 171.15(a) and (b) of this subchapter.

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

§ 172.100 [Deleted]

4. Section 172.100 would be deleted. The material in § 172.100 (paragraphs (a) through (h)) would become § 172.101 paragraphs (a) through (h) with the following amendments: The Heading, paragraphs (a), (b)(2) and (b)(3) would be revised; paragraph (c)(8) would be added; the Hazardous Materials Table would be redesignated paragraph (i) and amended as follows:

§ 172.101 Purpose and use of the table; Hazardous Materials Table.

(a) The Hazardous Materials Table set forth in this section constitutes a designation of the materials listed therein as hazardous materials for the purpose of transportation of those materials in commerce. In addition, it classifies and specifies requirements and refers to other requirements set forth elsewhere in this subchapter pertaining to the labeling, packaging and transportation of those materials.

(b) * * *

(2) A: The symbol "A" before a proper shipping name means that the material described in column 2 is subject to the requirements of this subchapter only for transportation by aircraft. This symbol does not apply if the material is a hazardous waste.

(3) W: The symbol "W" before a proper shipping name means that the material described in column 2 is subject to the requirements of this subchapter only for transportation by vessel. This symbol does not apply if the material is a hazardous waste.

(c) * * *

(8) The proper shipping name for a hazardous material that is a hazardous waste subject to the requirements of 40 CFR Part 250 includes the word "Waste" which precedes the name of the material. For example: Waste Turpentine.

* * * * *

(i) *Hazardous Materials Table.*

*/ W/ A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not excepted)	Packaging (a) Exceptions	Packaging (b) Specific requirements	Maximum net quantity in 1 package (a) Passenger carrying aircraft or railcar	Maximum net quantity in 1 package (b) Cargo only aircraft	Water shipments (a) Cargo vessel	Water shipments (b) Passenger vessel	Water shipments (c) Other requirements
(1)	(2)	(3)	(4)	(5)		(6)			(7)	
				ADD						
	Hazardous waste, meeting the definition of one of the hazard classes other than ORM-E, see sec. 171.101(c)(8).									
	Hazardous waste, n.o.s.	ORM-E	None	173.1300	173.1300	Forbidden	550 pounds	1, 2	1, 2	
	Waste, hazardous, see hazardous waste.									

5. In § 172.200 the introductory text of paragraph (b), paragraphs (b)(1), (b)(2), and (b)(3) would be revised; paragraph (b)(4) would be added to read as follows:

§ 172.200 Applicability.

* * * * *

(b) *Applicability to ORM's.* This subpart applies to—

(1) An ORM-A, B or C that is offered or intended for transportation by air when it is subject to the regulations pertaining to transportation by air as specified in § 172.101, or is a hazardous waste; or

(3) An ORM-D that is offered or intended for transportation by air, or is a hazardous waste; or

(4) An ORM-E that is a hazardous waste offered for transportation by a person who is a generator as defined by 40 CFR 250.21.

6. In § 172.201 paragraph (c) would be added to read as follows:

§ 172.201 General entries.

* * * * *

(c) *Name and address of shipper and consignee; hazardous waste.* Each shipping paper for hazardous waste must contain the name and address of the shipper and the consignee.

7. In § 172.203 paragraph (j) would be added to read as follows:

§ 172.203 Additional description requirements.

* * * * *

(j) *Hazardous waste.* When a hazardous waste is described in § 172.101 by other than its technical name, the EPA name for the material shall be included in parentheses following the proper shipping name. For example: Hazardous waste, n.o.s. (Polychlorinated biphenyl contaminated soil), ORM-E.

8. § 172.205 would be added to read as follows:

§ 172.205 Hazardous waste manifest.

(a) The following requirements apply to the Hazardous Waste Manifest when required by 40 CFR 250.22 for hazardous waste transportation:

(1) No less than three copies signed by the shipper and the carrier shall be carried with each shipment to its destination.

(2) Two copies shall be given to the connecting carrier or consignee.

(3) The delivering or transferring carrier shall retain one copy signed by the connecting carrier or consignee acknowledging transfer or dilivery.

(4) The delivering or transferring carrier shall retain for three years his copy of the manifest, or if a copy of the manifest does not accompany the shipment during transportation, a delivery document signed by the connecting carrier or by the consignee containing the following information:

(i) The manifest number;

(ii) The generator's EPA identification code;

(iii) The consignee's EPA identification code; and

(iv) The information required by this subpart except § 172.204.

(5) If a delivering or transferring carrier cannot obtain a singature showing receipt by the consignee or connecting carrier, he shall note on the manifest or delivery document the time and date of delivery, the reason why a receipting signature was not immediately available, and he shall obtain the receipting signature within five working days after delivery.

(b) A Hazardous Waste Manifest, required by 40 CFR 250.22, containing all of the information required by this subpart may be used as the shipping paper.

9. § 172.300 would be revised to read as follows:

§ 172.300 General marking requirements.

(a) Except as provided by this subchapter, each person who offers a package containing a hazardous material for transportation shall mark the package with the proper shipping name required by § 172.101. However, when it has been determined be the shipper that a package has been previously marked as required for the material it contains, it need not be remarked. (For empty packagings see § 173.29 of this subchapter.)

(b) A package containing hazardous waste may not be offered for transportation unless it is marked as required by 40 CFR 250.26.

(c) This section does not apply to portable tanks, cargo tanks, and tanks cars.

10. In § 172.306 the Heading and introductory text of paragraph (a) would be revised; paragraph (b) would be added to read as follows:

§ 172.306 Shipper's or consignee's name and address.

(a) Each package containing a hazardous material (except a hazardous waste), offered for transportation must be marked with the name and address of the shipper or consignee except when the package is—

* * * * *

(b) Each package other than a cargo tank, tank car, or portable tank, containing a hazardous waste must be marked with the name and address of the shipper.

11. In § 172.316 the introductory text of paragraph (a) and paragraph (c) would be revised; paragraph (a)(7) would be added to read as follows:

§ 172.316 Packagings containing material classed as ORM.

(a) Except as provided in § 172.505, each package containing a material classed as ORM- A, B, C, D, or E, must be plainly, durably, and legibly marked on at least one side or end with the appropriate ORM designation immediately following or below the proper shipping name of the material. The appropriate ORM designation must be placed within a rectangle that is approximately ¼ inch (6.3 mm.) larger on each side than the designation. The appropriate designation for each ORM must be:

* * * * *

(7) ORM-E for an ORM-E.

* * * * *

(c) The marking ORM- A, B, C, D, or E is the certification by the person offering the package for transportation that the material is properly described, classed, packaged, marked, and labeled (when appropriate) and in proper condition for transportation according to the applicable regulations of the Department. This form of certification does not preclude the requirement for a certificate on a shipping paper when required by § 172.204.

12. In § 172.504 paragraph (d) would be added following the tables to read as follows:

§ 172.504 General placarding requiremets.

* * * * *

(d) Any packaging having a capacity of 110 gallons or less that contains only the residue of a hazardous material covered by Table 2 in paragraph (c) of this section need not be included in determining the applicability of the placarding requirements.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

13. In § 173.2 paragraph (a)(16) would be added to read as follows:

§ 173.2 Classification of a material having more than one hazard as defined in this part.

(a) * * *

(16) ORM-E.

* * * * *

14. In § 173.28 the introductory text of paragraph (h) and paragraph (n) would be revised; paragraphs (h)(1), (i), and (j) would be deleted; paragraph (p) would be added to read as follows:

§ 173.28 Reuse of containers.

* * * * *

(h) Except as provided in paragraphs (m), (n), and (p) of this section, single-trip containers (marked STC) and nonreusable containers, (marked NRC) subject to the specification requirement of part 178 of this subchapter, from which contents have been removed following use for transportation of any material, may not be used thereafter for the transportation of hazardous materials.

* * * * *

(n) A single-trip packaging (STC) may be reused for the shipment of any corrosive solid, ORM-A, ORM-B, ORM-C, ORM-E, or any material not required by this subchapter to be shipped in a DOT specification packaging and paragraph (m) of this section does not apply to these materials.

* * * * *

(p) Packagings marked NRC or STC according to the specification requirements of part 178 of this subchapter may be reused for the shipment of hazardous wastes subject to the following conditions:

(1) The material is packaged, and each package is marked and labeled in accordance with this part.

(2) Transportation is performed by highway only.

(3) Packages are not offered for transportation less than 24 hours after they are finally closed for transportation, and each package is inspected for leakage immediately prior to being offered for transportation.

(4) Packages are loaded by the shipper and unloaded by the consignee, unless the motor carrier is a private or contract carrier.

(5) The packaging may be used only once under this paragraph and may not be used again for shipment of hazardous materials except in accordance with paragraph (m) or (n) of this section.

15. In § 173.29 paragraph (a) would be revised; paragraphs (b), (c), and (e) would be deleted; paragraph (f) would be redesignated paragraph (b); a new paragraph (c) would be added to read as follows:

§ 173.29 Empty packagings, portable tanks, cargo tanks, and tank cars.

(a) Except as otherwise provided in this section, a packaging having a capacity of 110 gallons or less that previously contained a hazardous material may not be offered for transportation unless offered in the same manner as required when it previously contained a greater quantity of hazardous material.

(1) This paragraph does not apply to a packaging that has been cleaned and purged of all residue or to a packaging refilled with a material that is not subject to this subchapter.

(2) The requirements of § 172.101(c)(8) of this subchapter notwithstanding, the word "waste" does not have to be displayed as a part of the marking required by § 172.300 of this subchapter on a packaging having a capacity of 110 gallons or less that contains only the residue of a hazardous material.

(3) Any packaging having a capacity of 110 gallons or less that contains only the residue of a hazardous material covered by Table 2 of § 172.504 of this subchapter does not have to be included in determining the applicability of the placarding requirements of that section.

(4) Notwithstanding the stowage requirements in Columns (7) (a) and (b) of the Hazardous Materials Table in § 172.101 of this subchapter, for transportation by water, empty drums or empty cylinders not meeting the exception in paragraph (a)(1) of this section may be stowed on deck or under deck. Also, these packagings are not subject to subparts D through O of part 176 of this subchapter.

* * * * *

(c) A packaging that contains the residue of a hazardous material contains a hazardous waste for the purposes of this subchapter if the packaging is offered for transportation to be discarded.

* * * * *

16. In § 173.118a paragraph (a), (b)(1), and (b)(5) would be revised to read as follows:

§ 173.118a Exceptions for combustible liquids.

(a) Unless otherwise stated for a specific material, the regulations in this subchapter do not apply to a material classed as a combustible liquid in a packaging having a rated capacity of 110 gallons or less, except a combustible liquid that is also a hazardous waste subject to 40 CFR part 250.

(b) * * *

(1) Shipping papers, waybills, switching orders, or other billings including hazardous waste manifest;

* * * * *

(5) Reporting incidents as prescribed by §§ 171.15, 171.16, and 171.17 of this subchapter.

17. In § 173.389 paragraph (e) would be revised to read as follows:

§ 173.389 Radioactive materials; definitions.

* * * * *

(e) "Radioactive material" means any material or combination of materials, which spontaneously emits ionizing radiation. Materials in which the estimated specific activity is not greater than 0.002 microcuries per gram of material, and in which the radioactivity is essentially uniformly distributed, are not classed as Radioactive materials under this subchapter.

* * * * *

18. In § 173.500 the introductory text of paragraph (a) would be revised; paragraph (a)(5) would be added to read as follows:

§ 173.500 Definitions.

(a) An Other Regulated Material (ORM) is a material that: (1) may pose an unreasonable risk to health and safety or property when transported in commerce; and (2) does not meet any of the definitions of the other hazard classes specified in this subchapter, or (3) has been reclassed an ORM (specifically or permissively) according to this subchapter. ORM's are divided into classes as follows:

* * * * *

(5) An ORM-E is a material that is not included in any other hazard class, but is subject to the requirements of this subchapter. Materials in this class include—

(i) Hazardous wastes subject to the regulations of the EPA found in 40 CFR part 250.

19. In § 173.505 the introductory text of paragraph (a) would be revised to read as follows:

§ 173.505 Exceptions for other regulated material (ORM).

(a) an ORM of one of the following classes and quantites is not subject to a specific packaging requirement in subparts K, L, or M of this part if there is an exception reference to this section for the material in § 172.101 of this subchapter:

* * * * *

20. In § 173.510 the introductory text of paragraph (a) and paragraph (a)(1) would be revised; paragraph (a)(5) would be added to read as follows:

§ 173.510 General packaging requirements.

(a) In addition to specific packaging requirements, ORM's must be prepared for shipment in compliance with the following:

(1) Each material must be offered for transportation and transported in compliance with subparts B, C, and D of part 172 of this subchapter and subparts A and B of part 173.

* * * * *

(5) Portable tanks, tank cars, cargo tanks, hopper and dump type transport vehicles must be free from leaks and all openings must be securely closed during transportation. Open-

top freight containers and transport vehicles are not permitted for bulk shipments.

21. Subpart O would be added to read as follows:

Subpart O—Other Regulated Material; ORM-E

22. Section 173.1300 would be added to read as follows:

§ 173.1300 Hazardous waste, n.o.s.

(a) Hazardous waste, n.o.s. may not be offered for transportation unless packaged in accordance with § 173.510 and subparts A and B of this part.

(b) Except for § 171.3(c), this subchapter does not apply to a hazardous waste for which a manifest is not required by 40 CFR 250.22.

PART 174—CARRIAGE BY RAIL

23. In § 174.24 paragraph (b) would be revised to read as follows:

§ 174.24 Shipping papers.

* * * * *

(b) This subpart does not apply to a material classed as ORM- A, B, C, or D unless offered for transportation as a hazardous waste subject to 40 CFR part 250.

24. § 174.45 would be revised to read as follows:

§ 174.45 Reporting hazardous materials incidents.

When an incident occurs during transportation in which hazardous materials are involved, a report may be required. See §§ 171.15, 171.16, and 171.17 of this subchapter.

PART 175—CARRIAGE BY AIRCRAFT

25. In § 175.45 paragraph (d) would be added to read as follows:

§ 175.45 Reporting hazardous materials incidents.

* * * * *

(d) Each operator who transports a hazardous waste shall comply with the reporting requirements in § 171.17 of this subchapter, when a discharge of hazardous waste to the environment occurs during transportation.

PART 176—CARRIAGE BY VESSEL

26. In § 176.11 paragraph (e) would be revised to read as follows:

§ 176.11 Exceptions.

* * * * *

(e) Hazardous material classed and shipped as ORM-D is not subject to the requirements of this part unless offered for transportation as a hazardous waste subject to 40 CFR part 250.

27. In § 176.48 paragraph (b) would be revised to read as follows:

§ 176.48 Situation requiring report.

* * * * *

(b) When an incident occurs during transportation in which hazardous materials are involved, a report may be required. See §§ 171.15, 171.16, and 171.17 of this subchapter.

* * * * *

PART 177—CARRIAGE BY PUBLIC HIGHWAY

28. § 177.807 would be revised to read as follows:

§ 177.807 Reporting hazardous materials incidents.

When an incident occurs during transportation in which hazardous materials are involved, a report may be required. See §§ 171.15, 171.16, and 171.17 of this subchapter.

29. In § 177.823 paragraph (b) would be added to read as follows:

§ 177.823 Marking and placarding motor vehicles.

* * * * *

(b) Each motor vehicle transporting hazardous waste may have to be marked. See § 171.3 of this subchapter for marking requirements.

(49 U.S.C. 1803, 1804, 1808, 1811; 49 CFR 1.53(e) and paragraph (a)(4) of appendix A to part 102.)

NOTE.—The Materials Transportation Bureau has determined that this document does not contain a major proposal requiring the preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107 nor an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.).

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

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

[FR Doc. 78-14590 Filed 5-24-78; 8:45 am]

federal register

THURSDAY, MAY 25, 1978
PART V

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

OPERATIONS REVIEW PROGRAMS

Miscellaneous Amendments and Extension of Comment Period

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 16383; Amdt. Nos. 43-19, 61-66, 63-19, 65-23, 91-152, 105-7, 121-143, 123-8, 127-34, 137-7, 145-16, 147-4]

OPERATIONS REVIEW PROGRAM

Amendment No. 4: Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to update and improve regulations concerning aircraft maintenance, airmen certification, general operating and flight rules, parachuting, certification and operation of air carriers and commercial operators, air travel clubs, agricultural aircraft operations, repair stations, and aviation maintenance technical schools. These amendments are part of the Operations Review Program.

EFFECTIVE DATE: June 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. D. A. Schroeder, Safety Regulations Division, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-755-8715.

SUPPLEMENTARY INFORMATION:

HISTORY

These amendments are the fourth in a series of amendments to be issued as a part of the Operations Review Program. The following series of amendments have previously been issued as part of the Operations Review Program:

Title and FR citation
Clarifying and editorial changes (41 FR 47227; October 28, 1976)
Rotorcraft External-Load Operations (42 FR 24196; May 12, 1977 amended by 42 FR 32531; June 27, 1977)
Airspace, Air Traffic and General Operating Rules (to be issued at a later date)

These amendments are based on a notice of proposed rulemaking (Notice 76-28) published in the FEDERAL REGISTER on December 27, 1976 (41 FR 56280). All interested persons have been afforded an opportunity to participate in the making of these amendments and due consideration has been given to all matters presented. A number of substantive changes and changes of an editorial and clarifying nature have been made to the proposed rules based upon relevant comments received and upon further review by the FAA. Except for minor editorial and clarifying changes and the substantive changes discussed below, these amendments and reasons for their adoption are the same as those contained in Notice 76-28.

Five proposals which were contained in Notice 76-28, pertaining to Part 135, Air Taxi Operators and Commercial Operators of Small Aircraft, are not being dealt with here. They will be considered in conjunction with the proposals contained in Part 135 Regulatory Review Program, Notice No. 77-17: Air Taxi Operators and Commercial Operators (42 FR 43490; August 29, 1977).

Amendments to § 121.343(d), § 121.359(e), § 121.703(f), § 127.127(d), and § 127.313(f) were not included in Notice 76-28. Since these amendments are editorial changes which reflect the National Transportation Safety Board's revised regulations, they are included in this amendment.

DISCUSSIONS OF COMMENTS

The following discussion is keyed to the like-numbered proposals contained in Notice 76-28.

Proposal 4-1. One commenter suggested that the word "knowingly" be inserted between "may" and "make" in paragraph (a) of proposed § 43.12 to clarify the intent behind the meaning of the word "fraudulent." The FAA does not believe it is necessary to add the word "knowingly" since the proof of a fraudulent act is based on the person knowingly committing the act. Accordingly, the proposal is adopted without substantive change.

Proposal 4-2. No unfavorable comments were received on the proposal to revised paragraph (b)(2) of Appendix E to Part 43. Accordingly, the proposal is adopted without substantive change.

Proposal 4-3. One commenter recommended clarification of the first paragraph of Appendix F to Part 43 which refers to an additional 3 decibel (db) tolerance allowed to compensate for antenna coupling errors during receiver sensitivity measurements. The commenter states this has been interpreted by some to mean ±1½ db and by others to mean ±3 db. After review, the FAA agrees and the proposed rule is changed by substituting the word "loss" for "tolerance."

After further review of paragraph (a), Appendix F to Part 43, the FAA believes the words "of the system" should be inserted between the words "frequency" and "is" to clarify that the antenna should be used during the transponder frequency check. Accordingly, proposed Appendix F to Part 43 is adopted as proposed except for the revisions discussed above.

Proposal 4-4. One commenter was against extending the effective date of a temporary certificate from 90 days to 120 days and suggested that the FAA's certificate handling facilities should be improved to provide more rapid service. The FAA believes that an addition of 30 days is necessary to handle the numerous applications received and to avoid the need for applicants to obtain renewal of the temporary certificate. The proposed change to § 61.17(a) with respect to inserting the number "120" in place of "90" was also proposed for § 63.13 and § 65.13 (Proposals 4-5 and 4-11 respectively) and commented on as above. Accordingly, proposed §§ 61.17(a), 63.13, and 65.13 are adopted without substantive change.

Proposal 4-5. For a discussion of comments related to the proposal to amend § 63.13 and for the disposition of that proposal, see Proposal 4-4.

Proposal 4-6. A comment was received which discussed matters not proposed in Notice 76-28. This comment is beyond the scope of the notice and cannot be considered without further notice and public participation. For a discussion of comments related to proposed § 63.41(b) and for the withdrawal of that proposal, see Proposal 4-12.

Proposal 4-7. No unfavorable comments were received on the proposal to delete § 63.53 (b) and (c). Accordingly, the proposal is adopted without substantive change.

Proposal 4-8. No unfavorable comments were received on the proposal to amend § 63.57(a) and therefore it is adopted without substantive change. However, the FAA believes the words "any part of" and "except the section on plotting and computing" in § 63.57(b) should be deleted since they are rendered unnecessary by the amendment to § 63.53 (see Proposal 4-7). Accordingly, the words discussed above are deleted from § 63.57(b).

Proposal 4-9. No unfavorable comments were received on the proposal to revise § 63.59 (b) or (c) and the proposal is adopted without substantive change. For comments related to proposed § 63.59(a)(2) and deletion of the phrase "In the case of applicant's first failure" in proposed § 63.59(a)(2), see Proposal 4-12.

Proposal 4-10. Although there were no unfavorable comments to the proposed revision of Appendix A of Part 63, the FAA believes the proposal should be withdrawn since a substantial portion of the rule was inadvertently omitted. Accordingly, the proposal to revise Appendix A of Part 63 is withdrawn.

Proposal 4-11. For a discussion of comments relating to the proposal to amend § 65.13 and for the disposition of that proposal, see Proposal 4-4.

Proposal 4-12. Thirty-nine commenters objected to the proposed amendments to § 65.19. Many com-

menters objected to limiting the number of retests to one within 30 days as proposed in § 65.19(bn) in case of an applicant's first failure. These commenters stated that this restriction would place an unnecessary burden on applicants by increasing the time for certification without a commensurate increase in benefits or safety. Upon further review, the FAA agrees and the phrase "In the case of an applicant's first failure" in proposed § 65.19(b) is deleted.

The proposed change to § 65.19(b) with respect to the phrase "In the case of an applicant's first failure" is identical to the proposed change to §§ 63.41(b) and 63.59(a)(2) in Proposals 4-6 and 4-9 respectively. Accordingly, the proposed change to § 63.41(b) is withdrawn and the proposed change to § 63.59(a)(2) is amended to delete the above phrase.

Several commenters objected to proposed § 65.19(b) because it denied certified ground instructors the privilege of giving additional instruction to applicants in preparing them for retesting. The commenters stated that ground instructors were the only persons, other than flight instructors, who have been tested on their ability to teach various technical subjects. The FAA does not issue ground instructor ratings which are appropriate to teach air traffic control tower operator, aircraft dispatcher, parachute rigger, or mechanic applicants.

Since aviation safety and public interest demands that only persons who have demonstrated their technical knowledge and skill for a particular certificate should be qualified to provide instruction and certify competency for that certificate, the FAA believes the instructor must possess at least the same certificate and rating that the applicant is seeking to obtain. Accordingly, the proposal to amend § 65.19 is adopted as proposed with the revision discussed above.

Proposal 4-13. One commenter believed § 91.8 should be further expanded to include the prohibition against the interference with flight crewmembers before the aircraft is boarded. Since such a prohibition would be difficult to enforce and could give rise to jurisdictional problems, the FAA does not consider this prohibition a proper subject for rulemaking.

One commenter stated that proposed § 91.8(b) could apply to an aircraft owner who might ask the pilot to alter course or change destination. The commenter suggests clarifying the language. Another commenter expressed concern for the proposed wording of § 91.8(b) since it appears that a pilot examiner would be in violation by asking a private pilot applicant to divert from a course during a flight test. This was not the FAA's intent. The prohibition was directed toward unreasonable requirements, such as hijacking or requiring a change under duress. However, after further review, the FAA believes § 91.8(b) is not necessary since these acts are provided for in § 91.8(a). Accordingly, the proposal is adopted with the revisions discussed.

Proposal 4-14. No unfavorable comments were received on the proposal to revise § 91.15(a)(2). Accordingly, the proposal is adopted without substantive change.

Proposal 4-15. No unfavorable comments were received on the proposal to amend § 91.17. Accordingly, the proposal is adopted without substantive change.

Proposal 4-16. No unfavorable comments were received on the proposal to revise § 91.18(a). Accordingly, the proposal is adopted without substantive change.

Proposal 4-17. No unfavorable comments were received on the proposed revision to § 91.43(b). Accordingly, the proposal is adopted without substantive change.

Proposal 4-18. One commenter disagreed with the proposed revision to § 91.52(d)(2) that would require the new expiration date for replacement (or recharge) of the emergency locator transmitter's battery to be entered in the aircraft maintenance record and suggested the use of a placard located inside the cabin as a better solution. The FAA believes that a maintenance record entry is a more reliable method of determining the replacement date than a placard. Accordingly, proposed § 91.52(d)(2) is adopted without substantive change.

Proposal 4-19. Several commenters contended that proposed § 91.73(d) would be too restrictive and does not allow sufficient discretionary authority to the pilot in command as to when the anticollision lights should or should not be lighted. They state that the use of a strobe light as an anticollision light would create an unsafe condition during certain aircraft operation such as taxiing, takeoff and landing, if the pilot did not have the option to turn it off except during adverse meteorological conditions.

In light of these comments and upon further review, the FAA agrees that there are instances when the use of a high intensity anticollision light could induce vertigo and cause spatial disorientation. Accordingly, § 91.73(d) is revised to provide that the pilot in command may turn off the anticollision lights at any time in the interests of safety.

Proposal 4-20. One commenter does not believe the word "nearest" in proposed § 91.83(d) conveys the operational procedure presently used by the FAA, and suggested it be changed. In light of this comment, and after further review, the FAA believes that any restrictive term is unnecessary and could possibly discourage the filing of flight plans. Accordingly, the words "the nearest" in proposed § 91.83(d) are deleted and the word "an" inserted.

Proposal 4-21. One commenter objected to the wording of proposed § 91.173 on the ground that it places an unwarranted burden on the owner or operator to determine such items as revision date, airworthiness directive (AD) number, and if an AD involves recurring action, the time and date when the next action is required. The commenter further stated that § 91.173 places responsibility on the owner or operator for the content of Part 43 maintenance record entries made by persons authorized by the FAA.

The FAA believes that the owner or operator should be responsible for the retention of the required maintenance records for the specified periods and furnish such records to the person authorized by the FAA to accomplish the work. The FAA believes that the owner or operator should also ensure that the appropriate information as prescribed in § 91.173 is entered in the maintenance records. The intent of the proposal is to require the retention of more specific information relating to ADs and their compliance. In addition, each person authorized to perform the maintenance is only responsible for the content of the required record entries. Accordingly, the proposed revisions to § 91.173 (a), (b), and (a)(2)(v) and the addition of new (b)(3) are adopted without substantive change.

Proposal 4-22. One commenter who supported the proposed § 91.189(b)(5) suggested that attachment points for the lifeline be permanently installed on the wings of the aircraft. The FAA believes current § 25.1411(g) adequately covers lifeline attachment. Accordingly, proposed § 91.189(b)(5) is adopted without substantive change.

Proposal 4-23. The only public comment received on the proposal to amend paragraph 2(a)(7) of Appendix A to Part 91 recommended that radio altimeters be included in the proposed requirement but gave no further explanation. Since radio altimeters have markings at 20 feet or less intervals, the FAA believes that no reason exists at this time to include them in this amendment. Accordingly, the proposal is adopted without substantive change.

Proposal 4-24. No unfavorable comments were received on the proposal to revise § 105.15(b). Accordingly, the proposal is adopted without substantive change.

Proposal 4-25. One commenter supported proposed § 105.33 (a) and (b) providing adequate exceptions exist for emergency situations, but did not state what type of exceptions he was referring to.

Another commenter contends that a light should not be displayed during free-fall because such a light decreases night vision and could possibly induce vertigo or spatial disorientation.

The FAA does not believe that such a light would significantly decrease night vision and induce vertigo or spatial disorientation. The FAA believes that a parachute jumper presents an object in the airspace from the instant the jumper exits the aircraft until the jumper reaches the surface. All that changes with the deployment of the chute is the speed the object is falling. A free-fall jump can extend through thousands of feet of airspace, presenting a hazard to air navigation. Accordingly, in the interest of safety, proposed § 105.33 (a) and (b) are adopted without substantive change.

Proposal 4-26. No unfavorable comments were received on the proposal to amend § 105.43. Accordingly, the proposal is adopted without substantive change.

Proposal 4-27. No unfavorable comments were received on the proposal to revise § 121.11. Accordingly, the proposal is adopted without substantive change.

Proposal 4-28. No unfavorable comments were received on the proposal to amend § 121.26. Accordingly, the proposal is adopted without substantive change.

Proposal 4-29. No comments were received on the proposal to revise § 121.29(b). After further review, the FAA believes there is no current need for the proposed revision. Accordingly, proposed § 121.29(b) is withdrawn.

Proposal 4-30. No unfavorable comments were received on the proposal to amend § 121.47(a). Accordingly, the proposal is adopted without substantive change.

Proposal 4-31. No comments were received on the proposal to revise § 121.53(e). After further review, the FAA believes there is no current need for the proposed revision. Accordingly, proposed § 121.53(e) is withdrawn.

Proposal 4-32. No unfavorable comments were received on the proposal to revise § 121.61(b)(1). Accordingly, the proposal is adopted without substantive change.

Proposal 4-33. No unfavorable comments were received on the proposal to amend § 121.135(b) (6) and (7). Accordingly, the proposal is adopted without substantive change.

Proposal 4-34. No unfavorable comments were received on the proposal to amend § 121.191(a). Accordingly, the proposal is adopted without substantive change.

Proposal 4-35. The commenters to proposed § 121.309(b)(4) contend the proposal was unnecessarily redundant, served no useful purpose, and did not enhance safety. The commenters objected to this proposal from the standpoint that it would impose: (1) An unwarranted recordkeeping burden on operators utilizing an equipment control program that is controlled by hours or cycles and not by a specific inspection due date; (2) a risk of not having the inspection dates marked on the containers when equipment items were transferred from one airplane to another; and (3) an additional task of changing inspection dates with possible resultant error.

In light of these comments and after further review, the FAA believes the proposal would possibly impose a burden not commensurate with its probable contribution to safety. Accordingly, proposed § 121.309(b)(4) is withdrawn.

Proposal 4-36. One commenter suggested the use of the phrase "no person" instead of "no passenger or crewmember" in proposed § 121.317(b). The FAA believes the phrase "no passenger or crewmember" is more definitive and the proposed wording is retained. Another commenter objected to the proposal on the grounds that there are instances when it is acceptable for cockpit crewmembers to continue to smoke and stated that this determination should be left up to the discretion of the cockpit crewmembers. The FAA disagrees. As a safety factor, flight crewmembers should be prohibited from smoking when the "no smoking" sign is lighted. Accordingly, proposed § 121.317 (a) and (b) is adopted without substantive change.

Proposal 4-37. No unfavorable comments were received on the proposal to amend § 121.401(c). Accordingly, the proposal is adopted without substantive change.

Proposal 4-38. No unfavorable comments were received on the proposal to revise § 121.440(b)(2). Accordingly, the proposal is adopted without substantive change.

Proposal 4-39. Two comments were received on both proposed §§ 121.548 and 127.212 which discussed matters not proposed in Notice 76-28. These comments are beyond the scope of the notice and cannot be considered without further notice and public participation. Accordingly, proposed §§ 121.548 and 127.212 (Proposals 4-39 and 4-54 respectively) are adopted without substantive change.

Proposal 4-40. No unfavorable comments were received on the proposal to amend § 121.651(d)(2). Accordingly, the proposal is adopted without change.

Proposal 4-41. No unfavorable comments were received on the proposal to amend § 121.652(a). However, as stated in the preamble to Notice 76-28, the FAA believes the flight time, in order to be credited, must be acquired in the same "type" airplane. Accordingly, the proposal is adopted by inserting the word "type" to further clarify the intent of the rule.

Proposal 4-42. No unfavorable comments were received on the proposal to amend § 121.697(e)(2). Accordingly, the proposal is adopted without substantive change.

Proposal 4-43. No unfavorable comments were received on the proposal to revise § 121.723 (a) and (b). However, in order to avoid the reissuance of certificates at the conclusion of each assignment, the wording is changed so that the certificate is retained until termination of employment with the carrier or operator. Accordingly, the proposal is adopted with the change discussed.

Proposal 4-44. No unfavorable comments were received on the proposal to add a new § 123.11(b)(3). Accordingly, the proposal is adopted without substantive change.

Proposal 4-45. No unfavorable comments were received on the proposal to add a new § 123.12. Accordingly, the proposal is adopted without substantive change.

Proposal 4-46. No unfavorable comments were received on the proposal to revise § 123.13. Accordingly, the proposal is adopted without substantive change.

Proposal 4-47. No unfavorable comments were received on the proposal to revise § 123.15(a). Accordingly, the proposal is adopted without substantive change.

Proposal 4-48. No comments were received on the proposal to revise § 123.19(c). After further review, the FAA believes there is no current need for the proposed revision. Accordingly, proposed § 123.19(c) is withdrawn.

Proposal 4-49. No unfavorable comments were received on the proposal to revise § 123.27. Accordingly, the proposal is adopted without substantive change.

Proposal 4-50. No unfavorable comments were received on the proposal to revise § 123.41(a)(1). Accordingly, the proposal is adopted without substantive change.

Proposal 4-51. No unfavorable comments were received on the proposal to revise § 127.3. Accordingly, the proposal is adopted without substantive change.

Proposal 4-52. No comments were received on the proposal to revise § 127.21(b). After further review, the FAA believes there is no current need for the proposed revision. Accordingly, the proposed § 127.21(b) is withdrawn.

Proposal 4-53. No unfavorable comments were received on the proposal to revise § 127.151(a). Accordingly, the proposal is adopted without substantive change.

Proposal 4-54. For a discussion of comments relating to proposed § 127.212 and for the disposition of that proposal, see Proposal 4-39.

Proposal 4-55. No unfavorable comments were received on the proposal to revise § 127.249(b). Accordingly, the proposal is adopted without substantive change.

Proposals 4-56 through 4-60. These proposals are included in the Part 135 Regulatory Review Notice 77-17: Air Taxi Operators and Commercial Operators (42 FR 43490; August 29, 1977). Comments received on the proposed amendments to Part 135 in Notice 76-28 will be considered in conjunction with other comments received in response to Notice 77-17.

Proposal 4-61. No unfavorable comments were received on the proposal to amend § 137.19(e). Accordingly, the proposal is adopted without substantive change.

Proposal 4-62. No unfavorable comments were received on the proposal to delete Part 149 "Parachute Lofts" and transfer those requirements to a new Subpart E in Part 145. However, after further review, the FAA believes the incorporation of Part 149 into Part 145 as proposed would create redundancy in the rules and cause confusion. Accordingly, the proposal to amend Part 145 is withdrawn.

Proposal 4-63. No unfavorable comments were received on the proposal to revise § 145.17(b). After further review, the FAA believes the words "surrendered, suspended, or," should be reinserted between the words "sooner" and "revoked" in § 145.17(b) since they appear in current § 145.17(b). This oversight is corrected in the adopted rule since it was not a change intended by the proposal. Accordingly, the proposal to revise § 145.17(b) is adopted as proposed except for the revision discussed above.

Proposal 4-64. No unfavorable comments were received on the proposal to amend § 145.59(a). Accordingly, the proposal is adopted without substantive change.

Proposal 4-65. No unfavorable comments were received on the proposal to revise § 147.31(c)(1) and to add a new § 147.31(c)(2). After further review, the FAA believes that the following editorial changes should be made: (1) in the proposed § 147.31(c)(1)(ii) the word "accreditation" is used in place of the word "certification" which appears in current § 147.31(c)(1). This oversight is corrected in the adopted rule since it was not the intent of the proposal to change the wording to accreditation; (2) the phrase "other than the crediting school" immediately following the word "accreditation" in proposed § 147.31(c)(1)(ii) was inadvertantly omitted and has been included in the final rule. Accordingly, the proposal to revise § 147.31(c)(1) and to add a new § 147.31(c)(2) is adopted as proposed except for the revisions discussed above.

Proposal 4-66. Although there were no unfavorable comments to the proposed deletion and reservation of Part 149, the proposal is withdrawn for the reasons discussed in Proposal 4-62.

DRAFTING INFORMATION

The principal authors of this document are Thomas G. Walenta, Flight Standards Service, and Richard B. Elwell, Office of General Counsel.

ADOPTION OF THE AMENDMENTS

Accordingly, Parts 43, 61, 63, 65, 91, 105, 121, 123, 127, 137, 145, and 147 of the Federal Aviation Regulations (14 CFR Parts 43, 61, 63, 65, 91, 105, 121, 123, 127, 137, 145, and 147) are amended as follows, effective June 26, 1978.

PART 43—MAINTENANCE, REBUILDING AND ALTERATION

1. By adding a new § 43.12 immediately following § 43.11, to read as follows:

§ 43.12 Maintenance records: Falsification, reproduction, or alteration.

(a) No person may make or cause to be made:

(1) Any fraudulent entry in any record or report that is required to be kept, made, or used to show compliance with any requirement under this part;

(2) Any reproduction, for fraudulent purpose, of any record or report under this part; or

(3) Any alteration, for fraudulent purpose, of any record or report under this part.

(b) The commission by any person of an act prohibited under paragraph (a) of this section is a basis for suspending or revoking the applicable airman, operator, or production certificate, Technical Standard Order Authorization, FAA-Parts Manufacturer Approval, or Product and Process Specification issued by the Administrator and held by that person.

2. By revising paragraph (b)(2) of Appendix E to Part 43 to read as follows:

APPENDIX E—ALTIMETER SYSTEM TEST AND INSPECTION

* * * * *

(b) * * *

(2) Altimeters which are the air data computer type with associated computing systems, or which incorporate air data correction internally, may be tested in a manner and to specifications developed by the manufacturer which are acceptable to the Administrator.

* * * * *

3. By revising the introductory explanatory text and paragraphs (a) and (b) of Appendix F to Part 43 to read as follows:

APPENDIX F—ATC TRANSPONDER TESTS AND INSPECTIONS

The ATC transponder tests required by § 91.177 of this chapter may be conducted using a bench check or portable test equipment and must meet the requirements prescibed in paragraphs (a) through (d) of this appendix. If portable test equipment with appropriate coupling to the aircraft antenna system is used, operate the test equipment at a nominal rate of 235 interrogations per second to avoid possible ATCRBS interference. An additional 3db loss is allowed to compensate for antenna coupling errors during receiver sensitivity measurements conducted in accordance with paragraph (c)(1) when using portable test equipment.

(a) For reply radio frequently, interrogate the transponder and verify that the reply frequency of the system is 1090 ±3 MHZ.

(b) Suppression: When the transponder is interrogated on mode 3/A at an interrogation rate between 230 and 1000 interrogations per second for class 1B and 2B transponders or between 230 and 1200 interrogations per second for class 1A and 2A transponders:

(1) Verify that the transponder does not respond to more than 1 percent of the interrogations when the amplitude of P_2 pulse is equal to the P_1 pulse.

(2) Verify that the transponder replies to at least 90 percent of the interrogations when the amplitude of the P_2 pulse is 9db less than the P_1 pulse.

If the test is conducted with a radiated test signal, the interrogation rate shall be 235 ±5 interrogations per second unless a higher rate has been approved for the test equipment used at that location.

* * * * *

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

§ 61.17 [Amended]

4. By deleting the number "90" and inserting "120" in its place in § 61.17(a).

PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

§ 63.13 [Amended]

5. By deleting the number "90" and inserting "120" in its place in § 63.13.

§ 63.53 [Amended]

6. By deleting § 63.53 (b) and (c) and redesignating § 63.53 (d) as (b).

§ 63.57 [Amended]

7. By amending § 63.57 as follows:

a. By deleting from paragraph (a) the phrase "must pass a practical test in operating flight navigation equipment, and".

b. By deleting from the last sentence in paragraph (b) the words "any part of" and "except the section on plotting and computing" and adding a period after the words "written test".

8. By revising §§ 63.59 (a)(2), (b) and (c) to read as follows:

§ 63.59 Retesting after failure.

(a) * * *

(2) Before the 30 days have expired if the applicant presents a signed statement from a certificated flight navigator, certificated ground instructor, or any other qualified person approved by the Administrator, certifying that that person has given the applicant addtional instruction in each of the subjects failed and that person considers the applicant ready for retesting.

(b) A statement from a certificated flight navigator, or from an operations official of an approved navigator course, is acceptable, for the purposes of paragraph (a)(2) of this section, for the written test and for the flight test. A statement from a person approved by the Administrator is acceptable for the written test. A statement from a supervising or check navigator with the United States Armed Forces is acceptable for the written test and for the practical test.

(c) If the applicant failed the flight test, the additional instruction must have been administered in flight.

PART 65—CERTIFICATION: AIRMEN OTHER THAT FLIGHT CREWMEMBERS

§ 65.13 [Amended]

9. By deleting the number "90" and inserting "120" in its place in § 65.13.

10. By revising § 65.19 to read as follows:

§ 65.19 Retesting after failure.

An applicant for a written, oral, or practical test for a certificate and rating, or for an additional rating under this part, may apply for retesting—

(a) After 30 days after the date the applicant failed the test; or

(b) Before the 30 days have expired if the applicant presents a signed statement from an airman holding the certificate and rating sought by the applicant, certifying that the airman has given the applicant additional instruction in each of the subjects failed and that the airman considers the applicant ready for retesting.

PART 91—GENERAL OPERATING AND FLIGHT RULES

11. By revising § 91.8 to read as follows:

§ 91.8 Prohibition against interference with crewmembers.

No person may assault, threaten, intimidate, or interfere with a crewmember in the performance of the crewmember's duties aboard an aircraft being operated.

12. By revising § 91.15(a)(2) to read as follows:

§ 91.15 Parachutes and parachuting.

(a) * * *

(2) If any other type, it has been packed by a certificated and appropriately rated parachute rigger—

(i) Within the preceding 120 days, if its canopy, shrouds, and harness are composed exclusively of nylon, rayon, or other similar synthetic fiber or materials that are substantial resistant to damage from mold, mildew, or other fungi and other rotting agents propagated in a moist environment; or

(ii) Within the preceding 60 days, if any part of the parachute is composed of silk, pongee, or other natural fiber, or materials not specified in subdivision (i) of this subparagraph.

* * * * *

13. By amending § 91.17(a)(1) to read as follows:

§ 91.17 Towing: Gliders

(a) No person may operate a civil aircraft towing a glider unless:

(1) The pilot in command of the towing aircraft is qualified under § 61.69 of this chapter

* * * * *

14. By revising § 91.18(a) to read as follows:

§ 91.18 Towing: Other than under § 91.17.

(a) No pilot of a civil aircraft may tow anything with that aircraft (other than under § 91.17) except in accordance with the terms of a certificate of waiver issued by the Administrator.

* * * * *

15. By revising § 91.43(b) to read as follows:

§ 91.43 Special rules for foreign civil aircraft.

* * * * *

(b) VFR. No person may conduct VFR operations which require two-way radio communications under this part, unless at least one crewmember of that aircraft is able to conduct two-way radio communications in the English language and is on duty during that operation.

* * * * *

16. By revising the first sentence in the flush paragraph immediately following § 91.52(d)(2) to read as follows:

§ 91.52 Emergency locator transmitters.

* * * * *

(d) * * *

(2) * * *

The new expiration date for the replacement (or recharge) of the battery must be legibly marked on the outside of the transmitter and entered in the aircraft maintenance record. * * *

* * * * *

17. By amending § 91.73 as follows:

(a). By deleting the semicolon and the word "or" at the end of paragraph (b)(3) and inserting a period in its place;

(b) By deleting the period at the end of paragraph (c)(2) and inserting a semicolon and the word "or" in its place; and

(c) By adding a new paragraph (d) to read as follows:

§ 91.73 Aircraft lights.

* * * * *

(d) Operate an aircraft, required by § 91.33(c)(3) to be equipped with an anticollision light system, unless it has approved and lighted aviation red or aviation white anticollision lights. However, the anticollision lights need not be lighted when the pilot in command determines that, because of operating conditions, it would be in the interest of safety to turn the lights off.

18. By revising § 91.83 by deleting the flush paragraph immediately following paragraph (a)(11) and inserting a new paragraph (d) immediately following paragraph (c)(2) to read as follows:

§ 91.83 Flight plan; information required.

* * * * *

(d) *Cancellation.* When a flight plan has been activated, the pilot in command, upon cancelling or completing the flight under the flight plan, shall notify an FAA Flight Service Station or ATC facility.

19. By revising the lead in to § 91.173 (a) and (b) and by revising (a)(2)(v) and adding a new paragraph (b)(3) to read as follows:

§ 91.173 Maintenance records.

(a) Except for work performed in accordance with §§ 91.170 and 91.177, each registered owner or operator shall keep the following records for the periods specified in paragraph (b) of this section:

* * * * *

(2) * * *

(v) The current status of applicable airworthiness directives (AD) including, for each, the method of compliance, the AD number, and revision date. If the AD involves recurring action, the time and date when the next action is required.

* * * * *

(b) The owner or operator shall retain the following records for the periods prescribed:

* * * * *

(3) A list of defects furnished to a registered owner or operator under § 43.9 of this chapter, shall be retained until the defects are repaired and the aircraft is approved for return to service.

* * * * *

20. By adding a new § 91.189(b)(5) to read as follows:

§ 91.189 Survival equipment for overwater operations.

* * * * *

(b) * * *

(5) After June 26, 1979, a lifeline stored in accordance with § 25.1411(g) of this chapter.

* * * * *

21. By amending paragraph 2(a)(7) of appendix A to part 91 by adding a sentence to read as follows:

APPENDIX A—CATEGORY II OPERATIONS: MANUAL, INSTRUMENTS, EQUIPMENT, AND MAINTENANCE

* * * * *

2. *Required instruments and equipment* * * *

(a) *Group I.*

* * * * *

(7) * * * After June 26, 1979, two sensitive altimeters adjustable for barometric pressure, having markings at 20-foot intervals and each having a placarded correction for altimeter scale error and for the wheel height of the airplane.

* * * * *

PART 105—PARACHUTE JUMPING

22. By revising § 105.15(b) to read as follows:

§ 105.15 Jumps over or into congested areas or open air assembly of persons.

* * * * *

(b) An application for a certificate of authorization issued under this section is made in a form and in a manner prescribed by the Administrator and must be submitted to the FAA Flight Standards District Office having jurisdiction over the area in which the parachute jump is to be made, at least 4 days before the day of that jump.

* * * * *

23. By revising § 105.33 to read as follows:

§ 105.33 Parachute jumps between sunset and sunrise.

(a) No person may make a parachute jump, and no pilot in command of an aircraft may allow any person to make a parachute jump from that aircraft, between sunset and sunrise, unless that person is equipped with a means of producing a light visible for at least 3 statue miles.

(b) Each person making a parachute jump between sunset and sunrise shall display the light required by paragraph (A) of this section from the time that person exits the aircraft until that person reaches the surface.

24. By amending § 105.43(a)(2) to read as follows:

§ 105.43 Parachute equipment and packing requirements.

(a) * * *

(2) The auxiliary must have been packed by a certificated and appropriately rated parachute rigger:

(i) Within 120 days before the date of use, if its canopy, shroud, and harness are composed exclusively of nylon, rayon, or other similar synthetic fiber or material that is substantially resistant to damage from mold, mildew, or other fungi and other rotting agents propagated in a moist environment; or

(ii) Within 60 days before the date of use, if it is composed in any amount of silk, pongee, or other natural fiber, or material not specified in paragraph (a)(2)(i) of this section.

* * * * *

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

25. By revising § 121.11 to read as follows:

§ 121.11 Rules applicable to operations in a foreign country.

Each certificate holder shall, while operating an airplane within a foreign country, comply with the air traffic rules of the country concerned and the local airport rules, except where any rule of this part is more restrictive and may be followed without violating the rules of that country.

26. By adding a new § 121.26 immediately following § 121.25 to read as follows:

§ 121.26 Application for domestic or flag air carrier operator certificates.

Each application for a domestic or flag air carrier operating certificate shall be made in the form and manner and contain information prescribed by the Administrator. Each applicant must submit his application at least 60 days before the date of intended operation.

27. By amending the second sentence of § 121.47(a) to read as follows:

§ 121.47 Application for supplemental air carrier and commercial operator certificates.

(a) * * * Each applicant must submit an application at least 60 days before the date of intended operation (in the case of an original application) or 60 days before the date the certificate terminates (in the case of a renewal application).

* * * * *

28. By revising § 121.61(b)(1) to read as follows:

§ 121.61 Management personnel: Qualifications.

* * * * *

(b) No person may serve as chief pilot unless that person—

(1) Holds a current airline transport pilot certificate with appropriate ratings for at least one of the types of aircraft used;

* * * * *

§ 121.135 [Amended]

29. By amending § 121.135(b) (6) and (7) by deleting the phrase, "their crew complement,".

30. By amending § 121.191(a) as follows:

§ 121.191 Transport category airplanes: Turbine engine powered: En route limitations: One engine inoperative.

(a) No person operating a turbine engine powered transport category airplane may take off that airplane at a weight, allowing for normal consumption of fuel and oil, that is greater than that which (under the approved, one engine inoperative, en route net flight path data in the Airplane Flight Manual for that airplane) will allow compliance with paragraphs (a) (1) or (2) of this section, based on the ambient temperatures expected en route:

* * * * *

31. By revising § 121.317 to read as follows:

§ 121.317 Passenger information.

(a) No person may operate an airplane unless it is equipped with passenger information signs that meet the requirements of § 25.791 of this chapter. The signs must be constructed so that the crewmembers can turn

them on and off. They must be turned on for each takeoff and each landing and when otherwise considered to be necessary by the pilot in command.

(b) No passenger or crewmember may smoke while the no smoking sign is lighted and each passenger shall fasten that passenger's seat belt and keep it fastened while the seat belt sign is lighted.

§ 121.343 [Amended]

32. By deleting the number "430" and inserting "830" in its place in § 121.343(d).

§ 121.359 [Amended]

33. By amending the first and second sentences of § 121.359(e) by inserting the number "830" immediately following the word "part" and deleting the phrase "present part 320 of this title."

34. By amending § 121.401(c) by adding at the end thereof a sentence to read as follows:

§ 121.401 Training program: General.

* * * * *

(c) * * * When the certification required by this paragraph is made by an entry in a computerized record-keeping system, the certifying instructor, supervisor, or check airman must be identified with that entry. However, the signature of the certifying instructor, supervisor, or check airman is not required for computerized entries.

* * * * *

35. By revising § 121.440(b)(2) to read as follows:

§ 121.440 Line checks.

* * * * *

(b) * * *

(2) Consist of at least one flight over a typical part of the air carrier's route, or over a foreign or Federal airway, or over a direct route.

* * * * *

36. By revising § 121.548 to read as follows:

§ 121.548 Aviation safety inspector's credentials: Admission to pilot's compartment.

Whenever, in performing the duties of conducting an inspection, an inspector of the Federal Aviation Administration presents form FAA 110A, "Aviation Safety Inspector's Credential," to the Pilot in command of an aircraft operated by an air carrier or commercial operator, the inspector must be given free and uninterrupted access to the pilot's compartment of that aircraft.

§ 121.651 [Amended]

37. By deleting the words "range station or comparable facility" in § 121.651(d)(2) and substituting the words "navigation facility" in its place.

38. By amending § 121.652(a) by adding the following new sentence to read as follows:

§ 121.652 Landing weather minimums:

IFR: All certificate holders.

(a) * * * However, a Pilot in command employed by an air taxi operator certificated under § 135.2 of this chapter, may credit flight time acquired in operations conducted for that operator under part 91 in the same type airplane for up to 50 percent of the 100 hours of pilot in command experience required by this paragraph.

§ 121.697 [Amended]

39. By amending § 121.697(e)(2) by deleting the words "six months" and inserting in its place the words "three months."

§ 121.703 [Amended]

40. By deleting the number "430" and inserting "830" in its place in § 121.703(f).

41. By revising § 121.723 to read as follows:

§ 121.723 Application and issue.

(a) Application for a crewmember certificate is made on form FAA-2116 "Application for Crewmember Certificate," and submitted to the nearest Air Carrier District Office. The certificate is issued on form FAA-2116.1 "Crewmember Certificate."

(b) The holder of a certificate issued under this subpart, or the air carrier or commercial operator by whom the holder is employed, shall surrender the certificate for cancellation at the nearest Air Carrier District Office, or submit it for cancellation to the Airman Certification Branch, AC-260, P.O. Box 25082, Oklahoma City, Okla. 73125, at the termination of the holder's employment with that carrier or operator.

PART 123—CERTIFICATION AND OPERATIONS: AIR TRAVEL CLUBS USING LARGE AIRPLANES

42. By adding a new § 123.11(b)(3) to read as follows:

§ 123.11 Application for air travel club operating certificate.

* * * * *

(b) * * *

(3) The financial information listed in § 123.12.

43. By adding a new § 123.12 immediately following § 123.11 to read as follows:

§ 123.12 Financial information required for original issue or renewal.

Each applicant for the original issue or renewal of an air travel club operating certificate must submit the information required by § 121.49 (a), (c), (d), (h), and (i) of this chapter with its application.

44. By revising § 123.13 to read as follows:

§ 123.13 Management personnel required.

(a) Each applicant for a certificate under this part must show that it has enough qualified management personnel, including personnel in the following or equivalent positions, to provide the highest degree of safety in its operations and to assure that its operations are conducted in accordance with the requirements of this part:

(1) Director of Operations.

(2) Director of Maintenance.

(3) Chief Pilot.

(4) Chief Inspector.

(b) Upon application by the air travel club, the Administrator may approve fewer or different positions than those listed in paragraph (a) of this section for a particular operation if the applicant shows that it can perform the operation with the highest degree of safety under the direction of fewer or different categories of management personnel due to:

(1) The kind of operation involved.

(2) The number and type of aircraft used; or

(3) The area of operations.

(c) Each applicant shall:

(1) Set forth in the general policy section of its manual, the duties, responsibilities, and authority of the personnel required by this section;

(2) List in the manual the names and addresses of persons assigned to those positions;

(3) Designate one person as responsible for the scheduling of inspections required by the air travel club manual and for the updating of the approved weight and balance system on all aircraft operated by the air travel club; and

(4) Notify the FAA Flight Standards District Office charged with the overall inspection of the air travel club of any change made in the assignment of persons to the listed positions within 10 days of such change.

45. By revising § 123.15 to read as follows:

§ 123.15 Management personnel: Qualifications.

No person may serve in any position required by § 123.13 unless that person meets the appropriate requirements of § 121.61 of this chapter.

46. By redesignating § 123.27 (a) through (m) as (b) through (n) respectively and adding a new paragraph (a) to read as follows:

§ 123.27 Applicable regulations of Part 121.

* * * * *

(a) Sections 121.49(a), 121.49(c), 121.49(d), 121.49(h), 121.49(i), and 121.61 of Subpart C.

* * * * *

47. By revising § 123.41(a)(1) to read as follows:

§ 123.41 Training program.

(a) Each certificate holder shall have a training program that:

(1) Provides the training required by §§ 121.415 through 121.427 (except § 121.422) of this chapter as applicable to commercial operators; and

* * * * *

PART 127—CERTIFICATION AND OPERATION OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

48. By revising § 127.3 to read as follows:

§ 127.3 Operating rules.

Each air carrier shall:

(a) Comply with Part 91 of this chapter unless otherwise specified in this part; and

(b) Conduct charter flights or other special service operations, under the rules prescribed in § 121.5 of this chapter in place of the rules of this part.

§ 127.127 [Amended]

49. By deleting the phrase "430 of this title" in the first and second sentences of § 127.127(d) and inserting the phrase "830 of Title 49" in its place.

50. By revising § 127.151(a) to read as follows:

§ 127.151 Establishment.

(a) Each air carrier shall establish an approved training program that insures that each crewmember is adequately trained to perform that crewmember's assigned duties. Before serving in scheduled operations, each crewmember must satisfactorily complete the initial training phases.

* * * * *

51. By revising § 127.212 to read as follows:

§ 127.212 Aviation safety inspector's credentials: Admission to pilot's compartment.

Whenever, in performing the duties of conducting an inspection, an inspector of the Federal Aviation Administration presents Form FAA 110A, "Aviation Safety Inspector's Credential", to the pilot in command of a helicopter operated by an air carrier, the inspector must be given free and uninterrupted access to the pilot's compartment of that helicopter.

52. By revising § 127.249(b) to read as follows:

§ 127.249 Operation in icing conditions.

* * * * *

(b) No person may take off a helicopter that has frost, snow or ice adhering to its windshield, rotors, stabilizing or control surfaces, or other movable parts of the helicopter or to an altimeter, airspeed, rate of climb, or flight attitude instrument system.

§ 127.313 [Amended]

53. By deleting the number "430" and inserting "830" in its place in § 127.313(f).

PART 137—AGRICULTURAL AIRCRAFT OPERATIONS

§ 137.19 [Amended]

54. By deleting the second sentence of § 137.19(e).

PART 145—REPAIR STATIONS

55. By revising § 145.17(b) to read as follows:

§ 145.17 Duration of certificate.

* * * * *

(b) A foreign repair station certificate or rating expires at the end of 12 months after the date on which it was issued, unless it is sooner surrendered, suspended, or revoked. However, if the station continues to comply with § 145.71 and applies for renewal before expiration of such certificate or rating, its certificate or rating may be renewed for 24 months.

* * * * *

§ 145.59 [Amended]

56. By adding to the last sentence of § 145.59(a) the words "with respect to the work performed."

PART 147—AVIATION MAINTENANCE TECHNICIAN SCHOOLS

57. By redesignating § 147.31(c) (2) as (3), adding a new § 147.31(c)(2) and by revising § 147.31(c)(1) to read as follows:

§ 147.31 Attendance and enrollment, tests, and credit for prior instruction or experience.

* * * * *

(c) * * *

(1) A school may credit a student with instruction satisfactorily completed at—

(i) An accredited university, college, junior college;

(ii) An accredited vocational, technical, trade or high school;

(iii) A military technical school;

(iv) An aviation maintenance technician school, before or after its certification, other than the crediting school.

(2) A school may determine the amount of credit to be allowed—

(i) By an entrance test equal to one given to the students who complete a comparable required curriculum subject at the crediting school;

(ii) By an evaluation of an authenticated transcript from the student's former school; or

(iii) In the case of an applicant from a military school, only on the basis of an entrance test.

* * * * *

(Secs. 313, 314, and 601 through 610 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1355, and 1421 through 1430) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

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

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

LANGHORNE BOND,
Administrator.

[FR Doc. 78-14593 Filed 5-24-78; 8:45 am]

[4910-13]

[Docket No. 17034; Amdt. No. 121-144]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Operations Review Program Amendment No. 5

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to update and improve the requirements applicable to airmen and crewmembers, training programs, flight operations, dispatching and flight release, and records and reports of air carriers and commercial operators of large aircraft. These amendments are part of the Operations Review Program.

EFFECTIVE DATE: June 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. D. A. Schroeder, Safety Regulations Division, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-755-8715.

SUPPLEMENTARY INFORMATION:

HISTORY

These amendents are the fifth in a series of amendments to be issued as a part of the Operations Review Program. The following series of amendments have previously been issued as part of the Operations Review Program:

Title and FR Citation

Clarifying and Editorial Changes (41 FR 47227; October 28, 1976).
Rotorcraft External-Load Operations (42 FR 24196; May 12, 1977, amended by 42 FR 32531; June 27, 1977).
Airspace, Air Traffic and General Operating Rules (to be issued at a later date).
Miscellaneous Amendments (see this issue of FEDERAL REGISTER).

These amendments are based on a notice of proposed rule making (Notice 77-12) published in the FEDERAL REGISTER on July 21, 1977 (42 FR 37417). All interested persons have been given an opportunity to participate in the making of these amendments and due consideration has been given to all matters presented. A number of substantive changes and changes of an editorial and clarifying nature have been made to the proposed rules based upon relevant comments received and upon further review by the FAA. Except for minor editorial and clarifying changes and the substantive changes discussed below, these amendments and reasons for their adoption are the same as those contained in Notice 77-12.

DISCUSSION OF COMMENTS

Several comments were received which discussed matters not proposed in the notice. These comments are beyond the scope of the notice and cannot be considered without further notice and public participation. Some of the comments dealt with proposals that will be included in other notices at a later date.

The following discussion is keyed to like numbered proposals contained in Notice 77-12 and amendments to §§ 121.3 and 121.601. As these amendments to §§ 121.3 and 121.601 are clarifying and relaxatory in nature and do not impose a burden on the public, I find that the notice and public procedure are unnecessary and that the amendments may be made effective without notice.

AMENDMENT TO § 121.3

Pub. L. 95-163 amended the Federal Aviation Act of 1958 to establish a new class of air carriers called "all-cargo air carriers". The Civil Aeronautics Board promulgated a new Part 291 applicable to all-cargo air carriers issued certificates under the Federal Aviation Act. These actions required the FAA to amend Part 121 of the FAR (43 FR 1789, January 12, 1978), to provide for the certification and regulation of these carriers in the interest of safety. A new paragraph (h) was added to § 121.3 to provide that operations conducted by holders of these certificates must comply with the rules in Part 121 that govern supplemental air carriers. However, when this amendment was issued, the reference to paragraph (h) in paragraphs (a), (c) and (e) of § 121.3 was inadvertently omitted. Thus, paragraphs (a), (c) and (e) of § 121.3 are amended accordingly.

Proposal 5-1. No unfavorable comments were received on proposed § 121.383(a). Accordingly, the proposal is adopted without change.

Proposal 5-2. One commenter requested that the word "and" at the end of proposed § 121.409(b)(2) not be revised to "or," as this would indicate that either (b) (1) and (2) were applicable or as an alternative (b)(3) and (b)(4), in which case the 4-hour minimum would be eliminated. The FAA does not agree. The word "or" at the end of § 121.409(b)(2) applies to (b)(2) and (b)(3) only, allowing the certificate holder to use either approved training program. This proposed amendment does not affect the 4-hour training requirement.

One commenter suggested that proposed § 121.409(b)(3)(ii) be revised by deleting the words "abnormal and emergency procedures" and inserting the words "includes representative maneuvers which may be expected in line operation and procedures." The FAA does not agree. The proposed revision to § 121.409(b)(3)(ii) states that maneuvers and procedures that may be expected in line operations, including abnormal and emergency, are to be given during the training program. Therefore, training in abnormal and emergency procedures and maneuvers that may be expected in normal line operations is required.

The same commenter suggested that the word "times" be deleted in proposed § 121.409(b)(3)(iii) as this would severely limit the effectiveness of a scenario representing the operations for long haul carriers by overemphasizing the enroute phase. The FAA agrees, and the word "times" is deleted. The FAA believes that the training syllabus must represent a typical flight segment of the operator that a flight crewmember may realistically expect to fly. In simulating a long flight segment, the simulator flight should emphasize the most active portions of the flight such as the descent and approach phase. Accordingly, proposed § 121.409(b)(3)(iii) is adopted with the change discussed.

Proposal 5-3. Three commenters questioned the meaning of the phrase "abnormal cabin deck angle, high winds, and structural deformation," in proposed § 121.417(b)(2)(iv). The FAA agrees that it would be very difficult to define the varying conditions presented by the above terms. Specific reference to the additional forces caused by abnormal cabin deck angle, high winds, and structural deformation are deleted as difficult to define and simulate. However, the word "conditions" in place of "circumstances" is retained and training should simulate as nearly as possible conditions such as the additional forces that could be encountered when opening exits in the emergency mode and under adverse conditions such as abnormal cabin, deck angle, high winds and structural deformation. In light of the comments and after further FAA review, proposed § 121.417(b)(2)(iv) has been revised by deleting the phrases "abnormal cabin, deck angle, high winds, and structural deformation," and "the additional forces that will be encountered."

One commenter objects to proposed § 121.417(b)(2)(v) stating that they did not consider items such as galley lifts and cart tie downs as emergency equipment. Another commenter requested proposed § 121.417(b)(2)(v) be revised by adding the words "but not limited to" after the word "as." In light of the comments and after further review, the FAA agrees with the first commenter that these items are not emergency equipment. Accordingly, proposed § 121.417(b)(2)(v) is withdrawn.

One commenter objected to proposed § 121.417(b)(3)(ii) stating that smoke control does not necessarily imply removal, and that circuit breakers are designed for automatic protection and are not necessarily for manual use. Another commenter believed that electrical equipment and related circuit breaker training should be accomplished during training on systems operations as opposed to emergency training. The FAA does not agree. The FAA believes that training on electrical equipment and related circuit breakers should be given not only during initial systems operation training, but during recurrent training as well. Most training programs contain procedures applicable to both smoke control and removal as they are correlated emergency problems. In many cases, electrical smoke and fire procedures call for manually tripping circuit breakers to isolate and control the problem. Therefore, the FAA believes that each crewmember should be familiar with the operation and use of the electrical equipment including related circuit breakers located in

their area of responsibility. Accordingly, proposed § 121.417(b)(3)(ii) is adopted without substantive change.

One commenter requested that the words "and discussion" be inserted after the word "Review" in proposed § 121.417(b)(4). The FAA agrees since this change would encourage the exchange of ideas as to how the accident or incident occurred, and would reduce the use of film as the only training means. Accordingly, proposed § 121.417(b)(4) is adopted with this change.

Two commenters objected to the 24 calendar months in proposed § 121.417(c) and felt that recurrent training should be annually for all crewmembers. The FAA agrees but points out that this proposal provides for each crewmember to perform certain drills or actually operate emergency equipment every 2 years, and that the recurrent training requirements of § 121.433 are not affected.

Three commenters stated that if each crewmember would be required to deploy a slide during recurrent training, this would impose a severe financial and manpower drain on the airlines, and suggested that the words "actually operate" be replaced with one of the following phrases, "must witness a demonstration" or "participate in the operation of." The FAA agrees and the words "participate in the operation of" are substituted for the words "actually operate" for crewmembers deploying and using emergency evacuation slides during recurrent training. However, during initial training, as provided in the rule, each crewmember is required to actually operate each item of equipment required for the deployment and use of emergency evacuation slides. This amendment would still allow the use of approved pictorial presentation, or demonstrations, during alternate training periods required by § 121.433.

Two commenters objected to proposed § 121.417(c)(1) as they were opposed to training flight attendants on exits they are unlikely to or cannot use, as in the case of the B-747 cockpit escape hatch and its associated escape devices. The FAA believes that crewmembers should receive training on the exits located in their area of responsibility. This would include the use of the exits on the upper deck of the B-747, if passengers are allowed in that area during takeoff and landing.

In light of these comments, and further FAA review, proposed § 121.417(c) has been revised by combining the requirements of § 121.417 (c) and (d), and by adding the following phrase at the end of § 121.417(c) "Alternate recurrent training periods required by § 121.433 may be accomplished by approved pictorial presentation or demonstration." The phrase "and actual forces involved and the" has been deleted from § 121.417(c)(1).

One commenter objected to proposed § 121.417(d) in that the emergency drills required by this section would be required for every recurrent training period. The commenter also suggested that this paragraph be rearranged with a heading titled "Ditching, if applicable", a list of those items applicable to ditching, and provisions for the increased use of audio visual training. The FAA agrees and has amended § 121.417(c) by combining the requirements of proposed §§ 121.417(c) and 121.417(d). This would, in fact, relax the recurrent training requirements of proposed § 121.417(d) by making these drills (if applicable) a requirement during initial training and once each 24 calendar months. The FAA believes that an approved audio visual training program properly conducted can produce very beneficial emergency crew training, but believes that for crewmembers to remain completely proficient in their related emergency duties, actual performance of the emergency drills would be required during the 24-calendar-months recurrent training period.

One commenter requested that the words "if applicable" be deleted from proposed § 121.417(c)(1). The FAA does not agree but believes that emergency ditching drills should be given only to crewmembers who are scheduled to fly over areas requiring such emergency equipment. Current § 121.417(d) was inadvertently omitted in Notice 77-12 and remains, in effect, unchanged.

Proposal 5-4. One commenter objected to the words "type rating" in the proposed flush paragraph at the end of § 121.425(a)(2) stating the purpose of the flight check was to determine the applicant's ability to perform his required duties, and that a type rating requirement is needlessly restrictive. The commenter also stated that "and" after type rating should be "or." The FAA concurs that a type rating requirement is somewhat restrictive, therefore "type" is deleted and replaced by "category and class" which is less restrictive, and "and" is replaced with "or."

Another commenter recommended that the proposed flush paragraph at the end of § 121.425(a)(2) be revised by inserting "on the same aircraft" before "may complete." The FAA does not concur with the comment since current § 121.437 would make this change redundant. Accordingly, the proposal is adopted with the changes noted above.

Proposal 5-5. No unfavorable comments were received on proposed § 121.427(d)(1). Accordingly, the proposal is adopted without substantive change.

Proposal 5-6. No unfavorable comments were received on proposed § 121.427(d)(2)(ii). Accordingly, the proposal is adopted without substantive change.

Proposal 5-7. No unfavorable comments were received on proposed § 121.433a. Accordingly, the proposal is adopted without substantive change.

Proposal 5-8. Two commenters objected to proposed § 121.434(e) stating that requiring all flight attendants to be fully qualified would impose an economic burden on the air carrier. Another commenter proposed that up to fifty percent of the required flight attendants on a flight should be allowed to receive operating experience. Since airline flights frequently depart with flight attendant seats unoccupied, the FAA believes that these seats could be used by flight attendants who are not a part of the required crew complement, in meeting the operating experience requirements of this part. Accordingly, the proposal is adopted without substantive change.

Proposal 5-9. One commenter requested that proposed § 121.437(b) be deleted as inflationary, costly, and redundant, and further stated it would not increase safety.

The FAA believes that the proposal would not be inflationary, costly, or redundant as most second in command pilots currently hold the appropriate category and class rating, and that a pilot should not act as second in command on a turbojet or large aircraft with only a rotorcraft, glider, or lighter than air category rating.

This proposal would also be in keeping with the second in command requirements of § 61.55(a)(1) which requires appropriate category and class ratings. Accordingly, proposed § 121.437 is adopted without substantive change.

Proposal 5-10. One commenter objected to proposed § 121.439 stating the recency of experience requirements must be satisfied in the aircraft until an approved system of visual simulated landings are in use. The FAA believes that visual simulators that include the takeoff and landing maneuvers will be approved for operational use in the near future. Each simulator will be individually evaluated by the FAA before being approved for use under this part. The 24 calendar months in § 121.439(b) has been deleted as the 24 calendar months would be in conflict with § 121.441. Accordingly, the proposal is adopted with the change noted above.

Proposal 5-11. No unfavorable comments were received on proposed § 121.441. Accordingly, the proposal is adopted without substantive change.

Proposal 5-12. One commenter requested that proposed § 121.543 be revised to read "seat belt and shoulder harnesses fastened." The FAA does not believe that flight crewmembers should be required to wear shoulder harnesses during the en route phase of

flight, and that § 121.311(e) provides for adequate use of the shoulder harnesses. Accordingly, proposed § 121.543 is adopted without substantive change.

Proposal 5-13. One commenter requested proposed § 121.545 be revised to read "No pilot in command may knowingly allow," as they believe that the pilot in command should not be responsible for determining the currency of other assigned flight crewmembers. The FAA does not agree since adding the word "knowingly" could weaken this proposal, as it would not necessarily hold the pilot in command responsible for allowing an unqualified person to manipulate the controls. Accordingly, the proposal is adopted without change.

Proposal 5-14. Two commenters objected to proposed § 121.571(a)(1)(iii), stating that the use of the seat belt can be sufficiently depicted on the passenger briefing card and a demonstration and oral briefing should not be required. The FAA does not agree, and believes that passengers should be orally briefed on how to operate the seat belts. Investigation of past accidents indicates that passengers may have died in their seats as a result of not knowing how to operate their seat belts. Numerous air lines are currently providing both demonstrations and briefings to passengers on how to operate seat belts. In keeping with § 121.311 the word "seat" has been replaced with the word "safety". Accordingly, proposed § 121.571(a)(1)(iii) is adopted without substantive change.

One commenter objected to proposed § 121.571(a)(1)(iv) stating that the flotation means can be depicted on the briefing card. Another commenter requested that proposed § 121.571(a)(1)(iv) be deleted, and that language similar to § 121.573(d) be used. The FAA does not agree. As stated above, the FAA believes that an oral briefing of passengers enhances safety, and would provide passengers with information on required life saving equipment readily available to the passengers since almost all flights involve the possibility of overwater operations. Accordingly, proposed § 121.571(a)(1)(iv) is adopted without substantive change.

Proposal 5-15. One commenter requested that proposed § 121.573(a) be revised by adding after the words, "life preservers" and the following, "other flotation means such as seat cushions and life rafts, slide/rafts (including their removal form packages/compartments) * * * include secondary methods of inflation of life preservers." The FAA believes that such an addition is unnecessary as § 121.571(a)(1)(iv) requires briefing on these itmes. Accordingly, proposed § 121.573(a) is adopted without substantive change.

Proposal 5-16. One commenter requested that proposed § 121.576 be revised by adding the words "and in-flight service" after the word "galley". The commenter believed this change was required to further clarify what is intended to be stowed, and that this change would include such items as plug-in tray tables and portable fold-up shelves for use in galleys. The FAA does not agree as these items are considered galley equipment. Accordingly, proposed § 121.576 is adopted without substantive change.

Proposal 5-17. One commenter objected to the proposal to amend § 121.581(b) in that it would allow an FAA inspector to displace an assigned crewmember on certain aircraft, thereby interfering with the normal crew operation procedures. The FAA does not agree. The FAA, in carrying out its inspection responsibilities, must be able to select the position on the flight deck of an aircraft where the activities of the crewmembers may best be observed. While such an inspector might displace an assigned crewmember, the inspector would not displace a required crewmember, or adversely affect safety. The current rule requires the forward observer's seat to be made available for use by the inspector, whereas the proposal would allow flexibility in the selection of the observer's seat during en route inspections. Accordingly, proposed § 121.581 is adopted without substantive change.

AMENDMENT TO § 121.601

This amendment was not a part of the Operations Review, but was discussed in Amendment 121-134 adopted on May 19, 1977 (42 FR 27542, May 31, 1977). The amendment to § 121.601 is in response to an Air Transport Association (ATA) petition dated November 1, 1977, and an amendment to that petition dated December 8, 1977.

ATA's petition stated that if § 121.601(b) was interpreted literally, the dispatcher would be required to provide the pilot in command with all available weather reports and forecasts and that this would deluge the pilot in command with unnecessary information. ATA also stated that the preamble to FAR Amendment 121-134 indicated the FAA's intent of the rule by stating "that only the information which may affect safety of flight must be furnished to the pilot in command."

The FAA agrees with the petitioner. The intent of this amendment was to require only that weather information which is pertinent to flight operations be furnished to flight crews by the dispatcher. The phrase intended to accomplish that purpose but which was inadvertently omitted in the amendment to § 121.601(b) was "that may affect the safety of flight". Accordingly, § 121.601(b) is amended by inserting the phrase "that may affect the safety of flight" after the phrase " of weather phenomena."

Proposal 5-18. No unfavorable comments were received on the proposed deleting and reserving § 121.633. Accordingly, the proposal is adopted without substantive change.

Proposal 5-19. No unfavorable comments were received on proposed § 121.635. Accordingly, the proposal is adopted without substantive change.

Proposal 5-20. No unfavorable comments were received on proposed § 121.645. Accordingly, the proposal is adopted without substantive change.

Proposal 5-21. No unfavorable comments were received on proposed § 121.657. Accordingly, the proposal is adopted without substantive change.

Proposal 5-22. No unfavorable comments were received on proposed § 121.683(c). Accordingly, the proposal is adopted without substantive change.

DRAFTING INFORMATION

The principal authors in this document are W. J. Biron, Flight Standards Service, and R. B. Elwell, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENTS

Accordingly, Part 121 of the Federal Aviation Regulations (14 CFR Part 121) is amended as follows, effective June 26, 1978.

§ 121.3 [Amended]

By amending § 121.3 as follows:

1. In paragraph (a) by inserting "and (h)" between "(b)" and "of".

2. In paragraph (c) by inserting "and (h)" between "(d)" and "of".

3. In paragraph (e) by deleting "(a) or (c)" and inserting "(a), (c), or (h)".

5-1. By revising the introductory clause of § 121.383(a) to read as follows:

§ 121.383 Airman: limitations on use of service.

(a) No certificate holder may use any person as an airman nor may any person serve as an airman unless that person—

* * * * *

5-2. By amending § 121.409 by: (a) Deleting the word "and" at the end of paragraph (b)(2) and substituting the word "or"; (b) redesignating paragraph (b)(3) as (b)(4); and (c) adding a new paragraph (b)(3) to read as follows:

§ 121.409 Training courses using airplane simulators and other training devices.

* * * * *

(b) * * *

(3) Provides line-oriented training that—

(i) Utilizes a complete flight crew;

(ii) Includes at least the maneuvers and procedures (abnormal and emergency) that may be expected in line operations;

(iii) Is representative of the flight segment appropriate to the operations being conducted by the certificate holder; and

* * * * *

5-3. By amending § 121.417 by: (a) At the end of paragraph (b)(2)(ii) by deleting the "and"; (b) at the end of paragraph (b)(2)(iii) by deleting the "." and adding "; and"; (c) amending paragraph (b)(3)(ii); (d) adding new paragraphs (b)(2)(iv), and (b)(4); and (e) revising paragraph (c), to read as follows:

§ 121.417 Crewmember emergency training.

* * * * *

(b) * * *

(2) * * *

(iv) Emergency exits in the emergency mode with the evacuation slide/raft pack attached (if applicable), with training emphasis on the operation of the exits under adverse conditions.

(3) * * *

(ii) Fire in flight or on the surface, and smoke control procedures with emphasis on electrical equipment and related circuit breakers found in cabin areas including all galleys, service centers, lifts, lavatories and movie screens;

* * * * *

(4) Review and discussion of previous aircraft accidents and incidents pertaining to actual emergency situations.

(c) Each crewmember must perform at least the following emergency drills and actually operate the following emergency equipment during initial training and once each 24 calendar months during recurrent training on each type aircraft in which they are to serve, except that during recurrent training each crewmember may participate in the deployment and use of emergency evacuation slides. Alternate recurrent training periods required by § 121.433(c) may be accomplished by approved pictorial presentation or demonstration:

(1) Each type of emergency exit in the normal and emergency modes, including the actions and forces required in the deployment and use of emergency evacuation slides.

(2) Each type of fire extinguisher.

(3) Each type of emergency oxygen system.

(4) Emergency evacuation.

(5) Donning, use, and inflation of individual flotation means, if applicable.

(6) Ditching, if applicable, including but not limited to, as appropriate:

(i) Cockpit preparation and procedures.

(ii) Crew coordination.

(iii) Passenger briefing and cabin preparation.

(iv) Donning and inflation of life preservers.

(v) Removal from the airplane and inflation of each type of life raft.

(vi) Transfer of each type of slide/raft pack from one door to another.

(vii) Deployment, inflation and detachment from the aircraft of each type of slide/raft pack.

(viii) Use of life-lines.

(ix) Boarding of passengers and crew into a raft or a slide/raft pack.

* * * * *

5-4. By amending § 121.425(a)(2) by adding a flush paragraph at the end of it to read as follows:

§ 121.425 Flight engineers: initial and transition flight training.

(a) * * *

(2) * * *

(iii) * * *

Flight engineers possessing a commercial pilot certificate with an instrument, category and class rating, or pilots already qualified as second in command and reverting to flight engineer, may complete the entire flight check in an approved airplane simulator.

* * * * *

5-5. By revising the introductory text of § 121.427(d)(1) to read as follows:

§ 121.427 Recurrent training.

* * * * *

(d) * * *

(1) For pilots, flight training in maneuvers and procedures set forth in Appendix F to this Part, or in a flight training program approved by the Administrator, except as follows—

* * * * *

5-6. By revising § 121.427(d)(2)(ii) to read as follows:

§ 121.427 Recurrent training.

* * * * *

(d) * * *

(2) * * *

(ii) The flight check, other than the preflight inspection, may be conducted in an airplane simulator or other training device. The preflight inspection may be conducted in an airplane, or by using an approved pictorial means that realistically portrays the location and detail or preflight inspection items and provides for the portrayal of abnormal conditions. Satisfactory completion of an approved line-oriented simulator training program may be substituted for the flight check.

* * * * *

5-7. By amending § 121.433a(a) and adding a new paragraph (c) to read as follows:

§ 121.433a Training requirements: handling and carriage of dangerous articles and magnetized materials.

(a) No certificate holder may use any person to perform and no person may perform, any assigned duties and responsibilities for the handling or carriage of dangerous articles and magnetized materials governed by Title 49 CFR, unless within the preceding 12 calendar months that person has satisfactorily completed training in a program established and approved under this subpart which includes instructions regarding the proper packaging, marking, labeling, and documentation of dangerous articles and magnetized materials, as required by Title 49 CFR and instructions regarding their compatibility, loading, storage, and handling characteristics. A person who satisfactorily completes training in the calendar month before, or the calendar month after, the month in which it becomes due, is considered to have taken that training during the month it became due.

* * * * *

(c) A certificate holder operating in a foreign country where the loading and unloading of aircraft must be performed by personnel of the foreign country, may use personnel not meeting the requirements of paragraphs (a) and (b) of this section if they are supervised by a person qualified under paragraphs (a) and (b) of this section to supervise the loading, offloading and handling of hazardous materials.

5-8. By revising § 121.434(e) to read as follows:

§ 121.434 Operating experience.

* * * * *

(e) A flight attendant must, for at least 5 hours, perform the assigned duties of a flight attendant under the supervision of a flight attendant supervisor qualified under this part who personally observes the performance of these duties. However, operating experience is not required for a flight attendant who has previously acquired such experience on any large passenger carrying airplane of the same group, if the certificate holder shows that the flight attendant has received sufficient ground training for the airplane in which the flight attendant is to serve. Flight attendants receiving operating experience may not be assigned as a required crewmember.

* * * * *

5-9. By revising § 121.437(b) to read as follows:

§ 121.437 Pilot qualification: certificates required.

* * * * *

(b) No certificate holder may use nor may any pilot act as a pilot in a capacity other than those specified in paragraph (a) of this section unless the pilot holds at least a commercial pilot certificate with appropriate category and class ratings for the aircraft concerned, and an instrument rating.

5-10. By revising § 121.439 to read as follows:

§ 121.439 Pilot qualification: recent experience.

(a) No certificate holder may use any person nor may any person serve as a required pilot flight crewmember, unless within the preceding 90 days, that person has made at least three takeoffs and landings in the type airplane in which that person is to serve. The takeoffs and landings required by this paragraph may be performed in a visual simulator approved under § 121.407 to include takeoff and landing maneuvers.

(b) A required pilot flight crewmember who has not met the requirements of paragraph (a) of this section, may reestablish recency of experience by making at least three takeoffs and landings under the supervision of a check airman, in accordance with the following:

(1) At least one takeoff must be made with a simulated failure of the most critical powerplant.

(2) At least one landing must be made from an ILS approach to the lowest ILS minimums authorized for the certificate holder.

(3) At least one landing must be made to a complete stop.

(c) A required pilot flight crewmember who performs the manuvers prescribed in paragraph (b) of this section in a visual simulator must—

(1) Have previously logged 100 hours of flight time in the same type airplane in which he is to serve;

(2) Be currently qualified in another airplane of the same group; and

(3) Be observed on the first two landings made in operations under this part by an approved check airman who acts as pilot in command and occupies a pilot seat. The landings must be made in weather minimums that are not less than those contained in the certificate holder's operations specifications for Category I Operations, and must be made within 45 days following completion of simulator training.

(d) A check airman who observes the takeoffs and landings prescribed in paragraphs (b) and (c)(3) of this section, shall certify that the person being observed is proficient and qualified to perform flight duty in oprations under this part, and may require any additional maneuvers that are determined necessary to make this certifying statement.

5-11. By revising § 121.441 (a)(2) and (d)(3) to read as follows:

§ 121.441 Proficiency checks.

(a) * * *

(2) For all other pilots—

(i) Within the preceding 24 calendar months either a proficiency check or the line-oriented simulator training course under § 121.409; and

(ii) Within the preceding 12 calendar months, either a proficiency check or any simulator training course under § 121.409.

* * * * *

(d) * * *

(3) The pilot being checked is currently qualified for operations under this part in the particular type airplane and flight crewmember position or has, within the preceding six calendar months, satisfactorily completed an approved training program for the particular type airplane.

* * * * *

5-12. By revising § 121.543 to read as follows:

§ 121.543 Flight crewmembers at controls.

(a) Except as provided in paragraph (b) of this section, each required flight crewmember on flight deck duty must remain at the assigned duty station with seat belt fastened while the aircraft is taking off or landing, and while it is en route.

(b) A required flight crewmember may leave the assigned duty station—

(1) If the crewmember's absence is necessary for the performance of duties in connection with the operation of the aircraft;

(2) If the crewmember's absence is in connection with physiological needs; or

(3) If the crewmember is taking a rest period, and relief is provided—

(i) In the case of the assigned pilot in command, by a pilot qualified to act as pilot in command who holds an airline transport certificate and an appropriate type rating; and

(ii) In the case of the assigned second in command, by a pilot qualified to act as second in command of that aircraft during en route operations. However, the relief pilot need not meet the recent experience requirements of § 121.439(b).

5-13. By revising the introductory paragraph of § 121.545 to read as follows:

§ 121.545 Manipulation of controls.

No pilot in command may allow any person to manipulate the controls of an aircraft during flight nor may any person manipulate the controls during flight unless that person is—

* * * * *

5-14. By revising § 121.571(a)(1)(iii), and adding new § 121.571(a)(1)(iv) to read as follows:

§ 121.571 Briefing passengers before takeoff.

(a) * * *

(1) * * *

(iii) The use of safety belts including instructions on how to fasten and unfasten the safety belt.

(iv) The location and use of any required emergency flotation means.

* * * * *

5-15. By revising § 121.573(a) to read as follows:

§ 121.573 Briefing passengers: extended overwater operations.

(a) In addition to the oral briefing required by § 121.571(a), each certificate holder operating an airplane in extended overwater operations shall ensure that all passengers are orally briefed by the appropriate crewmember on the location and operation of life preservers, liferafts, and other flotation means, including a demonstration of the method of donning and inflating a life preserver.

* * * * *

5-16. By revising § 121.576 to read as follows:

§ 121.576 Retention of items of mass in passenger and crew compartments.

The certificate holder must provide and use means to prevent each item of galley equipment and each serving cart, when not in use, and each item of crew baggage, which is carried in a passenger or crew compartment from becoming a hazard by shifting under the appropriate load factors corresponding to the emergency landing conditions under which the airplane was type certificated.

§ 121.581 [Amended]

5-17. By amending § 121.581 as follows:

a. By deleting from the heading the words ": air carriers".

b. By amending paragraph (a) by deleting the words "air carrier" in the first sentence, and inserting "certificate holder" and by deleting the words "air transportation" and inserting "air commerce."

c. By amending paragraph (b) by deleting the words "must be made available to the Administrator" and substituting the words "or the observer's seat selected by the Administrator must be made available when complying with paragraph (a) of this section".

§ 121.601 [Amended]

By amending § 121.601(b) by inserting the phrase "that may affect the safety of flight" after the phrase "of weather phenomena".

§ 121.633 [Reserved]

5-18. By deleting and reserving § 121.633.

5-19. By revising § 121.635 to read as follows:

§ 121.635 Dispatch to and from refueling or provisional airports: domestic and flag air carriers.

No person may dispatch an airplane to or from a refueling or provisional airport except in accordance with the requirements of this part applicable to dispatch from regular airports and unless that airport meets the requirements of this part applicable to regular airports.

5-20. By amending § 121.645 by—

a. Redesignating paragraphs (b), (c), and (d) as (c), (d), and (e) respectively;

b. Revising paragraph (a); and

c. Adding a new paragraph (b) to read as follows:

§ 121.645 Fuel supply: turbine-engine powered airplanes, other than turbopropeller: flag and supplemental air carriers and commerical operators.

(a) Any flag air carrier operation within the 48 contiguous United States and the District of Columbia may use the fuel requirements of § 121.639.

(b) For any flag air carrier, supplemental air carrier, or commercial operator operation outside the 48 contiguous United States and the District of Columbia, unless authorized by the Administrator in the operations specifications, no person may release for flight or take off a turbine-engine powered airplane (other than a turbopropeller powered airplane) unless, considering wind and other weather conditions expected, it has enough fuel—

(1) To fly to and land at the airport to which it is released;

(2) After that, to fly for a period of 10 percent of the total time required to fly from the airport of departure to, and land at, the airport to which it was released;

(3) After that, to fly to and land at the most distant alternate airport specified in the flight release, if an alternate is required; and

(4) After that, to fly for 30 minutes at holding speed at 1,500 feet above the alternate airport (or the destination airport if no alternate is required) under standard temperature conditions.

* * * * *

§ 121.657 [Amended]

5-21. a. By amending § 121.657(c) by deleting the second and third sentences from this paragraph.

b. By amending § 121.657(d) by deleting the words "domestic and supplemental air carriers and commercial operators" from the heading.

5-22. By adding a new paragraph (c) to § 121.683 to read as follows:

§ 121.683 Crewmember and dispatcher record.

* * * * *

(c) Computer record systems approved by the Administrator may be used in complying with the requirements of paragraph (a) of this section.

(Secs. 313, 314, 601 through 610, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1355, 1421 through 1430); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

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

Issued in Washington, D.C., on May 15, 1978.

LANGHORNE BOND,
Administrator.

[FR Doc. 78-14592 Filed 5-24-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 121 and 123]

[Docket No. 17669; Notice 78-3A]

DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT; AIR TRAVEL CLUBS USING LARGE AIRPLANES

Flight Crewmember Flight and Duty Time Limitations and Rest Requirements; Extension of Comment Period

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice extending comment period.

SUMMARY: This notice extends the period for submission of initial comments relating to Notice No. 78-3 by 45 days. In addition, interested persons will have another 30 days in which to reply to any comment contained in the public docket. Since the proposals contained in Notice No. 78-3 present important questions relating to safety, economic impact and regulatory reform, the agency believes it is in the public interest to encourage commenters to undertake a thorough review of these proposals.

DATES: Initial comments must be received on or before July 14, 1978. Reply comments must be received on or before August 15, 1978.

ADDRESS: Send comments on the proposals in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn.: Rules Docket (AGC-24), Docket No. 17669, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Donald A. Schroeder, Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-755-8715.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) proposed in Notice No. 78-3, published in the FEDERAL REGISTER on February 27, 1978 (43 FR 8070), to amend certain provisions of Parts 121 and 123 of the Federal Aviation Regulations (FARs) to revise the flight and duty time limitations and rest requirements for flight crewmembers used by domestic, flag, and supplemental air carriers, commercial operators and air travel clubs using large aircraft.

By letter dated April 21, 1978, the National Air Carrier Association, Inc. (NACA) requested a 60 day extension of the date (May 30, 1978) provided in Notice No. 78-3 for the submission of comments. NACA stated that the supplemental air carriers it represents are extremely concerned over the changes proposed by these rules and are preparing a detailed analysis of the impact this would have upon their operations. Accordingly, more time was requested to complete the analysis than that allowed by the notice.

The proposals contained in Notice No. 78-3 present important questions relating to safety, economic impact and regulatory reform and require considerable analysis on the part of those submitting comments. In light of these reasons, the agency believes it is in the public interest to encourage interested persons to undertake a thorough review of these proposals and that good cause exists for extending the initial comment period by 45 days. Accordingly, initial comments must be received by July 14, 1978.

For the same reasons, the FAA believes it would be in the public interest if an additional 30 days was allowed for the submission of reply comments. By subjecting initial comments to further public analysis, the agency will be in a better position to formulate final rules which are realistic, clear and easy to administer and enforce.

Accordingly, reply comments must be received by August 15, 1978. Although the agency will consider any reply comment submitted on or before August 15, 1978, only those comments which specifically respond to other comments will be considered after July 14, 1978.

DRAFTING INFORMATION

The principal authors of this document are W. J. Biron, Flight Standards Service, and Marshall S. Filler, Office of the Chief Counsel.

(Secs. 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)) and sec. 11.29(c) of the Federal Aviation Regulations (14 CFR sec. 11.29(c)).)

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

Issued in Washington, D.C., on May 23, 1978.

JAMES M. VINES,
Acting Director,
Flight Standards Service.

[FR Doc. 78-14759 Filed 5-24-78; 8:45 am]

federal register

THURSDAY, MAY 25, 1978
PART VI

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

Second Class Operator of Uninspected Towing Vessels

Proposed Licensing Requirements

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 10]

[CGD 77-204]

SECOND CLASS OPERATOR OF UNINSPECTED TOWING VESSELS

Proposed Licensing Requirements

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing to amend the regulations governing licensing requirements for a second class operator of uninspected towing vessels. Present regulations do not provide for service on vessels other than towing vessels to be creditable toward qualifying for a license as second class operator. This proposed amendment will increase the availability of second class operators for towing vessels by providing for additional methods of meeting the experience requirements.

DATES: Comments must be received on or before: July 9, 1978.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/81), (CGD 77-204), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Geiner, 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: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each comment should include the name and address of the person submitting the comment, reference the docket number (CGD 77-204), identify the specific section of the proposal to which each comment applies, and include sufficient detail to indicate the basis on which each comment is made. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned but one may be held at a time and place to be set in a later notice in the FEDERAL REGISTER if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are: Lieutenant Commander James R. Norman, Project Manager, Office of Merchant Marine Safety, and Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

The regulations in 46 CFR 10.16-23 do not provide for service on vessels other than towing vessels to be creditable toward qualifying an applicant for a license as second class operator of uninspected towing vessels. However, the applicant's overall service and training on all classes of vessels should be taken into consideration for at least part of the qualification requirements for a license as second class operator of uninspected towing vessels.

The proposed regulations will allow an applicant's overall service to be used for qualification if the applicant has obtained a level of qualification as "Able Seaman-Any Waters-Unlimited". This will permit an applicant who has experience on large ocean-going vessels to qualify for a license as Second Class Operator of Uninspected Towing Vessels based on less service on towing vessels than would be required if the applicant had no previous experience. In addition, a Coast Guard approved training course for towboat operator will be acceptable in lieu of part of the required service on towing vessels.

This proposal has been reviewed under the Department of Transportation's "Policies and Procedures for Simplification, Analysis, and Review of Regulations" (43 FR 9582, March 8, 1978). A draft evaluation of the propodal has been prepared, and has been included in the public docket.

In consideration of the foregoing, it is proposed that part 10 of Title 46 of the Code of Federal Regulations be amended as follows:

By revising § 10.16-23 to read:

§ 10.16-23 Eligibility requirements: second-class operator.

To be eligible for a license as second-class operator of uninspected towing vessels, a person must be at least 19 years of age, and—

(a) Have at least 18 months' service on deck on a towing vessel that includes—

(1) Training or duty in the wheelhouse; and

(2) Three months's service in each particular geographic area for which an endorsement is applied for; or

(b) While holding a merchant mariner's document endorsed as "Able Seaman-Any Waters-Unlimited" have at least five month's service on towing vessels that includes—

(1) Three month's service on deck in each particular geographic area for which an endorsement is applied for; and

(2) Either—

(i) Two months training or duty in the wheelhouse; or

(ii) One month training or duty in the wheelhouse, and successfully complete a towboat operator course of training approved by the Commandant under Subpart 10.30.

(Pub. L. 92-339, sec. 1, 86 Stat. 423 (46 U.S.C. 405(b); Sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(n)(3)).

NOTE.—The Coast Guard has determined that this socument 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 17, 1978.

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

[FR Doc. 78-14691 Filed 5-24-78; 8:45 am]

federal register

THURSDAY, MAY 25, 1978
PART VII

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

WRITTEN WARNINGS BY COAST GUARD BOARDING OFFICERS

General Provisions

[4910-14]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77-182]

PART 1—GENERAL PROVISIONS

Written Warnings By Coast Guard Boarding Officers

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending its regulations relating to written Warnings by Coast Guard Boarding Officers, to authorize the issuance of written warnings for violations of marine sanitation device (MSD) regulations. The intended effect of this amendment is to add emphasis to the educational rather than the punitive nature of the Coast Guard's enforcement posture regarding the MSD regulation. Also, this amendment will provide that each written warning issued for such violations be maintained on file for a period of three (3) years.

EFFECTIVE DATE: This amendment is effective on May 25, 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: Since this amendment relates solely to agency policy and procedure it is exempt from the notice and public comment requirements of 5 U.S.C. 553(b). Under the provisions of 5 U.S.C. 553(d), this rule may be made effective in less than 30 days.

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: Lieutenant (junior grade) M. L. Welsh, Project Manager, Office of Boating Safety, and Lieutenant G. S. Karavitis, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF RULE

Since the promulgation of Federal standards of performance for MSD's on 29 January 1976 and the implementing regulations on 12 April 1976, there have been numerous inquiries from the public regarding the requirements. These are indicative of the confusion over the applicability, effective dates, and scope of the regulations. The publication of a pamphlet, CG-485, several magazine articles, and responses to inquiries have served to clear up much of the confusion, but it is expected that the actual enforcement of the new regulations will be the most effective educational tool. This warning procedure is being adopted because Coast Guard enforcement policy is tempered by an understanding of the problems being encountered by the boating public.

The Coast Guard's current policy permits the issuance of written warnings for certain violations of the Coast Guard boating laws and regulations. These warnings are issued by the boarding officers who discover the violations. The issuance of a written warning, as opposed to an action for the assessment of a monetary penalty, has been determined to be an effective way for boarding officers to handle minor boating violations that involve first offenders who indicate that any discrepancies will be quickly corrected.

There is a specific list of violations for which a warning may be issued. This amendment will extend that list to include 33 CFR 159, marine sanitation devices. It will authorize written warnings to be issued to operators of boats not in compliance with Federal marine sanitation device regulations when good faith in bringing about compliance is demonstrated.

The effective dates for the marine sanitation device regulations span from 30 January 1977 for "new" vessels to 30 January 1980 for "existing" vessels. This, coupled with the increased demand for Coast Guard certified MSD's which has created backlogs in some areas, has resulted in a need to maintain records for a long enough period of time to monitor trends. By retaining these written warnings on file for 3 years rather than the one year holding period for other violations, operator compliance rates and the progress of industry in making devices available may be monitored.

In consideration of the foregoing, § 1.08-1 paragraph (a) of Title 33, Code of Federal Regulations is amended by adding at the end thereof, the following:

§ 1.08-1 Applicability.

(a) * * *

(9) 33 CFR 159 marine sanitation devices.

* * * * *

Also § 1.08-5 of Title 33, Code of Federal Regulations is amended to read as follows:

§ 1.08-5 Procedures.

* * * * *

(c) Each district office maintains a record of each written warning issued within that district for a period of not more than one year after date of issue except in cases involving violations of 33 CFR 159 marine sanitation devices, records of which are maintained by each district office for not more than three years after date of issue.

(d) The district commander of the district in which the warning is issued may rescind a written warning and institute civil penalty action under § 1.07-9 of this Part if a record check discloses a prior written warning or violation issued within one year or in the case of a violation of 33 CFR 159 a prior written warning or violation issued within three years.

(e) Within 15 days after the date of issue, any person issued a written warning by a Coast Guard boarding officer may appeal the issuance of the warning to the district commander by providing in writing or in person any information that denies, explains, or mitigates the violations noted in the warning.

(f) Each written warning shall indicate that—

(1) The warning is kept on file for a period of not more than one year after date of issue or in the case of a violation of 33 CFR 159 a period of not more than three years for reference in determining appropriate penalty action if there is a subsequent violation;

(2) If a record check reveals a prior written warning or violation within the time period designated in § 1.08-5(d) of this Part, the warning may be revoked and civil penalty action instituted;

(3) If an additional violation occurs within the time period designated in § 1.08-5(d) the warning may be used as a basis for the assessment of a higher penalty for the subsequent violation; and

(4) Within 15 days after the date of issue, the person who is issued the warning may appeal to the District Commander by providing in writing or in person any information or material that denies, explains, or mitigates the violations noted in the warning.

(14 U.S.C. 633; 85 Stat. 228 (46 U.S.C. 1488); 86 Stat. 871 (33 U.S.C. 1322); 49 CFR 1.46 (b), (m), and (n)(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 and OMB Circular A-107.

Dated: May 11, 1978.

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

[FR Doc. 78-14692 Filed 5-24-78; 8:45 am]

federal register

THURSDAY, MAY 25, 1978
PART VIII

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

■

AVOCADOS

Quality and Maturity Requirements; Import Regulations

[3410-02]

Title 7—Agriculture

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

[Avocado Reg. 20]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Quality and Maturity Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Avocado Regulation 20 prescribes during the period May 29, 1978, through April 30, 1979, minimum quality and maturity requirements for the handling of fresh avocados grown in South Florida. Avocados shipped to destinations outside the production area shall grade at least U.S. No. 3 and individual fruit for specified types of avocados must be at least the prescribed minimum weights or diameters by specified dates (maturity requirements). Avocados shipped to destinations within the production area are exempted from all grade requirements, if packed in containers other than those authorized for shipments outside such area, but such avocados must meet maturity requirements. The requirements are issued in the interest of producers and consumers and are designed to keep immature and defective fruit off the market. Immature avocados will not ripen satisfactorily and would be unacceptable in taste.

EFFECTIVE DATE: May 29, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: On April 28, 1978, notice of proposed rulemaking was published in the FEDERAL REGISTER (43 FR 18182), regarding a proposed regulation to be made effective on May 29, 1978, pursuant to the marketing agreement and Order No. 915, both as amended (7 CFR part 915), regulating the handling of avocados grown in South Florida. The proposed regulation was recommended by the Avocado Administrative Committee, established pursuant to the marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The notice allowed interested persons until May 15, 1978, to submit written comments in connection with the proposed regulation. None were received.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Avocado Administrative Committee, and other available information, it is hereby found and determined that the regulation, as hereinafter set forth, is in accordance with the provisions of the amended marketing agreement and order and will tend to effectuate the declared policy of the act.

The regulation is based upon an appraisal of current and prospective crop and market conditions. Total 1978-79 season fresh shipments of Florida avocados is estimated at 800,000 bushels as compared with fresh shipments of about 411,000 bushels during the 1977-78 season. The regulation is designed to assure shipment of fruit of acceptable quality and maturity in the interest of consumers and producers consistent with the objectives of the act.

It is hereby further found that it is impracticable and contrary to the public interest to give further notice and postpone the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), and good cause exists for making the provisions hereof effective as hereinafter set forth in that: (1) shipments of the current crop of avocados are expected to begin on or about the effective date hereof, and this regulation should be applicable, insofar as practicable, to all such shipments in order to effectuate the declared policy of the act; (2) the recommendations upon which this regulation is based were developed by the committee at an open meeting on April 5, 1978, after due notice thereof, and all interested persons present were given an opportunity to express their views; (3) a notice of proposed regulation for Florida avocados was published in the FEDERAL REGISTER (43 FR 18182) and no objections thereto were received; and (4) the regulation herein specified is the same as the proposed regulation.

The regulation as proposed in the FEDERAL REGISTER issue of April 28, 1978 (FR Doc. 78-11468; 43 FR 18182), is hereby adoped as set forth below.

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

Dated, May 23, 1978, to become effective May 29, 1978.

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

§ 915.320 Avocado Regulation 20.

(a) *Order.* During the period May 29, 1978, through April 30, 1979, no handler shall handle any avocados unless such avocados grade at least U.S. No. 3 grade: *Provided,* That avocados which fail to meet the requirements of such grade may be handled within the production area, if such avocados meet all other applicable requirements of this section and are handled in containers other than the containers prescribed in § 915.305, as amended (7 CFR part 915), for the handling of avocados between the production area and any point outside thereof;

(2) On and after the effective date of this regulation, except as otherwise provided in subparagraphs (10) and (11) of this paragraph, no avocados of the varieties listed in column 1 of the following table I shall be handled prior to the date listed for the respective variety in column 2 of such table, and thereafter each such variety shall be handled only in conformance with subparagraphs (3), (4), (5), (6), (7), (8), and (9) hereof.

TABLE I

Variety	Date	Minimum Weight or Diameter	Date	Minimum Weight or Diameter	Date	Minimum Weight or Diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Kosel	5-29-78	16 oz.	6-12-78	13 oz.	6-26-78		
Arue	5-29-78	16 oz.	6-12-78	14 oz. 3-3/16 in.	7-17-78		
Roland 2-2	6-12-78	22 oz.	6-26-78	20 oz.	7-17-78		
J. M. Poropat	6-19-78	20 oz.	6-26-78	18 oz.	7-17-78	16 oz.	7-31-78
Fuchs	6-19-78	14 oz. 3-3/16 in.	7-3-78	12 oz. 3-0/16 in.	7-17-78		
K-5	6-26-78	18 oz. 3-5/16 in.	7-10-78	14 oz. 3-3/16 in.	7-24-78		
Dr. DuPuis #2	6-19-78	16 oz. 3-9/16 in.	7-3-78	14 oz. 3-7/16 in.	7-17-78	12 oz. 3-2/16 in.	7-31-78
Hardee	7-3-78	16 oz. 3-2/16 in.	7-10-78	14 oz. 2-14/16 in.	7-31-78		
Pollock	7-3-78	18 oz. 3-11/16 in.	7-17-78	16 oz. 3-7/16 in.	7-31-78	14 oz. 3-4/16 in.	8-14-78
Simmonds	7-3-78	16 oz. 3-9/16 in.	7-17-78	14 oz. 3-7/16 in.	7-31-78	12 oz. 3-1/16 in.	8-14-78
Nadir	7-3-78	14 oz. 3-3/16 in.	7-10-78	12 oz. 3-1/16 in.	7-17-78	10 oz. 2-14/16 in.	7-31-78
Katherine	7-3-78	16 oz.	7-17-78	14 oz.	7-31-78		
Haile	7-3-78	20 oz.	7-17-78	16 oz.	7-24-78	14 oz.	8-14-78
Ruehle	7-17-78	18 oz. 3-11/16 in.	7-24-78	16 oz. 3-9/16 in.	7-31-78	14 oz. 3-7/16 in.	
Ruehle (Continued					8-14-78	12 oz. 3-5/16 in.	8-28-78
Alpha	7-24-78	16 oz. 3-9/16	8-14-78				
Donnie	7-10-78	16 oz. 3-5/16 in.	7-24-78	14 oz. 3-4/16 in.	8-21-78		

TABLE I (Continued)

Variety	Date	Minimum Weight or Diameter	Date	Minimum Weight or Diameter	Date	Minimum Weight or Diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Dawn	7-17-78	12 oz. 3-4/16 in.	7-31-78	10 oz. 3-0/16 in.	8-14-78		
Webb 2	7-17-78	18 oz.	7-31-78	16 oz.	8-14-78		
Biondo	7-24-78	13 oz.	8-28-78				
Cash	7-17-78	16 oz.	10-2-78				
Peterson	7-24-78	14 oz. 3-8/16 in.	8-7-78	10 oz. 3-2/16 in.	8-21-78		
232	7-31-78	14 oz.	8-14-78	12 oz.	8-28-78		
Gretchen	7-31-78	14 oz.	8-14-78	12 oz.	8-28-78		
Trapp	7-31-78	14 oz. 3-10/16 in.	8-14-78	12 oz. 3-7/16 in.	8-28-78		
B&B	7-31-78	16 oz. 3-8/16 in.	9-4-78				
Waldin	8-14-78	16 oz. 3-9/16 in.	8-28-78	14 oz. 3-7/16 in.	9-11-78	12 oz. 3-4/16 in.	9-25-78
Pinelli	7-31-78	18 oz. 3-12/16 in.	8-14-78	16 oz. 3-10/16 in.	8-28-78		
Miguel	7-31-78	22 oz. 3-13/16 in.	8-14-78	20 oz. 3-12/16 in.	8-28-78	18 oz. 3-10/16 in.	9-11-78
Nesbitt	7-31-78	22 oz. 3-12/16 in.	8-14-78	18 oz. 3-8/16 in.	8-21-78	16 oz. 3-5/16 in.	9-4-78
Beta	8-14-78	18 oz. 3-8/16 in.	8-21-78	16 oz. 3-5/16 in.	9-11-78		
K-9	8-14-78	16 oz.	9-4-78				
Gorham	8-14-78	29 oz. 4-5/16 in.	8-28-78	27 oz. 4-3/16 in.	9-11-78		
Tower 2	8-14-78	14 oz. 3-6/16 in.	8-28-78	12 oz. 3-4/16 in.	9-18-78		

TABLE I (Continued)

Variety	Date	Minimum Weight or Diameter	Date	Minimum Weight or Diameter	Date	Minimum Weight or Diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Shula	8-14-78	22 oz.	9-4-78				
Tonnage	8-14-78	16 oz. 3-6/16 in.	8-28-78	14 oz. 3-4/16 in.	9-4-78	12 oz. 3-0/16 in.	9-11-78
Fairchild	8-28-78	16 oz. 3-10/16 in.	9-11-78	14 oz. 3-7/16 in.	9-25-78	12 oz. 3-4/16 in.	10-2-78
Nirody	8-28-78	18 oz. 3-15/16 in.	9-11-78	16 oz. 3-12/16 in.	9-25-78		
Loretta	8-28-78	28 oz. 4-1/16 in.	10-9-78				
Black Prince	9-11-78	23 oz. 3-14/16 in.	9-25-78	16 oz. 3-9/16 in.	10-16-78		
Catalina	8-28-78	24 oz.	9-11-78	22 oz.	10-2-78		
Csonka	9-18-78	22 oz.	10-16-78				
Blair	9-11-78	16 oz. 3-8/16 in.	9-25-78	14 oz. 3-5/16 in.	10-16-78		
Collinson	9-25-78	16 oz. 3-10/16 in.	10-23-78				
Chica	9-25-78	12 oz. 3-7/16 in.	10-9-78	10 oz. 3-4/16 in.	10-23-78		
Rus	9-25-78	30 oz. 4-3/16 in.	10-2-78	24 oz. 3-15/16 in.	10-16-78	18 oz. 3-9/16 in.	10-30-78
Brooks 1978	10-9-78	10 oz.	10-16-78	8 oz.	11-13-78		
Booth 5	9-18-78	14 oz. 3-9/16 in.	10-2-78	12 oz. 3-6/16 in.	10-16-78		
Hickson	9-25-78	12 oz. 3-1/16 in.	10-9-78	10 oz. 3-0/16 in.	10-23-78		
Simpson	10-2-78	16 oz. 3-9/16 in.	10-23-78				

TABLE I (Continued)

Variety	Date	Minimum Weight or Diameter	Date	Minimum Weight or Diameter	Date	Minimum Weight or Diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Vaca	10-2-78	16 oz. 3-9/16 in.	10-23-78				
Sherman	10-2-78	16 oz.	10-16-78	14 oz.	10-30-78	10 oz.	11-20-78
Marcus	9-18-78	32 oz. 4-12/16 in.	10-2-78	24 oz. 4-5/16 in.	11-13-78		
Booth 10	10-9-78	16 oz. 3-10/16 in.	11-6-78				
Booth 7	9-11-78	18 oz. 3-13/16 in.	9-25-78	16 oz. 3-10/16 in.	10-9-78	14 oz. 3-8/16 in.	10-23-78
Avon	10-9-78	15 oz. 3-11/16 in.	10-30-78				
Booth 11	10-9-78	16 oz. 3-12/16 in.	10-30-78				
Leona	10-9-78	18 oz. 3-10/16 in.	10-23-78				
Winslowson	10-9-78	18 oz. 3-14/16 in.	10-30-78				
Nelson	10-9-78	14 oz. 3-8/16 in.	10-23-78	12 oz. 3-5/16 in.	11-6-78	10 oz. 3-1/16 in.	11-27-78
Hall	10-9-78	26 oz. 3-14/16 in.	10-23-78	20 oz. 3-9/16 in.	11-6-78	18 oz. 3-8/16 in.	11-20-78
Lula	10-16-78	18 oz. 3-11/16 in	10-30-78	14 oz. 3-6/16 in.	11-13-78	12 oz. 3-5/16 in.	11-27-78
Choquette	10-2-78	24 oz. 4-1/16 in.	10-16-78	20 oz. 3-14/16 in.	10-30-78	16 oz. 3-9/16 in.	11-13-78
Monroe	11-13-78	24 oz. 4-1/16 in.	11-27-78	20 oz. 3-14/16 in.	12-11-78	16 oz. 3-9/16 in	12-25-78
Herman	10-16-78	16 oz. 3-9/16 in.	10-30-78	14 oz. 3-6/16 in.	11-13-78		

TABLE I (Continued)

Variety	Date	Minimum Weight or Diameter	Date	Minimum Weight or Diameter	Date	Minimum Weight or Diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Murphy	10-16-78	16 oz.	10-30-78	14 oz.	11-13-78	11 oz.	12-4-78
Ajax (8-7-B)	10-23-78	18 oz. 3-14/16 in.	11-13-78				
Booth 1	11-20-78	16 oz. 3-12/16 in.	12-4-78	12 oz. 3-6/16 in.	12-18-78		
Booth 3	10-23-78	16 oz. 3-8/16 in.	10-30-78	14 oz. 3-6/16 in.	11-13-78		
Taylor	10-23-78	14 oz. 3-5/16 in.	11-6-78	12 oz. 3-2/16 in.	11-20-78		
Dunedin	11-6-78	16 oz. 3-10/16 in.	11-20-78	14 oz. 3-8/16 in.	12-4-78	10 oz. 3-1/16 in.	12-25-78
Byars	11-13-78	16 oz. 3-14/16 in.	12-4-78				
Linda	11-13-78	18 oz. 3-12/16 in.	12-4-78				
Nabal	11-13-78	14 oz. 3-9/16 in.	12-4-78				
Zio	11-27-78	12 oz. 3-1/16 in.	12-11-78	10 oz. 2-14/16 in.	12-25-78		
Wagner	12-4-78	12 oz. 3-5/16 in.	12-18-78	10 oz. 3-2/16 in.	1-1-79		
Maya	12-25-78	13 oz. 3-2/16 in.	1-8-79	11 oz. 3-0/16 in.	1-22-79		
Brookslate	1-8-79	14 oz. 3-8/16 in.	1-22-79	12 oz. 3-5/16 in.	2-5-79	10 oz.	2-19-79
Schmidt	12-4-78	16 oz.	1-1-79				
Itzamna	2-12-79	12 oz.	2-19-79				

(3) From the date listed for the respective variety in column 2 of table I to the date listed for the respective variety in column 4 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in column 3 of such table or is of at least the diameter specified for such variety in said column 3;

(4) From the date listed for the respective variety in columns 4 of table I to the date listed for the respective variety in column 6 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in column 5 of such table or is of at least the diameter specified for such variety in said column 5;

(5) From the date listed for the respective variety in column 6 of table I to the date listed for the respective variety in column 8 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in column 7 of such table or is of at least the diameter specified for such variety in said column 7;

(6) No handler shall handle: (i) Prior to August 21, 1978, any Lisa variety avocados, (ii) during the period August 21, 1978, through August 27, 1978, any Lisa variety avocados unless the individual fruit in each lot of such avocados weighs at least 12 ounces, or is at least 3 3/16 inches in diameter, or (iii) during the period August 28, 1978, through September 3, 1978, any Lisa variety avocados unless the individual fruit in each lot of such avocados weighs at least 11 ounces, or is at least 3 3/16 inches in diameter.

(7) No handler shall handle (i) Prior to September 11, 1978, any Booth 8 variety avocados, (ii) during the period September 11, 1978, through October 1, 1978, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 16 ounces, or is at least 3 3/16 inches in diameter, or (iii) during the period October 2, 1978, through October 15, 1978, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 14 ounces, or is at least 3 3/16 inches in diameter, or (iv) during the period October 16, 1978, through October 29, 1978, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 10 ounces, or is at least 3 3/16 inches in diameter.

(8) Except as otherwise provided in subparagraphs (10) and (11) of this paragraph, variety of the West Indian type of avocados not listed in table I shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to July 3, 1978.

(ii) From July 3, 1978, through July 30, 1978, the individual fruit in each lot of such avocados shall weigh at least 18 ounces.

(iii) From July 31, 1978, through September 3, 1978, the individual fruit in each lot of such avocados shall weigh at least 16 ounces.

(iv) From September 4, 1978, through October 1, 1978, the individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(9) Except as otherwise provided in subparagraphs (10) and (11) of this paragraph, varieties of avocados not covered by subparagraphs (2) through (8) hereof shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to September 18, 1978.

(ii) From September 18, 1978, through October 15, 1978, the individual fruit in each lot of such avocados shall weigh at least 15 ounces.

(iii) From October 16, 1978, through December 17, 1978, the individual fruit in each lot of such avocados shall weigh at least 13 ounces.

(10) Notwithstanding the provisions of subparagraphs (2) through (9) hereof regarding the minimum weight or diameter for individual fruit, up to 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided,* That such avocados weigh not more than two ounces less than the applicable specified weight for the particular variety as prescribed in columns 3, 5, or 7 of table I or in subparagraphs (6), (7), (8), and (9). Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(11) The provisions of subpararaphs (2) through (10) of this paragraph shall not apply to any variety, except the Linda variety, of avocados which, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(b) Terms used in the amended marketing order, when used herein, have the same meaning as is given to the respective term in said marketing order; the term "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit; and the term "U.S. No. 3" shall have the same meaning as set forth in the U.S. Standards for Florida avocados (7 CFR 51.3050-51.3069).

(c) The provisions of this regulation shall become effective May 29, 1978.

[FR Doc. 78-14792 Filed 5-24-78; 11:23 am]

[3410-02]

[Avocado Reg. 26]

PART 944—FRUITS; IMPORT REGULATIONS

Avocados

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Avocado Regulation 26 prescribes during the period May 29, 1978, through April 30, 1979, the same grade requirement for imported avocados as that applicable under Marketing Order No. 915 to avocados grown in South Florida. The maturity regulation applies the same minimum size or weight requirements to imported avocados of the Pollock, Catalina, and Trapp varieties as are applicable to Florida avocados of the same varieties. All other imported avocados are reguired to meet minimum size or weight requiremsnts comparable to those for similar types grown in Florida as variations in characteristics make application of identical requirements impractical. The regulation is required by Federal law.

EFFECTIVE DATE: May 29, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: On April 27, 1978, notice of proposed rulemaking was published in the FEDERAL REGISTER (43 FR 17948) inviting written comments for consideration in connection with a proposed regulation which would establish requirements for importation of avocados into the United States, during the period May 29, 1978, through April 30, 1979, pursuant to part 944—Fruits; Import Regulations (7 CFR part 944). None were received.

It is hereby found that good cause exists for not postponing the effective time of the regulatory provisions of the regulation, as hereinafter set forth, beyond that hereinafter specified (5 U.S.C. 553) in that: (a) The requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), which makes such requirements mandatory; (b) such regulation imposes the same grade and comparable maturity requirements on imports of avocados as are being made applicable to the shipment of avocados grown in Florida under Avocado Regulation 20, which becomes effective May 29, 1978; (c) such domestic and import regulations should become effective at as near the same time as is reasonably practicable; (d) 3 days notice hereof, the minimun prescribed by said sec-

tion 8e, is given with respect to this import regulation; and (e) such notice is hereby determined, under the circumstances, to be reasonable.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, and other available information, it is hereby found that the grade, size, and maturity requirements that are the same as or are comparable to those to be in effect pursuant to the said marketing order shall apply to avocados to be imported.

The regulation as proposed in the FEDERAL REGISTER issue of April 27, 1978 (FR Doc. 78-11467; 43 FR 17948), is hereby adopted as set forth below.

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

Dated: May 23, 1978, to become effective May 29, 1978.

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

§ 944.18 Avocado Regulation 26.

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

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

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

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

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

(5) Avocados of any variety other than Pollock, Catalina, and Trapp varieties, of the West Indian varieties not listed elsewhere in this regulation, shall not be imported: (i) Prior to July 3, 1978; (ii) from July 3, 1978, through July 30, 1978, unless the individual fruit in each lot of such avocados weighs at least 18 ounces; (iii) from July 31, 1978, through September 3, 1978, unless the individual fruit in each lot of such avocados weighs at least 16 ounces; (iv) from September 4, 1978, through October 1, 1978, unless the individual fruit in each lot of such avocados weighs at least 14 ounces: *Provided*, That any lot of such avocados may be imported without regard to the date or minimum weight requirements of this paragraph if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

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

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

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

Ports, Office, and Advance Notice

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

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

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

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

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

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

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

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

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

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

(1) The date and place of inspection;

(2) The name of the shipper or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, the name of the air carrier, or other identification of the shipment; and

(7) The following statement, if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

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

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

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

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

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

[FR Doc. 78-14793 Filed 5-24-78; 11:23 am]

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